

IN THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION, PRETORIA

CASE NO: 8258/ 17

In the matter between:

JOHANNES KHOMOTSO PHAHLANE

Applicant

and

EXECUTIVE DIRECTOR,
INDEPENDENT POLICE INVESTIGATIVE
DIRECTORATE N.O.

First Respondent

PAUL O'SULLIVAN

Second Respondent

SARAH JANE TRENT

Third Respondent

MAGISTRATE J. R. TSATSI N.O.

Fourth Respondent

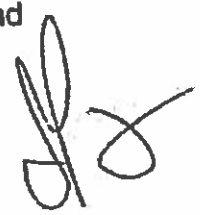
SUPPLEMENTARY ANSWERING AFFIDAVIT

I, the undersigned:

ROBERT JOHN MCBRIDE

do hereby state under oath as follows:

- 1 I am the Executive Director of IPID. I am authorised to depose to this affidavit on behalf of the first respondent.
- 2 Unless the context indicates otherwise, the facts deposed to in this affidavit are within my personal knowledge and are, to the best of my knowledge and belief, both true and correct.



3 I have read Phahlane's supplementary affidavit which was deposed to on 21 August 2018 and the supporting affidavit of a former IPID investigator, Mr Cedrick Nkabinde ("Nkabinde") deposed to on 24 July 2018. I respond to both affidavits hereunder.

THE ALLEGED "NEW INFORMATION" ABOUT IPID'S INVESTIGATION OF THE PHAHLANE

4 Phahlane contends (in paragraphs 8.7 to 8.13 of his supplementary affidavit) that "new information" has emerged that "corroborates" his case that IPID's investigation against him is –

"an orchestrated effort from the side of the Executive Director, Mr Robert McBride to undermine me and to destroy my career in full collaboration with the second and third respondents in this matter"
(para 8.8).

5 The "new information" that Phahlane has produced is Nkabinde's affidavit, which contains extravagant and utterly false allegations about me and IPID's National Task Team for Special Investigations (hereafter "the Task Team"), which is charged with investigating Phahlane, amongst others.

6 Nkabinde purports to detail "the ongoing unethical conduct" in IPID's investigation of Phahlane including, for instance, that it is "spearheaded" by Mr O'Sullivan; that I personally instructed the Task Team "to damage the image of General Phahlane in order for him not to be confirmed as a



permanent National Commissioner"; and that IPID's investigation against Phahlane is part of an elaborate plot "to usurp the power of the entire security cluster".

7 These allegations and most others in Nkabinde's affidavit are pure fabrications. No evidentiary weight or credibility can, I submit, be attached to the affidavit. My denial of Nkabinde's allegations is substantiated below, and is supported by statements made under oath from members of IPID's Task Team who have personal knowledge of the facts.

8 The context in which Nkabinde's affidavit was produced is also crucial in appreciating its lack of veracity and credibility.

8.1 Nkabinde produced the affidavit shortly after disciplinary measures were taken against him at IPID. Those disciplinary measures were taken after I learned that Nkabinde was approached by SAPS members seeking to obstruct IPID's investigation against Phahlane, but had failed to disclose this fact when called upon to do so.

8.2 From what has transpired it is evident that Nkabinde was indeed persuaded to assist Phahlane to obstruct and undermine IPID's investigation against him. If there has been any calculated "orchestration" in this matter, it is between Phahlane and Nkabinde.

8.3 Phahlane attests (in paragraph 8.7) that on or about 24 July 2018, his attorneys were contacted by Nkabinde's attorneys and furnished with Mr Nkabinde's affidavit "for possible use in the pending litigation". It is


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clear from its heading and contents, that Nkabinde's affidavit was drafted specifically to serve as a supporting affidavit for Phahlane in this application.

9 Nkabinde is no longer employed by IPID. He was placed on precautionary suspension on 4 June 2018, whereupon IPID commenced disciplinary proceedings against him. Nkabinde's disciplinary hearing was scheduled to commence on 19 September 2018, but the parties reached a settlement on that day.

10 Under the settlement, Mr Nkabinde agreed to resign from IPID. Nkabinde also formally withdrew his complaints against IPID. I attach a copy of the settlement agreement as annexure SAA1, and refer to paragraph 4 thereof, which reads:

"the employee forthwith withdraws all of his complaints and any statements related to those complaints (including any complaints under the Labour Relations Act, 66 of 1995, as amended and the Protected Disclosures Act, and in terms of the Public Relations Act). Without limiting the generality of the foregoing, the employee hereby withdraws his complaints to the Public Protector, any complaints to any Ministers, Parliament and any of his referrals against the employer whilst in the employ of the employer to any forum, including any bargaining council, including but not limited to his suspension and/or the institution of disciplinary proceedings against him, including his application in terms of section 142 of the Labour Relations Act, 66 of 1995, as amended and undertakes to inform the said forums by no

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later than 21 September 2018 and furnish proof to the employer thereof by 21 September 2018. If the employee fails to do so, the employer shall have the right to inform the said forums of this agreement."

11 Nkabinde has, therefore, retracted his complaints against IPID and has agreed that this should be conveyed to the relevant authorities.

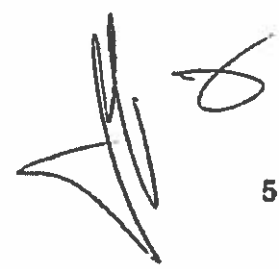
12 Against this background, I proceed to detail the facts of Nkabinde's departure from IPID. I then address the main allegations in Nkabinde's affidavit on which Phahlane relies.

13 In support of what is stated herein, I attach sworn statements from members of IPID's Task Team, which were obtained in response to Nkabinde's letter to the Minister of Police of 28 April 2018. The allegations made in that letter are now repeated in Nkabinde's affidavit. The sworn statements are from the following IPID members:

13.1 Mr Matthews Sesoko, the National Head of Investigations at IPID and head of the Task Team – annexure **SAA2**;

13.2 Mr Humbulani Innocent Khuba, Chief Director and Provincial Head of IPID: Limpopo and project manager of the Task Team – annexure **SAA3**;

13.3 Mr Mandlakayise Mahlangu, a principal investigator on the Task Team – annexure **SAA4**;



13.4 Mr Mantsha Rapheshu, a principal investigator on the Task Team – annexure SAA5;

13.5 Mr Abram Termene Binang, a principal investigator on the Task Team – annexure SAA6; and

13.6 Ms Thereza Botha, Deputy Director and member of the Task Team – annexure SAA7.

14 I point out that the statements of Mr Binang and Mr Mahlangu incorrectly record that they were deposed to on 25 March 2018. The correct date is 25 May 2018. The typographical error was an oversight by the relevant commissioner of oaths. I attach a confirmatory affidavit from the Commissioner of Oaths, Mr Kleinbooi Mote Matlakeng (annexure SAA8).

15 I also attach sworn statements from members of the SAPS and other persons named by Nkabinde – all of which deny his allegations – namely:

15.1 Brigadier Manana Leonora Bamuza-Phetlhe, a member of the SAPS Technical Unit – annexure SAA9;

15.2 Ms Candice Coetzee, a member of the SAPS Crime Intelligence division – annexure SAA10;

15.3 Mr Gladwin Mafuna, an intelligence officer employed by the State Security Agency who is seconded to IPID as a VIP Protection Officer to the Executive Director – annexure SAA11;



- Ms
- 15.4 Mr Petro Heyneke, the Forensic Liaison Manager at Vodacom, who is responsible for legal disclosures of the company's cellular phone records – annexure SAA12;
- 15.5 Brigadier Tiyani Hlungwani, a member of the SAPS: Crime Intelligence Division – annexure SAA13; and
- 15.6 Brigadier Dumisani Chili, a member of the South African Police Service at Crime Intelligence Division – annexure SAA14.

16 To avoid unduly burdening the papers, I have not included the annexures to the above sworn statements. The annexures can, however, be produced if required.

THE HISTORY OF NKABINDE'S DEPARTURE FROM IPID

17 In 2016, Mr Nkabinde (who was then a principal investigator at IPID) was appointed as a member of the Task Team that I established to investigate the then Acting National Commissioner, Phahlane.

18 During or about mid-March 2018, I learned that certain members of SAPS (including Brigadier Kgomo and General Mkwanazi from SAPS Crime Intelligence) had approached members of IPID's Task Team, including Mr Nkabinde, promising them a promotion in SAPS Crime Intelligence if they agreed to give false statements implicating me and other senior IPID members involved in investigating Phahlane.

19 On 16 April 2018, I convened a meeting with members of the Task Team to deal with the unlawful approaches that had been made by SAPS. At this meeting I asked members of the Task Team to disclose whether any member of SAPS had made unlawful offers that would compromise IPID's members. Mr Mahlangu raised his hand and confirmed that he had been so approached. Mr Nkabinde did not disclose that he had been approached.

20 In a separate meeting, Mr Mahlangu advised me and Mr Sesoko that he had also spoken to Nkabinde about the approach from SAPS Crime Intelligence. Mr Mahlangu advised us that Nkabinde had told him that he had also been approached by SAPS Crime Intelligence and had said that he would prefer to work for SAPS because he did not feel appreciated at IPID.

20.1 I refer to the sworn statement of Mr Mahlangu (annexure SAA4) at paragraphs 4 and 5 in particular.

20.2 I also refer to the sworn statement from Brigadier Manana Leonora Bamuza-Phetlhe of the SAPS Technical Unit in Pretoria (annexure SAA9). She attests in paragraph 7 that:

"Mr Nkabinde had also informed me that General Ngcobo promised him a Brigadier post in return to bring Mr McBride down. Mr Nkabinde would always give contradicting information, now [I] know it was because he made up stories."

21 On 23 April 2018, Mr Sesoko sent a letter to Nkabinde advising him that information at IPID's disposal indicated that he had been approached by members of SAPS "with a view of giving information about IPID's

investigations and management". I attach a copy of that letter marked **SAA15**. Mr Sesoko stated that he had decided to release Nkabinde from the Task Team until the Phahlane investigation was concluded. Mr Sesoko's confirmatory affidavit is attached hereto..

22 Four days later, Nkabinde addressed a letter to the Minister of Police, dated 28 April 2018. In this letter Nkabinde levelled the same allegations of unethical conduct against me and other persons as appear in his affidavit. For completeness, I attach Nkabinde's letter to the Minister of Police, marked **SAA16**.

23 On 25 May 2018, Mrs Parbatjie Maharaj notified Nkabinde of IPID's intention to suspend him, and on 4 June 2018, he was placed under precautionary suspension. The letters for precautionary suspension addressed to Nkabinde are attached marked **SAA17** and **SAA18**.

24 Upon being suspended, Nkabinde claimed that I had committed an occupational detriment in contravention of the Protected Disclosures Act, 26 of 2000, by placing him on precautionary suspension in response to his letter to the Minister of 28 April 2018. This claim was disputed, and it was denied that Nkabinde made any disclosures to the Minister in good faith.

25 Nkabinde's disciplinary hearing was scheduled to convene from 19 to 21 September 2018. At the commencement of the hearing, Nkabinde approached me and proposed to settle the dispute by resigning, in return for which IPID would withdraw the disciplinary enquiry and all related charges against him. In



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addition, Nkabinde instructed his legal representatives to confirm his proposal in writing. I attach the email received from Nakabinde's lawyers, dated 19 September 2018 (annexure SAA19), confirming Nkabinde's proposal. On 19 September 2018, the parties signed the settlement agreement referred to above (annexure SAA1).

NKABINDE'S ALLEGATIONS ARE FALSE

26 For the sake of completeness and the avoidance of any doubt, I address the allegations in Nkabinde's affidavit paragraph by paragraph. As I shall explain, all of the material allegations in the affidavit are false and clearly contrived to undermine me and IPID's investigation against Phahlane.

27 Ad paragraphs 1 and 2

Save to deny that Nkabinde remains in the employ of IPID, I admit these paragraphs.

28 Ad paragraphs 3.1 and 3.2

28.1 I admit these paragraphs save to deny that:

28.1.1 My suspension as the Executive Director was lawful; and

28.1.2 The Task Team is referred to internally simply as "*the Task Team*".

29 Ad paragraph 3.3

29.1 I admit that the members of the Task Team report "directly" to Mr Matthews Sesoko, the national head of investigations at IPID and the designated head of the Task Team, and to Mr Innocent Khuba, the Provincial Head of IPID in Limpopo Province who was appointed to assist Mr Sesoko in leading the Task Team in June 2017. It is, however, important to mention that IPID members can refer matters directly to me if a matter is urgent.


29.2 Mr Sesoko reports to me periodically on the status of the Task Team's investigations, as is appropriate.

29.3 I deny that the scope of work of the Task Team has expanded since its establishment in 2016. The Task Team was established from the outset with the purpose of conducting all high profile, national investigations. The first investigation assigned to the Task Team was the Phahlane investigation.

30 Ad paragraph 3.4

30.1 Mr Nkabinde alleges, in vague and general terms, various "ongoing unethical conducted committed by the task team". I categorically deny that any of the alleged "unethical conduct" has been committed by myself or the Task Team, and that any such conduct is "ongoing".

31 Ad paragraphs 4.1 and 4.4



31.1 The allegation that IPID's investigation against Phahlane is "spearheaded" by Mr Paul O'Sullivan is denied. The investigation is led by Mr Sesoko and Mr Khuba.

31.2 I specifically deny that Mr O'Sullivan or Ms Trent have been allowed to use IPID letter-heads or have drafted witness statements.


31.3 I also specifically deny that I instructed IPID investigators to give official information obtained in IPID's investigation of Phahlane to Mr O'Sullivan.

31.4 In confirmation of the above, I refer to the sworn statements of IPID members, and specifically to:

31.4.1 Mr Sesoko's statement (annexure SAA2) at paragraph 16, where he states:

"16.1 While the team was reporting directly to me and even after I roped in Mr I Khuba to be the project manager, at no stage did any private individual including Mr Paul O' Sullivan was ever allowed to oversee the investigation.

16.2 I am informed by the then lead investigator Mr Mahlangu that Mr Paul O' Sullivan did assist the investigating team at the initial stages of the investigation, by accompanying them to Kameeldrift Estate including typing statements based on the interview with witnesses. They also received some information from Mr O' Sullivan or Ms Trent as they had access to systems that IPID did not have for investigative purposes. Meetings with Mr Paul O'Sullivan and Ms Trent were held in the context of assisting investigators with information relating to investigation. There was never any instruction from the Executive Director

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that IPID investigators must work with Mr O' Sullivan or that they must give him information obtained as result of the investigation by IPID."

31.4.2 Mr Khuba's statement (annexure SAA3) at paragraph 6, where he states that:

"When I took over the Task Team In June 2017, every member of the Task Team reported directly to me. At no stage did I give any instruction that members of the Task Team should work or interact with Mr Paul O'Sullivan. It is not true that Mr Paul O'Sullivan led IPID Investigation when I was the Task Team leader. I was never informed that Mr Paul O'Sullivan led the Task Team before I joined..."

31.4.3 Mr Mahlangu's statement (annexure SAA4) at paragraphs 6 and 7, where he states:

"6. ... I would like to categorically dispute that the team was involved in some unethical conduct mentioned by Mr Nkabinde in his letter to the Minister.

7. During the time when I was still the Team Leader, there was never a moment where Mr Paul O'Sullivan was allowed to lead any investigation. I have no idea as to why Mr Nkabinde has decided to lie in his letter to the Minister"; and

31.4.4 Mr Binang's statement (annexure SAA6) at paragraph 6, where he states:

"6. I hereby categorically state that I dispute that the team was involved in any sort of "Unethical Conduct" as mentioned in Annexure ATB 1 [Nkabinde's letter to the Minister of 28 April

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2018]. Furthermore there was at no stage whereby the team was instructed to work with Mr Paul O'Sullivan. There was also at no stage whereby Mr Paul O'Sullivan was allowed to lead any investigation which is conducted by the said task team and or IPID."

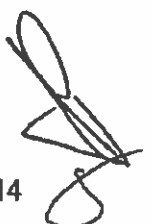
32 Ad paragraphs 4.5 and 4.6

32.1 I deny that I gave any instruction to IPID members "to damage the image of Lt Gen Phahlane in order for him not to be confirmed as a permanent National Commissioner". I made no such statement, as is confirmed in the above-mentioned statements from the IPID investigators.

32.2 I also categorically deny that IPID's investigation was or is motivated by any personal agenda on my part to be appointed National Commissioner of the SAPS. IPID's investigation is motivated by a concern to stamp out corruption and misconduct in the SAPS, and it is informed by reliable evidence that Phahlane is guilty of fraud, corruption and money-laundering, and that he abused his position as acting National Commissioner for private gain.

33 Ad paragraphs 4.7 to 4.10

33.1 I admit that Paul O'Sullivan hosted a gathering at his house towards the end of 2016. The nature of the gathering was not a "meeting", and its purpose was certainly not "to plot how to bring down Phahlane" or

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to "plot how to usurp power [from] the entire security cluster" as is alleged.

33.2 The gathering was an end-of-year, Christmas party that Mr O'Sullivan hosted at his home. Mr O'Sullivan also used the occasion to discuss his forthcoming book "Joining the Dots".

33.3 I deny that any individuals within "the security cluster" were identified and targeted for removal from their positions at this meeting, as is alleged. I also specifically deny that I gave the alleged "*assurance that IPID will go after them and Paul O'Sullivan will be a spy on all of them*". This is a complete fabrication.

33.4 The nature of the gathering at Mr O'Sullivan's home in December 2016, and what occurred there, is confirmed in the statements of –

33.4.1 Mr Mahlangu (annexure SAA4) at paragraph 9; and

33.4.2 Ms Candice Coetzee (annexure SAA10) at paragraphs 4 to 7.

33.5 I admit that Major General Prince Mokotedi opened a criminal case of treason on the basis of the information received from an informant.. But, as Nkabinde admits in his affidavit, the case has "gone quiet" – no doubt because it is utterly baseless.

34 Ad paragraph 4.11

34.1 I admit that IPID's investigators have exchanged information and met with Mr O'Sullivan and his assistant, Ms Trent on several occasions,

particularly at the early stages of the investigation against Phahlane. This is entirely normal, as Mr O'Sullivan is one of the complainants against Phahlane.

34.2 I deny that Mr O'Sullivan and Ms Trent have assisted in analysing the cellular phone records and bank records of Phahlane as alleged. I refer to Ms Botha's sworn statement (annexure SAA7), where she attests in paragraph 23 that:

"The allegation that I work with Paul O'Sullivan and Sarah Jane Trent is utter nonsense as I met them during the initial phases of the investigation and seized (sic) to communicate with them ever since. They do not have any insight into the part of the investigation I am responsible for."

34.3 I deny that there is anything unlawful or "unethical" in the manner in which IPID's investigators having engaged with Mr O'Sullivan and Ms Trent.

34.4 I do not know who Nkabinde means when he refers to a "representative from Afriforum" in this paragraph. I deny that IPID is engaging in any plot with Afriforum or the DA, or any other organisation for that matter.

