



**JUDICIAL COMMISSION OF INQUIRY INTO ALLEGATIONS OF STATE CAPTURE,
CORRUPTION AND FRAUD IN THE PUBLIC SECTOR INCLUDING ORGANS OF STATE**

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INDEX: SEQ 31/2019

No.	Description	Pages
1.	Application by Advocate Jacobus Petrus Pretorius in respect of Robert John McBride's evidence dated 21 May 2019.	001 to 078

**IN THE JUDICIAL COMMISSION OF ENQUIRY INTO ALLEGATIONS
OF STATE CAPTURE, CORRUPTION AND FRAUD IN THE PUBLIC
SECTOR INCLUDING ORGANS OF STATE**

**WITNESS STATEMENT IN TERMS OF RULE 3.4 OF THE RULES
GOVERNING PROCEEDINGS OF THE JUDICIAL COMMISSION OF
INQUIRY
AFFIDAVIT: JACOBUS PETRUS PRETORIUS**

1.

I, the undersigned

JACOBUS PETRUS PRETORIUS

do hereby state under oath as follows:

1.

- 1.1. I am an adult advocate employed by the NPA and presently working at the NPA Head Office at VGM building, Creswell street, Weavind Park, Pretoria.



- 2 -

1.2. The facts herein contained fall within my personal knowledge, unless otherwise indicated or appearing from the context, and are true and correct.

A. INTRODUCTION:

2.

I have been notified in terms of Rule 3.3 of the Rules of the Commission on the 9th of April 2019 that the Commission's legal team intend to present the evidence of Mr Robert John McBride during the proceedings on the 11th of April 2019 and further that his evidence implicates me or may implicate me. I have been informed further that I may attend the proceedings and that I may be assisted by legal representation when the witness gives evidence. This was not proper notice to me and I immediately informed the relevant official of the Commission about this in writing. I have received no answer from the official and/or the Commission. I have also been notified that I may decide to give evidence myself, call any witness to give evidence or cross-examine the witness (Mr Robert McBride). It has, however, been stated that should I wish to participate in the manner



- 3 -

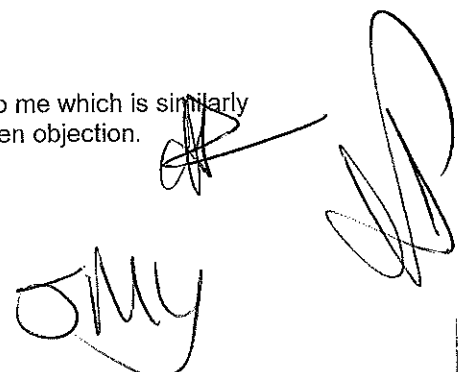
aforesaid, I have to apply in 9 calendar days¹ in writing to the Commission for leave to do so. I was informed further that such an application has to be accompanied by a statement from me in response to the allegations of Mr Robert McBride in his statement.

3.

The evidence of Mr McBride on the on the 11, 12 and 15th of April 2019 before the Commission confirmed my concerns and persuaded me that it is absolutely necessary to request the opportunity to participate in the proceedings, give evidence and cross-examine Mr Robert John McBride. I base my request on the following:

3.1 The untrue allegations by Mr Robert McBride continue to have very serious and detrimental consequences for me. It will not only destroy my reputation and dignity but will also have a very detrimental effect on my career and profession as a State Advocate in the employ of the NPA. It already has. In all probability if left

¹ I have objected to this truncated time that was afforded to me which is similarly unacceptable. Once again no response was received ~~at~~ my written objection.

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- 4 -

unchallenged it will give rise to investigation into my fitness to hold office and disciplinary proceedings against me.

- 3.2 I also deem it my duty as a citizen of the Republic of South Africa to assist this Commission to establish the true facts relating to issues of National interest that are being investigated. The true facts should be presented to the Commission and both sides should be heard. The audi alteram partem rule is a basic principle. This with respect should be coupled with cross-examination.

4.

It is clear that the only way to discover the truth is to have the evidence of Mr Robert John McBride tested by counsel properly instructed by client(s) who has/have personal knowledge of the factual allegations testified to by the relevant witness(es). There is clearly no more efficient way to test the reliability of the allegations by Mr McBride.

5.

My concern is that if the untested allegations of Mr McBride are accepted, my fundamental rights relating to my integrity and freedom of trade,

- 5 -

occupation and profession will be destroyed without ever having had the opportunity to defend myself. I am advised in this regard, and as a lawyer I know, that it will affect my right to be heard which is a basic pillar of my right to fair proceedings.

6.

I have decided to apply to the Commission to indeed cross-examine Mr McBride and give evidence.

7.

I therefore provide the Commission with this statement in order to identify the material disputes and the grounds for such disputes between my version and the allegations put forward by Mr Robert John McBride in his statement.

**E. SPECIFIC ALLEGATIONS AGAINST ME IN SECTION RULE 3.3
NOTICE AND ALLEGATIONS OF MR MCBRIDE IN REGARD TO
ME:**

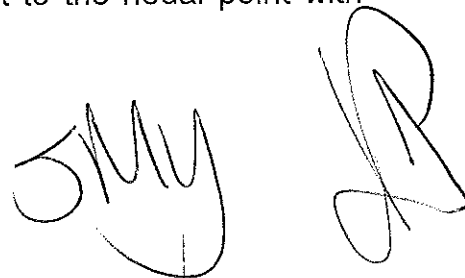
8.

I deny that I improperly and/ or unlawfully sought to

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- 6 -

- Unduly interfere in the investigative independence of the NPA, the Independent Police Investigative Directorate (IPID) and the Hawks Directorate for Priority Crime Investigations (DPCI)
- I deny that I unduly delayed recommended prosecutions. I have never delayed any prosecutions and was never involved in the delay of any prosecutions.
- I further deny that I unduly declined to prosecute suspects investigated by IPID. I was not involved in decisions to decline to prosecute suspects investigated by IPID as alleged.
- I further deny that I participated in the undue persecution of officials of the NPA, IPID, and/or the DPCI. I never persecuted anybody and in a proper structured fashion the docket of Mr McBride and others was presented to me and I *bona fide* decided the facts. The necessary checks and balances were part of the system and other person were also involved in evaluating the docket. I provided a copy of this docket to the nodal point with

Two handwritten signatures in black ink are located at the bottom right of the page. The signature on the left is written in a cursive, somewhat stylized font, while the signature on the right is more fluid and appears to be a monogram or a set of initials.

- 7 -

the Commission adv C Macadam. At the same time that I decided the relevant docket, I also declined to prosecute in the specific instances of Mr McBride in another matter relating to the seizure and the removal of a Data 6 devise from a Fax machine which was fitted by Crime Intelligence at the Provincial offices of the Gauteng DPCI at Parktown which was headed by General Sibiya. The documents are attached hereto as **annexure A**. In regard to the inadmissible hearsay in that Mr McBride wants to act as conduit for inadmissible hearsay relating to the Breytenbach-, Ivan Pillay and or Booyesen prosecutions, it needs to be stated that these decisions were taken independently and properly with no ulterior motive and bona fide on the facts. I deny that these were unsustainable prosecutions. I deny that my actions were politically driven and that there were malicious prosecutions. Mr McBride presented a very one sided version of the alleged docket to the commission without providing the docket to the Commission.



- 8 -

I deny that I destabilized the NPA, IPID and/or the DPCI. On the contrary, I tried my utmost to do my job to the best of my abilities.

- It is stated in the notice that the evidence of Mr McBride which implicates or my implicate me is set out in paragraphs 125 to 128 of his statement. Firstly in regard to **paragraph 123** I can state categorically that I have never been part of an orchestrated, relentless attempt to unjustly interfere with IPID core function of independent oversight of the police.
- The belief or opinion that I am part of a group that has lost all credibility (paragraphs 125), is the result of an unprecedented and unwarranted attack on the institution and especially the PCLU. See for instance the incessant flood of e mails I received from Mr Paul O Sullivan which is totally unbecoming and actually constitute a transgression of Section 32 (1)(b) of the NPA act.
(annexure B)



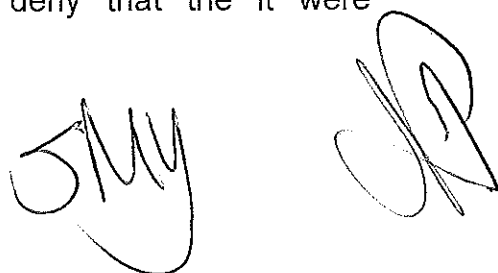
- 9 -

This above-mentioned belief and opinion is not correct and is done by interested parties to prevent legitimate prosecutions.

The opinion that there is a core group in the forefront of enabling the capture of criminal justice cluster through persecution of so called corruption fighters is denied, it is wrong and slanderous.
(Paragraph 25 continued)

I was never involved in the protection of criminal suspects by declining and/or delaying decisions to prosecute suspects investigated by IPID in cases where their subordinates who are experienced prosecutors had recommended prosecution based on alleged abundant evidence but we the core group of advocates override those decisions. I gave statements in those specific dockets and was threatened with the legislation of IPID in this regard.

His belief or opinion about a core group of State Advocates at the NPA which had been working to interfere with IPID oversight function of the police is wrong. I deny that the it were



- 10 -

unsustainable prosecutions against General Dramat, and Sibiya and Booyesen. I deny that I ever attempted to destabilise IPID or DPCI. I was never involved in a malicious prosecution. I deny that any action that was taken by me was politically driven. (ad paragraph 126)

Ad 127. I deny that I was involved in any malicious prosecution or any series of malicious prosecutions. I have never impeded the work of IPID by declining to prosecute suspects investigated by IPID. This impeding of the work of IPID allegedly happened where experienced prosecutors recommended prosecutions. With respect experienced managers/prosecutors differed from the prosecutors preferred by Mr McBride. I don't know which "decisions were **regularly** overturned by this core group" and require Mr McBride to produce evidence of "regularly overturning decisions."

