



7 REASONS TO STOP ABUSE OF POWER 7 REASONS TO CLOSE DOWN THE SCORPIONS

Introduction:

I feel free to talk as I consulted with the Advocate of my wife and I want to be clear as to why I feel the Scorpions must be closed down.

- 1) I, unlike most of the people here today, had direct exposure to and contact with the Scorpions as they prosecute my wife in the Travelgate case.**

I can talk about the Scorpions which were started in September 1999, and today they are 9 years old. But only a child in justice that took too much power.

1.1 How they investigate cases:

They use investigation methods which undermine the rights of people to be presumed innocent until proven guilty.

They use other criminals or those who commit crimes to gather evidence. They use the press to prosecute citizens who are not even properly informed of the charges against them. They plea bargain with criminals who admit guilt to serious crimes to compile a docket to persecute others, whom they deem to be criminal bosses or political opponents.

1.2 How they compile evidence:

They compile profiles of their suspects by using slander, historical background and confidential personal information to craft defamatory profiles which force suspects into plea bargains.

In Travelgate they used information and sources from Liquidators who manipulated the information due to the bad administration of untrained parliamentary staff; they enforced unsubstantiated claims against MP's, Travel Agencies and their service providers. The Liquidators are greedy and ruthless and the DSO used their findings to prosecute.

1.3 Damage to the whole of South Africa.

I have access to all the information and documents of the Accused in Travelgate. The DSO recklessly listed names of 320 MP's, compiled negative profiles of them in evidence such their family background, credit history, domestic problems. Their salaries and income, personal deductions and private Interests are all there. By doing this they degraded the image and undermine the authority of our parliament.

The information was given to all the Accused and some leaked to the press. Some accused files and computers were stolen and the information is out there. Now there is a businessman with business interests in the media, who stands behind the Scorpions.

He wants serve papers on the MP's. This is a disrespect and contempt that comes from the Scorpions' type of investigation.

Chairperson, Can I refuse to pay tax because the Scorpions wasted taxpayer's money?

The MP's constitute Parliament RSA and this disrespect and dishonor to Parliament is a humiliation to RSA. Many MP's who entered plea bargains or agreed to pay back to the Liquidators were forced to do it.

I was there at the court and I saw how confused the MP's were about

the travel case. There was a massive press campaign against them and Parliament. They did not want this personal information in the courts and to save their public image they pleaded guilty or made arrangements with greedy liquidators to pay on transactions which occurred due to bad administration by the Finance Department of Parliament and incompetent Financial Managers and untrained Admin Staff. They chose the less damage route.

2. The DSO was an import from an American Justice Model.

The formation of the DSO was an import from the Justice System in America and Canada. TV program's which were shown on SA television such as LA law, LAW and Order and CSI show how specialized units should work.

It is a propaganda campaign and marketing of USA that American way of life and policing is correct. There is a co-operation between the Military, Police, Prosecution, National intelligence and Justice Sector.

Not competition with each other. Not competition to show which is better.

The fight must be all crime- fighting agencies working together against criminals and crime.

The Scorpions became a unit for themselves with IKONS like in the TV Programmer: red badge, black cars, vests and expensive equipment for own their Intelligence. They became a tool or instrument for political office bearers.

They became alienated from the other Crime fighting agencies and now the complete model of Policing and investigation failed.

The DSO is now a threat to the internal security of RSA as they have absolute power which they have abused. There is a breakdown in the working relationship between NPA head and the Minister of Justice.

3. The Scorpions hardly do trials

95% of their cases are convictions, now we ask how many are plea bargains? Plea bargains are a miscarriage of justice. The Scorpions only investigated 5% of organized crime cases per year. They have been involved with Travelgate case since 2003, and five years later they have not brought the case to trial.

The DSO accuses suspects and with some contacts in the media, they try those accused via media. They attach and seize assets of suspects or encourage liquidation and force accused into plea bargains.

In Travelgate case I witnessed in the Regional court how DSO made statements in court proceedings with postponements to intimidate accused. They use theatrics to oppose postponements and talk about their evidence and witnesses they intend to call to intimidate. They hardly do trials as they want plea bargains and then agree to pathetic sentence options, such as with a Travel Agent found guilty to fraud of 2, 8 million rand and then agreement to Correctional Supervision as a sentence. There are also allegations of the DSO harassed witnesses to testify or criminal prosecution will be enforced. Some people in Travelgate were threatened with 15years jail sentence to admit or plea bargain.