35 Ad paragraphs 4.12 and 4.13

35.1 I firmly deny the allegations in these paragraphs.

35.2 No "extreme measures" were taken by IPID in the Phahlane investigation, and information was not obtained unlawfully (via Ms

Trent or otherwise). All personal information was obtained following section 205 applications.

35.3 I refer again to the statements of Mr Sesoko and Mr Khuba (annexures SAA2 and SAA3).

35.3.1 Mr Sesoko states in paragraph 16.3 of his statement that –

"All investigative information obtained under my supervision was obtained legally, following the due process of the law. I am not aware of any unlawfully obtained evidence."

35.3.2 Mr Khuba states in paragraph 6 of his statement that –

"I never targeted any specific individuals during investigation and never received any instruction either from Mr Sesoko or Mr McBride to target specific individuals. ... There is no information that I am aware of which were acquired through illegal means. Every private information was acquired through 205 applications, recommended by Prosecutor and approved by Magistrate."

36 Ad paragraphs 4.14 to 4.17

36.1 I deny the allegations in these paragraphs.

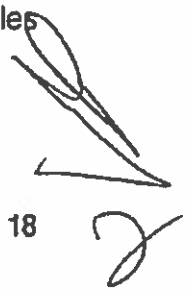
36.2 Ms Botha is a highly experienced and skilled data analyst who has been in IPID's employ since 1 October 2017 (not January 2017 as is alleged). Ms Botha has been involved in the Task Team's investigation against Phahlane, and responsible for data analysis. She has also

been involved in the successful prosecution of a number of a number of matters on behalf of the DPCI.

36.3 The contention that Ms Botha is working "very closely" with Mr O'Sullivan and Ms Trent, and exchanges information with them, is false. I again refer to Ms Botha's statement (annexure SAA7, paragraph 23), in which she states that the allegation that she works with Mr O'Sullivan and Ms Trent is "*utter nonsense*". She explains that while she did meet with them in the initial phases of the investigation, she ceased to communicate with them. She further states that Mr O'Sullivan and Ms Trent "*do not have any insight into the part of the investigation I am responsible for*".

36.4 I admit that Ms Botha was present during the search of Mr Phahlane's home as is alleged in paragraph 4.16. The search at Mr Phahlane's home took place during January 2017. Ms Botha's presence was authorised by the search warrant and Fidelity Guards, her employer at the time, had subcontracted her services to IPID in December 2016 for emergency procurement, in order to assist IPID in their investigations into death threats received by investigators whilst investigating the Phahlane case.

36.5 I deny that Ms Botha was added on the search warrant in December 2016. Ms Botha was only added to the search warrant in January 2017 when the search warrant was amended. This was because there was a need to include female members to assist in the event of females and/or children being present at Phahlane's house.



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36.6 The allegations in paragraph 4.17 are also categorically denied. I refer to the sworn statements of both Ms Botha (annexure SAA7, paragraphs 23 and 25) and Mr Heyneke of Vodacom (annexure SAA12, paragraphs 5 and 6 especially).

37 Ad paragraphs 4.18 to 4.21

37.1 All the allegations in these paragraphs of "media briefings", special arrangements for media presence, and "plans to keep the media posted" about the Phahlane investigation are false.

37.2 Similar allegations have been made before by Phahlane. I have previously denied the allegations under oath.

37.3 I refer also to the statements of the IPID investigators charged with overseeing the investigation, specifically:

37.3.1 Mr Sesoko, who states at paragraph 16.4:

"I am not aware of any planning meeting with the media nor was such a meeting at my behest or that of the Executive Director or Mr Khuba. In any event it is impossible for Mr Khuba to have been able to direct such a meeting as at the time he was still dismissed."

37.3.2 Mr Khuba states in paragraph 6:

"... I am not aware of any planning meeting with the media nor was such a meeting ever took place in my presence. Mr Nkabinde mentioned my name in a search that took place at Phahlane house alleging that I pre-arranged the media before the actual search. In any event It is impossible because at the



time when the first search was conducted at Phahlane's house, I was not yet reinstated by the Labour Court. I never targeted any specific individuals during investigation and never received any instruction either from Mr Sesoko or Mr McBride to target specific individuals..."

37.4 For the avoidance of any doubt, I again deny the allegation in paragraph 4.21 of "irregularities" having been committed under my direction, or under the direction of Mr Sesoko or Mr Khuba.

38 Ad paragraphs 4.22 and 4.23

38.1 I admit the composition of the Task Team in paragraph 4.22.

38.2 I deny that the IPID members in the Task Team have any "knowledge of the above", given that the allegations in Nkabinde's affidavit are patently false.

38.3 I admit that Phahlane was removed as acting National Commissioner.

39 Ad paragraphs 4.24 and 4.25

39.1 I admit that a Whatsapp group was established for the Task Team, and that it was named "Security Group". I admit that Ms Trent was a member of the Whatsapp group. The group was created for the purposes of investigating the death threats and allegations of kidnapping by Mr Paul O'Sullivan and Ms Trent. Their input on the group was required for this investigation.

39.2 I firmly deny that the Whatsapp group was *"used to request Ms Sarah Jane Trent to assist in obtaining information illegally"*.

40 Ad paragraph 5

40.1 I deny this paragraph and the allegation that IPID has engaged in "unethical procedures".

41 Ad paragraphs 6.1 to 6.2

41.1 The allegations in these paragraphs that there was a "plot" to prevent Lt General Mothiba from being permanently appointed as National Commissioner, and a "plan" to "ensure that false charges were laid against him" are, yet again, complete fabrications.

41.2 This denial is confirmed by Mr Sesoko and Mr Khuba.

41.2.1 Mr Sesoko states in paragraph 16.5 of his statement (SAA2):

"All cases that are investigated by the task team are investigated as a result of a complaint received. I am not aware of any instruction by the Executive Director to any member of the team to falsely encourage anyone to lay criminal charges against any General in the SAPS."

41.2.2 Mr Khuba states in paragraph 6 of his statement (SAA3):

"I never targeted any specific Individuals during investigation and never received any instruction either from Mr Sesoko or Mr McBride to target specific individuals."

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41.3 I admit that a docket was opened against Lt Gen Mothiba. The DPP has declined to prosecute.

42 Ad paragraphs 7.1 to 7.6

42.1 The allegations in these paragraphs are false.

42.1.1 I did not give any instructions (written or otherwise) that IPID's investigation against Major General Dladla should be stopped, and I did not give Major General Dladla any assurance that the investigation against him would be stopped. It is important to mention that the investigation against Dladla is being directed by the NPA, and the docket is with the NPA for decision. IPID is not in a position to decide whether the investigation must stop or continue.

42.1.2 I did not connive in any "strategy" to remove the docket of the Dladla investigation from IPID investigator, Mr Binang, so that it could be reassigned to Nkabinde on the understanding that he would not persist with the investigation until the appointment of the National Commissioner and the ANC National Conference was finalised.

42.1.3 The suggestion that I acted out of a motivation to be appointed as the National Commissioner is, I repeat, false. I have absolutely no desire to become the National Commissioner of the SAPS.

42.2 In support of the above, I refer to the sworn statements attached hereto. Specifically –

42.2.1 Mr Sesoko (annexure SAA2) states in paragraph 16.6 that:

"No Investigation that is conducted by the task team was ever stopped nor as any instruction given by the Executive Director to stop any investigation were prioritized based on available resources at any given time and workload on the high profile cases investigated."

42.2.2 Mr Khuba (annexure SAA3) states in paragraph 6:

"...No investigation was stopped under my control and there is no evidence that specific investigation was stopped or deliberately neglected for specific known or unknown reason"; and

42.2.3 Mr Binang (annexure SAA6) states in paragraphs 9 to 12:

"9. ... [O]n 27 October 2017 the team was called to a meeting whereby the team was divided into two as follows:

- Crime Intelligence cases*
- Fraud, Corruption, Money Laundering, etc against Lieutenant General Johannes Khomotso Phahlane and others.*

The team that investigated the Crime Intelligence cases included the case of Major General Dladla wherein I was not party to such team. I was in the team that continued to investigate the allegation of Fraud, Corruption, Money Laundering, etc against Lieutenant General Johannes

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Khomotso Phahlane and others. At no stage did Mr McBride instruct that the investigation of the case against Major General Dladla be stopped in my presence and I have never heard such instruction whether directed to me or any team member. I have no knowledge of the so called written instruction as alleged in Annexure ATB 1 by Nkabinde [the letter of 28 April 2018].

10. The case against Major General Dladla was returned to me after it was established that Nkabinde is working with the members of SAPS to sabotage and or compromise the investigation that IPID is conducting against SAPS members.

11. The Strategies that Nkabinde is referring to are unknown to me."

43 Ad paragraphs 8.1 to 8.10

43.1 The allegations of (yet another) "plot" to bring down General Sithole are false.

43.2 IPID is involved in a legitimate and well-founded investigation into various corrupt procurements by SAPS Crime Intelligence from I-View, including the attempted procurement of a cell-phone grabber system at the bloated cost of R45m. That investigation is still in progress, but has been hampered by refusals from SAPS Crime Intelligence to furnish IPID with requested information and documents. As regards the I-View investigation, I refer to:



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43.2.1 Mr Sesoko's statement (annexure SAA2) at paragraphs 2 to 8, which describes the background to the investigation; and

43.2.2 Mr Khuba's statement (annexure SAA3) at paragraph 8, where he confirms, inter alia, that: "*No investigation was ever started as a way of targeting certain individuals but all cases were received through verifiable sources and registered in line with section 28 of IPID Act 1, of 2011*".

43.3 Nkabinde's elaborate story that I tasked Brigadier Bamuzi-Phetlhe to approach Brigadier Hlungwani of SAPS Crime Intelligence "*to convince him to make a false statement*" against certain SAPS Generals, is utterly false and far-fetched.

43.4 I refer to the sworn statement of Brigadier Bamuzi-Phetlhe (annexure SAA9), who states in paragraph 7:

"I would like to state that I have read the memorandum presented to me by IPID and I would like to state categorically that I had never been requested by Mr McBride or any IPID member to falsely implicate any Crime Intelligence official. I had never approached Brigadier Hlungwani on behalf of IPID to falsely implicate anyone. All the complaints that I made and were taken over by IPID were true and I was never influenced to open such cases. Mr Nkabinde is not telling the truth. He actually had manipulated everyone and now the truth is out...."

43.5 Nkabinde was informed about the allegations in respect of unlawful procurements involving I-View, and he attempted to persuade third parties whose evidence is critical to the investigation not to provide

us with any information. He plainly obstructed IPID's investigation of the allegations concerning I-View. In this regard I refer also to paragraph 12 of the statement by Brigadier Chili, which states:

"On the same day 14 December 2017 at approximately 20:20 Mr Sesoko of IPID phoned me and asked me about the purchase of the grabber. I told Mr Sesoko that I had reported that purchase of a grabber from I-View earlier on to Mr Nkabinde of his office and further asked him whether a further purchase from I-View would not prejudice IPID investigation...When I spoke to Mr Sesoko about this issue I established that he did not know what I had discussed with Mr Nkabinde concerning this matter. It was clear from the facts discussed that Mr Nkabinde did not inform Mr Sesoko that I called and raised some concerns surrounding the issue of purchasing a grabber worth R45 million from I-View..."

43.6 In his sworn statement (annexure SAA13), Brigadier Hlungwani also disputed the allegations after they were first made in Nkabinde's letter to the Minister. Brigadier Hlungwani stated at paragraph 18:

"... It disappointed me greatly that Mr Nkabinde mentioned my name in his memorandum to the Minister as I only met him with McBride and Phetthe once since General Sithole became a National Commissioner... I could not have been part of that "plot" to take down the colleagues mentioned in that report... There is absolutely no one from the IPID that asked me to fabricate any statement to implicate the leadership of the

SAPS in criminal behaviour and I wouldn't have agreed to such an unethical behaviour."

43.7 Further, I refer again to the statements of Mr Sesoko and Mr Khuba (in annexures SAA2 and SAA3).

43.7.1 Mr Sesoko states in paragraph 16.5:

"All cases that are investigated by the task team are investigated as a result of a complaint received. I am not aware of any instruction by the Executive Director to any member of the team to falsely encourage anyone to lay criminal charges against any General in the SAPS."

43.7.2 Mr Khuba states in paragraph 6:

"I never targeted any specific Individuals during investigation and never received any instruction either from Mr Sesoko or Mr McBride to target specific individuals."

44 Ad paragraphs 9.1 to 9.4

44.1 The allegation that the secondment of Colonel Roelofse and Captain McClean from DPCI to IPID was part of a "strategy" to "usurp power" from parts of the security cluster beyond the SAPS is false. The two DPCI officers were seconded to IPID because they were tasked by the Acting Head of DPCI to assist IPID in priority cases, with specific reference to the DPCI mandate. There is also no truth whatsoever in the allegation that the DPCI officers have been "mandated" by IPID to influence the NPA and ensure that prosecutions are instituted in

matters that I have a personal interest in. Thankfully, the DPCI officers do not have such influence over the NPA, which is independent of the Hawks.

45 Ad paragraphs 10.1 to 10.3

45.1 I deny the allegations in these paragraphs that I “manipulated” IPID members; engaged in “reckless conduct”; and gave “unlawful instructions”. These are unfounded and malicious allegations.

45.2 I also specifically deny that Ms Botha’s appointment to IPID was “irregular” as is alleged in paragraph 10.2 (without any basis).

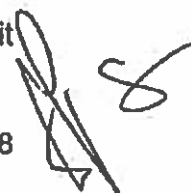
46 Ad paragraphs 10.4 to 10.9

The allegations in these paragraphs are denied to the extent that they are inconsistent with the account I have given above of IPID’s disciplinary action against Nkabinde.

CONDONATION

47 The applicant deposed to his founding affidavit on 5 February 2017. IPID deposed to its answering affidavit on 20 April 2017. The applicant filed his replying affidavit on 20 September 2017 and his heads of argument on 15 November 2017.

48 The matter was initially set down for hearing for 13 November 2017. However, it was postponed. The applicant then filed a supplementary founding affidavit



CC

on 28 August 2018. The supplementary answering affidavit was due on 11 September 2018. For the reasons stated below, I respectfully request that this court condones the late filing of the First Respondent's answering affidavit.

49 The explanation for the delay in filing the answering affidavit is as follows:

49.1 Upon receiving the Supplementary Answering Affidavit, IPID proceeded to terminate its erstwhile attorneys' (Kgaugelo Baloyi Inc.) mandate in August 2018. IPID thereafter commenced discussions with Adams & Adams to take over from Kgaugelo Baloyi Inc. In order to finalise Adams & Adams' appointment, IPID was in regular communication with the office of the State Attorney. In this regard, I attach hereto a letter from IPID to the State Attorney dated, 27 August 2018, requesting the State Attorney to appoint Adams & Adams (annexure **SAA20**)

49.2 Adams & Adams attorneys took over as my attorneys of record in September 2018. Adams & Adams only received a letter of instruction from the office of the State Attorney on 19 September 2018. The reason that Adams & Adams was instructed is that they have handled a significant amount of the matters related to the application, including the disciplinary proceedings against Nkabinde. A copy of the letter of instruction is annexed hereto and marked annexure "SAA21". On 31 August 2018 Adams & Adams dispatched a letter to the applicant's attorneys requesting an extension of one month to file a response to their client's supplementary founding affidavit. The applicant's attorneys responded to Adams & Adams's letter on 13



September 2018, in which they granted us an extension to file the affidavit by close of business on 27 September 2018. Copies of the letters are annexed in a bundle marked "SAA22".

49.3 The reason for requesting this extension was that my new attorneys had to consider the voluminous bundles of documents, which they had been requesting from the State Attorney, without success. In fact, the documents (which comprised some 14 lever-arch files) were only received from the state attorney during 27 September 2018.

49.4 Since receipt of the files, my attorneys and I have not delayed in responding to the supplementary founding affidavit. However, it has taken some time for my new attorneys to peruse the papers in the matter, and to instruct and receive the input of counsel, so as to be in a position to provide me with the necessary assistance in the preparation of this affidavit.

49.5 I submit that there can be no suggestion of prejudice to the applicant as a result of the delay in filing the answering affidavit.

49.5.1 In the context of this voluminous and protracted application, the extent of the delay is minor;

49.5.2 The applicant himself sought a postponement of this matter in order to obtain a decision in his disciplinary proceedings; and

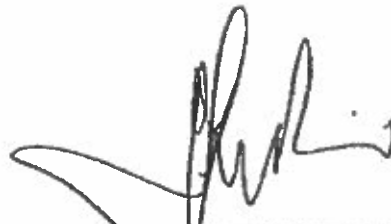
49.5.3 Any prejudice to the applicant arising from delays in concluding this matter are primarily the result of his supplementation of the

application, in which he raises new matters that are not directly relevant to the relief sought in the application.

CONCLUSION

50 In light of the above, I submit that Phahlane's supplementary affidavit and the "new information" on which it relies – namely, Nkabinde's affidavit – are completely lacking in veracity and credibility. Phahlane's supplementary affidavit and its annexures should, accordingly, not be admitted.

51 Since Phahlane is well aware that Nkabinde's affidavit is fabricated, false and malicious, Phahlane should be ordered to pay the costs of this supplementary answering affidavit on a punitive scale.



ROBERT JOHN MCBRIDE

I hereby certify that the deponent knows and understands the contents of this affidavit and that it is to the best of the deponent's knowledge both true and correct. This affidavit was signed and sworn to before me at Victoria on this the 12th day of DECEMBER 2018, and that the Regulations contained in Government Notice R.1258 of 21 July 1972, as amended by R1648 of 19 August 1977, and as further amended by R1428 of 11 July 1989, having been complied with.

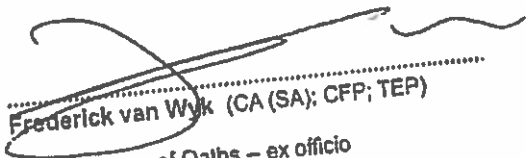


COMMISSIONER OF OATHS

Full names:

Address:

Capacity:



Frederick van Wyk (CA (SA); CFP; TEP)

Commissioner of Oaths - ex officio

Investment Advisor - Sanlam Private Investments
Sanlam Building | cnr Sanlam & Lynnwood Road
Block B | Ground Floor | Lynnwood Ridge | 0081

Date: 12/12/2018



**INDEPENDENT POLICE INVESTIGATION DIRECTORATE
INTERNAL DISCIPLINARY HEARING
(HELD AT JOHANNESBURG)**

In the matter between:

**INDEPENDENT POLICE INVESTIGATION
DIRECTORATE**

Employer

and

CEDRICK MTHOKOZISI NKABINDE

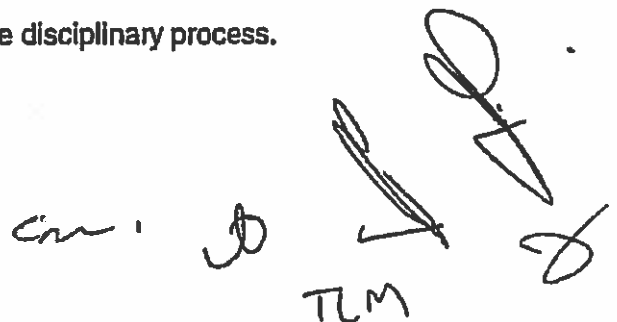
Employee

SETTLEMENT AGREEMENT

WHEREAS the employer has suspended the employee and instituted disciplinary action against him.