Ad 129

I confirm that I was involved in the decision of the specific case relating to the alteration of the so called "rendition" report which

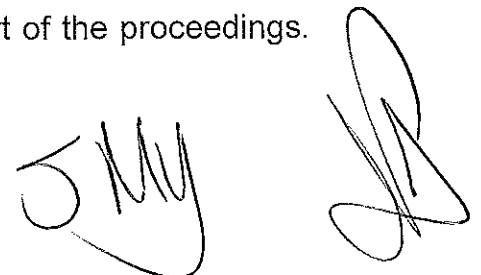


- 11 -

was altered and benefitted General Dramat and Sibiya by Mr McBride and his team. I deny doing so with ulterior motives and attached hereto documents which proof that at same time, another docket has been decided where the decision was not to prosecute Mr Robert John McBride even if the circumstances was suspicious. **(Annexure A)** A copy of the main docket was also made available by this office and provided to the Commission. The deliberate deletions in more than half a dozen instances of incriminating evidence was criminal *in casu* and this docket was provided to the Commission. There was enough evidence to substantiate a charge of fraud and defeating the ends of justice as the documents clearly demonstrate. The case was not proceeded with because the witnesses did not want to testify in the case relating to Mr McBride. **(See annexure C)**

9.

The import of the evidence is far wider than the few paragraphs that were provided to me and also in the light of the leading of evidence by the evidence leader(s) and the opening remarks, it is clear that the reputation of the PCLU is attacked from the inception of this part of the proceedings.

Two handwritten signatures are present at the bottom right of the page. The first signature is written in blue ink and appears to be 'JMY'. The second signature is written in black ink and is a stylized, cursive signature.

- 12 -

The detail of the "placement" of adv. Mathenjwa, adv. Maema and adv JJ Mlotswa is of utmost importance, and it will be explained why it was decided to accommodate these personnel at the PCLU.

10.

At that time I was acting as the Special director of the Priority Crime Litigation Unit and the advocates that were seconded to the PCLU for the Marikana matter (to which no objection is raised) had numerous challenges in regard to working with IPID on the Marikana matters. Initially there were enough investigators but it dwindled to a meagre 3. No resources were made available for the reconstruction of Scene 2 on the 16 August. The prosecution team was very frustrated in the manner in which IPID investigated the matter and the lack of resources attributed to investigating this matter.

11.

In paragraph 129 it is stated (*"I have already expressed my concern that advocate Sello Maema ("Maema") saw fit to prosecute us in respect of the rendition matter, as I know that there was not a shred of evidence to substantiate his decision to charge us with fraud and defeating the ends of justice (or any other charge)"*) The previous part where the witness



- 13 -

express concern about the decision to prosecute the witness was only put on the website after the 13th May 20019. I did not previously receive the statement and neither was it posted on the website.²

- Rule 3.4 stipulates that an application in terms of sections 3.3.6 must be submitted in writing to the Secretary of the Commission within (14) fourteen calendar days from the date of the notice referred to in 3.3, and that the application must be accompanied by a statement from the implicated person responding to the witness's statement in so far as it implicates him.
- With respect my statement identified the parts of McBrides affidavit that are disputed and denied in regard to paragraph 126 - 129 and I also ventilated my version as the grounds on which those parts are disputed and denied. I am indeed an implicated person and in his *viva voce* evidence the witness also identified me as such on more than one occasion.

² There is problems with printing these files from the website.



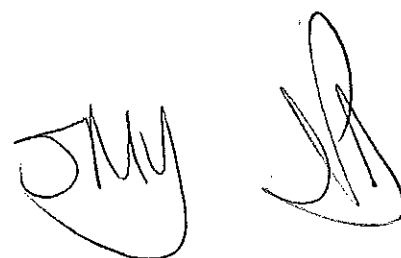
- 14 -

- It is submitted that my application to cross-examine Mr McBride is in the interest of the work of the commission. If my application is granted the Commission will have both side of the incidents and it will enable the Chairmain to have a full picture of the position so that he can take into account the extent of divergence in the two versions. With respect a proper case for granting leave to cross examine Mr McBride has been made out at a time suitable to the Commission.

APPLICATION FOR CONDONATION

12.

Immediately when I received my notice that I would be an implicated person, I approach my employer to appoint counsel to represent me. Initially the response was positive but up till last week 17th May 2019 nobody has been appointed. I know there is negotiations with the commission by Mr Marco Voller but no concrete concessions relating condonation has yet been made. Therefore I deem it my duty to apply to give evidence and cross examine the witness Mr McBride. I respectfully



- 15 -

request condonation for the late filing of my affidavit and application but the reasons ^{are} as set out above for this unfortunate set of circumstances.



13.

I therefore wish to emphasize that I dispute any of the allegations by Mr McBride insofar as it is contradicted by what I have stated above.

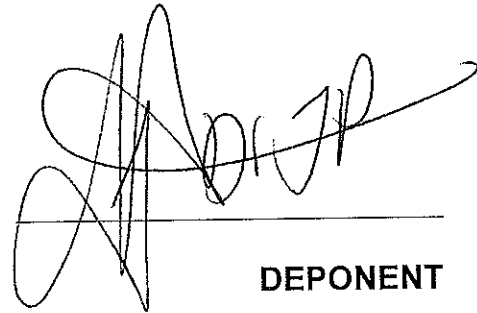
14.

Notwithstanding that the notice that I am a implicated person was not proper, and I only received the complete statement through the website last week, I however request the condonation of the late filing of my affidavit and request. The moment I realized that it will still take a long time before counsel is appointed I crafted an affidavit and got it commissioned.

15.

I therefore request the Honourable Commission to allow my participation in the process and to indeed allow myself or my legal representatives to cross-examine Mr McBride in order to test the veracity and reliability of his version insofar as his version differs from mine.

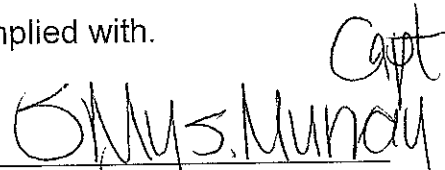



DEPONENT

SIGNED and SWORN to at PRETORIA on this 21st day of May 2019
by the Deponent who stated that:

1. He knows and understands the contents of the declaration; and
2. He has no objection to taking the prescribed oath; and
3. He considers the prescribed oath as binding on his conscience;

And Government Notice Regulation 1258 as amended by the Government
Notice Regulation 1648, Government Notice Regulation 1428 and
Government Notice Regulation 773 was fully complied with.


COMMISSIONER OF OATHS

FULL NAMES: Jeanne-Marié Murray
BUSINESS ADDRESS: 123 Hartley St, Weavind Park
AREA: Pretoria
DESIGNATION: Captain.





Adventure AG

The National Prosecuting Authority of South Africa
Igunya Jikelele Labetshutshisi Bo Mzantsi Afrika
Die Nasionale Vervolgingsgesag van Suid-Afrika

INTERNAL MEMORANDUM

Private Bag x752,
PRETORIA
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VGM Building
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Weavind Park
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Pretoria
South Africa

TO: ADV SK ABRAHAMIS
NATIONAL DIRECTOR OF PUBLIC
PROSECUTIONS

AND TO: ADV N JIBA
DEPUTY NATIONAL DIRECTOR
NATIONAL PROSECUTION SERVICE

FROM: DR JP PRETORIUS SC
ACTING SPECIAL DIRECTOR & ACTING HEAD: PCLU

SUBJECT: REQUEST FOR AUTHORISATIONS IN TERMS OF
SECTION 41(6)(a) AND (b) OF THE NPA ACT 32 OF
1998
PRETORIA CENTRAL CAS 2454/05/2015

REF: 10/1/3/5/3

DATE: 13 NOVEMBER 2015

Tel: 126482

A: INTRODUCTION

The objective of this communication is to request the National Director to grant permission to the following employees of the National Prosecution Authority to disclose to Brigadier Xaba of the Directorate of Priority Crime Investigation (DPCI) information which came to his/ their knowledge in the performance of his/their functions in terms of the NPA Act 32 of 1998 and/or the contents of any book/ document or any item which is in his/their possession or which is in the possession of the National Prosecution Authority.

B: BRIEF BACKGROUND

The Directorate of Priority Crime Investigation (DPCI) is investigating an alleged offence of defeating the ends of justice committed by members of the Independent Police Directorate (IPID) where a case investigation report was submitted together with the docket to the NPA and later a second case investigation report with a different recommendation was

submitted. Some officials of the NPA assisted or had interactions with the IPID prior to the submission of the first case investigation report and it is crucial to ascertain exactly what caused the alteration of the recommendation or whether anyone committed any offence in the process. A docket has been opened, Pretoria Central CAS 2454/05/2015 and is being investigated by Brigadier Xaba of the DPCI who require witness statements from some officials within the NPA.

Adv Maema of my office has perused the docket to guide the investigation and he advises me that the statements or consultation with the following NPA employees:

- Adv Anthony Mosing
- Adv Billy Moeletsi and
- Adv Zaais van Zyl

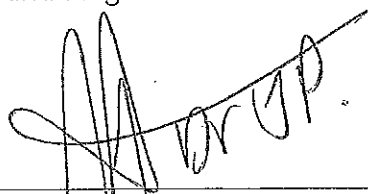
are necessary to establish the process leading to the changed recommendation from IPID.