Plea bargains are a miscarriage of Justice. Only wealthy people can afford this or those who are willing to do time. If an accused citizen is innocent with no resources and not willing to plead guilty. Five years of waiting to plead in court or do a trial ruins your life. Most suspects cannot wait to prove their innocence. Many lose faith in the Criminal Justice System and in an attempt to walk away they do plea bargain with Scorpions.

4. SAP96 files of all crime fighters

The police have SAP 96 files of all its members. These files can be requested and the background of all investigators and crime fighters can be determined. In these files it can be determined the functions and roles played by crime fighters in the past and present.

I quote from a book of Tony Leon about corruption and hidden agendas:

“Transparency and sunlight is said to be the best disinfectant, and electricity the most efficient policemen....”

The DSO has groupings of investigators and prosecutors who were involved in the Security Police, Undercover Apartheid Operations and Pagad Operations.

Some of them have links to the ARMY and were operatives and spies in other African countries like Zimbabwe, Angola and so on. I am investigating a rumour that some of them will apply to the Truth and Reconciliation Commission before the 08th September 2008.

I, as a member of public, want to know how many Scorpions have applied to the Truth and Reconciliation Commission?

This is important in the Travelgate investigation as the case involved the investigation of politicians and the Parliament. Can I request this Committee to examine the SAP 96 files of the DSO?

I reserve the right to request that an investigation be made public to this Committee as to the background and former political cases investigated by the DSO Officials. It is especially the Senior DSO officers that have affiliation to political Groupings in political parties. There files must be requested and put before this Committee. They must be exposed and called to order.

5. DSO afforded Resources which can be used more effectively and efficiently in the fight against crime.

The DSO is allocated approximately R220 million rand per annum from State Coffers in NPA budget. This is half of what the Legal Aid Board is given to provide Lawyers for all the courts in the country. It is more than what the Human Rights Commission or Public Protector is allocated.

They have the luxury of sophisticated equipment and human capital to spend more time on cases, yet they have not performed according to expectations.

Instead the investigators used the resources to investigate International crime, Political leaders and monitor and do surveillance of the Police. They have lost focus and the funding is now fruitless and wastage of state resources. I put before you the dispute between Imperial and the NPA at present. I always knew somebody must pay for the fancy black cars they used.

See Addendum A.

They have been involved in Intelligence and surveillance to furnish political formations with information. My view is that they have been working to bring about the splitting of the ANC instead of combating crime.

6. DSO provided gravy train for an Auditing firm to Liquidate and compile Forensics in the Travelgate case.

The DSO has requested a Forensic report for the Travelgate case which cost R12 million rand for the criminal case only. This was compiled by the same Auditor who was assigned to the Liquidation by Parliament RSA. They estimated the extent of the fraud was R22 million rand. The Liquidator only recovered a quarter and after disbursements, it is estimated that only 3 million rand was recovered by Parliament.

The Accused in the High Court have convinced the court that an Independent Forensic Auditor is required. The Legal Aid Board has been ordered to appoint a Forensic Auditor. The estimated costs to the Legal Aid Board would conservatively amount to approximately two million rand.

The same Auditor preferred by the DSO, was appointed by Parliament for Four years prior to the Travelgate scandal, and the Auditor was appointed by one of the Travel Agents before the High Court. This Auditing firm is the only role-player which benefitted from the Travelgate case.

The trial in the High Court is estimated to run for three years with 146 witnesses identified by the DSO. The Travel Agents in the High Court will call 320 MP's whose names appear in the evidence compiled by the liquidator and DSO. The same Auditing firm will earn consultancy fees as an expert witness in this case.

7. Equal Resources and a fair and Speedy trial

Legally I have a problem that the DSO is autonomous with their use of Resources. They can marshal evidence and sometimes manufacture evidence as they wish. Jacob Zuma is a citizen that has support of the masses and he has resources to challenge and oppose the abuse of power of the DSO.

It is his right to defend his right to a fair trial. I have the same rights but no resources.