NOW therefore the parties agree as follows:

1. The employee hereby resigns with immediate effect and the employer accepts his resignation. His last day of service will be today. The employee will be entitled to his remuneration up to the date of this agreement and any accrued statutory payments due as of today. The resignation and its acceptance is by mutual agreement and does not constitute a dismissal, including a constructive dismissal.
2. The employer agrees not to continue with the disciplinary process.

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JD
TLM


- 3. The employee agrees that he shall not interfere with, hamper or frustrate any IPID investigations.

- 4. The employee forthwith hereby withdraws all of his complaints and any statements related to those complaints (including any complaints under the Labour Relations Act, 66 of 1995, as amended and the Protected Disclosures Act, and in terms of the Public Protector's Act). Without limiting the generality of the foregoing, the employee hereby withdraws his complaints to the Public Protector, any complaints to any Ministers, Parliament and any of his referrals against the employer whilst in the employ of the employer to any forum, including any bargaining council, including but not limited to his suspension and/or the institution of disciplinary proceedings against him, including his application in terms of section 142 of the Labour Relations Act, 66 of 1995, as amended and undertakes to inform the said forums by no later than 21 September 2018 and furnish proof to the employer thereof by 21 September. If the employee fails to do so, the employer shall have the right to inform the said forums of this agreement.

- 5. This agreement is in full and final settlement of all claims which the employee has against the employer and any official or employee of the employer, whether such claims arise in common law, contract or statute, including arising out of his employment with the employer.

- 6. The parties have entered into this agreement freely and voluntarily and with the benefit of independent legal advice.

ca W TLM [Signature]

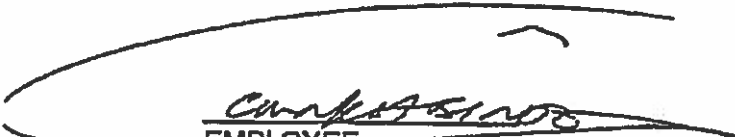
SIGNED AND DATED AT SANDTON ON THIS THE 19 SEPTEMBER 2018.



EMPLOYER


WITNESS

Thandeka Mhlongo
NAME & SURNAME

SIGNED AND DATED AT SANDTON ON THIS THE 19 SEPTEMBER 2018.


EMPLOYEE


WITNESS

G. BELL
NAME & SURNAME



I, the undersigned,

Matthews Sesoko

do hereby make oath and state:

1. The facts deposed to herein are true and correct and save where the context indicates other, fall within my personal knowledge.
2. I am the National Head of Investigation in the Independent Police Investigative Directorate which is at 114 Madiba Street, Pretoria. I am responsible for all Provincial and National Investigations of the Directorate. I report direct to the Executive Director. My persal number is 13574540 and my official number is 012 399 0048.
3. I am responsible for the task team that was appointed by the Executive Director to investigate the former Acting National Commissioner General Phahlane and all other high profile investigations.
4. On or about the 14th December 2017, I was informed by Mr Khuba that he received information from a source that General Ngcobo the Acting Divisional Commissioner of Crime Intelligence (CI) had approached Brigadier Chili of CI Legal Service to recommend the procurement of a grabber for about R45 million and that the money was needed, allegedly to be laundered to buy votes at the 54th ANC conference.
5. I immediately called Brigadier Chili to enquire about the allegations. Brigadier Chili confirmed to me that he was approached by General Ngcobo about the procurement of the grabber for R45 million and that he wanted him to write a letter to the IGI requesting his approval for such a procurement. Brigadier Chili informed me that he advised General Ngcobo that he cannot recommend a procurement of a grabber for R45 million when the value of the grabber is between R7 and R10 million rands, he informed him that such procurement would be unlawful. He further informed me that he competency of the IGI to give approval on procurement issues of SAPS Crime Intelligence.
6. He further informed that General Ngcobo was not happy with what he told him, as a result there was tension between them.
7. Brigadier Chili further informed me that he informed Mr Nkabinde our Principal Investigator about the suspected corruption regarding this

MS MM



procurement however Mr Nkabinde withheld this information from the team members, myself and the management.

8. After speaking to Brigadier Chill, I phoned General Tsumane and informed him about the information I just obtained. I told him that he must alert General Sitole as General Sitole may be approached to sign an unlawful deviation for the procurement of the grabber. General Tsumane sounded surprised to hear about such information. He thanked me and said he will inform General Sitole. After few minutes I was called by General Sitole. He indicated that he was called by General Tsumane, he indicated that he was approached two days prior about a high capability procurement that was requested by CI that was needed at the ANC 54th conference. He indicated he informed them. I presumed he meant General Ngcobo and his team, that as long as they follow proper process for such procurement then they can proceed. He further indicated that since I made him aware about the allegation and the fact that the company CI wanted to use (I-view) is under investigation by IPID, he will stop the procurement however I must write him a letter that he should stop the procurement. I wrote him a letter on the 15 December 2017 informing him as agreed, Letter attached marked "MS1"

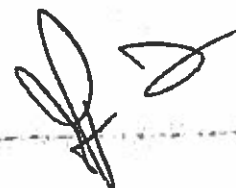
9. On or about February 2018 Mr Khuba informed the Executive Director Mr McBride and me that one of our suspects in a case of corruption we are investigating General Nmutanzela requested to see him privately. Executive Director agreed that he can speak to him and report back to us. Mr Khuba then informed me that General Nmutanzela told him that there is another General who wants to talk to him. Mr Khuba reported that this General was General Mkhwanazi. He further reported that General Mkhwanazi told him that he had a 204 statement from Mr Nkabinde and Mr Mahlangu's statement was ready to be signed however Mr Mahlangu was afraid of the Executive Director. He further reported that General Mkhwanazi wanted to solicit information from him about IPID high profile investigations. After Mr Khuba reported on this meeting with General Mkhwanazi, we took a decision that we should first verify the information before approaching the investigators.

10. Around April 2018, Mr Mahlangu approached me and informed that he has been approached by Brigadier Kgomo of CI to falsely implicate IPID management and the Executive Director Mr McBride in particular, about wrongdoing in the investigation of cases against General Phahlane. In return he will be appointed as a Brigadier in the SAPS He indicated that Mr Nkabinde has also been approached and he has agreed as well as Ms Saohatse. He further indicated that he recorded some of the conversations with Brigadier Kgomo. I listened to the recordings and told him to hand over the recordings so that they could be transcribed and translated. He indicated that he met with Mr Nkabinde and informed about his conversation with Brigadier Kgomo, where upon Mr Nkabinde told him that they must take the

offer.

11. On the 16 April 2018 we called a meeting of all task team members with the Executive Director, so that we would establish the extend of the approach by SAPS members to our investigators. The Executive Director requested all the investigators who have been approached by SAPS to falsely implicate IPID management to come forward and indicate who approached them and how they were approached. Only Mr Mahlangu raised his hand to indicate that he was approach. Mr McBride then indicated that he is appointing myself and Mr Khuba to investigate the approach to our investigations as the conduct of SAPS members amount to corruption.
12. On the 17th April 2018, Mr Nkabinde wrote an e-mail to the Executive Director and copied me, in the e-mail he was objecting to me and Mr Khuba investigating the matter as directed by the Executive Director, allegedly because we are also suspects in the matter, e-mail attached marked "MS2"
13. On the 23rd April 2018, I wrote a letter to Mr Nkabinde removing him from the task team, as his continued participation in the work of the team had become untenable. Letter attached marked "MS3". He received the letter on the 24th April 2018 and made notes on the letter about his response to my letter.
14. The Executive Director responded to him on the 24th April 2018 and requesting him to provide proof of what he was alleging. E-mail attached as "MS4". Mr Nkabinde responded on the 25th April 2018 by simply noting the Executive Director's e-mail and that he understood the contents thereof, e-mail attached as "MS4".
15. On or about May 2018, I received an e-mail from Col Roelofse with an attachment of a report dated 28 April 2018 by Mr Nkabinde to the Minister of Police in which he is making allegations of unethical conduct against the Executive Director, myself, Mr Khuba and the task team investigating General Phahlane see the report marked "MS5".
16. The allegations made by Mr Nkabinde are not true, these are the same allegations that have always been made by General Phahlane. Since Mr Nkabinde has decided to work with our suspects to compromise our investigation, it makes sense that he will support their false narrative. I would like to respond to the allegations as contained in his report to the Minister as follows:
 - 16.1 While the team was reporting directly to me and even after I roped in Mr I Khuba to be the project manager, at no stage did any private individual including Mr Paul O' Sullivan was ever allowed to oversee the investigation.
 - 16.2 I am informed by the then lead investigator Mr Mahlangu that Mr Paul O'

P N M



Sullivan did assist the investigating team at the initial stages of the investigation, by accompanying them to Kameeldrift Estate including typing statements based on the interview with witnesses. They also received some information from Mr O' Sullivan or Ms Trent as they had access to systems that IPID did not have for investigative purposes. Meetings with Mr Paul O'Sullivan and Ms Trent were held in the context of assisting investigators with information relating to investigation. There was never any instruction from the Executive Director that IPID investigators must work with Mr O' Sullivan or that they must give him information obtained as result of the investigation by IPID.

- 16.3 All investigative information obtained under my supervision was obtained legally, following the due process of the law. I am not aware of any unlawfully obtained evidence.
- 16.4 I am not aware of any planning meeting with the media nor was such a meeting at my behest or that of the Executive Director or Mr Khuba. In any event it is impossible for Mr Khuba to have been able to direct such a meeting as at the time he was still dismissed.
- 16.5 All cases that are investigated by the task team are investigated as a result of a complaint received. I am not aware of any instruction by the Executive Director to any member of the team to falsely encourage anyone to lay criminal charges against any General in the SAPS.
- 16.6 No Investigation that is conducted by the task team was ever stopped nor was any instruction given by the Executive Director to stop any investigation were prioritized based on available resources at any given time and workload on the high profile cases investigated.
- 16.7 Given what we know now, it is clear that Mr Nkabinde's intention by not informing us of the R45 million transaction as indicated in paragraph 7 above, was to protect members of CI and General Ngcobo in particular. His conduct therefore amount to misconduct at best or defeating the ends of justice at worst.

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



MATTHEWS SESOKO



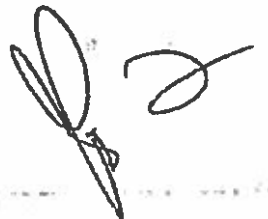
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I certify that the above signature is the true signature of the deponent who has acknowledged to me that he knows and understands the contents of this affidavit, which affidavit was signed and sworn to at 16:55 AT Pretoria on this 24 day of July 2015.



COMMISSIONER OF OATH
Rank: SENIOR INVESTIGATOR
Independent Police Investigative Directorate
114 Madiba Street
Pretoria





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SWORN AFFIDAVIT

I, the undersigned,

HUMBULANI INNOCENT KHUBA

do hereby make oath and state the following in English:

1.

The facts contained herein are correct and within my personal knowledge unless otherwise indicated.

2.

I am an adult African male with identity number 7205025194083, persal number 18763685 residing at number 14 David Mabilo, Faranani Estate, Bendor, Polokwane with cellular telephone number 0763404889. I am a Chief Director in the employment of the Independent Police Investigative Directorate based in Polokwane as a Provincial Head for IPID Limpopo.

3.

After my reinstatement by the Labour Court on 25/04/2017, I was requested in June 2017 by Mr Sesoko, the National Head of Investigations to assist him in managing the National Task Team which is responsible for the investigation of cases against former Acting National Commissioner J K Phahlane and other high profile cases. The team was headed by Mr Mandlakayise Mahlangu with following members, Mr Binang, Mr Raphesu, Mr. Cedric Nkabinde, Mr A Sehas, Rodney Subramany and Stanton Govender and Theresa Botha who is an Analyst contracted to the Directorate.

4

After my assessment of the team and the work at hand, I recommended that the following individual be added to the team, Ms Ntombl Gibson and K Matlakeng. I also had a meeting with Col Roelfse from the Hawks and discussed matters relating to Crime Intelligence. I recommended to Mr Sesoko that Col Roelfse be seconded with Captain McLean in order to assist the team in both Crime Intelligence investigations and General Phahlane investigations.

5

At the end of April 2018 or beginning of May 2018, I was shown a letter which was an attachment to an e-mail, addressed to the Minister of Police Beki Cele by Cedrick Nkabinde who is our Principal Investigator attached to the Task Team.

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Mr Nkabinde's letter to the Minister of Police dated 28/04/2018 was received via email from the seconded member of the Hawks, Colonel Kobus Roelfse. According to the email information detailing the origin of the email, it is clear that the email was forwarded to Colonel Roelfse by Adv. Chris Smith. Other details regarding the source of email cannot be established (see annexure A). However Mr Nkabinde makes certain allegations that cast doubt on the integrity of the Directorate and members of the task team (see annexure B). The allegation can be categorised as follows;

- 5.1 IPID is allowing Paul O'Sullivan, Sarah Trend and Afriforum to spearhead IPID investigation,
- 5.2 Members are divulging important information to Paul O'Sullivan and his assistant Sarah Trends,
- 5.3 Members are leaking information to the media,
- 5.4 Conduct investigation through the media in order to tarnish images of specific individuals,
- 5.5 Allowing and obtaining information unlawfully,
- 5.6 Abuse of authority by targeting specific individuals,
- 5.7 Unlawfully giving instruction not to investigate specific cases for personal gain,
- 5.8 Misrepresentation and abuse of authority to have members of DPCI seconded full time with ulterior motives and,
- 5.9 Monitoring and interception of cellular communication.

6

When I took over the Task Team in June 2017, every member of the Task Team reported directly to me. At no stage did I give any instruction that members of the Task Team should work or interact with Mr Paul O'Sullivan. It is not true that Mr Paul O'Sullivan led IPID investigation when I was the Task Team leader. I was never informed that Mr Paul O'Sullivan led the Task Team before I joined. I am not aware of any planning meeting with the media nor was such a meeting ever took place in my presence. Mr Nkabinde mentioned my name in a search that took place at Phahlane house alleging that I pre-arranged the media before the actual search. In any event it is impossible because at the time when the first search was conducted at Phahlane's house, I was not yet reinstated by the Labour Court. I never targeted any specific individuals during investigation and never received any instruction either from Mr Sesoko or Mr McBride to target specific individuals. No investigation was stopped under my control and there is no evidence that specific investigation was stopped or deliberately neglected for specific known or unknown reason. There is no information that I am aware of which were acquired through illegal means. Every private information was acquired through 205 applications, recommended by Prosecutor and approved by Magistrate.

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7

On the 16 April 2018, all task team members were called in Mr Sesoko's office by the Executive Director. The purpose of the meeting was to establish whether any member of the Task Team was ever approached by SAPS members with a view of soliciting information about our investigations and management. The Executive Director requested all the investigators who have been approached by SAPS to falsely implicate IPID management to come forward and indicate who approached them and how they were approached. Only Mr Mahlangu raised his hand to indicate that he was approach.

8

Regarding the matters involving I-View, on 14th December 2017 of which I cannot remember the exact time, I received a call from a person who does not wish his identity to be made known, requesting a meeting with me. During the meeting, he informed me that General Ngcobo, the Acting Divisional Commissioner of Crime Intelligence (CI) had approached Brigadier Chili of CI Legal Service to recommend the procurement of a grabber for about R45 million and that the money was needed, allegedly to be laundered to buy votes at the 54th ANC conference. I then informed Mr Sesoko who immediately called Brigadier Chili to enquire about the allegations. No investigation was ever started as a way of targeting certain individuals but all cases were received through verifiable sources and registered in line with section 28 of IPID Act 1, of 2011.

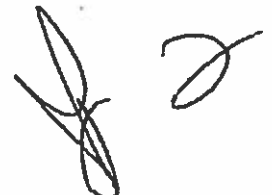
9.

On or around February 2018, I was informed by General Nmutanzhela that there is someone who would want to meet me privately in Sandton I refused to meet with such person in Sandton and insisted that the person should meet me in Pretoria. I then went to a location within Pretoria to meet General Nmutanzhela accompanied by Mr Matlakeng and Ms Gibson. However the two investigators remained in the vehicle when I met with General Nmutanzhela. During the meeting, General Nmutanzhela introduced me to General Mkhwanazi. I know General Mkhwanazi from the investigation of the rendition case which I dealt with in the past and have respect for him General Mkhwanazi told me that he had a 204 statement from Mr Nkabinde and Mr Mahlangu's statement was ready to be signed but Mr Mahlangu was afraid of the Executive Director. I tried to get as much information from him regarding the matter. I also suspected that he was just mentioning it as a way of soliciting information from me.



P.K

3 | Page



After I left the meeting I went straight to the office with the two investigators who were accompanying me and met with Mr Sesosko. I explained what transpired during the meeting with General Mkhwanazi. We then took a decision that we should first verify the information before approaching the investigators.

I know and understand the contents of this statement.

I have no objection to taking the prescribed oath.

I consider the prescribed oath binding on my conscience.

SIGNED AT Pretoria ON THIS 24 DAY OF July 2018.

