



PARLIAMENT
OF THE REPUBLIC OF SOUTH AFRICA

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Republic of South Africa

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**REPORT OF THE JOINT STANDING COMMITTEE ON
INTELLIGENCE TO THE NATIONAL ASSEMBLY ON THE
INVESTIGATION OF SPECIFIC ALLEGATIONS ARISING
OUT OF THE PHALA PHALA GAME FARM THEFT MATTER**

1. TERMS OF REFERENCE

On 5 August 2022, the Speaker of the National Assembly, Hon N Mapisa-Nqakula requested the Joint Standing Committee on Intelligence (JSCI), to investigate specific allegations arising out of the Phala Phala game farm theft.

It is noteworthy that the correspondence from the Speaker did not attach any information supporting the said allegations. The Committee proceeded to consider the matter on the basis of the correspondence received from the Speaker.

The specific allegations that the Speaker requested the Committee to investigate were:

- “that (Deputy Minister in The Presidency responsible for State Security) (NG) Kodwa knew about the Phala Phala robbery and opted to keep the matter a state secret, rather than reporting the matter to the appropriate authorities. It has also been alleged that Kodwa accompanied Major General Wally Rhooode, the head of the Presidential Protection Unit during secret interactions between the South African and Namibian authorities; and
- [that] reports emerged that a secret Crime Intelligence Fund was used to finance the undercover operations which traced the thieves, with the goal of recovering the stolen money. It has been alleged that almost R2 million a month from this fund was spent to send an elite special task force to guard President Ramaphosa's private game farm theft. Should this be true, this would constitute a flagrant abuse of our taxpayer's money”.

2. PROCEDURE FOLLOWED

In giving effect to the request from the Speaker as outlined above, and informed by the rules of natural justice as delineated in section 33 of the Constitution of the Republic of South Africa, 1996, the Promotion of Administrative Justice Act¹ (PAJA) and the legal principle of *audi alterem partem*, the Committee resolved to write to the affected parties to offer them a right of reply to the allegations.

In accordance with section 3 (h) of the Intelligence Services Oversight Act 40 of 1994 which states that the Committee may “consider and make recommendations regarding any matter falling within the purview of this Act and referred to it by the: President, the Minister or

¹ Act 3 of 2000.

Parliament”, Schedule B of the Rules of the JSCI, and its established procedures to ensure that the matter was handled with the appropriate urgency, given its importance and the associated public interest, the JSCI considered the matter.

The responses from the persons mentioned in the request are as follows:

- Hon NG Kodwa, denied having prior knowledge of the alleged matter and all allegations against him.
- General SF Masemola, National Commissioner of Police, stated that no funds from the South African Police Service Crime Intelligence (SAPS-CI) Secret Services Account were utilised in relation to the theft at the Phala Phala game farm theft.

3. FINDINGS

The Committee found that there was no independently verifiable information to support the allegations against Hon NG Kodwa and the use of funds from the Secret Services Account of SAPS-CI.

4. CONCLUSION

The consideration of this matter by the JSCI for the purposes of reporting to the National Assembly as requested by the Speaker was conducted in terms of the oversight mandate of the Committee as set out in the Constitution and the Act. Whilst this matter was considered in line with the relevant legal framework, it however does not have any bearing on any other organ of state currently engaged with the same matter. The JSCI’s findings should not be construed as an endorsement or exoneration of any of the affected parties in the Phala Phala game farm theft.

Report to be considered.