In the case of my wife I have a problem that my wife is represented by an Advocate appointed by the Legal Aid Board. The Legal Aid Board does not have equal resources to the NPA. While there are many facets to this case which also requires legal challenge, the LAB does not have the resources for big cases. Jacob Zuma is right to take the DSO to task in the courts, because many ordinary citizens do not have the resources to demand a fair trial.

Judge D. Mlambo in a newspaper article warned about moving towards a Police State .The concern is that crime-fighting agencies like the DSO is well-endowed, while the ordinary citizens are then vulnerable as there is no equal force in Justice to ensure that a fair trial may be afforded to accused who cannot appoint Private legal practitioners or pay for expert witnesses.

According to the Constitution every citizen has the right to be afforded a fair Trial and to be afforded a legal Counsel of his/her choice. I am satisfied with Counsel assigned to my wife, but I am concerned about the resources required to obtain equal justice.

The reorganization of the Justice System should also provide for better funding to Justice to ensure citizens are afforded fair trials.

But also, because of this reckless marshalling of the Travel claims of Parliament, and incompetence with the travel expenditure, the MP's and those who plea bargained, were implicated via the media. The Travel system is still not right and MP's are still open to risk and abuse. I ask that a multi-party parliamentary committee be convened, and experts in travel and consultants, with knowledge in persona give input, and re-dimension this parliamentary travel system.

See Addendum A.

It is a condensed version of a witness statement, an office secretary to more than one MP. I wish to point out how an office bungle-up or inexperience in travel industry was used for agendas.

The DSO simply ignored this and other internal arrangements which were approved by the Finance Office of Parliament.

Compiled by: Mr. G Agguja ro
TO : Portfolio Committee of Safety and Security
Portfolio Committee of Justice and CD

Date: 02 SEPTEMBER 2008

ADDENDUM A

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Ek het ook "voyager bookings" gedoen. Dit behels dat ek 'n versoek van 'n parlamentslid ontvang om sy "voyager myle" te gebruik om 'n kaartjie te bespreek. Ek het dan self met Voyager daaromtrent gehandel.

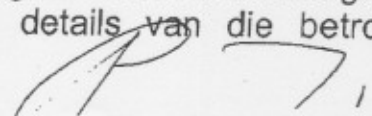
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Ek het as sekretaresse alle pos gerig aan die betrokke parlamentslede gehanteer. Persoonlike pos het ek onoopgemaak aan hom/haar besorg. Ek het ook aangeleenthede wat persoonlik van aard was gehanteer namens parlamentslede. Ek het selfs per geleentheid navraag gedoen rakende persoonlike rekeninge van die onderskeie parlamentslede.

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In 2002/3 is 'n besluit geneem dat parlamentslede wie oor oortollige reiskoepons beskik dit beskikbaar moet stel aan lede wat ekstra reiskoepons benodig. In die verband is veral lede wie se kiesafdelings in die Wes Kaap is, geraak. Dit was algemeen

bekend dat laasvermelde lede baie minder van lugvervoer gebruik gemaak het en dus oortollige reiskoepons gehad het. Ek was in die verband versoek deur parlamentslede om oortollige reiskoepons aan die sweep, A te oorhandig. Ek het die reiskoepons per dekbrieff oorhandig aan hom oorhandig. Die inhoud van die dekbrieff het al die details van die betrokke reiskoepons bevat.



Dispute with NPA ongoing

The National Prosecuting Authority (NPA) and Imperial Holdings are still trying to resolve a dispute over a claim amounting to tens of millions of rands against the Scorpions, the NPA's elite crime-fighting unit that is set to be disbanded.

Imperial chief executive Hubert Brody said yesterday that talks with the NPA were "very difficult and very slow". However, he said there had been an attempt recently from the NPA "to constructively resolve this".

He said Imperial believed it had made more than adequate provision for the unsettled claim and did not think any loss would result from it. "We think it can only be a recovery and we're going to go very hard to recover as much as possible."

He said there was no risk to Imperial's claim because of the planned closure of the Scorpions. Brody declined to comment on the size of the claim but confirmed it was "a significant amount".

He also confirmed that Imperial held the claim against the NPA following the unbundling of the group's vehicle and fleet management business, which was subsequently separately listed on the JSE in May as Egstra.

The dispute, dating back to 2005, is about the amount allegedly owed to Imperial for leased vehicles provided to the NPA under a R2 billion contract.