[Handwritten signature]

PK

DEPONENT

I certify that the deponent has acknowledged to me that he / she knows and understands the contents of the above declaration. The deponent has placed his / her signature thereon in my presence and the above declaration was sworn to before me at Bloemfontein on

[Handwritten signature]
COMMISSIONER

[Handwritten signature] 114 Madiba Street ~~Bloemfontein~~ ^{Pretoria}
BUSINESS ADDRESS

2018/07/24
DATE

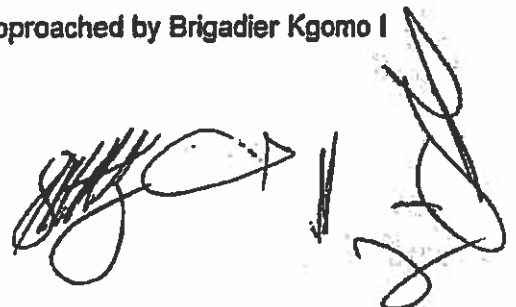
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I, the undersigned,

Mandlakayise Mahlangu

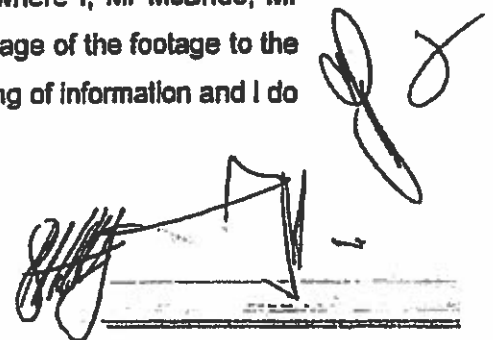
Do hereby under oath state as follows:

1. The facts deposed to herein are true and correct and save where the context indicates otherwise, fall within my personal knowledge.
2. I am the Principal Investigator in the Independent Police Investigative Directorate (IPID) which is situated at 114 Madiba Street, Pretoria. I am responsible for the investigation of cases of corruption within NSIT. My persal number is 16118367 and my official contact numbers is 012 399 0000.
3. I am a former Lead Investigator in the case involving General Phahlane relating to a charge of Fraud, Corruption and Money Laundering as per *Sinoyille Cas 146/05 2017*. Since my involvement in the investigation of the case, there had been number of counter investigations including charges laid against me and some of the team members by North West team headed by General Mabula.
4. During the month of March 2018 I was approached by a member of Crime Intelligence who requested to see me in connection with recruiting me to the SAPS and I remember very well because I also recorded the meeting. The recording was also transcribed (annexed MM1). The person who called me was Brigadier Kgomo who was previously a member of the IPID. He promised me a Brigadier position in the SAPS in Crime Intelligence and indicated that it is facilitated at the highest level in the Police. There are number of subsequent calls which one of them was recorded after the initial recording and will also be attached after they have been transcribed.
5. I have then informed Nkabinde about me being approached by the CI and he told me that he was also approached, he further said to me we rather go and work for SAPS because we are not appreciated at IPID. After I was approached by Brigadier Kgomo I

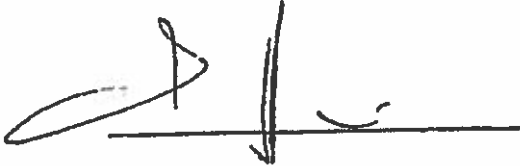


informed Mr Sesoko, the National Head of Investigation and the Executive Director Mr McBride.

6. I also want to respond in my statement to a letter dated 28 April 2018 authored by Mr Cedric Nkabinde which I received a copy from Mr H khuba (annexed MM2). I would like to categorically dispute that the team was involved in some unethical conduct mentioned by Mr Nkabinde in his letter to the Minister.
7. During the time when I was still the Team Leader, there was never a moment where Mr Paul O'Sullivan was allowed to lead any investigation. I have no idea as to why Mr Nkabinde has decided to lie in his letter to the Minister.
8. I would further like to declare that the recommendations by Mr Nkabinde in his letter to the Minister, particularly in Paragraph 3 on page 3 of 8 under heading Instances of Unethical conduct; Subheading "Investigation to General Phahlane", it is clear that what Mr Nkabinde alleges is intended to compromise the investigation against General Phahlane which is tantamount to defeating the ends of justice and bringing IPID into disrepute. The conduct of Brigadier Kgomo by offering a post to me and Nkabinde is tantamount to corruption and defeating the ends of justice.
9. Further with regard to subheading "This investigation cannot be seen to be objective nor independent because, the instruction by the Executive Director was to damage the image of Lt General Phahlane in order for him not to be confirmed as a permanent National Commissioner" I would like to declare as follows, that it is not true that there was Afriforum and DA members at the meeting. The so called meeting was in fact a book preview "Joining the dots" by Paul O'Sullivan. There discussion was about the book and the accuracy of information in it as it relates to McBride and Sibiya.
10. I want to further declare that under subheading, Investigation against the current National Commissioner, General Sitole on the second paragraph on page 7 of 8, Mr Nkabinde mentioned that there was a meeting at my place where I, Mr McBride, Mr Mantsha Raphesu, Tebogo and Nkabinde strategized the leakage of the footage to the media. I want to state that there was no discussion about leaking of information and I do not recall everything that was said in our gathering.



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



MANDLAKAYISE MAHLANGU

I certify that the above signature is the true signature of the deponent who has acknowledged to me that he knows and understands the contents of this affidavit, which affidavit was signed and sworn to at 20:03 in Pretoria on this 25 day of March 2018.



COMMISSIONER OF OATH

Rank:

Independent Police Investigative Directorate

114 Madiba Street

Pretoria



I, the undersigned,

MANTSHA RAPHESU

1

Do hereby under oath state as follows:

2

The facts deposed to herein are true and correct and save where the context indicates otherwise, fall within my personal knowledge.

3


I am the Senior Investigator in the Independent Police Investigative Directorate (IPID) which is situated at 114 Madiba Street, Pretoria. I am responsible for the investigation of cases of corruption within NSIT. My persal number is 21871680 and my official contact numbers is 012 399 0000.

4

I am the team member of the task team investigating General Phahlane relating to a charge of Fraud, Corruption and Money Laundering as per Sinoville Cas 146/05 2017. Since my involvement in the investigation of the case, there had been number of counter investigations including charges laid against me and some of the team members by North West team headed by General Mabula.

5

I also want to respond in my statement to a letter dated 28 April 2018 authored by Mr Cedric Nkabinde which I received a copy from Mr H khuba (annexed MR1). I would like to



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A2

2

categorically dispute that the team was involved in some unethical conduct mentioned by Mr Nkabinde in his letter to the Minister.

6

As a member of the team, there was never a time when I was instructed to work with Mr Paul O'Sullivan or when he was allowed to lead any investigation.

7

On 16 April 2018 Mr Sesoko called us to a meeting in which Mr McBride was present. Mr Nkabinde was also present in that meeting. Mr McBride indicated to us that it has come to his attention that some of our members have been approached by the Senior SAPS members and promised Positions/posts in exchange that they give false or implicating statements against him and the other team members. Mr McBride gave everyone a chance to indicate if he was approached. Mr Mahlangu raised his hand and indicated that he was approached. Mr Nkabinde did not indicate if he was approached. Mr McBride then left the meeting after that.

8

I want to further declare that under subheading, Investigation against the current National Commissioner, General Sitole on the second paragraph on page 7 of 8, Mr Nkabinde mentioned that there was a meeting at Mr Mahlangu place where he (Nkabinde), myself, Mr McBride, Mr Mahlangu, Mr Tebogo (Mr McBride's protector) strategized to leak footage to the media. I want to state that it was not a meeting, it was a social gathering and we were just discussing general issues, there was no discussion about leaking of footage. I seem to recall some discussion about General Sitole having missed his dead line to provide declassified information to IPID as he has promised to do so at SCOPA. I am not aware who leaked the footage to the media.

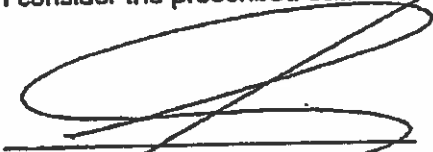
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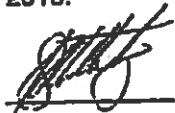
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I know and understand the contents of this declaration.
I have no objection to taking the prescribed oath.
I consider the prescribed oath to be binding on my conscience.



MANTSHA RAPHESU

I certify that the above signature is the true signature of the deponent who has acknowledged to me that he knows and understands the contents of this affidavit, which affidavit was signed and sworn to at 18:37 in Pretoria on this 25 day of March 2018.



KLEINBOOM MOETHE MATLAKENG

COMMISSIONER OF OATH

Rank: DEPUTY DIRECTOR: INVESTIGATION

Independent Police Investigative Directorate

114 Madiba Street

Pretoria



PRETORIA CENTRAL CAS 1229/05/2018

"SAA6"

I, the undersigned,

ABRAM TEMANE BINANG

1

Do hereby under oath state as follows:

2

I am an Adult Male employed by the Independent Police Investigative Directorate as a Principal Investigator.

3

The facts deposed to herein are true and correct and save where the context indicates otherwise, fall within my personal knowledge.

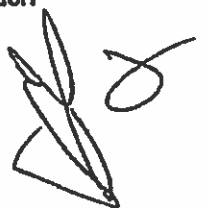
4

I am a member of the task team which investigates allegations of Fraud, Corruption, Money Laundering, etc against Lieutenant General Johannes Khomotso Phahlane and others. The investigation started on 01 November 2016 and since the establishment of this task team, there had been number of counter investigations including charges laid against me and some of the team members by North West team headed by General Mabula. There have also been threats against some of the task team members.

5

I hereby make statement in relation to the allegations made by Mr Cedrick Nkabinde in a letter dated 28 April 2018. I received the said letter which is attached hereto this affidavit as per Annexure ATB 1 (Page 4-8) from the Project Manager: Mr Innocent H khuba and such was address to the Minister of Police: Honourable Bheki Cele.





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2

6

I hereby categorically state that I dispute that the team was involved in any sort of **"Unethical Conduct"** as mentioned in Annexure ATB 1. Furthermore there was at no stage whereby the team was instructed to work with Mr Paul O'Sullivan. There was also at no stage whereby Mr Paul O'Sullivan was allowed to lead any investigation which is conducted by the said task team and or IPID.

7

On 16 April 2018 IPID National Head of Investigations called the team to the meeting in his office where later during the proceedings of the meeting we were joined by the Executive Director: Mr McBride. Cedrick Nkabinde was also in attendance of that meeting and Mr McBride indicated to us that it has come to his attention that some of the team members have been approached by the members of SAPS members who promised them positions within SAPS in an exchange that they give false or implicating statements against him (Mr McBride) and the other team members.

8

Mr McBride accorded everyone a chance to indicate if they were approached as indicated supra. Mr Mandlakayise Mahlangu raised his hand and informed the team that he was approached but Mr Cedrick Nkabinde did not indicate if he was ever approached. Thereafter Mr McBride left the meeting.

9

Subheading: Instruction to stop investigation against: Major General Dladla (The former head of Presidential Protection Services)

With regard to the above subheading I want to further declare that on 27 October 2017 the team was called to a meeting whereby the team was divided into two as follows:

- Crime Intelligence cases.

Page 2 of 4



Pezwele Central Cas 1239/05/2018

3

- Fraud, Corruption, Money Laundering, etc against Lieutenant General Johannes Khomotso Phahlane and others

The team that investigated the Crime Intelligence cases included the case of Major General Dladla wherein I was not party to such team. I was in the team that continued to investigate the allegation of Fraud, Corruption, Money Laundering, etc against Lieutenant General Johannes Khomotso Phahlane and others. At no stage did Mr McBride instruct that the investigation of the case against Major General Dladla be stopped in my presence and I have never heard such instruction whether directed to me or any team member. I have no knowledge of the so called written instruction as alleged in Annexure ATB 1 by Nkabinde.

10

The case against Major General Dladla was returned to me after it was established that Nkabinde is working with the members of SAPS to sabotage and or compromise the investigation that IPID is conducting against SAPS members.

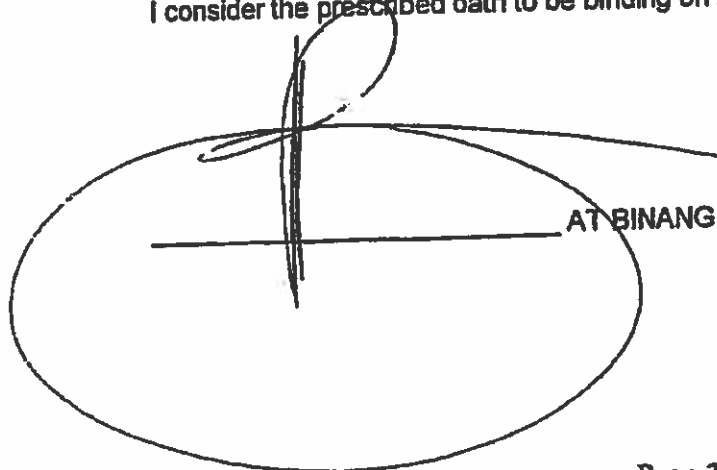
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The Strategies that Nkabinde is referring to are unknown to me.


12

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

AT BINANG



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PRETORIA CENTRAL CAS 1239/05/2018

4

I certify that the above statement was handed to me and the deponent acknowledged to me that he knows and understands the contents of this affidavit. This affidavit was signed and sworn to before me at Pretoria on the 25 March 2018.



COMMISSIONER OF OATH

KLEINBOOI MOTE MATLAKENG

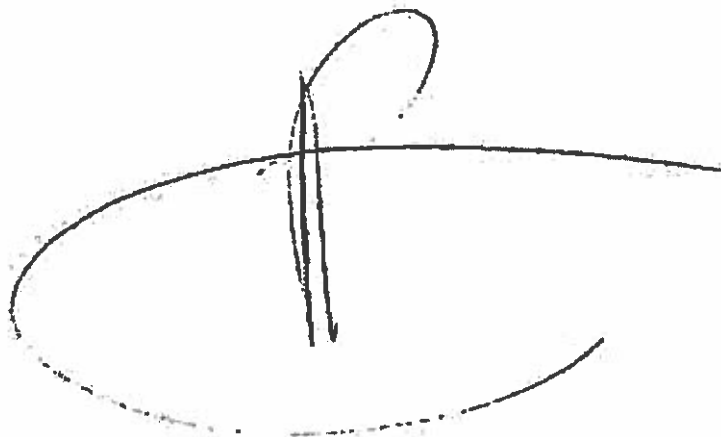
DEPUTY DIRECTOR

INDEPENDENT POLICE INVESTIGATIVE DIRECTORATE

114 MADIBA STREET

CITY FORUM BUILDING

PRETORIA



I, the undersigned,

THEREZA HEATHER-MAY BOTHA

do hereby declare under oath as follows:

1.

I am a female of 46 years old, employed by the Independent Police Investigative Directorate in the post class of Deputy Director – National Special Investigations Team (NSIT).

2.

I formerly served in the South African Police Service for 22 years. At the time of my resignation I was employed at the Directorate : Priority Crime Investigations in the post class of a Chief Administrative Clerk.

3.

Since 2001 I have performed duties in the field of criminal data profiling and analyses. As from 2006 I started actively participating in investigations where I made use of cellular telephone data to support investigations and to render evidence in Courts.

4.

During my tenure in the South African Police Service no formal post class existed for a single individual tasked with the following :

4.1 Analyst cellular telephone data in context of an investigation;

- 4.2 Provide accurate information emanating from such analyses to an investigation;
- 4.3 Contextualize analysed information geographically; and
- 4.4 Combine all of the above and render evidence in Court pertaining thereto

5.

This combination of self-acquired skill and experience enabled me to achieve great success in a number of high profile cases. During 2016/17 alone, I testified in a number of High Court cases of which the most widely published was the case of Christopher Panayioutou. Not only did my cellphone investigation identify two of the accused in the matter, but also proved their complicities in the planning and commission of the offence. During the trial, the accomplice witness, recanted on his statement and was declared a hostile witness. In my evidence in chief I could prove all the elements of his statements to be consistent with events, communications and geographical locations.

6.

Herewith my portfolio of evidence with regard to my status as a competent and credible witness.

7.

I have successfully testified in High Courts over the country in cases ranging from copper theft, cash in transit robberies, ATM bombing, fraud and violent crimes. I have received numerous commendations and was awarded the KZN Women's Prestige Award for Excellence in 2013. I refer to the following annexures:

PRETORIA CENTRAL CAS 1231/15/2018

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- 7.1 Annexure "A" – State vs Bhekokwakhe Ntshangase and others;
- 7.2 Annexure "B"- State vs Nhlanhla Mkhize and 2 others;
- 7.3 Annexure "C" – Bail application : Copper theft (22 dockets with 32 accused); and
- 7.4 Annexure "D" – State vs Thulani Cornelius Doncabe and another.

I have received the a certificate of commendation and a monetary award from the National Commissioner of the SAPS for my work and testimony in AMANGWE CAS 32/02/2012. I worked as part of a team which led to the arrest and conviction of suspects in a spate of violent taxi murders. After consultation between legal representative of the accused, the prosecutor – Mr Paver and myself with regard to my evidence, five of the accused pleaded guilty. See copy of National Commissioner's certificate and monetary awards attached as Annexure "D2"

8.

I have successfully "revived" the following "cold cases", where I have accurately identified the accused during cellphone data analysis process – which led to successful conviction: In the murders of Mrs Smith (State vs Thulani Mthembu and others) and Mr Uys (State vs Ace Mbatha and others), these (cold) cases would have gone unsolved without cellphone investigation. I refer to Annexure "E"

- 8.1 Annexure "E"- State vs Thulani Mthembu and others (Smith murder)

In the matter of State vs Nkosinathi Gumede, the bodyguard of Dr Gumede turned accomplice witness. My evidence supported the accomplice witness'

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version of events. Both Dr Gumede and his bodyguard were found guilty and sentenced to life imprisonment for the murder of Mrs Gumede. I was the only witness who testified, apart from the accomplice witness. I refer to annexure "F", Annexure "F"- News article.

9.

In **State vs Sandile Eddie Shongwe**, accused 3 applied for leave to appeal. The general basis of the application was that there was no evidence against him except for cellphone evidence. The Court accepted my evidence without reservation. Application for condonation, bail and appeal were refused. I refer to annexure "G", Annexure "G"- Judgment on application for leave to appeal.

10.

I delivered lectures at the 53rd International Association for Women in Police Conference, hosted at the ICC in Durban, where I addressed international audiences. I was the only guest speaker recalled for a second session because the auditorium was filled to capacity during the first session. I refer to annexure "H", Annexure "H" – Invitation as speaker.

11.

I have designed a cellphone data analysis training module, which I have used to train prosecutors regarding the probative value of cellphone data during investigation and evidence. Director of Public Prosecutions of KwaZulu Natal, Advocate Noko made an appeal to SAPS management to duplicate my skill set as a desperate shortage of analysts are needed in Courts. I refer to annexure "I", Annexure "I"- Letter from DPP Advocate Noko.

12.

During the trial of **State vs Goodwill Shange and 23 others**, challenges arose for both the State and Defence to analyse vast volumes of information. As a competent analyst, I was appointed to interpret and evaluate the volumes of information in context of an investigation to prepare evidence for purpose of trial.

Due to the desperate shortage of available cellphone data analysts, and the objective nature of the evidence – the Court has ruled that I be consulted by both the State and the Defence in order to place objective evidence before Court.

In this case, the case turned on cellphone evidence and resulted in the conviction of 24 accused on charges ranging from murder, armed robbery, possession of unlawful firearms and ammunition to theft of motor vehicles. One accused's version was also proven by cellphone evidence to be possibly true and he was acquitted of all charges, I was also called upon to assist the Judge and Assessor in the preparation of the judgment, which took more than six months. This case is a reported case and has become the Benchmark for cellphone evidence in organised crime locally and internationally. The accused were sentenced to a total of 1209 years imprisonment, probably the highest ever in this country for cash in transit robbers, Annexure "J" – commendation Combrink J "State vs Goodwill Shange and 24 others (KZN 26 case)".

13.