C. RECOMMENDATION

I recommend that authority be granted to the above-mentioned staff members to consult with the investigating officer, Brigadier Xaba to disclose to him any information which is necessary to determine the issues, which came to their knowledge in the performance of their functions in terms of the NPA Act or any other law and to provide copies of any document, book or any item in the possession of the NPA, which will assist the DPCI in pursuing this investigation, as is required in terms of section 41(6)(a) and (b).

I enclosed a draft authorisation for your consideration.

Kind Regards



JP PRETORIUS SC
ACTING SPECIAL DIRECTOR
PRIORITY CRIMES LITIGATION UNIT

AUTHORIZATION IN TERMS OF SECTION 41(6)(a) AND (b) OF THE NATIONAL
PROSECUTING AUTHORITY ACT 32 OF 1998

I, the undersigned

ADV. SHAUN KEVIN ABRAHAMS

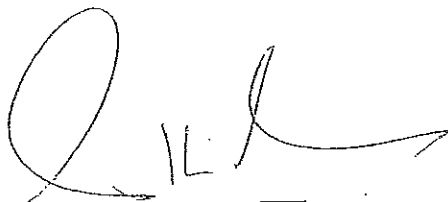
National Director of Public Prosecutions of the Republic of South Africa

do hereby, in terms of Section 41(6)(a) and (b) of Act 32 of 1998 authorise the following officials of the National Prosecution Authority:-

Adv. Anthony Mosing
Adv. Billy Moeletsi and
Adv. Zaais van Zyl

to consult with the investigation officer in respect of PRETORIA CAS 2454/05/2015 and to disclose any information which came to their knowledge in the performance of their functions and /or any book/document or any item which is in their possession or which came into their possession in that capacity which is held on behalf of the National Prosecution Authority.

Granted at Pretoria on this 13th day of November 2015

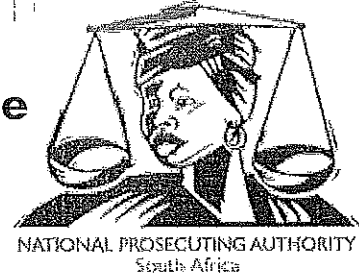


16-11-2015

Adv. Shaun Abrahams

National Director of Public Prosecutions

**National Prosecution Service
Priority Crimes Litigation
Unit**



Reference: 10/1/3/5/3

Enquiries: G S Maema

17 November 2015

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The Commander
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Directorate of Priority Crimes Investigation
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**ALLEGED DEFEATING THE ENDS OF JUSTICE: PRETORIA CENTRAL CAS
2454/5/2015: BRIGADIER XABA**

1. The case docket has been perused with a view to guide the investigation:

1.1 The National Director has authorised that the following officials from the NPA can be approached for consultation and ultimate making of a statements so that the investigation can move forward:

- Adv Anthony Mosing
- Adv Billy Moeletsi and
- Adv Zaais van Zyl

Adv Moeletsi is no longer in the NPA and can be contacted on the following cell phone number 084 410 9261.

1.2. I did look at the Investigation plan enclosed in the docket as B4 and hold the view that we should focus on the process which led to the alteration of the first report and production of the second report. It is very easy to veer to the sphere of the criminal case.

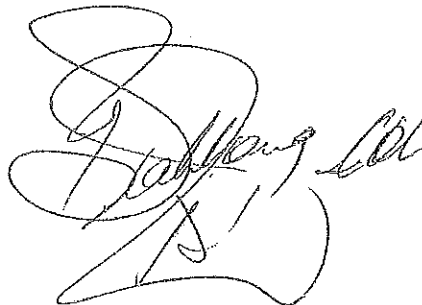
Justice in our society, so that people can live in freedom and security

[Handwritten signature]
15/11/15

- 1.3 Consideration was given to the obtaining of statements from Adv Chauke, Adv Jiba and Mr Nxasana and it was decided that as they did not actively have a role in the process of drafting or compiling the second report, their statements should not be taken for now. Should it in the future become relevant to decide the issues, attention will be given to approaching the National Director for the appropriate section 41(6) authorisation.
- 1.4 The other witnesses mentioned in the investigation plan are not employees of the NPA and can be approached within the discretion of the investigating officer.
- 1.5 I have enclosed the original section 41(6) authorisation duly signed by the National Director. Please approach the officials concerned for their co-operation in the investigation. Please inform us should there be any challenges.
2. The case docket Pretoria CAS 2454/05/2015 is returned herewith and can be returned to this office on completion of the investigation.



G S Maema
Deputy Director
17 November 2015



**National Prosecution Service
Priority Crimes Litigation**



Unit

OFFICE OF THE NATIONAL PROSECUTOR GENERAL
NATIONAL PROSECUTING AUTHORITY
South Africa

2016 -02- 18

NATIONAL PROSECUTING AUTHORITY

Reference: 10/1/3/5/3
Enquiries: G S Maema

18 February 2016

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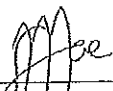
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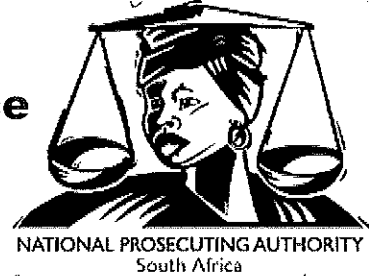
BY HAND

**ALLEGED FRAUD AND DEFEATING THE ENDS OF JUSTICE:
PRETORIA CAS 2454/5/2015**

1. The case docket has been perused.
2. The following officials from the office of the Independent Police Investigative Directorate (IPID) must please be asked to provide their warning statements in compliance with the *audi alteram partem* principle:
 - Mr Robert Mc Bride
 - Mr Matthews Sesoko and
 - Mr Khuba.
3. The Charges under consideration is fraud and defeating the ends of justice emanating from the alteration of the first report compiled by Mr Khuba and the production of a second report with different recommendations.
4. The docket can be returned to be decided with all the statements as discussed.


G S Maema
Deputy Director
18 February 2016

**National Prosecution Service
Priority Crimes Litigation
Unit**



DeleA cus. 1

CONFIDENTIAL INTERNAL MEMO

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**TO : ADV S K ABRAHAMS
THE NATIONAL DIRECTOR OF PUBLIC PROSECUTIONS**

**AND TO: ADV N JIBA
THE HEAD OF NPS
NATIONAL PROSECUTION SERVICE**

**FROM: ADV J P PRETORIUS
PRIORITY CRIMES LITIGATION UNIT
NATIONAL PROSECUTING AUTHORITY**

**SUBJECT: BRIEFING SUMMARY: ALLEGED FRAUD AND
DEFEATING THE ENDS OF JUSTICE EMANATING FROM
THE IPID (INDEPENDENT POLICE INVESTIGATIVE
DIRECTORATE)'S TWO SEPARATE REPORTS WITH
TWO DIFFERENT RECOMMENDATIONS FROM A
SINGLE INVESTIGATION: ILLEGAL RENDITION OF
ZIMBABWEAN NATIONALS BY MEMBERS OF THE
DIRECTORATE OF PRIORITY CRIMES INVESTIGATION
(DPCI) DURING NOVEMBER 2010 UNTIL JANUARY 2011**

DATE : 22 FEBRUARY 2016

REF NUMBER: 10/1/3/5/3

A: INTRODUCTION

The objective of this briefing note is to update the National Director and the Head of NPS about progress in the investigations relating to

allegations of **Fraud** and **defeating the ends of justice** allegedly committed by the:-

- Executive Director of the Independent Police Investigative Directorate, Mr R J McBride,
- Acting Chief Director- Investigations & Information Management at the IPID Head office and
- Acting Provincial Head of the Limpopo offices, Mr Khuba

This follows the alteration of a report dated 22 January 2014 compiled by Khuba with the assistance of NPA officials (Advv Mosing and Moalosi) and a member of Crime intelligence, Mr Moukangwe.

The Role played by Mr Nxasana

We also considered the role played by Mr Nxasana in facilitating the defeating the ends of justice by keeping the docket in the office of the NDPP without having it allocated or despatched to a DPP to make a decision on it, for a period in excess of six (6) months, during which period Mr McBride made utterances about the role of Lt General Dramat and Major General Sibiya in the rendition; and decided not to include him. Charging him has the potential of dragging unnecessary side issues into the matter, which have a potential of dragging members of Senior Management such as Advv Chauke and Jiba into the matter. The allegations of defeating the ends of Justice against the ex NDPP will prove very difficult to prove when one considers the intention element; the accused must have subjectively foreseen the possibility that his conduct might defeat or obstruct the administration of justice or at least be aware that his conduct might thwart or interfere with judicial proceedings.

The first Report (dated 22 January 2014)

Mr Khuba did an in-depth investigation during the compilation of the first report into the allegations that members of the Tactical Operations Management Section (TOMS) who were under the direction of Generals Dramat and Sibiya conducted operations in Soweto and Diepsloot between 4 November 2010 and 31 January 2011 to trace Zimbabwean nationals who were alleged to have had a role in the killing of a senior Zimbabwean Police Colonel in Bulawayo. A number of Zimbabwean nationals were arrested and detained at various police stations as illegal immigrants and for fictitious crimes. Some of them were transported to Beit bridge border post where they were handed over to the Zimbabwean authorities contrary to the Immigration Act, Act 13 of 2002 and the Dispensation for Zimbabwean nationals' project. This project allowed Zimbabwean nationals to apply for documents to legalise their stay within the Republic during 20 September 2010 to 31 December 2010. It was later extended to 31 July 2011.