In February 2016 I have had 22 years uninterrupted service in the South African Police Service. I was attached to Directorate for Priority Crime Investigation (DPCI) since 2011. I was still appointed in the post class of a Chief Administrative Clerk at

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the time of my resignation. Since my appointment at Fidelity I have continued with investigative support and evidence in several cases on behalf of DPCI. I have testified in several cases since I have left the employ of the South African Police Service. Please take note that this came at no remuneration or any other benefit to myself. To place this in context with regard to value, the following calculation can be done. If analysis, visits to crime scenes, consultation, compilation of evidence were rendered at the rate of a Deputy Director in service of the State, which amounts to R335 per hour, a simple case, whereby one or two accused are involved in a single crime scene takes approximately three weeks to complete. Therefore, a simple case would cost approximately (15 days of 8 hours, at R335 per hour) R40 200. The effort and time in more complex cases multiplies exponentially.

- 13.1 Annexure "K"- State vs Thembela Ngubane and 9 others;
- 13.2 Annexure "L"- State vs Dixon Nene and 6 others;
- 13.3 Annexure "M" – State vs Mondli James Javas Jetro Zulu;
- 13.4 Annexure "N" – State vs Learners Mashabela;
- 13.5 Annexure "O" – State vs Ayanda Mfundo Sishi and others;
- 13.6 Annexure "P"- State vs Thulani Cornelius Doncabe and others; and
- 13.7 Annexure "Q"- State vs Siphesihle Miya and others.

To support witness statements / 204 witnesses / circumstantial evidence in evidence is a labour intensive, slow process whereby you have to apply your mind in every single aspect objectively. There is no tertiary qualification available in this field of

expertise, and that is why the combination of the skills required to achieve the desired outcome, which I always have, is considered to be ultra-scarce.

14.

In January 2017 my employer (Fidelity Security Services) sub-contracted my services to IPID because of the extreme complexity of the corruption cases IPID was embarking on investigating.

15.

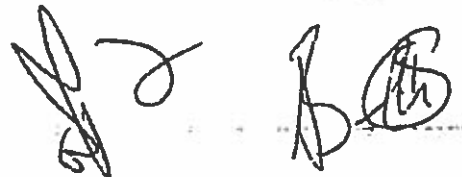
In approximately May 2017 IPID advertised a post with number Q9/2017/29 on the level of Deputy Director at National Special Investigations Team. The post was published in the media, refer to Annexure "R" – Advertisement for post nr Q9/2017/29.

16.

I applied for the post, completed the required forms and attached the required documentation. As far as I know Mr Nkabinde did not apply for the post, I have no knowledge why he chose not to apply for the post. I was shortlisted for the post, together with other applicants. I was interviewed on 3 July 2017. The interview was conducted by a panel and as part of the interview process I was required to perform a practical exercise to demonstrate my analytical skills.

17.

During August 2017 I was informed that my application had been successful. I worked the mandatory month notice at the Fidelity Group during September 2017

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PRETORIA CENTRAL CAS 1229/17/2018

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and took up the post at IPID on 1 October 2017. Mr Nkabinde congratulated me on my appointment and even helped me to move to my office.

18.

During November 2017 I heard of allegations that I do not have a matric certificate and that the certified copy attached to my CV was fraudulent. At first it did not bother me as I believed that my CV could easily be verified, and my matric certificate could be verified at the at the Department of Education. I thought that these allegations would be over without much ado.

19.

Shortly after I became aware of the allegations that I have submitted a fraudulent matric certificate I heard that one of my team members, one Mr Nkabinde, registered a grievance with regards to my appointment at IPID on 12 October 2017. I found it strange because Mr Nkabinde was one of the persons who encouraged me to apply for the post. See Whatsapp message sent to me on the day of the interview by Mr Nkabinde. Annexure "S" Mr Nkabinde even sent me messages of support on the day of my interview, and he was the first to congratulate me on my appointment.

20.

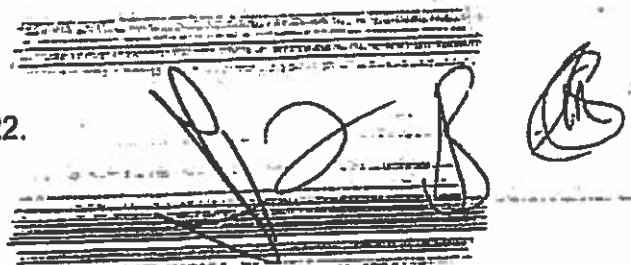
Mr Nkabinde was part of the investigation team investigating Lt Genl Phahalane, Maj Genl Mabula, Captain "KGB" Tshabalala, other senior police officers and suppliers, during which he made use of my services as cellular phone data analyst, even before my appointment at IPID, when I was working as a consultant. See Whatsapp message sent by Mr Nkabinde on 2017/12/28 10:11 attached as Annexure "T". Note the spelling of my name Terreza.

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21.

On 3 May 2018 I became aware of allegations that my appointment at IPID, in post Q9/2017/29, was irregular and corrupt after it has been published on social media and I was informed by several friends and acquaintances who saw it on Twitter, refer to Annexure "U". The tweet by Edgar Brewer under Twitter handle "@edgambrewer6" referred to a complaint laid with the Public Service Commission with reference number "9920180201091852". I do not know a Edgar Brewer, and do not know how Edgar Brewer got the information he tweeted on, what I noticed is that Edgar Brewer misspell my name exactly like Mr Nkabinde, both spell my name "Terreza" instead of "Thereza". Refer to the documents in Annexure "V1-3" and the Tweet in Annexure "U" for the spelling of my name. I felt extremely humiliated, betrayed and embarrassed and felt absolutely powerless as I had no control over the situation. Although I knew these allegations were not true I still felt that the rest of the world reading them will not know the truth and I could not help myself wondering how I should explain the situation when I met a person and who else have read these allegations. I even felt uncomfortable meeting people when they do not say anything about the allegations, knowing that it is the centre of the gossip. My ability to make a living is directly dependant on my untainted reputation and integrity. I have not testified in Court since these allegations were made and is not sure how the defence will treat me in Court or how I will handle the resulting cross examination. The mere fact that I may have to face cross examination about these allegations when I am called upon to testify on my daily activities and cases that are still in the Court process have caused my severe stress and lots of sleepless nights. I feel depressed and do not want to be around people.

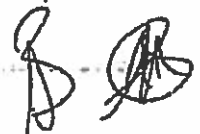
22.



During May 2018 I gathered from loose discussions with colleagues that some of the IPID members working on our team were approached by the likes of Generals Mabula, Mkhwanazi and others, to make affidavits that would damage the current investigation into corruption. This created mistrust within the investigation team, which could luckily be mitigated by the confidence the unscathed member has in the integrity of IPID management. It could have brought the whole investigation to a screeching halt. Unfortunately, an investigation into this matter suggests that the office gossip turns out to be true.

23.

Only on 24 May 2018, Advocate Smith, the prosecutor of the Phahlane case and investigation into large scale police corruption involving several senior police officers, handed me a copy of a letter penned by Mr Nkabinde. The letter was addressed to the current Minister of Police, Mr Cele. Mr Nkabinde made various accusations about me. Advocate Smith informed me that he had received the letter anonymously. I saw the mere fact that someone sent this letter to the prosecutor as an attempt to discredit me as a person, a witness and to derail the bigger investigation the team, of which Mr Nkabinde was part of. One of the paragraphs in the letter to Minister Cele reads as follows: *"IPID hired a so-called data analyst, Ms Teresa Botha who is working very closely with mr Paul O'Sullivan and Sara Jane Trent and they would exchange official information and compare their analysis together. Ms Theresa Botha would unlawfully obtain data information from a contact, Ms Petro Reyneke in Vodacom and the application of section 205's would be done after just for a formality."* Refer to ANNEXURE "W" for a copy of the letter to the Minister. The allegation that I totally disregarded and circumvent the legal requirements that I and any other person handling sensitive personal information have to adhere to, is not



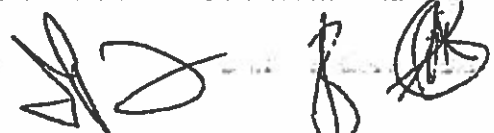
PRETORIA CENTRAL CAS 1227/09/2018

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only false but it also has the potential to be career ending to me and bring any evidence I still need to bring before Court into disrepute. My career is very important to me and this allegation caused me a great deal of pain, humiliation and anxiety. Even though I knew it would be easy to prove that Ms Heyneke and myself did not engage in any unlawful activities, it has damaged a working relationship that has been in good standing for many years. I took this allegation very personal and as a direct attack on my character and my good reputation I have built over many years of service to the justice system. The allegation that I work with Paul O'Sullivan and Sarah Jane Trent is utter nonsense as I met them during the initial phases of the investigation and ceased to communicate with them ever since. They do not have any insight into the part of the investigation I am responsible for.

24.

On 4 June 2018 I was handed a copy of an affidavit made by former Major General Johan Booysen, refer to Annexure "X", which relates to General Mabula who maliciously published the letter from Mr Nkabinde to Minister Cele, on the South African Banking Risk Information Centre (SABRIC) social media platform. The SABRIC group consists of 228 influential individuals in the security industry and the South African Police Service. Publishing this letter on the SABRIC WhatsApp group tainted my reputation throughout the industry where I practise my trade, without my good reputation I am not employable anywhere in South Africa as the integrity of my work will be in question. Once again, I felt absolutely powerless and humiliated as I know and have worked with many of the individuals on the SABRIC group. Although the allegations in the letter are all untrue I felt that I cannot face these people as I did not know how to explain the situation to outsiders. On his own version, General Phahlane admitted to Parliament on 16 May 2016 that he instructed General Mabula



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Page 12 of 16

and his team to do a "counter investigation" (which was aimed at disrupting the ongoing IPID investigation). It was Nkabinde who asked me to investigate fraudulent fuel claims, submitted during the period of the "counter investigation" by the Mabula investigation team. It is well published, refer to Annexure "Y", that Mr Nkabinde, the author of the letter to the Minister of Police to disrupt the investigation into corruption in exchange for a post in SAPS Crime Intelligence Division, which was promised by General Mabula amongst others. It is the same General Mabula whom post this letter on a social media group of SABRIC, that arrested Maj Genl Booysen on trumped up charges to cover up corruption involving Lieutenant Mmamonye Ngobeni, Thoshan Panday and an advisor to former President Zuma – as found in the judgment of Gorven J, setting aside all charges against Booysen. Mabula immediately removed all posts from the social media group when he realized that Booysen was part of the SABRIC social media group.

25.

The effects that the malicious actions of Mabula and Nkabinde has on my life will be felt for many years to come.

- 25.1 The allegation of unethical behaviour by obtaining cellphone data in an unlawful manner, from the Vodacom Forensic Liaison Manager – Ms Petro Heyneke is very serious. The defence will attack me by implying that I have circumvent my legal obligations which would mean that my evidence would have been unlawful, which might give raise to hundreds of appeal cases.
- 25.2 As a result of these lies Ms Heyneke was threatened with being suspended pending an audit being held as a result of these allegations. The allegations were made in such a way that it seemed as I created the impression that I

Handwritten signature and initials, including a large stylized signature and the initials 'BB'.

PRETORIA CENTRAL CAS 1229/09/2018

Page 13 of 16

have a "contact" in Vodacom who will make information available to me at a mere request, without following the required legal process.

25.3 The damage caused to my self esteem and public image was done maliciously to neutralize me as a witness in the cases against Mabuza and his team as well as the whole spectrum of high profile police corruption cases.

25.4 It is my opinion that, by calling for immediate reversal of my appointment, they seek to destroy not only my career and my integrity but also the legacy that took me a life time to build with hard work and integrity.

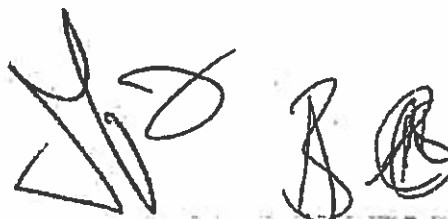
25.5 Apart from various positive newspaper articles published with regard to the quality of my testimony in a myriad of cases, I have also featured in books written by Jessica Pitchford titled : "BLOOD ON THEIR HANDS", and a book written by Anneliese Burgess titled "HEIST". I annex a couple of pages where my contribution to the cases are discussed. With their callous and malicious actions they are seeking creating the impression that these well researched biographies, as far as my involvement are concerned, are based on unethical and criminal actions by myself.

Annexure " Z" – Extraction of "HEIST" written by Anneliese Burgess

25.

On 14 June 2018 my legal representative sent a letter to Mr Nkabinde to retract his false and defamatory statements failing which further legal action will be instituted against him.

26.

The block contains two sets of handwritten marks. The first set on the left consists of a large, stylized signature that appears to be 'Z' or 'JZ'. The second set on the right consists of two smaller, more compact signatures or initials, possibly 'JB' and 'AB'.

PRETORIA CENTRAL CAS 1229/15/2018

Page 14 of 16

In stead of retracting his defamatory statements, he retaliated by speaking to the media which ended in a publication in the Sunday Tribune of 17 June 2018. Mr Nkabinde resides in Durban and boasted about his media connections mentioning Mr Zungu, who happens to be the author of the article, refer to Annexure "AA" – Copy of article in Sunday Tribune dd 17 June 2018. Mr Zungu phoned me on Friday 15 June and asked me if it is true that I do not have matric certificate and to comment on the allegations. Mr Zungu told me that he is investigating a complaint that was raised against my appointment. I told Mr Zungu that this issue has been investigated internally and referred him to Mr Moses Dlamini, the IPID media liaison official. I denied that I ever claimed to have any tertiary qualifications. Mr Zungu did follow up with Mr Dlamini, but still published an article which headed: "*Ipil staff challenge deputy director's appointment*". In this article Mr Zungu alleges that my appointment at IPID was irregular and that I am not suitably qualified for the post. The Sunday Tribune is a national newspaper which is distributed all over South Africa. I was extremely distraught after receiving the call from Mr Zungu. My husband phoned my on Sunday 17 June 2018 to tell me that the article has been published and I could only cry when hearing the news. I felt angry, sad and humiliated by the article.

27.

I went to the Human Resource Division of IPID and asked for a copy of the grievance registered by Nkabinde as earlier discussed in par 19. I hereby attach a copy as Annexure "AB". Apart from making unfounded allegations the following alarming claims are made in his grievance.



Pretoria Central CAS 1229/09/2018

Page 15 of 16

27.1 He states that : "In 2015 I was in a panel in KZN office where Ms Botha applied for the Principal Investigator post and I have sight of her CV and noticed that she is an Admin Clerk" which means that he was prejudiced towards me because of the rank I held in SAPS and did not take the contents of my CV into account at all.

27.2 It is also very upsetting that he accessed my personnel records for private gain, as he stated that I do not have any relevant training – which he retrieved from the SAP96 records. My training record was not kept up to date by SAPS – a function that I have no control over. I was however required to keep a skills audit document up to date, which was certified as correct by my direct commander. See Annexure "AC".

28.

I cannot afford the behaviour of Mr Nkabinde and General Mabula to destroy my career, which I have built over many years. I feel that it has been done maliciously with the intent to discredit me as a witness in future and to derail the IPID investigations.

I know and understand the contents of this declaration

I have no objection to taking the prescribed oath

I consider the oath to be binding on my conscience




THEREZA HEATHER-MAY BOTHA

I certify that the deponent knows and understand the contents of this affidavit and that the deponents' signature was placed thereon in my presence at Pretoria on 11 Julie 2018 at 16:00.




Pretoria Central Cas 1229/09/2018

Page 16 of 16


COMMISSIONER OF OATHS
Huibrecht Christina
Stemmet
Old SARS Bld.
A.J West Street
Bellville.
Colonel.



"SAA8"

PRETORIA CENTRAL CAS 1229/05/2018
MR. K.M. MATLAKENG

A29...

AFFIDAVIT

I, KLEINBOOI MOTE MATLAKENG solemnly declare as follows:

1.

I am an Investigator with persal number 0533397-1, employed as Deputy Director: Investigations at IPID, 114 Madiba Street, Pretoria, with work telephone number 012 399 0000 and cell phone 083 428 7032

2.

Save where the contrary appears from the context, or where I declare otherwise, the facts herein deposed to fall within my personal knowledge and are to the best of my belief true and correct.

3.

I am the investigating officer of Pretoria Central CAS 1229/05/ 2018 allegations being that of Corruption and Defeating the ends of justice.

4.

On Monday 2018-11-12 at 11:00 it was identified that, as a Commissioner of Oath I made a mistake of dating affidavits of Mr Mandla Mahlangu(A1), Mantsha Raphesu(A2) and Temane Binang(A3) 25th of March 2018 and the correct date should be 25th of May 2018.

5.

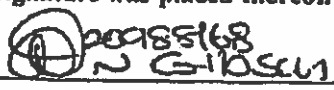
I know and understand the contents of this declaration.

I have objection in taking the prescribed oath.

I do not consider the prescribed oath to be binding on my conscience.


K.M. Matlakeng

This statement was handed over to me by the deponent. I certify that the deponent has acknowledged that he knows and understands the contents of this statement. This statement was affirmed before me and the deponent's signature was placed thereon in my presence at Pretoria on 2018-11-12 at 13:40.


COMMISSIONER OF OATHS
NTOMBIMPELA GIBSON
IPID
114 MADIBA STREET
CITY FORUM BUILDING
PRETORIA



SWORN STATEMENT

MANANA LEONORA BAMUZA -PHETLHE

States under Oath in English

.01.

I am an adult female with persal number 0532310-0 and identity number 750318 0320 083, holding a rank of a Brigadier, stationed at Technical Support Unit at 239 Propshaft Street, Silverton, Pretoria with the following contact details: 012-8103700/Phetlhem@saps.gov.za

.02.

I would like to state that on Monday 18 June 2018 at approximately 10:00 I had IPID investigators in my office who came to interview me on a Fraud, Corruption and Defeating the Ends of Justice case as per Pretoria Central CAS 1229/05/2018. The investigators introduced themselves as Ms. Gibson of which I had met her before, Mr. Sehas, Mr. Subramaney and Mr. Govender. I was presented with a memorandum that was signed by Mr. Nkabinde of IPID addressed to the Minister of Police, Minister Bheki Cele dated 28 April 2018.

I read the memorandum and requested a copy of which I was given. I was also interviewed based on the allegations that pertain to my name on the same memorandum.

.03.

I would like to state that I have met several IPID personnel for criminal investigation purposes. I cannot recall the dates and time I had met Mr. Nkabinde for the first time when he came alone to Erasmuskloof office to interview General Mokhushane. I had not discussed anything with him except for the introduction and let him to meet General Mokhushane.

.04.

On the second occasion I met Mr. Nkabinde when he came to the office at Erasmuskloof. This time he came with Mr. Mc Bride, Mr. Khuba and Mr. Sesoko. They came to meet General Mokhushane. I was not part of their discussions.

.05.

I met Nkabinde and Mr. Mc Bride again at IPID offices. Brigadier Hlungwani was also part of the meeting. I would like to clarify Mr. Nkabinde had arranged the meeting. He indicated that it was urgent for us to meet. Upon our arrival at IPID we went to the 9th Floor but there was no one. He received a call and he indicated the caller was Mr. Sesoko who informed him that Mr. Mc Bride was waiting at the 9th Floor. Mr. Nkabinde was upset that Mr. Sesoko knew about the meeting and that meeting was supposed to be confidential. He further indicated that he was worried that Mr. Sesoko could be leaking information about that meeting and I could be assassinated. Mr. Nkabinde had informed me that Mr. Sesoko, Mr. Khuba and Mr. Binang want to assassinate me. We moved up and down until we moved back to the 9th Floor again.

.06.

Upon our arrival on the 9th Floor we found Mr. Mc Bride waiting for us. We sat in the office and I expected them, the IPID members to explain what the purpose of the meeting or the agenda. It went quiet with no one talking. It felt so awkward. When I looked at Mr. Mc Bride

he was also waiting for us to talk. Eventually Mr. Nkabinde spoke. Mr. Nkabinde informed Mr. Mc Bride that I and Brigadier Hlungwani were trustworthy we would never give false information about him as the Crime Intelligence members want. Mr. Nkabinde further informed us that he had information that Crime Intelligence people went to President Ramaphosa and reported that all investigations conducted by IPID against Crime Intelligence, information contained was false, Mr. Mc Bride influenced witnesses to lie.

Mr. Mc Bride asked me and Hlungwani if what we had reported at IPID was false and he further asked were we influenced by him or any other member to report anything or to lie about anyone.

I responded by saying everything that I had reported at IPID. I was never influenced and there were no lies in everything I had reported. I was neither influenced nor impressing anyone, did I just report criminal activities to IPID.

Brigadier Hlungwani also indicated that he will continue to co-operate with IPID and that he has never reported any false allegation to IPID and further that he was never influenced by Mr. Bride. He also vouched to fight crime

Mr. Mc Bride indicated that he is happy that we are dedicated in fighting crime and nothing else.

I might also add that Mr. Nkabinde had mentioned earlier on, said to me not during that meeting that General Mthiba, General Sitole, General Mfazi, General Ngcobo, Brigadier Kgomo, General Nemutanzhela, General Zimu and Brigadier Shabalala were working with Mr. Khuba and Sesoko devising a plan to assassinate me and Mr. Mc Bride.

I had met Mr. Nkabinde on several occasions casually. On one other casual occasion I, Mr. Nkabinde and Mr. Mc Bride met at a restaurant at Menlo Park where we celebrated the appointment of General Sitole as a National Commissioner. During this meeting nothing serious was discussed except for Mr. Nkabinde who warned Mr. Mc Bride to be careful of Mr. Sesoko and Mr. Khuba because they were working with SAPS senior management since they wanted to get rid of him so that either Mr. Khuba or Mr. Sesoko want Mr. Mc Bride's position that of an Executive Director of IPID.

.07.

I would like to state that I have read the memorandum presented to me by IPID and I would like to state categorically that I had never been requested by Mr. Mc Bride or any IPID member to falsely implicate any Crime Intelligence official. I had never approached Brigadier Hlungwani on behalf of IPID to falsely implicate anyone. All the complaints that I made and were taken over by IPID were true and I was never influenced to open such cases. Mr. Nkabinde is not telling the truth. He actually had manipulated everyone and now the truth is out. All this time as informed by Mr. Nkabinde, believed that SAPS and Crime Intelligence members were working with Mr. Khuba and Sesoko of IPID devising a plan to assassinate me and Mr. Mc Bride but I am shocked about the contents of his memorandum. It is clear that Mr. Nkabinde is manipulative and cannot be trusted.

Mr. Nkabinde had also informed me that General Ngcobo promised him a Brigadier post in return to bring Mr. Mc Bride down. Mr. Nkabinde would always give contradicting information now I know it was because he made up stories.


I will at a later stage avail all the emails, messages between me and Mr. Nkabinde and they should be attached in my statement.

.08.

I know and understand the contents of this statement.
I have no objection on taking the prescribed Oath.
I consider the prescribed Oath to be binding on my conscience, so help me God.

Deponent's signature  _____

I CERTIFY THAT THE ABOVE STATEMENT WAS HANDED OVER TO ME BY THE DEPONENT. THE DEPONENT HAS ACKNOWLEDGED THAT SHE KNOWS AND UNDERSTANDS THE CONTENT OF THE STATEMENT. THE DEPONENT HAS NO OBJECTION IN TAKING THE PRESCRIBED OATH. THIS STATEMENT WAS SWORN TO BEFORE ME AND THE DEPONENT'S SIGNATURE WAS PLACED THEREON IN MY PRESENCE AT SILVERTON ON 2018-06-18 AT 12:10



**COMMISSIONER OF OATHS
NTOMBIMPELA GIBSON
114 MADIBA STREET
CITY FORUM BUILDING
PRETORIA
DEPUTY DIRECTOR:
INVESTIGATIONS
IPID: NATIONAL OFFICE**



"SAAIO"

SWORN STATEMENT OF CANDICE COETZEE

I, Candice COETZEE state under oath in English:

.01.

I am an adult female with identity number 641202 0026 085 and Persal number 7194808-2. I am employed by the South African Police Service attached to the Crime Intelligence Division situated at 463 Prieska Street, Erasmuskloof holding a Rank of a Lt. Colonel, a contact details: 074 440 5261,

.2.

The facts contained in this affidavit are within my personal knowledge, unless it appears to the contrary are to the best of my belief both true and correct.

.03.

I would like to state that on 2018-05-23 I have seen a memorandum that had been written by Mr. Nkabinde of IPID addressed to the current Minister of Police, Mr. Bheki Cele. Upon perusing and reading the said memorandum, I noticed that Mr. Nkabinde had made allegations against IPID, and or the IPID Executive Director Mr. Mc Bride

.4.

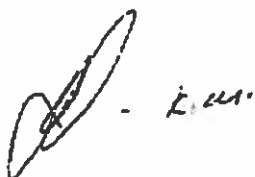
During early December 2016 I was invited to a braai by Paul O'Sullivan in Bedfordview in Kloof road. I was led to believe that it was a Christmas braai and saw no problem with attending.

.5.

There were a few other people present at the gathering being Sarah Trent from Paul's office, Mr McBride and I don't recall if it was one or two members from his office. Shadrack Sibiya ex-Hawks was there as well as Angelique an author that had just published a book on Krejcir. The witness on one of the Krejcir cases was also there and he did the braaing. During the braai Paul told us that he had completed a document called "Joining the Dots" of which he handed us a copy. No members from the DA or Afriforum were present at this meeting.

.6.

There was no plot because it was Christmas party. We never discussed the issue pertaining to the funds because there were no Afriforum members at the party. On the issue of bringing down the entire justice system I cannot comment further because it is all lies.



PRETORIA CENTRAL CAS -1229/05/2018

SWORN STATEMENT OF CANDICE COETZEE

.7.

Thereafter everyone basically ate and left because Paul had said that he was leaving for an overseas trip.

.8.


I know and understand the contents of this statement.

I have no objection to taking the prescribed oath.

I consider the prescribed oath binding on my conscience.


.....
DEPONENT'S SIGNATURE

I CERTIFY THAT THE ABOVE STATEMENT WAS TAKEN DOWN BY ME. THE DEPONENT HAS ACKNOWLEDGED THAT HE KNOWS AND UNDERSTANDS THE CONTENTS OF THIS STATEMENT. THE DEPONENT HAS NO OBJECTION ON TAKING THE PRESCRIBED OATH. THIS STATEMENT WAS SWORN TO BEFORE ME AND THE DEPONENT'S SIGNATURE WAS PLACED THEREON IN MY PRESENCE IN PRETORIA ON 2018-07-11 AT 09:20



COMMISSIONER OF OATHS
KLEINBOOI MOTE MATLAKENG
114 MADIBA STREET
CITY FORUM BUILDING
PRETORIA
DEPUTY DIRECTOR: INVESTIGATIONS
IPID/NATIONAL OFFICE

PRETORIA CENTRAL CAS 1229/05/2018

SWORN STATEMENT OF CANDICE COETZEE

I, Candice COETZEE state under oath in English:

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.2.

The facts contained in this affidavit are within my personal knowledge, unless it appears to the contrary are to the best of my belief both true and correct.

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.4.

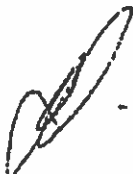
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.5.

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.6.

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 - L. M.



PRETORIA CENTRAL CAS 1229/05/2018

SWORN STATEMENT OF CANDICE COETZEE

.7.

Thereafter everyone basically ate and left because Paul had said that he was leaving for an overseas trip.

.8.

I know and understand the contents of this statement.


I have no objection to taking the prescribed oath.

I consider the prescribed oath binding on my conscience.

.....

 DEPONENT'S SIGNATURE

I CERTIFY THAT THE ABOVE STATEMENT WAS TAKEN DOWN BY ME. THE DEPONENT HAS ACKNOWLEDGED THAT HE KNOWS AND UNDERSTANDS THE CONTENTS OF THIS STATEMENT. THE DEPONENT HAS NO OBJECTION ON TAKING THE PRESCRIBED OATH. THIS STATEMENT WAS SWORN TO BEFORE ME AND THE DEPONENT'S SIGNATURE WAS PLACED THEREON IN MY PRESENCE IN PRETORIA ON 2018-07-11 AT 09:20



 COMMISSIONER OF OATHS
 KLEINBOOI MOTE MATLAKENG
 114 MADIBA STREET
 CITY FORUM BUILDING
 PRETORIA

DEPUTY DIRECTOR: INVESTIGATIONS
 IPID/NATIONAL OFFICE

I GLADWI MAFUNA states under oath in English that

1

I am an adult male with identity number 7408025766088, forty three (43) years of age. I am an employee of the State Security Agency and employed as an Intelligence Officer. I have been seconded to the Independent Police Investigative Directorate as a VIP Protection Officer to the Executive Director, Mr. Robert McBride since the 1st of March 2017.

2

My primary functions are to provide both intransit and static protection to the Executive Director. Intransit protection entails making sure that the Executive Director is protected from the moment I pick him up from his residence in the morning and transport him to either the office or to his official engagements. Static protection entails the provision of protection to the Executive Director at the venue he would be having his official meetings/engagements and at his office situated at 114 Madiba Street in Pretoria.

3

On the 24th of May 2018 at about 14H00, Mr. McBride called me into his office and handed me a document to read. The document was a statement/letter that Mr. Nkabinde had written to the Minister of Police, the Honourable Mr. Cele (MP). In the letter, Mr. Nkabinde mentions that I was present during a meeting that was held at Mr. Mandla Mahlangu's residence sometime in March 2018. Mr. Nkabinde further states that at the said meeting was to plot or strategize on how discredit certain individuals been investigated by IPID and to leak a certain video about General Sitole (SAPS National commissioner) to the media. He further alleges that this plot was made by Mr. McBride.

4

I want to categorically deny the allegations been made by Mr. Nkabinde. What he claims to have been a meeting, was actually a social gathering amongst friends, Mr. Nkabinde included. It is worrying and very disturbing for Mr. Nkabinde to suggest that cases were discussed and what steps would be taken to against certain individuals so as to tarnish their image. Mr. Nkabinde is being very economical with the truth.

5

There is nothing more that I wish to add about this issue and I made this statement out of my own free will. I was not coerced or forced in any form by anyone.

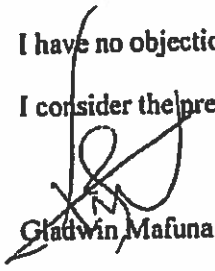


Pretoria Central CA 1229/05/2018.

I know and understand the contents of this statement.

I have no objection in taking the prescribed oath.

I consider the prescribed oath binding on my conscious.


Gladwin Mafuna

<p><i>Indica</i></p> <p><i>2018-05-28 om 17:45</i></p>	
<p><i>742000-3</i></p> <p><i>GOVERNOR</i></p> <p>(HANTEKENING) KOMMISSARIS VAN EDE (SIGNATURE) COMMISSIONER OF OATHS</p>	
<p><i>114</i></p> <p><i>WADISA STREET, PRETORIA</i></p> <p>ADRES (STRAATADRES) ADDRESS (STREET ADDRESS)</p>	
<p><i>BITI FOLUM BULAWAY</i></p> <p><i>PROSECUTOR GENERAL</i></p> <p>PROSECUTOR</p>	



I Petro Heyneke, the undersigned state under oath:

1

I am an adult female, employed at Vodacom Group (PTY) LTD, Vodacom Service Park, 082 Vodacom Boulevard, Noordwyk, MIDRAND, in the capacity of Forensic Liaison Manager.

2

The facts contained herein are to the best of my knowledge and belief true and correct. I am making this statement knowing that, if it is tendered in evidence, I will be liable to prosecution if I willfully stated anything I know to be false or which I do not believe to be true.

3

I have been employed by Vodacom for 16 years and 6 months. I am responsible for the Legal Disclosures and therefore have access to the systems storing call data related information. I have met Thereza Botha around 2007 during the trial of the KZN 26 gang, a trial that continued for almost five years. She was involved in the analyzing of the call data records and I was subpoenaed to testify on more than one occasion on the case. We have kept contact with one another over the years and we have testified together in several cases. Whilst employed by SAPS she was involved in the investigation of several high profile cases and I would assist her with the conversion of PDF data to Excel, to enable the analysis of call data records. I would always confirm this with the Investigating officer prior to the release of data, to ensure that she was indeed the analyst in the case and entitled to receive the data.

4

I was aware that some time last year, Thereza left the employment of SAPS and accepted a job offer with another private company. I was also informed later in the year that she joined IPID. All the networks testified together in the Panyiotou murder trial and I recall forwarding her information in Excel prior to the trial after I was requested to do so by the state Advocate, Marius Stander from Port Elizabeth High Court. All of this information has already been made available to the state and the investigating officer and the state Advocate gave consent to this release.

5

I recall meeting Thereza Botha once at my office after she joined IPID. She was accompanied by two other gentlemen, one who was the investigating officer. I accepted three or so subpoena's from them, all referenced by their Head Office. The reason why this was delivered by hand is because their Head Office at that time, and is currently still experiencing problems with access to the front end of Vodacom's NEMO (Network Monitoring Event System). This access would allow them to upload a SECT 205 electronically on their side and after correlation and processing the information on our side, enable them to access and retrieve the requested information on their side.

C2 - VODACOM RESTRICTED

This information can be shared internally and in some cases with (trusted) third parties.



6

I have never been approached by Thereza to release information prior to the obtainment of a subpoena.

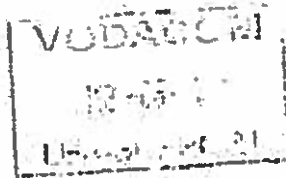
I have never released any data otherwise to which she was entitled to receive. I have never confirmed any fact relating to call data records concerning any other person to her. I deny the allegation of being her contact as to my knowledge she has dealt with all the networks in the analyzing of call data records. She has never received any information from me that was followed up with a SECT 205 subpoena after the fact.

7

Vodacom's employee's full access to NEMO requires Top Secret clearance conducted by the State Security Agency. The system is fully auditable and hold records of viewing of a number, processing of data and downloading of information. A user is not able to tamper or delete these audit trails.

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

Petro Heyneke
Forensic Liaison Manager: LEA Support
Vodacom



I certify that the deponent acknowledged that she knows and understands the contents of this declaration. This declaration has been sworn before me and the deponent's signature affixed thereto in my presence.

Commissioner of Oath:
Name: *KLEINBROU MOPE MATOPKENG*
Designation: *DEPUTY DIRECTOR: INVESTIGATIONS*
Address: *114 MADIBA STREET, PRETORIA,
1P.12*

C2 - VODACOM RESTRICTED

This information can be shared internally and in some cases with (trusted) third parties.

SWORN STATEMENT OF BRIGADIER

TIYANI LINCOLN HLUNGWANI

I, the undersigned, **TIYANI LINCOLN HLUNGWANI**

Do hereby make oath and state the following in English:

.01.

I am an adult African male with identity number 8805095886085 and Persal number 72181591. I am employed by the South African Police Service attached to the Crime Intelligence Division situated at 463 Prieska Street, Erasmuskloof holding a Rank of a Brigadier, a Section Head Financial and Administration Services in the Secret Services Account with the following contact details: 0609974713 email: Hlungwanitl@jpdienste.co.za

.02.

The facts contained in this affidavit are within my personal knowledge, unless it appears to the contrary are to the best of my belief both true and correct.

.03.

I would like to state that on 2018-05-23 I have seen a memorandum that had been written by Mr. Nkabinde of IPID addressed to the current Minister of Police, Mr. Bheki Cele. Upon perusing and reading the said memorandum, I noticed that Mr. Nkabinde had made allegations against IPID, and or the IPID Executive Director Mr. Mc Bride, Brigadier Phetlhe and myself where he alleged that I have been approached to "fabricate incriminating statement against the then Acting Divisional Commissioner of Crime Intelligence: Major General KB Ngcobo, The

Tl K-M



PROTOKOL CENTRAL CAS 1239/05/2018

SWORN STATEMENT OF BRIGADIER

TIYANI LINCOLN HLUNGWANI

National Commissioner : General K Sitole ,Lt General Vuma, Lt General Tsumane, Bongani Mbindwana as well as the owner of I-view Integrated Systems" on the aborted procurement of a grabber from I-view Integrated Systems on the eve of the NASREC elective conference of the ANC.

.04.

I would like to state that I had good working relations with Mr. Nkabinde of IPID since around July/August 2017 until recently. I would like to state my disappointment and objection to the content of his memorandum. I will only address what is directed to my name in the said memorandum.

.05.

Around July/August 2017 I received a call from the office of the Divisional Commissioner of Crime Intelligence where I was instructed to come to the office of the Acting Divisional Commissioner at the time Major General PM Mokushane , I informed my commander at the time Major General Nmutandzhela that I was wanted at the Divisional Commissioner's office. When I got to the Divisional Commissioner's office I was introduced by Major General Mokushane to the following members of the IPID: Mr Robert McBride, Mr Mathews Sesoko and Mr Nkabinde all of whom I was meeting for the first time. They explained to me that they were busy with an investigation relating to the procurement of the blinds which implicated Major General Nmutandzhela, the CFO of the Secret Services Account. They then explained what IPID is and what they do and then Major General Mokushane advised that if there is any malfeasance I identify in my area of work, I have a duty as a Police

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Tl K M

**SWORN STATEMENT OF BRIGADIER
TIYANI LINCOLN HLUNGWANI**

Officer to report the matters to IPID. I then went to an official (whom I am not at liberty to reveal) I consider a mentor to confirm whether I can assist/report any malfeasance to the IPID and the official confirmed such and advised that I must assist to clean up the environment in which I operate.

06.