Mr Khuba had consulted General Dramat; had access to and studied the documents and statements obtained during the DPCI investigation into the rendition. A statement of one Madilonga was not commissioned and he discovered that it was incorrect, he obtained a new statement. Khuba visited the Beit bridge border post on the dates relevant to the rendition and accessed reports made at the border post; he consulted Maluleke's supervisor, Leoni Vester, who drew his attention to success reports directed to General Dramat, General Lebeya, Hlatshwayo and others. Khuba had access to Maluleke's lab top and found that the success reports were generated from it. He also found photographs of the operation and correspondence with the Zimbabwe police.

Khuba also met with members of Crime Intelligence. He found some of the pictures of the operation on some of the Crime Intelligence's members' offices. One of the members, Mkhasibe informed him that after the arrests were completed in January 2011, they went to the offices of the DPCI where Dramat personally congratulated them for the job well done. He also indicated to them that they must not disclose the details of the operation to anyone. Khuba also interviewed Maluleke in relation to the rendition and his promotion to the rank of colonel.

He also had access to General Dramat's response to parliamentary questions asked by a member of the Congress of People, the expense claims relating to Maluleke's travelling to and from Beit bridge, cell phone records, vehicle tracker records. He also investigated bookings or entries made at various police stations relevant to the rendition. . Khuba and Moukangwe were guided by Advv Mosing and Moeletsi during the investigation, they asked the investigators to finalise the following investigations:

- to obtain analysis of cell phone records
- to obtain an analysis of the vehicle tracking information of the cars which were involved in the operation and
- to obtain warning statements from Dramat, Sibiya and Maluleke

Khuba also filed his investigation statement and submitted the docket to Mosing for further handling. The report was signed by Khuba only.

The recommendation from IPID was that Dramat, Sibiya, Maluleke, Radebe, Nkosi and Makoe be prosecuted on charges of kidnapping and defeating the ends of justice for their role in rendition of the Zimbabwean nationals. It was further recommended that Maluleke, Radebe, Nkosi and Makoe be prosecuted for assault and theft.

The Second Report (dated 18 March 2014)

This report was compiled by Khuba, recommended by Sesoko on 18 March 2014 and approved by McBride on 9 April 2014. McBride was

appointed as Executive Director of IPD on 3 March 2014. Upon his appointment, he requested an update on all the high profile cases that the IPID was handling. On 5 March 2014, McBride called Angus, the Mpumalanga Head of IPID to a meeting in his office in Pretoria on 6 March 2014 around 08h00 and asked him to look into or review the investigation by Khuba to ascertain if it was done procedural and thorough. He indicated that it involved "highly placed SAPS/Hawks members" implicated in the rendition of Zimbabwean nationals. Mr Angus was asked to review the decision of Khuba and Sesoko and he had reservations about this process. On 7 March 2014, Messrs Khuba and Angus fetched the docket relating to the rendition matter from Adv van Zyl in the DPP South Gauteng under the pretext that they would return it, when they never did so.

McBride, Sesoko and Khuba started working on the Second Report without the consultation or involvement of Mosing, Moeletsi or Moukangwe who were actively involved in the First Report. The Second Report is a version of the First Report with the following alterations:-

1. the following paragraphs were **removed** from the First Report:

Removal 1: Evidence of Lt Col Madilonga on Page 9 (middle)

"He will state that he told Superintendent Ncube that he has to verify with his seniors about the arrangements. He was given a number of General Dramat by Superintendent Ncube. He called Colonel Radzilani to verify the information but she requested that he should call Brigadier Makushu who was a Provincial Head Protection and Security Services. He then called him on his cell phone and explained to him that there are police from Zimbabwe who are intending to have a meeting with General Dramat. Brigadier Makushu told him that he was not aware of this visit but if the people are saying they are going to meet the General, he should call General Dramat directly. He phoned General Dramat on his cell phone and he responded by saying that he is aware of the Zimbabwean police and he must let them come"

Removal 2: Evidence of Lt Col Madilonga on Page 9 (bottom)

"While he was on the front passenger seat heading to the border gate, he (Captain Maluleke) told him (Colonel Madilonga) that the Zimbabwean Police whom he assisted some weeks back were looking for suspects in connection with the death of police chief in Zimbabwe, and now they have found them. He told him that he was sent by his big bosses to assist in deporting them because the country does not have extradition agreement with Zimbabwe. He said that since the Zimbabwe police entered the country there had been busy trying to trace the suspects.

Removal 3: Evidence of Intelligence member Emmanuel Mkhasibe A68 on Page 16 (middle)

“General Dramat warned them not to tell anyone about the operation we had just done”

Removal 4: Evidence of Intelligence member Constable Mngwenya A75 (bottom of page)

“He will further state that Lt General Dramat was wearing a white shirt and a red tie”

Removal 5: Documentary Evidence from DPCI offices, Success report dated 05/02/2011

“The report bears reference 14/02/01 and was signed by Col Leonie Verster. Paragraph “A1” of the report states that on 05/11/2010, General Dramat held a meeting with Zimbabwean police at DPCI offices about the Nationals who shot and killed one of their senior officers. Paragraph “3” states that Captain Maluleke was tasked to trace and arrest the said Nationals.”

Removal 6: Documentary Evidence from DPCI offices, Letter to stakeholder dated 20/08/2012

“General Sibiya was appointed as the coordinator on the cooperation issue between the two countries. Other letters about the arrest of Zimbabwean national in connection with the murder of Zimbabwean police refers to the cooperation agreed during the same meeting.”

Removal 7: Documents regarding Bongani Moyo’s case

“routed to General Dramat”

Removal 8: Statement on how Diepsloot Cas 390/07/2011 was investigated

“On 28/01/2013 he was called by the former Executive Director who gave him the following documents stating that she received them from the Secretary of Police, report on Illegal Renditions dated 25/06/2012 accompanied by Warrants of Detention (B1-1725) for the following individuals, Dumisane Witness Ndeya; Sheperd Chuma, Nelson Ndlovu and three Notification of Deportation of an Illegal Foreigner (DHA-1689) for Nelson Ndlovu, Sheperd Chuma and Maghwawe Sibanda. The documents are filed in the docket as A36. An enlarged copy of death certificate was made from a copy of Sunday Times Newspaper he received from Brigadier Zangwa dated 23/10/2011 titled “journey to death in an unmarked car” and is filed as per A35.”

Removal 9: Analysis of Evidence and Findings

"The following findings were made"

The analysis of the evidence has been redone and anything that related to the role of General Dramat and General Sibiya has been changed completely.

The First report links General Dramat in that during the meeting in August 2010 between the Zimbabwean authorities and Generals Dramat and Sibiya, the latter was appointed as a coordinator regarding cooperation between the two countries. The letter dated 29/7/2010 addressed to Commissioner Chibage of Zimbabwe requesting a meeting on 5/8/2010, was signed by Dramat. When the Zimbabwean police came on 4/11/2010, they requested to see him and were received by him. The cell phone records confirm that they spoke on this date and as it was late, they met only the next day, 5/11/2010. Lt Madilonga was told by the Zimbabwe police that they were in the country to arrest Zimbabwean nationals in connection with the murder of a senior police officer in Zimbabwe.

The First Report also notes the following:-

- that General Dramat committed government resources to the operation
- that he congratulated the police officers for arresting Johnson Nyoni and advised them to keep it a secret
- that he received communication regarding the successes and photos of the operation through his Personal Assistance, Phumla
- that he was kept informed of the developments in the operation that led to the arrest of wanted Zimbabwean nationals and
- reported to parliament in response of the questions by Cope.
- That Sibiya was appointed the Head of Toms whose task was to trace wanted suspects and he interacted with Maluleke during the operation
- He was seen during the operation on 22/11/2010 when Prichard Chuma was arrested.

The only new insertions in the second Report are the following:-

- analysis of the cell phone records of Sibiya, Dramat, Hlatshwayo, Lebeya, Maluleke, Nkosi Makoe and Radebe

- warning statements of Dramat, Sibiya and Maluleke
- the second report was compiled without the involvement of the outside officials who participated in the earlier report.

A significant difference between the two reports is the fact that the second was co-signed by the trio of Khuba, Sesoko and McBride and the recommendation has been changed; IPID recommends that no charges should be brought against Dramat and Sibiya, only against Maluleke is there a prima facie case to sustain charges of kidnapping and defeating the ends of justice. A significant portion of the evidence and portions of statements linking Dramat and Sibiya has been removed from the First Report to justify the recommendation that there should be no charges against Dramat and Sibiya.

B: REFLECTION ON THE AVAILABLE EVIDENCE

There appears no acceptable reason or ground for alteration of the First Report when it was already presented for consideration with the dockets to the DPP South Gauteng. It is clear from the reasons given by Khuba to Adv van Zyl that there were further investigations to be done and the dockets would be returned on completion thereof; the dockets were removed with false pretences, there was no intention to return them to the DPP South Gauteng in the first place, Mr McBride instructed members of his staff to fetch the dockets and the report from the DPP office and directed the alteration of the report and the recommendations in order to exonerate Lt General Dramat and General Sibiya, despite the factual report drafted by Khuba which showed how in particular, Lt General Dramat was involved in the management of the activities of Captain Maluleke in the rendition of the Zimbabwean nationals. In so far as the role of General Sibiya in TOMS and in the rendition, McBride used the cell phone analysis of one of the cell phones of General Sibiya when he knew that Sibiya had more than one cell phone that he was using at the time.