I met Mr Nkabinde again at one of the National Department's buildings where we had a follow up meeting from our first meeting, the other people present in the meeting were Mr McBride, Mr Khuba and Mr Sesoko. We chatted for at least 30 minutes about my concerns regarding my work environment and the lack of effective controls which makes the environment very vulnerable to fraudulent activities and the rest were not work related.

07.

I subsequently met with Mr Nkabinde at the Crime Intelligence head office where he was interviewing the witnesses on the blinds issue that Major General Nmutandzhela was also implicated. He asked that I provide a statement on the process of the supply chain management, of which I do not recall giving.

08.

By then I had developed a close working relationship with Mr Nkabinde who shared a lot of technical knowledge in the area of investigations, I would visit his guest house on a regular basis where we would discuss various matters which sometimes were related to work and the workings

Tl K.M.



PROBATION CENTRAL CAS 1229/AS/2018

**SWORN STATEMENT OF BRIGADIER
TIYANI LINCOLN HLUNGWANI**

of the IPID. On a specific day, I was called to the IPID offices on the matter of the blinds where I briefly met Mr Nkabinde, Colonel Roelofse, Mr McBride, Mr Sesoko and Mr Khuba. There was no discussion whatsoever except for an advice from Colonel Roelofse that I should be very careful in my work at CI as the people would make me approve transactions that will lead me in jail

09.

Around September 2017 or thereabout, I reported a suspected corrupt transaction to the office of the Divisional Commissioner who then reported the matter to the IGI who had a working relationship with IPID, I was then interviewed by Mr Subramoney, Mr Rapesu and another colleague from IPID where I then promised to hand the statement to Mr Subramoney. I then subsequently handed the statement to Mr Nkabinde who came to interview me and a Lt Colonel in my unit.

10.

My working relationship with Mr Nkabinde grew closer where I use to visit him at his guest house where I would seek advice on a matter that I was being accused of having transferred money illegally into an account of Brigadier Phetlhe, therefore contravening the PFMA. The advice was offered by Mr Nkabinde as I had already written a statement on the matter after being approached by the Investigating Officer Brigadier Shanyana Shabalala for a warning, Mr Nkabinde was so generous to advice and even said that it was not clear what I was being accused of. Mr Nkabinde explained the politics of the investigation as it seems the investigator were looking to "nail" Brigadier Phetlhe. I ended up seeking ~~advice~~ *from*

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**SWORN STATEMENT OF BRIGADIER
TIYANI LINCOLN HLUNGWANI**

not submitting the statement to the Brigadier Shabalala as the advice Mr Nkabinde gave me was consistent with what I got from my lawyers. Around November 2017 or there about, a contact of mine warned me against being close to 'Mr Nkabinde as he believed he was a double agent working with our Counter Intelligence and indicated that he doesn't want me to be caught in the crossfire. I did not take this serious as I had done nothing wrong nor disclosed any information to Mr Nkabinde or any member of the IPID.

11.

Around 13th or 14th of December 2017, I sent Mr Nkabinde a text that management want to urgently purchase a grabber from I-view Integrated Systems which I found very odd given the serious allegations against the company to which Mr Nkabinde replied "Wololo", I took it that he was fatigued about I-view Integrated Systems matters.

12.

I went on leave and when I returned, IPID was investigating the matter of the aborted procurement of the grabber from I-view Integrated Systems, I was given a notice of suspension or transfer from the Division as SAPS Top Management were apparently not happy with me but the notice was for the transfer of advance application money into Phetlhe's account, when I duly responded to it, I was then advised to stay at home by the Acting Divisional Commissioner even though my response to the notice was accepted without further communication. I was contacted by Mr Raphesu from IPID who requested to meet for an interview, we had a series of chats through WhatsApp. I then called Brigadier Phetlhe to find

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T. Hlungwani

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**SWORN STATEMENT OF BRIGADIER
TIYANI LINCOLN HLUNGWANI**

out if she knew Mr Raphesu from IPID, she then advised that I talk to Mr Nkabinde to find out. I spoke to Mr Nkabinde who then advised that I come see him, I went to see Mr Nkabinde at his guest house. He told me that he could not be seen with me as his colleagues have sidelined him, he then advised against giving a statement on this new I-view Integrated Systems matter as Mr McBride is a politician, is playing politics and his contract is coming to an end therefore there will be no one to protect "us" when he finally move on. He told me that I will be bringing the whole Top Management of the SAPS down and I must be aware that these people are very powerful people and have just been appointed therefore I will be fighting against the whole Police Force as I will be taking down the National Commissioner and his two deputies and the Acting Divisional Commissioner of Crime Intelligence and that the generals can get hitmen to kill me. He said it was not worth it and if they call me again for a statement I must call him so we can strategize as the crime did not happen therefore the IPID should let the matter go. I did agree to see him again on the matter

13.

I met Mr Nkabinde again with Brigadier Phetlhe and Mr McBride at night at the offices of the IPID on the 15 January 2018, the reason I agreed to meet at night was because I was going to assist a friend to procure a vehicle at Hyundai wonderboom and I already had an appointment with them (this can be confirmed with the dealership). I met the above mentioned at the IPID where Mr McBride spoke of the great working relationship he had with the Minister and his special advisor and he felt betrayed at this matter of the I-view Integrated Systems as the SAPS Top

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TL K.M.



PRETORIA CENTRAL CTS 1229/03/2018

SWORN STATEMENT OF BRIGADIER

TIYANI LINCOLN HLUNGWANI

Management knew that IPID was investigating the service provider therefore were undermining these relationships and the great work both parties had already done thus far. He did mention that the IPID will approach me again for a statement on the matter, of which I indicated that I had no problem. It must be noted that the meeting I was going to have with the IPID I already discussed it with my Acting Divisional Commissioner Major General Ngcobo earlier in the day but I was surprised when I received a text from him the following day late night that "Chief, do not be misled by Phetlhe, at IPID last night". We then resolved the matter with the Acting Divisional Commissioner and I advised him that there is no way I will give a statement if I do not get a go ahead from him or our legal advisor Brigadier Chili. Shortly afterwards, I was confronted by Brigadier Ximba who said that a contact of his told him I was going around telling IPID that they wanted to buy votes, I assured him that it is not the case, we then went to the Acting Divisional Commissioner's office where he (Brigadier Ximba) suggested we do a polygraph of which I was very happy to do as I have never said anything to anyone about buying of votes as I know the procurement was of a grabber and nothing else. Major General Ngcobo then said to me that I should not worry as he is also being accused of helping Cyril Ramaphosa to win the elections.

14.

I met Mr Nkabinde again around February 2017 or there about at corner Pretorius and Hamilton street where he was staying at a hotel next to Muelmed Hospital, we could not get into his hotel room as he feared that Mr Khuba who stayed at the same place will see us and report to the IPID

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T. L. H.

PRETORIA CENTRAL CAS 1229/05/2018

**SWORN STATEMENT OF BRIGADIER
TIYANI LINCOLN HLUNGWANI**

team back at work. We took a walk where I indicated that I feel pressure as the IPID wants a statement and I do not know what to do in this instance as the Acting Divisional Commissioner does not want me to hand over a statement to the IPID, Mr Nkabinde then indicated that he will talk to the National Commissioner to get me a legal representative so that when the IPID calls or subpoena me I have a lawyer with me, he then advised that I also have a right to tell them that I can only do an interview with my lawyer if I am called. He also asked about the role of Brigadier Chili as the IPID team is upset with him that he wrote them a letter about the documents being classified. I responded that he was only doing his job and is an honest man. He then mentioned again that I may even be killed if I submit any statement as I will be fighting the SAPS Top Management. Mr Nkabinde also mentioned that Phetlhe is throwing me under the bus as she went to the office in his car because she wanted to conceal the fact that she was at the meeting that day, I responded that I know but I do not care because I have nothing to hide from anyone, He then advised that whenever they call me for an interview I must insist that he is part of the interview, then I went back home afterwards.

15.

I began to feel a bit suspicious of Mr Nkabinde when Major General Ngcobo advised me to call Mr Nkabinde every time IPID called me for a statement as well as when he said that they have Intelligence on the activities of McBride. It confirmed what I was told previously that Mr Nkabinde might be compromised.

16.

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T L H

PRETORIA CENTRAL CAS 1229/CS/2018

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TIYANI LINCOLN HLUNGWANI**

I was called to two meetings of the SAPS at Maupanaga regarding this I-view matter, the first meeting was attended by Lt General vuma, Lt General Tsumane , Lt General Khan, an African female Major General from Legal Services, Major General Ngcobo ,a white male Brigadier from Legal Services, Brigadier Chili and Brigadier Chan ,the meeting discussed the summons of the IPID for an interview and that we must all apply for legal representation so the Legal Services Division can get us lawyers to go with us to IPID. The second meeting was attended was attended by Major General Ngcobo, Brigadier Thethiwe, an Attorney and the National Commissioner on the 23 March 2018 in his office where the legal approach was discussed and when we finalised with the lawyer, the National Commissioner then asked me about the Daedalus, whether we had a contract with the company as Obert was there, I told him I will look into it and set up an appointment but the whole Daedalus was extremely overpriced and corrupt. I then left my details with the secretary for a meeting with him but it never happened as I was walking out of the building after the meeting, I bumped into Brigadier Thethiwe on the corridors who then asked me why I got involved in the matter of the R50 000,00 of Brigadier Phetlhe and that I was still young therefore am destroying my future. I told him that I have nothing to do with that matter and if anyone has evidence on my part, they should bring it forward so that we can go through the process, he then said that Obert and Brigadier Shabalala were there and he saw the evidence against Phetlhe and she was also there earlier and was very disrespectful and threatening to take them to court therefore he shall give her straight dismissal once the disciplinary process starts. There was nothing I could say, then the Acting

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**SWORN STATEMENT OF BRIGADIER
TIYANI LINCOLN HLUNGWANI**

Divisional Commissioner invited me for a function at one hotel later that day, I didn't manage to go as I had other commitments.

17.

I do not think I visited nor had a meeting with Mr Nkabinde again after that period save to say we spoke from time to time where he would tell me that Brigadier Phetlhe is saying that the Generals did not suspend me as they know I have something on them, this prompted me to write to Generals Tsumane and Ngcobo as well as Brigadier Chili to say if I have done anything wrong, they are welcome to pursue me so I can clear my name.

18.

I am not an angel but those who know and have worked with me would know very well that I am nobody's darling nor stooge. I think for myself, I seek guidance from the relevant colleagues on any important matter, I sought counsel of our Acting Divisional Commissioner, General N^g_o^o as well as our Legal Advisor on the matter and it was not the right time to submit the statements as there were still consultations processes. I have not served anyone's agendas, I was only drawn into all of this while I was going on about my work. It disappointed me greatly that Mr Nkabinde mentioned my name in his memorandum to the Minister as I only met him with McBride and Phetlhe once since General Sithole became a National Commissioner and I do not remember any other time pre-Sithole era other than mentioned when I met him with McBride or Phetlhe. I could not have been part of that "plot" to take down the colleagues mentioned in that report as I have utmost respect for them and their

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TL K.M.

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**SWORN STATEMENT OF BRIGADIER
TIYANI LINCOLN HLUNGWANI**

standing in the organisation. I sent Mr Nkabinde a text to indicate the same, that if maybe he has some kind of recording that unveils this plot he can then make it public so that the Nation can see the type of dishonest cop I am. There is absolutely no one from the IPID that asked me to fabricate any statement to implicate the leadership of the SAPS in criminal behaviour and I wouldn't have agreed to such an unethical behaviour.

19.

In our line of work, we build working relationships with various individuals within the oversight bodies where we sometimes ask them to look into matters that concern us and those relationships are based on trust and nothing else. I had that trust relationship with Mr Nkabinde, he even invited me to his mother's unveiling in KZN of which I could not attend due to other commitments but once that trust is gone, it can never be regained, Mr Nkabinde has broken that trust between him and I. It is also concerning that I gave him statements regarding to the I-view Integrated Systems matter where there is a strong prima facie case of corruption, I suspect that copies of these statements that my colleague and I gave to Mr Nkabinde might have ended with the accused parties which is dangerous and seriously unfortunate.

20.

Lastly, I have been long enough in the service to know that appointments of individuals are based not on skill and competence but patronage, I was lucky to be appointed at the time as I had an Acting Divisional Commissioner who believed that skill and competence should triumph

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TIYANI LINCOLN HLUNGWANI

over patronage and wanted someone from the outside to help change the workings of the account. These patronage networks have done a great disservice to our country and its people as the SAPS is thus far failing to combat the violent crimes that has engulfed the country's citizens yet we are fighting over alleged corrupt behaviour of cops, it has also disadvantaged a lot of skilled, ethical and competent cops in favour of corrupt networks who are only there to do someone's bidding. I think it is this same patronage networks that convinced Mr Nkabinde to make such baseless allegations against the people mentioned so he can get his reward, a promotion. These types of "battles" are not right as they will end up exposing some of our names in the media which will be a very much unfair and unethical thing to do as we are in a covert space therefore we must remain as such in order to do our work.

.21.

I want to state on record that I have always been honest in my engagements with IPID members and my leadership at CI has always been aware when I engaged IPID. I have no promises of promotion nor am I influenced by the Politics of the day. If I was indeed seduced by the prospects of promotions, I would probably be the most popular senior manager at CI but I have instead made "powerful" enemies within the division and outside of it due to my stance on many things that have gone wrong and that is a fact.

~~22~~ 22 *A*

I know and understand the contents of this statement.

I have no objection to taking the prescribed oath.

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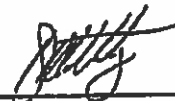
PRETORIA CENTRAL CAS 1229/05/2018.

**SWORN STATEMENT OF BRIGADIER
TIYANI LINCOLN HLUNGWANI**

I consider the prescribed oath binding on my conscience.


.....
DEPONENT'S SIGNATURE

I CERTIFY THAT THE ABOVE STATEMENT WAS HANDED OVER TO ME BY THE DEPONENT. THE DEPONENT HAS ACKNOWLEDGED THAT HE KNOWS AND UNDERSTANDS THE CONTENTS OF THIS STATEMENT. THE DEPONENT HAS NO OBJECTION ON TAKING THE PRESCRIBED OATH. THIS STATEMENT WAS SWORN TO BEFORE ME AND THE DEPONENT'S SIGNATURE WAS PLACED THEREON IN MY PRESENCE IN PRETORIA ON 2018-06-11 AT 10:00



**COMMISSIONER OF OATHS
KLEINBOOI MOTE MATLAKENG
114 MADIBA STREET
CITY FORUM BUILDING
PRETORIA
DEPUTY DIRECTOR: INVESTIGATIONS
IPID/NATIONAL OFFICE**

STATEMENT OF BRIGADIER D.D CHILI

"SAA14" 09

SWORN STATEMENT

I, the undersigned,

DUMISANI DENNIS CHILI

Do hereby states the following under Oath in English.

01.

I am an adult male with identity number 6410265629084 employed by South African Police Service at Crime Intelligence Division situated at 463 Prieska Street, Erasmusloof, Pretoria, holding a Rank of a Brigadier, the Section Head responsible for Operational Legal Support with the following contact details: 012 360 1392.

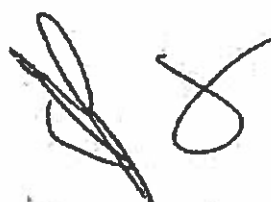

02.

The facts contained in this affidavit are within my personal knowledge, unless it appears to the contrary and are to the best of my belief both true and correct.

03.

I would like to state that on 09 December 2017 at approximately 09:33, I received a phone call from Major General Ngcobo, the Acting Divisional Commissioner of Crime Intelligence who at the time told me that he was under pressure to purchase ten (10) grabbers, one for each Province and one for Head Office at a cost of over R200 million. I informed Major

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 D.D.C. 

STATEMENT OF BRIGADIER D.D CHILI

General Ngcobo that we cannot take half of our budget to buy grabbers as this will result in us not having enough money for operations. I told him that he should consider purchasing one for that moment.




Major General Ngcobo proceeded and informed me that the problem he had was the fact that he had been instructed to purchase the grabbers from I-view which is a company under investigation. He went further and told me that they were saying, it would not be a problem to purchase grabbers through I-view. However he did not tell me who are these people he referred to them as they and I also did not ask who they were.

Major General Ngcobo then asked me if we can buy from I-view. I then responded to him by saying that we cannot enter into a new contract with I-view, a company that was under investigation. Major General Ngcobo then agreed with me. We then ended the call.

04.

On Tuesday 12 December 2017 in the evening I was at Maupa Naga Building, after a meeting with the National Commissioner General Sitole, Major General Ngcobo informed me that he was not yet leaving for home as he had another meeting about the purchase of the grabber for an amount of R45 million. I wished him luck and he left.

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  A.D.C. 

STATEMENT OF BRIGADIER D.D CHILI

05.

On 13 December 2017 at approximately 16:40 I received a phone call from Brigadier Hlungwani who requested me not to leave my office as he wanted to see me urgently. Upon Brigadier Hlungwani's arrival at my office he informed me that he was being pressurised by Major General Ngcobo, Lieutenant General Tsumane and Lieutenant General Vuma to release funds for the purchase of a grabber which worth an amount of R45 million from I-view. He further informed me that he was worried because proper processes were not followed for the purchasing of the grabber from I-view. I then told him to discuss his concerns with Major General Ngcobo. I also advised Brigadier Hlungwani not to involve himself in any wrong doing. During our discussion he also raised concerns that Surveillance Unit who are the users of the grabber devices were not informed and were not part of the process of purchasing a grabber and that Major General Ngcobo wanted to do the application of purchasing the grabber himself.

06.

On 14 December 2017 at approximately 08:45 Major General Ngcobo informed me in his office that the National Commissioner General Sitole had spoken to the Inspector-General of Intelligence Mr. Dintwe about the

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A.D.C. 

STATEMENT OF BRIGADIER D.D CHILI

purchase of the grabber and that the Inspector-General of Intelligence had agreed to the purchase of the grabber from I-view.

07.

Major General Ngcobo then asked Captain Sello to prepare a letter to the Inspector-General of Intelligence with the National Commissioner's signature as he was meeting the National Commissioner at 09:00 and further indicated that the time at that moment was 08:55. I informed Major General Ngcobo that it was not within the Inspector-General of Intelligence to tell Crime Intelligence Division what to buy and not to buy. I further told Major General Ngcobo that he should consult Independent Police Investigative Directorate (IPID) about this matter because such a purchase from a company that they were currently investigating was likely to jeopardise their investigation. Major General Ngcobo then informed me that he takes instructions from the National Commissioner then I left his office.

08.

On the same day 14 December 2017 at approximately 10:00 Captain Sello the staff officer of Major General Ngcobo came to my office and told me that Major General Ngcobo said I must prepare a letter to the Inspector-General of Intelligence regarding the purchase of the grabber. I told Captain Sello that I will not write such letter because I had advised

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A.D.C. A.S.