The cell phone analysed was the one which he did not have during the operation which did obviously not place him at the scene. The investigating team has recently obtained all three (3) cell phones which Sibiya was using at the time and the cell phone information is being awaited. McBride's statements in various cases, the Sibiya labour matter as well as his own High Court application when he challenged the Minister's suspension are also being awaited.

Khuba did such a thorough investigation into the rendition of the Zimbabwean nationals and was forced to agree on the alteration of his report by his supervisors despite the overwhelming factual support of their involvement in the report. On the basis of the how the process to alter the report unfolded, the conclusion is inescapable that McBride was protecting Dramat and Sibiya in altering the recommendations and making statements to exonerate them in the rendition when that was the task to

be left to prosecutors. The alteration of the report prepared by Khuba amounted to a misrepresentation of true facts which were in the report, to prosecutors who were to consider them, with a potential to cause prejudice to the administration of justice and he thereby made himself guilty of fraud and defeating the ends of justice.

RECOMMENDATION

I recommend that criminal charges of Fraud and defeating the ends of Justice be considered against McBride, Sesoko and Khuba in the Regional court.

G S Maema
Deputy Director
24 February 2015

I have noted the recommendations of Adv Maema and agree/ do not agree with the recommendation. I wish to add the following comment

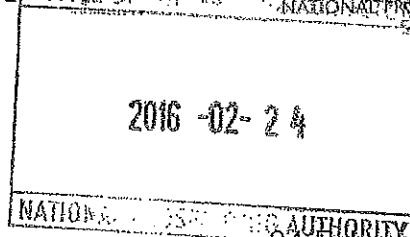
Adv T Pretorius
Acting Head
Priority Crimes Litigation Unit

**National Prosecution Service
Priority Crimes Litigation**



Unit OFFICE OF THE NATIONAL PROSECUTING AUTHORITY
South Africa

Reference: 10/1/3/5/3
Enquiries: G S Maema



24 February 2016

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BY MAIL

**ALLEGED FRAUD AND DEFEATING THE ENDS OF JUSTICE:
PRETORIA CAS 2454/5/2015**

1. I refer to the letter with reference JSM/VC/LT2526 dated 23 February 2016 that you received from Adams & Adams Attorneys and the contents are noted.
2. The allegations against Mr McBride are the following:

During the period 5 March 2014 and 18 March 2014, Mr Robert McBride participated and/or caused members of his staff to participate in conduct the result of which was to alter the contents of a report dated 22 January 2014 which was already presented to the Director of Public Prosecutions for consideration. The inexplicable alterations were calculated at protecting or exonerating senior members of the DPCI who were involved in the rendition of Zimbabwean nationals from criminal prosecution as a result of their (members of DPCI) conduct or lack of it. This conduct of Mr McBride had the potential or the effect of interfering with the proper judicial process of the case. Mr Robert McBride caused members of his staff to collect dockets from prosecutors who were preparing to consider them under the pretext of returning them when the outstanding issues had been dealt with, caused alterations to be effected on the recommendations and submitted the dockets to the then Head of the NPA. He then made statements in a number of litigations where he submitted statements to the effect that there was no case against Generals Dramat and Sibiya when in fact he removed passages in the report that points to their culpability, with a view to mislead the prosecutors who were saddled with the

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decision of the case. In so doing, he made himself guilty of Fraud in that he misrepresented the true facts in the dockets which had the potential or effect or of actual prejudice on the side of the State and defeating the ends of justice.

The questions that you may consider asking are amongst others:-

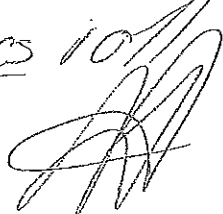
- Did you send Messrs Khuba and Angus to the DPP office Johannesburg to retrieve the rendition matter? If so why.
- Did you ask Mr Angus to review the work of Messrs Khuba and Sesoko?
- What necessitated the review of the report?
- Did you receive a copy of the report prepared by Messrs Khuba and Moukangwe dated 22 January 2014 which Mr Sesoko provided to you and read it?
- With the knowledge that the First Report dated 22 January 2014 was a product of joint work with the NPA and other institutions, why were the other institutions not consulted during the alteration of the report?
- Did you remove information from the First Report and why?
- If you did not remove information from the First Report, who did?
- Did you add any new information to the report, if not who did and why?
- Was the docket then returned to the DPP Johannesburg from where it was fetched, if not where was it taken and why?
- Did you have a meeting with the National Director of Prosecution at the time, Mr Nxasana about this alterations and when?
- Did you have a meeting with the DPP, Adv Chauke about the alterations and when?


G S Maema
Deputy Director
24 February 2016

be left to prosecutors. The alteration of the report prepared by Khuba amounted to a misrepresentation of true facts which were in the report, to prosecutors who were to consider them, with a potential to cause prejudice to the administration of justice and he thereby made himself guilty of fraud and defeating the ends of justice.

RECOMMENDATION

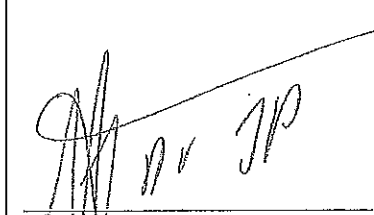
I recommend that criminal charges of Fraud and defeating the ends of Justice be considered against McBride, Sesoko and Khuba in the Regional court.

*Approach Regional Court
Coordinator Bellini
continuous 10/1/15*




G S Maema
Deputy Director
24 February 2015

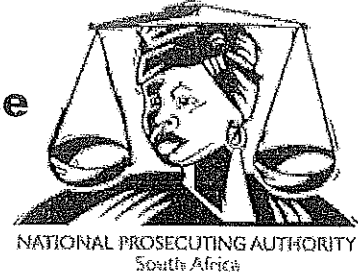
I have noted the recommendations of Adv Maema and agree/ do not agree with the recommendation. I wish to add the following comment



Adv T Pretorius
Acting Head
Priority Crimes Litigation Unit

*Dismissed
with the
Pretorius
and your
3/3/16*

**National Prosecution Service
Priority Crimes Litigation
Unit**



Reference: 10/1/3/5/3
Enquiries: G S Maema

17 November 2015

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**ALLEGED UNAUTHORISED REMOVAL OF THE ENCRYPTED (DATA 6) FAX
MACHINE FROM THE GAUTENG PROVINCIAL HEAD DPCI OFFICE IN
PARKTOWN: HILLBROW CAS 542/3/2015: BRIGADIER XABA**

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1. The case docket has been perused carefully and the following outstanding investigation must please be given attention:


1.1 It must be ascertained from Colonel Meyer (A8), the Chief Crypto Custodian at the Head Office of SAPS which "strict rules and regulations" were likely not complied with when Mr Mc Bride and his team removed the Data 6 device from the safe on 11 March 2015. The regulations concerned must please be supplied and in particular, we are interested to know what the repercussions are for non-compliance with the regulations, whether criminally or departmentally. It must also be ascertained what the position is if we were told that in an emergency or rather if following the outlined process might result in the device being removed prior to authorisation, which may defeat the "purported purpose" of the recovery of the devise.

1.2 It must also be ascertained if Major General Dlamini in his capacity as the Acting Head of the Provincial Head office of the DPCI could not, if he were

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approached properly could have facilitated compliance with the required prescripts.

- 1.3 It appears from the instruction issued by the office of the National Commissioner on 21 July 2011 (enclosed in the docket as B8) that the Data 6s and SDU14 facsimile devices were discontinued and replaced with Secure E-Mail devices with effect from August 2011, the Data 6 device was thus not operative on 3 March 2015 when it was allegedly unlawfully removed from the Provincial DPCI offices. When one considers that it does not have a memory to store information in addition to the fact that the device was discontinued by the National Commissioner's office, is it still the recommendation that the feasibility of criminal steps if any or departmental steps be considered in the circumstances.
2. The case docket Hillbrow CAS 542/03/2015 is returned herewith and can be returned to this office on completion of the investigation



G S Maema

Deputy Director

17 November 2015

MEMORANDUM**REFERENCE: HILLBROW CAS 542/03/2015:****TO: THE DIRECTOR OF PUBLIC PROSECUTIONS: SOUTH GAUTENG****FROM: THE CRIMES AGAINST THE STATE OFFICE**

- 1. CORRUPTION**
- 2. THEFT**
- 3. INTIMIDATION**
- 4. DEFEATING THE ENDS OF JUSTICE**

BACKGROUND:**SUMMARY OF THE CASE**

It is alleged that on the 2015-03-11 at about 14:30 Mr McBride, the suspended Chief Executive Officer of IPID arrived in the offices of the Provincial Head, DPCI, Johannesburg. He was having a written notice in his possession signed by himself. The notice was personally addressed to the former Provincial Head's secretary, Pearl Angel Pomuser. He served Pearl in terms of section 29(2) of the IPID Act, 2011 and that failure to comply would amount to criminal offence. Mr McBride claimed he was investigating a case of systematic corruption. He was in company of two gentlemen is assumed were his technicians or colleagues at work.

The walk-in was opened and the data 6 device was forcefully removed from the fax machine by the alleged two gentlemen on the instructions of McBride. They left with the data 6 device. McBride signed an acknowledgement letter and left it with Pearl. According to the chief crypto custodian, Lt Colonel Meyer of Crime Intelligence who is responsible for all crypto graphic equipment utilised by SAPS no one has right to temper with, remove or replace a data 6 except by crypto custodian of that Province. All the data 6 utilised by SAPS are the property of the South African Communication Security Agency (SACSA). They are withdrawn or removed only on the instruction of Chief Crypts Custodian of Crime Intelligence and by qualified Technical Operations Unit members at Crime Intelligence.

AVAILABLE EVIDENCE:**MAJOR GENERAL NHLAMVU ELIAS DLAMINI A1 will state:**

He is a complainant in this case. On 2015/02/11 at about 18:30 he was in Krugersdorp evaluating DPCI's yearly projects when he received a message that he should call Pearl Promuser. He called her and received a report that at about 14:30 the same day, Mr Robert McBride together with other two African males arrived in his office. Mr McBride served Pearl with a notice in terms of section 29(2) of the IPID act, 2011 and that he was investigating a case of systematic corruption and he would like to be allowed to remove the data 6 device which was in the walk-in safe. Pearl called Lt Botha who was authorized by General Sibiya to keep walk-in safe keys. He came and opened the safe for McBride and his team. They removed the data 6 and left. He called Lt Botha to come and explain who authorised him to open the safe without his permission and allowed Mr McBride to tamper and remove the data 6 machine. He asked if Lt Botha was present when McBride and his team were removing the data 6 device, his answer was affirmative. He went into the walk-in safe with Lt Botha to do inspection and confirm if really the data 6 was removed. Indeed he observed that the data 6 fax machine was broken into and the data6 device removed. He did not approve the actions and conduct by McBride to undermine his office and unlawfully temper with and remove the fax machine data 6 device without his permission. According to his knowledge data 6 fax machine cannot be tampered with or removed from any police building without the authorisation of either the National Commissioner or the Minister of Police. He was also surprised why the notice was personally addressed to his secretary. He further stated that no one had made any prior arrangements with him to remove any IT equipment or disc or hard drive from the computer for purpose of investigation. He wanted investigation by the police as to why McBride removed the data 6 without being authorized.

PEARL ANGEL PROMUSER A2 will state:

She is an adult female in the employment of the South African Police Service with the rank of Chief Admin Clerk, working as secretary in the offices of the Provincial Head, DPCI, Johannesburg. On Wednesday 11 February 2015 at about 14:00 Robert McBride known to her arrived in her office with two men. McBride was carrying a small box under his arm. He wanted to see her privately. He handed the box to her to open it. In the box she found a notice

which was served on her by McBride with regard to the Data Box in the safe. She read the contents of the notice and was bit overwhelmed by fear when she noted that she would hand over the Data 6 line in terms of section 29 (2) Of the IPID Act, 2011 and that failure to comply amounts to a criminal offence. He requested keys for the safe and was told they were with Lt Botha. He asked her to call Lt Botha to come with the keys. She called Botha and he came with the keys and opened the walk-in safe. Lt Botha took them into the walk-in safe. She tried to call General Dlamini but could not get hold of him until McBride and his team left with the data 6 device. Robert McBride was carrying a device in his hands. She asked them to sign an acknowledgement receipt for the device. She even tried to call the Acting National Head, DPCI and Lt Colonel Gwayi but could not get hold of them. After several attempts at 18:20 she managed to get hold of General Dlamini and narrated the whole story to him.

BARTLOMEUS CHRISTOFFEL BOTHA A3 will state:

He is an adult male stationed at DPCI, Organised Crime, Germiston. He is the key carrier of the walk in vault of Major General Sibiya's office situated at the Provincial Commissioner's office, Parktown. He corroborates the statements of A1 (Major General Eliase Dlamini) and A2 statement (Pearl Angel Promuser). He is the one who opened the safe for McBride and his team to remove the data 6 device on the 2015-03-11. He opened because Pearl produced the notice served on her by McBride that failing to comply with the notice would amount to a criminal offence. He confirms that he saw them removing the data 6 and leaving with it.

NOTICE IN TERMS OF SECTION 29(2) OF IPID ACT, 2011 A4:

The notice reads as follows, "The IPID is investigating a case of systemic corruption, as part of the investigation IPID will require to take possession of Data 6 line box in your possession. You are directed to hand over the Data 6 line box in terms of Section 29(2) of the IPID Act. Please note that failure to comply amounts to a criminal offence in terms of Section 33 of the IPID Act". I trust that this is all in order, Many thanks, Mr RJ McBride, Executive Director.

ACKNOWLEDGEMENT OF DATA 6 BOX A5:

The acknowledgement is reflected drawn below.

ITEM	Serial No.	Received by: Persal number	Rank	Initial and Surname	Component	Date
1 X Data 6 Box	60741 Barcode 93860741 /SFU 1100FMK III	15327001	Executive Director	Signed RJ McBrideMc Bride	IPID	11/02/2015

HENNIE ZACHARIAS PETRUS LE ROUX A6 will state:

He is a Warrant Officer in the South African Police Service stationed at Technical Operations, Intrusive Surveillance, Covert Intelligence Support, Crime Intelligence, Gauteng. On 2015/02/10 he received a tasking from Lieutenant Colonel van Eeden, his Commander, to conduct a feasibility study with him at the SAPS Provincial Head Office, Parktown. The tasking revolved around a request that was received from Captain Davids of Counter Intelligence, Security Standards, Gauteng in which it was requested by them to assist in the opening of a Data 6 safe at SAPS Provincial Head Office, Parktown. On 2015/02/10 he and Lieutenant Colonel van Eeden went to the mentioned office to conduct a feasibility study. Two (2) walk-in safes were observed at the mentioned office and they were not sure which one is the one that contains the Data 6 safe. They could not access the safes and left message with Pearl Pomuser that they would arrange another day to come and open the safes.

HUGO VAN EEDEN A7 will state :

He is a Lieutenant Colonel in the South African Police Service and the Commander of Technical Operations, Intrusive Surveillance, Covert Intelligence Support, Crime Intelligence, Gauteng. Part of his duties is the manipulation of various locks, mechanical and electronic, and thus opening various types of safes in the SAPS. On 2015/02/10 his office received a

tasking from Captain Davids of Counter Intelligence, Security Standards, Gauteng to assist in the opening of a Data 6 fax machine safe which was placed in a walk-in safe at SAPS Provincial Head Office, Parktown. As operators (technicians) they do not remove data 6 boxes, they only open fax machine safes for the data 6 boxes to be removed by trained cryptographers when the keys are lost. On the same date 2015/02/10 he and Warrant Officer le Roux went to the mentioned office to conduct a feasibility study. He asked Pearl Pomuser if she knew the person who was with the safe keys. She said it was Lieutenant Botha who works at Organised Crime, Germiston.

He called Lt Botha who said that he had the keys of the walk-in safe, but not sure if there was a data 6 safe inside the walk-in safe. He also told him that he would call him and make an appointment so that the "blue safe" in the walk-in safe could be opened as soon as authority is given by Head Office Crime Intelligence, Pretoria.

BAREND PETRUS MEYER A8 will state:

He is a Lieutenant Colonel in the South African Police Service attached to Crime Intelligence, Counter Intelligence, Erasmuskloof. He is the Chief Crypto Custodian for the SAPS and responsible for all crypto graphic equipment utilised by the SAPS. He says all crypto graphic equipment within the SAPS was supplied by his office via strict rules and regulations. He says the data 6 devices fall within the category of crypto equipment. The data 6 device is utilised to send classified information from one office to another without the possibility that it can be intercepted. The purpose of the data 6 is to encrypt the information on the sender's side and to decrypt the information on the receiver's side. Data 6 devices do not have memories to store information. It encrypts and decrypts. Nobody had the right to tamper with, remove or replace a Data 6 device except a crypto custodian in that Province or one from Head Office. Even a crypto custodian to remove the equipment must follow proper guidelines, do some paper work and inform his office (Head Office) about the whereabouts of such equipment and why it must be removed.

CALVYN EUGENE DAVIDS A9 will state:

He is a Captain in the South African Police Service and stationed at Crime Intelligence, Johannesburg. He is performing his duties as an Information Technology Security Official at Counter Intelligence, Gauteng. He is appointed as a crypto custodian since 2007/08/01 until to date. According to the Information Systems and Information Communications Technology Security Policy and Standards, deployed SACSA cryptographic equipment (including data 6) shall not be removed without Counter Intelligence authorization.

GODFREY THIZWILONDI NEMAVHOLA A10 will state:

He is a Brigadier in the South African Police Service attached to Crime Intelligence as Acting Provincial Head, Gauteng Province. During the period of 2015/01/26 to 2015/01/28, a telephonic call was received by Counter Intelligence, Security Standards, Gauteng from Capt Otto Robbertse (COMSEC/ICT) Head Office regarding outstanding Data 6 crypto equipment that needed to be recovered for audit purpose at Head Office. The office of Security Standards, Gauteng is the office responsible to recover Data 6 equipment from all offices including Provincial Offices. Intrusive Surveillance assistance was requested due to the fact that safe keys were presumably missing for two (2) years. A request letter dated 2015/01/30 was sent to Gauteng Crime Intelligence offices to assist open the fax safe, that was located inside a "walk-in" safe, at the Provincial Office, Parktown. He attached a letter sought for the implementation of Secure E-mails with reference 3/21/3/1/34 over 3/21/4(12) (Major General VS Matshatse). All the crypto equipment fax / data 6 units in the whole SAPS were outdated and needed to be replaced with the Secure E-mail. All outdated data 6 units were to be returned to Information Communication Technology (ICT) as they were The one in SAPS offices in Parktown was due to be removed for new secure e-mail system. The removal is only done by his Technical Operations Unit. On 2015/02/10 Lieutenant Colonel van Eeden and W/O le Roux went to the Provincial offices, Parktown to conduct a feasibility study. They could not do their study as no keys were available to open the walk-in and arranged for another day to come. He stated that they do not have deal with any other agency to render assistance on the removal of the data 6 device.