STATEMENT OF BRIGADIER D.D CHILI

Major General Ngcobo to consult IPID on this issue of purchasing grabber from I-view and not the Inspector-General of Intelligence. Captain Sello then left my office.

I then phoned Mr. Nkabinde, the investigating officer from IPID in the case against I-view. I asked Mr. Nkabinde whether IPID investigation would not be jeopardised if Crime Intelligence enter into a new contract with I-View. Mr. Nkabinde responded to me by informing me that IPID had sent a letter to the office of Major General Ngcobo indicating that Crime Intelligence should not enter into any new contract with I-view. I then informed Mr. Nkabinde that I had not seen such a letter.

09.

As soon as I finished talking to Mr. Nkabinde, I then called Major General Ngcobo; I repeated to him that we do not have to ask Inspector-General of Intelligence for permission to buy a grabber. I further informed him that I just spoke to Mr. Nkabinde of IPID about this matter as they are responsible for investigations against I-View which might be prejudiced by further purchase from I-View. Major General Ngcobo got angry and asked me why I spoke to IPID about this purchase. I told Major General Ngcobo that IPID was investigating I-view and a further purchase from them might prejudice IPID investigation. Major General

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b.d.c. Ans

STATEMENT OF BRIGADIER D.D CHILI

Ngcobo informed that I should not have spoken to IPID about this purchase. That is when I told him not to involve me in his wrong doings. He then indicated to me that I must tell Mr. Nkabinde to call him and he dropped the call. I then contacted Mr. Nkabinde and asked him to phone Major General Ngcobo.

10.

On 14 December 2017 around lunch time Major General Ngcobo called me to his office and upon my arrival he was with Lieutenant General Vuma, Lieutenant General Tsumane and Brigadier Hlungwani. At the time Brigadier Hlungwani was busy typing in the computer and both Lieutenant Generals Vuma and Tsumane were assisting him on what to type. They were busy with request and deviation letters for the purchase of a grabber for R45 million from I-View. Brigadier Hlungwani raised concerns about the purchase of the said grabber indicating that this purchase of a grabber was in contravention of PFMA. Lieutenant Generals Tsumane and Vuma asked me whether it was legal to purchase this grabber. I informed them that it was illegal to purchase or possess a grabber without exemption; this is a process whereby you apply to possess or use such equipment. Lieutenant General Vuma commented that this process is not applicable to criminals as they possess these things and that criminals were more advance than us.

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D.D.C. 

STATEMENT OF BRIGADIER D.D CHILI

We later had a broader meeting at Major General Ngcobo's boardroom, which included Brigadier Chan Goolam, Colonel Nyampule, Colonel Mnisi and Lieutenant Colonel Schoeman. Administration Clerk Khoadi was invited to take minutes. In this meeting further discussions on the purchase of the grabber took place and it came out that grabbers cost R10 million each and the one under discussion was too expensive. All the Generals present at the meeting were worried about the capabilities of the other grabbers especially when it came to the interception of 4G. The three Generals, Tsumane, Vuma and Ngcobo then left the meeting saying that they were going to Nasrec. We continued discussing with the remaining officials and agreed that the grabber from I-View was too expensive. Subsequent to that Brigadier Hlungwani was tasked to contact I-View and negotiate the reduction of the price. I left the meeting thereafter so I am not sure if that price negotiation was done. I went to my office.

11.

When I was back in my office Brigadier Chan Goolam came and informed me that Major General Ngcobo had asked him to come to Nasrec with the documents together with Brigadier Hlungwani. Brigadier Hlungwani also came to my office and he was told by Brigadier Chan



A.A.C. *Amis*

STATEMENT OF BRIGADIER D.D CHILI

Goolam that they should both go to Nasrec as per the instruction of Major General Ngcobo. Brigadier Hlungwani said his job was done therefore he was not going to Nasrec and he left leaving me and Brigadier Chan Goolam. Later Brigadier Chan Goolam also left my office.

12.

On the same day 14 December 2017 at approximately 20:20 Mr. Sesoko of IPID phoned me and asked me about the purchase of the grabber. I told Mr. Sesoko that I had reported that purchase of a grabber from I-View earlier on to Mr. Nkabinde of his office and further asked him whether a further purchase from I-View would not prejudice IPID investigation. I further informed Mr. Sesoko that Mr. Nkabinde responded to me by telling me that IPID had sent a letter to the office of Major General Ngcobo indicating that Crime Intelligence should not enter into any new contract with I-View since I-View is under investigation. Mr. Sesoko informed me that according to information he received, part of this money was going to be used to buy votes at an ANC 54th Conference in Nasrec. I informed Mr. Sesoko that I knew nothing about part of the money that was going to be used to buy votes. Mr. Sesoko then told me that he was going to phone Generals Sitole, Tsumane and Ngcobo about this matter. When I spoke to Mr. Sesoko about this issue I established that he did not know what I had discussed with Mr. Nkabinde concerning this

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D.D.-C
ANS

STATEMENT OF BRIGADIER D.D CHILI

matter. It was clear from the facts discussed that Mr. Nkabinde did not inform Mr. Sesoko that I called and raised some concerns surrounding this issue of purchasing a grabber worth R45 million from I-View.

On the same day 14 December 2017 at approximately 22:40 I received a phone call from Brigadier Chan Goolam who informed me that he was at Nasrec and that the purchase of a grabber from I-View worth R45 million did not go ahead.

13.

I know and understand the contents of this statement.

I have no objection to taking the prescribed oath.

I consider the prescribed oath binding on my conscience.

D.D. Chili
 D.D. Chili

DEPONENT'S SIGNATURE

I CERTIFY THAT THE ABOVE STATEMENT WAS TAKEN DOWN BY ME AND THAT THE DEPONENT HAS ACKNOWLEDGED THAT HE KNOWS AND UNDERSTANDS THE CONTENTS OF THIS STATEMENT. THE DEPONENT HAS NO OBJECTION ON TAKING THE PRESCRIBED OATH. THIS STATEMENT WAS SWORN TO BEFORE ME AND THE DEPONENT'S SIGNATURE WAS PLACED THEREON IN MY PRESENCE IN PRETORIA ON 2018-06-19 AT 09:00.

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[Handwritten signature]

"SARIS"



INDEPENDENT POLICE INVESTIGATIVE DIRECTORATE

Private Bag X941, PRETORIA, 0001. City Forum Building, 144 Madiba Street, PRETORIA
Tel: (012) 399 0000, Fax: (012) 326 0020, Email: crnkabinde@ipid.gov.za

Enq: M Sesoko

Mr Cedrick Nkabinde
Independent Police Investigative Directorate
National Office
114 Madiba Street
Pretoria
0001

Dear Cedrick Nkabinde

SUBJECT: YOUR REMOVAL FROM THE TASK TEAM

The information at our disposal suggest that you have been approached by members of SAPS most especially those attached to Crime Intelligence with a view of giving information about IPID's investigations and management. So far you have not yet disclosed to the management what these approaches were all about and the extent of your involvement despite being given opportunity to do so.

In that premise, I have taken a decision to release you from the team until the investigation as ordered by the Executive Director is concluded. This decision is taken in the interest of the team. Should I deem it necessary that your assistance will be required for any specific work, you will be informed accordingly.

You will report to your office in KZN on your return from leave.

Yours sincerely

MR M SESOKO

NATIONAL HEAD- INVESTIGATIONS
INDEPENDENT POLICE INVESTIGATIVE DIRECTORATE

DATE: 23/04/2018

x Received by [Signature]

Date: 24/04/2018

As discussed with Mr Khuba.

The Task Team to allow the investigation unfolded, however I have the following requests to be considered by the management:
1) I am having 48 days of vacation, 30 days current and 18 previous. I would humbly request that, I take my vacation leave days available for me while this investigation is in process.

2) Mr. Rodney Subramanyam wants to take a transfer to KZN, I can also swap with him and be I can be put in a normal unit. --

[Signature] M M

The second option, I would like it to be considered
as on when my vacation leave days are completed and
if and when this investigation is still not finalized

NOTE: The first preference would be to take
vacation leave.

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UNETHICAL CONDUCT: EXECUTIVE DIRECTOR, MR ROBERT MCBRIDE**INDEPENDENT POLICE INVESTIGATIVE DIRECTORATE**

Private Bag 3341, PRETORIA, 0001, City Forum Building, 114 Madiba Street, PRETORIA Tel: (012) 309 0000, Fax: (012) 329 0406, Email: complaints@ipid.gov.za

REPORT

TO : MR SHEKI CELE
HONOURABLE MINISTER OF POLICE

FROM : MR CEDRICK NKABINDE
PRINCIPAL INVESTIGATOR
NATIONAL SPECIAL TASK TEAM
INDEPENDENT POLICE INVESTIGATIVE DIRECTORATE

DATE : 2018-04-28

SUBJECT : UNETHICAL CONDUCT: EXECUTIVE DIRECTOR, MR ROBERT MCBRIDE

1. INTRODUCTION

I am employed within the investigation unit as a principal investigator of IPID. I commenced my employment with the South African Police Services in 2004 as a Constable in the Investigation Unit; I worked as a detective and engaged in training work up until 2010. I entered into the training environment after I excelled in a training programme called the "Detective Learning Programme" held at Hammanskraal in 2007. On returning from the course in Hammanskraal I was recruited into the Decentralised Training Programme as I was identified as being competent to train investigators. I thereafter moved to IPID in May 2010 and remain employed thereat to date, whilst having moved to IPID I remained of assistance to my training commitments to SAPS.

My career at IPID began at Durban in May 2010 and ran quite smoothly and event free up until 2016. On moving to IPID I made submissions to Frans Beukman the former Head of the Independent Complaints Directorate in 2010 offering my skills relating to training in relation to me having identified a clear need and desire to close the gap that exists regarding the lack of competent skills to effectively conduct investigations, to which he conveyed excitement and approved same. Whilst training IPID investigators in Pretoria on training Programme named BRCCOP I was approached by Executive Director Robert McBride.

MR Robert McBride deployed me to join a Specialist task team established to investigate the Acting National Commissioner Johannes Kgomoiso Phahlane.

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UNETHICAL CONDUCT: EXECUTIVE DIRECTOR, MR ROBERT MCBRIDE

2. PURPOSE

The unethical conduct of IPID's Executive Director, Mr Robert McBride which has the consequence of bringing the Directorate into disrepute.

3. BACKGROUND

During November 2016, Mr Cedrick Nkabinde of IPID, KZN Office was tasked to facilitate two (2) week training to investigators, held at Head Office, Pretoria. It was shortly after the Executive Director, Mr Robert McBride returned from suspension and established a Special Task Team at National office which subsequently I was deployed personally by Mr McBride.

The task team was to investigate the corruption allegations levelled against the former Acting National Commissioner, Lt General Phahlane, which is internally referred as the "PHAHLANE TASK TEAM".

The task team is reporting directly to the Executive Director as well as Mr Matthew Gesoko, the National head of investigation and Mr Innocent Khuba, the Provincial head of Limpopo, who is the project manager of the task team. The scope of work in the task team became wider whereby all other high profile matters were also assigned to the task team.

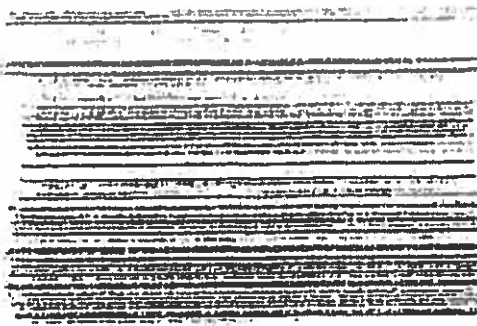
There is a number of on-going unethical conduct committed by this task team which amongst others includes the following:

- Allowing a private person namely "Mr Paul O'Sullivan" to spearhead IPID investigations together with his assistant Ms Sarah Jane Trent as well as the representative from the AfriForum.
- Divulging official and confidential information to Mr Paul O'Sullivan and his assistant, Ms Sarah Jane Trent.
- leaking of information to the media.
- Conducting investigations through the media in order to deliberately tarnish the images of specific individuals.
- Allowing the obtaining of evidence unlawfully.
- Abuse of authority by targeting specific individuals without any valid complaint for ulterior motives.
- Unlawfully giving instructions not to investigate a specific case for personal gain.
- Misrepresentation and abuse of authority to have members of the DPCI seconded full time in the IPID task team for ulterior motives.
- Monitoring and interception of cellular communication the onward unlawful transmission of same.

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UNETHICAL CONDUCT: EXECUTIVE DIRECTOR, MR ROBERT MCBRIDE

Instances of Unethical Conduct:

Investigation to: Lt General Phahlane

This investigation is spearheaded by a Private Individual one "Paul O'Sullivan" who is perceived to be the complainant in the matter.

Mr Paul O'Sullivan is allowed the following

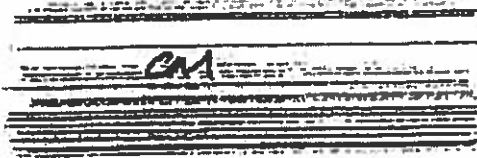
1. to lead the investigation
2. to access and use IPID letter heads to pursue witnesses, further draft statements for witnesses.
3. The Executive Director, Mr Robert McBride gave clear instructions that, all official information obtained, MUST first be given to Mr Paul O'Sullivan.
4. IPID would apply for section 206's for cell phones, bank accounts of Lt. General Phahlane and after having obtained all the data from the relevant service providers, it will be given to Mr Paul O'Sullivan for analysis.

This investigation cannot be seen to be objective nor independent because; the instruction given by the Executive Director was to damage the image of Lt General Phahlane in order for him not to be confirmed as a permanent National Commissioner.

It was a known fact that, Mr Robert McBride also wanted to become the National Commissioner and he was telling some members of the task team that he was considered for this position. There was a meeting that took place at Mr Paul O'Sullivan's house, the former house of the well-known Redovan Krejcar whereby Mr Paul O'Sullivan was chairing this meeting and amongst other people who were present, Mr Robert McBride, Mr Mandlatayiso Mahlangu(IPID), Mr Cedrick Nkabinde(IPID)(myself), Sarah Jane Trent (Paul's assistant), a white lady called Candice (Crime Intelligence), Mr Shadrak Sibiyi (the former Gauteng Hawks boss), two white males (representatives from Afiforum and DA), white lady (journalist) and one black male who was busy preparing fire for the braai.

The main purpose of the said meeting was to plot how to bring down Lt General Phahlane to ensure that he was not confirmed as the permanent National Commissioner. Afiforum representative guaranteed that the funds were available to carry out this mission and Paul O'Sullivan was responsible for spying on Lt General Phahlane and to find anything that can be used to bring him down.

This meeting sought to plot how to usurp power of the entire Security Cluster such as NPA, Crime Intelligence, SSA and DPCI. Specific individuals were identified from the above mentioned departments to be targeted the purpose of which was their removal from same positions. Mr Robert McBride gave assurance that IPID will go after them and Paul O'Sullivan will be a spy on all of them.



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It was emphasized, that this was a secret meeting and if anyone asked about this meeting, it should be referred to as a "book launch". This meeting was however leaked and the Gauteng Hawks boss, Major General Prince Mokotadi opened a criminal case of Treason regarding the same meeting and it went quiet and nothing to date has been done.

The exchange of official information between IPID and Mr Paul O'Sullivan continued and several meetings took place at IPID offices where Mr Paul O'Sullivan and his assistant, Sarah Jane Trent would come and do presentations to the entire task team on Lt General Phahlane's bank records and cellular phone data. The representatives from Afriform were always present in all meetings.

The extreme measures and mean employed in bringing Phahlane down that IPID would obtain information unlawfully and formalise it later. Should there be any personal information required; it would be given to Paul's assistant, Sarah Jane Trent who would obtain the information unlawfully from her contact in TransUnion without following due processes.

It is standard legal procedure when any personal information is required on the Phahlane investigation, Ms Sarah Trent would then be the solution relating to her contact and the information would then be obtained without any delays.

IPID hired a so called data analyst, Ms Theresa Botha who is working very closely with Mr Paul O'Sullivan and Sarah Jane Trent and they would exchange official information and compare their analysis together.

Ms Theresa Botha would unlawfully obtain data information from her contact, Ms Petro Reyneke in Vodacom and the application of section 205's would be done after just for a formality. The mission to put pressure for Phahlane's removal was also driven through the medium of media.

At one stage, the search warrant was going to be executed at Phahlane's house and pre planning between IPID and the media was done a day before the execution of same search warrant. The plan was to keep the media posted. The media was communicating directly with other task team members and for official comments they would quote the IPID spokesperson.

On the arrival at Phahlane's house, the media was already there as pre-planned. Lt General Phahlane was subsequently removed as the Acting National Commissioner. This would happen under the direction of the Executive Director, Mr Robert McBride, Mr Matthew Seeko, National Head of Investigation and Mr Innocent Khuba, the project manager.

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UNETHICAL CONDUCT: EXECUTIVE DIRECTOR, MR ROBERT MCBRIDE

Investigation to: Lt General Mthiba

Lt General Mthiba was appointed as the Acting National Commissioner, immediately after the removal of Lt General Phahlane. The focus was at this stage on Lt General Mthiba so that he does not get confirmed as a permanent National Commissioner. The plan was to ensure that false charges were laid against him because the appointment of the permanent National Commissioner was imminent.

Brigadier Bhamuza Phetlha of Crime Intelligence was used to open false charges against Lt General Mthiba on the instructions of the Executive Director, Mr Robert McBride.

Two (2) false cases against Lt General Mthiba were opened by Brigadier Bhamuza Phetlha as a complainant. The crafting of the statements would be facilitated by myself and Brigadier Bhamuza Phetlha on the instructions of the Executive Director, Mr Robert McBride; this would take place even before the case was opened. I would then immediately uplift the docket without following due processes and this amounted to abuse of power as I was acting on the unethical instructions of Mr Robert McBride.

Instruction to stop investigation against: Major General Dladla (The former head of Presidential Protection Services).

It was during the critical time of the imminent appointment of the permanent National Commissioner when The Executive Director, Mr Robert McBride gave instructions that the investigation against Major General Dladla must be stopped because it was not the right time to pursue Dladla. The written instruction was also given to Mr Sesoko and Mr Khuba.

Several meetings between Mr McBride and Dladla were held in my presence whereby Dladla was given the assurance that the investigation against him would be stopped and in return, Dladla would speak to the former President to appoint Mr McBride as the National Commissioner.

It came to Mr McBride's attention that, the then investigating officer, Mr Temane Binang was continuing with this investigation despite his instruction. Mr McBride confronted Mr Sesoko and Mr Khuba for them to manage the situation and get this investigation stopped.

Mr McBride got upset when he realised that, this investigation was continuing after so many instructions that same be stopped. Mr McBride came up with a plan to remove this docket from Mr Binang and be reassigned to myself as I was by then well briefed about the mission. I understood that the investigation must not continue until the appointment of the National Commissioner and the ANC National Conference was finalised.

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