KETSEBAE ISRAEL KGAMANYANE A11 will state:

He is an adult African male employed by Independent Police Investigative Directorate as an Acting Executive Director. On Wednesday 03 June 2015 at approximately 11h00, he was visited by Brigadier Xaba from the DPCI and indicated to him that he was conducting an investigation on the missing device from Johannesburg DPCI offices which was allegedly removed by Mr McBride under the disguise that he was investigating a systematic corruption case. He informed Brig Xaba that he knew nothing about the device and that no one in his office told him about the investigation of case of systematic corruption by IPID Head Office. On Friday the 5th of June 2015, he called Mr McBride and enquired about the alleged case of systematic corruption. Mr McBride in his response told him that if Brig Xaba wanted to know something about the case should call him (McBride).

ROBERT MCBRIDE (WARNING STATEMENT) A12 will state:

He did not commit any offence and the allegation of theft against him does not constitute a theft of any nature. Further, no facts remotely support theft. He was requested by General Sibiya to seize the data 6 because he (Sibiya) was informed him that two colonels from Crime Intelligence were in his office on the 2015-02-09 to remove the data 6 claiming it belonged to General Mdluli. He removed the data 6 on the request by General Sibiya to analyse if in fact was a bugging device that was installed to monitor his conversation. He sent the data 6 to the office of State Security Agency for analysis. The analysis report revealed that the device encrypts and decrypts information. It does not store information. He attached a copy of affidavit made by Sibiya that indeed he is the one who requested McBride to remove the data to check if it was not a bugging device.

TAKALANI AUBREY NEMUSIMBORI A13 will state:

He is an adult male employed as Director, Information Technology at Head Office, IPID. On the 11th February 2015 he and his colleague Katlego Stephen Mamorate accompanied Mr McBride to the offices of the Gauteng Department of Priority Crime Investigation ("the DPCI"), also known as the HAWKS. He was informed by Mr McBride that he had received a complaint about a Data line (device) at the office of the suspended Gauteng Provincial Head DPCI, that was about to be removed unlawfully from his office. He was also told by McBride that their visit to Parktown offices was in terms of

Section 29(1) of the IPID Act No. 1 of 2011. On their arrival, Mr McBride explained the purpose of their visit and produced a letter that explained that he wanted to remove the data 6 device for investigation. The data 6 was removed by his colleague, Katlego Stephen Mamorare, who is an Assistant Director: IT Security at IPID, Head Office. Mr McBride signed for the removal of the data 6 and they left with it. The device was stored in the IT safe until it was handed over to the SSA to conduct investigation.

KATLEGO STEPHENS MAMORARE A14 will state:

He is an adult male employed as an Assistant Director: Information Technology Security ("IT") at IPID, Head Office. On the 11th February 2015, he and his colleague Takalani A13 accompanied Mr McBride to the offices of the Hawks, Johannesburg. They went there to remove the data 6 on the instructions of the IPID Head, Mr McBride. He removed the data 6 himself. Mr McBride signed for the removal of it. It was kept under locked in IT safe until it was handed over to the SSA to conduct analysis.

TAKALANI AUBREY NEMUSIMBORI A15 will state:

He is an adult male employed by IPID as the Director, Information Technology. On the 05 March 2015, he sent the data 6 under a covering letter to SSA for analysis. It came back on the 30 July 2015 without the analysis report. He handed over the device serial number: 60741 to Captain Hlatshwayo and who put in the exhibit bag seal number: PA5002113211. It was sealed in front of him.

ANALYSIS REPORT A16 :

The copy of the analysis report was received from IPID and the original was unknown. The report confirms that the alleged data 6 encrypts and decrypts information. It does not store information. Attempts were made to get the original report and 212's statement from SSA but with no avail.

THABO MILTON TSIU A17 will state:

He is an adult male in the employment of the State Security Agency (SSA) as a Security Advisor based at the Chief Directorate External Vetting, Kiepersol Building, 12 Protea Street, Doringkloof, Centurion, 0157. On 4 March 2015 around 15:00, he was instructed telephonically by Ms L Nkabinde, the Divisional Head: Security Advising of SSA, on instruction by Mr V Dlodlo, General Manager: External Vetting and Advising, to make contact with an official from the Executive Directorate at the Independent Police Investigative Directorate (IPID) regarding a formal request seeking technical expertise from the SSA pertaining to a certain device (Data 6, Secure Fax Unit Crypto Box). Upon receipt of the tasking, he contacted Mr L Mnisi, the Security Manager of the IPID telephonically regarding the said request, who in turn contacted an official from the Executive Director's office at the IPID (whose name and details are unknown to him) and advised him that the said request and device should be collected on 5 March 2015 from the IPID office in Madiba Street, Pretoria.

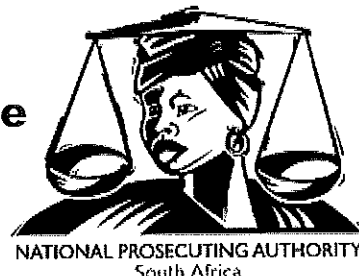
On 5 March 2015 in the morning, he collected the formal written request and device from Mr T Nemusimbori, from the Information, Communication and Technology (ICT) division at the IPID, who gave him a brief overview of the device and the purpose of the request. Upon collection of the request and device, he was instructed telephonically by Ms L Nkabinde, the Divisional Head: Security Advising of the SSA to take the request and device to Mr S Molebaleng SSA'S Cyber Service Unit for analysis, who recommended that the request and device be taken to Mr D Appolis, a technician at the Cyber Services Unit, who in turn recommended that the request and device be taken to National Communications. Mr OJ Botha, a Technician from National Communications analysed the device and a report thereof was compiled and subsequently signed off by Dr Motsetsang-Moeng, the Head of National Communications. On the 30th July 2015, he delivered and handed over the said device to Mr T Nemusimbori at IPID. On 12 August 2015, he delivered and handed over the SSA's report pertaining to device to Mr W Baloyi from the Executive Director's office and an acknowledgement of receipt was signed by him.

BRIGADIER NYAMEKO XABA A18 will state:

He is the investigator in this case. On the 19-03-2015, he visited the crime scene in Provincial Offices DPIC, Parktown. He summoned the National Crime Scene Management to come and take photos of the crime scene. A photo album was compiled as A8. He obtained statements from Crime Intelligence members who are responsible for the maintenance of SAPS data 6 fax machines. The members in their statements confirm the data 6 does not store information. It encrypts and decrypts information. They could not understand why Mr McBride removed the data 6 without prior authorization either from the Minister or the National Commissioner. Secondly, why he did not engage Crime Intelligence Divisional Commissioner for assistance if he was not trusting SAPS members. He obtained statement from the chief crypto custodian, Lt Col Meyer A8 who is also responsible for all crypto graphic equipment used by SAPS. Lt Col Meyer said no one has a right to temper with, remove or replace a data 6 except the crypto custodian of that Province in consultation with his office. He, the investigator, conducted investigation in the offices of IPID at Head Office to establish if there was any case of systematic corruption under investigation by McBride. The Acting Executive Director A11, IPID Head, Mr Kgamanyane A11 was interviewed and said he had no knowledge of systematic corruption in his office and further that according to their registers there was no such investigation. On the 15/07/2015, He called Mr McBride to the offices of CATS Pretoria for warning statement A12 in terms of chapter 2 of the Constitution of the Republic of South Africa, 1996. He brought a prepared statement made his attorney, Mr JS Marais. In the warning statement he vehemently denied the allegation of theft and said his actions did not constitute a theft of any nature. He said he was requested by Major General Sibiyi to seize the data 6 device because he (Sibiyi) was told that two colonels from Crime Intelligence came to his office on the 09/02/2015 to remove the data 6 device because as it belonged to General Mdluli. McBride alleges he was requested by General Sibiyi to seize data 6 device and investigate if it was a bugging device to monitor his conversation or not.

RECOMMENDATIONS

**National Prosecution Service
Priority Crimes Litigation
Unit**



Data 7. 77

CONFIDENTIAL INTERNAL MEMO

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**TO : ADV S K ABRAHAMS
THE NATIONAL DIRECTOR OF PUBLIC PROSECUTIONS**

**AND TO: ADV N JIBA
THE HEAD OF NPS
NATIONAL PROSECUTION SERVICE**

**FROM: ADV J P PRETORIUS
PRIORITY CRIMES LITIGATION UNIT
NATIONAL PROSECUTING AUTHORITY**

**SUBJECT: BRIEFING SUMMARY: ALLEGED THEFT, INTIMIDATION
AND OR DEFEATING THE ENDS OF JUSTICE AT THE
GAUTENG OFFICES OF THE DIRECTORATE OF THE
DIRECTORATE OF PRIORITY CRIMES INVESTIGATION
(DPCI) ON 11 MARCH 2015**

DATE : 26 JANUARY 2016

REF NUMBER: 10/1/3/5/3

A: INTRODUCTION

The objective of this briefing note is to update the National Director and the Head of NPS about progress in the investigations relating to allegations of theft, intimidation or defeating the ends of justice allegedly committed by the Head of the Independent Police Investigative Directorate, Mr R J McBride at the offices of the DPCI on the 11 March 2015. It involves the removal of a Data 6 device from a Fax machine which was fitted by Crime Intelligence at the Provincial offices of the Gauteng DPCI at Parktown which was headed by General Sibiya who was

at the time on suspension. General Dlamini was appointed to act in the meantime whilst investigations were pending against General Sibiya.

The Data 6 equipment was the property of the South African Communications Agency (SACSA) and was fitted in the walk-in safe of DPCI for use by the SA Police Service. The utilization of this crypto equipment, with a capability to encrypt information send through a fax on the sender's side and to decrypt the information on the receiver's side, was outdated and discontinued by Head office of Crime Intelligence and replaced with a modern Secure e-mail system. The Data 6 device had no memories to store information, it was utilised to send classified information from one office to the other without the possibility of the information being intercepted. Only a crypto custodian from Province or Crime Intelligence Head office could remove or replace a Data 6 device after following proper guidelines and securing appropriate authority from Head Office, Crime Intelligence.

B: BRIEF BACKGROUND

On 10 February 2015, Lt Colonel van Eeden (A7) and Warrant Officer Le Roux (A6) of Technical Operations, received a task from Head Office to remove these discontinued crypto devices from the police safes where they were fitted, they started at the Gauteng DPCI offices to conduct a feasibility study in preparation for the removal of the machine. After making arrangements with the custodian of the keys, Lt Botha they indicated that they would return to remove the device once authority has been given by the Head of Crime Intelligence in Pretoria.

General Sibiya who was on suspension at the time received information of this visit to the offices of DPCI, Gauteng then telephoned his lawyer so that they could enquire what these officers were looking for. The Minister's legal representative, William Mkhari did not have any knowledge of the visit and informed General Sibiya's lawyer, Victor Nkwashu. General Sibiya had suspicions that the officials could have been attempting to remove recordings devises unlawfully looking for evidence to implicate him and he approached the Head of IPID, Robert Mc Bride to conduct an investigation.

On 11 February 2015 at about 14h00 Mr Mc Bride accompanied by his Head of Information Technology, Takalani Nemusimbori and a Technician arrived at the offices of Gauteng DPCI and served Pearl Pomuser, the secretary to the Acting Head with a notice issued in terms of section 29(2) of the IPID Act, Act 1 of 2011 which provides as follows:-

"The members of the South African Police Service must provide their full cooperation to the Directorate, including but not limited to:

(a)

- (b) ... and
- (c) any other document or information required for investigation purposes.

Section 28 (2) of the IPID Act provides that the Directorate may investigate any systematic corruption involving the police. Section 33 of the IPID Act makes it an offence to interfere, hinder or obstruct the investigative Director in the exercise of his powers and functions.

They thereafter proceeded to the walk-in safe and removed the Data 6 device from the safe. Mr Mc Bride signed a note prepared by Pearl acknowledging receipt of the Data 6 device. The Head of IT (Information Technology in IPID kept the device in the safe until it was taken to State Security for determining if it has any recording capacity.

C: REFLECTION ON THE AVAILABLE EVIDENCE

It is very clear that Mr Mc Bride was performing his powers and functions in terms of the IPID legislation after a formal complaint was submitted to his office by General Sibiyi who had suspicions that the two (2) officials from Crime Intelligence who visited the DPCI offices in Gauteng, where he was based prior to his suspension, were looking for a device which has recorded information that could implicate him in any wrong doing. When he could not ascertain what the purpose of the visit to his office was from his lawyers, he decided to ask IPID to conduct the investigation.

Although the IPID Act empowers the Directorate to enter the premises of any police offices and seize documents or objects which could be used in the investigation of possible offences, Crime Intelligence of the SAPS have certain procedures that must be complied with to seize related objects. The Data 6 device was taken by IT officials in the offices of Mr McBride and taken straight to the offices of State Security to determine the capabilities of the device. It was found that it does not store information, it only encrypts from the sender and decrypts at the receiver of information. The device was in any way discontinued within the SAPS and replaced with the Secure e-mail application.

It is clear that The IPID Head had no intention to deprive the police of the equipment permanently; the idea was to pursue an investigation. There was also no intention to defeat the ends of justice. The method that was used which had the effect of frightening Pearl is a method that is allowed by the IPID Act. We are of the view that no criminal act was committed.

RECOMMENDATION

I recommend that no criminal charges be pursued in respect of the removal of the Data 6 from the Fax machine. The police are at liberty to consider if the failure by the IPID Head to follow the procedure prescribed by Crime Intelligence amounts to any violation of internal processes of the SA Police Service

G S Maema

Deputy Director

17 November 2015

RECOMMENDATION

I recommend that no criminal charges be pursued in respect of the removal of the Data 6 from the Fax machine. The police are at liberty to consider if the failure by the IPID Head to follow the procedure prescribed by Crime Intelligence amounts to any violation of internal processes of the SA Police Service

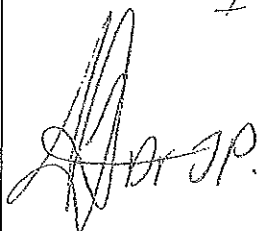


G S Maema

Deputy Director

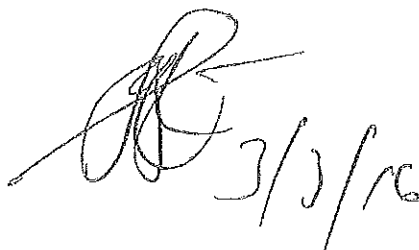
17 November 2015

I agree



Discussed with Dr

Bohmer - 7/1/16



Torie Pretorius (JP)

From: Paul O'Sullivan <Paul.osullivan@poaa.za.com>
Sent: 03 May 2018 10:56 PM
To: Torie Pretorius (JP)
Subject: Supporting criminals is NOT OK

Torie.

I've never met you.

I'm sure you are probably an OK kind of guy. Your family probably think so too. But they do not know what I now know about you. I now know more about you than your family do!

However, what you have done in the last couple of years will see you spend the rest of your life in prison. **I can guarantee that!**

If you think you will escape justice, then you deserve what is coming to you. Ask Selebi, ask Phahlane and his crooked wife and corrupt mistress.

If you want to save yourself and your family from what is coming, then try and use that big thing between your ears and come clean.

If you don't come clean I **WILL** send you to prison and take everything you **think** you own. You helped fuck me, and if you don't come clean, you will pay the price for that.

Step aside and come clean, if you want to save yourself from prison and your family from a life in the gutter.

What your criminal associates will never understand is that I have more assets than all of you put together. My offshore assets exceed R150m so do not think you can beat me, because you cannot. You and your accomplices can **NEVER** beat me. I can buy all your assets in the flick of switch and still have spare change for a glass of Guinness. That's where you crooks went wrong, you under-estimated me my tenacity and my ability to sustain a prolonged war against you all.

Whilst you are all running out of steam with your crooked accomplices, I am just getting started.

Give it up now Torie, and you may walk free. Continue with your current criminal conduct and I **WILL** send you to prison, along with Mlotshwa, Mashuga, Maema, Abrahams and all the other crooked scum you are working with.

Do **NOT** make the mistake of thinking this is an idle threat. I **PROMISE** you prison, if you do not stop what you are doing and come clean. If you are happy to spend the rest of your life in prison and learn what a slow puncture means, then continue with your criminal ways.

You have my number, come clean now, or face the music. If you don't, I will wreak 'accountability' like you have never believed possible.

Continue with your criminal conduct at your own peril.

Put simply, make peace (with me) or spend the rest of your natural life in a South African prison, whilst your family go destitute as I will take everything from you.

It's not a threat Torie, it's a promise.

You should realise that the tide has turned and that criminal scum Abrahams, will drag you down with him.

The time has come for me to fuck you, ten times more than the way you fucked me.

I'm ready to deal with you Torie. Are you ready to be dealt with? Time is not on your side Torie.

When Abrahams gets dealt with, you are next on my list and if he gets dealt with before you come clean, you will not be given any ground.

Last chance saloon?

<https://www.urbandictionary.com/define.php?term=last%20chance%20saloon>

By the end of May 2018, if you have not crossed over, you will not be able to cross over.

Are you a gambling man? Then know this: I hold the aces!

Best wishes,

Paul O'Sullivan CFE



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www.forensicsforjustice.org



Po S.

Torie Pretorius (JP)

From: Paul O'Sullivan <paul.osullivan@shcplc.com>
Sent: 09 November 2018 09:14 AM
To: George D. Baloyi; Torie Pretorius (JP); Sello G.Maema; Torie Pretorius (JP)
Cc: Johann van Loggerenberg; Silas Ramaite; sarah.trent@forensicsforjustice.org; Shadrack Sibiya (ShadrackS@joburg.org.za); Molatlhwa M. Mashuga; ntlemezaa@saps.gov.za
Subject: State Capture by criminals in the NPA
Attachments: Presidential Proclamation PCLU.pdf; SMS'as received from Ntlemeza's daughter 2017-05-19.docx

<https://www.dailymaverick.co.za/article/2018-11-08-shadrack-sibiya-has-a-right-to-justice-against-the-state-capture-enablers-still-jammed-in-the-system/>

And you criminals with gowns are still chasing the SARS three on trumped up charges?

I'm surprised you did not charge me as well. I was the one that tipped off Gerrie Nel, and suggested for them to install some cameras at the offices in Silverton, because I had gathered intelligence that Selebi had contracted Mulangi Mphego, who in turn instructed Mdluli (then head of C.I. in Gauteng) to infiltrate and get a copy of the docket against Selebi, so that the witnesses could be 'dealt with'. Doesn't that make me an accessory to the trumped up charges you criminals have brought against the SARS three, having first of all spectacularly failed against Gordhan? Surely it must be a crime for me to want to stop Selebi criminals with badges from wanting to spy on the offices of the then DSO? If I had not of suggested to Gerrie to install some covert cameras, surely this thing would never even have taken off. When Gerrie said to me, "Paul, how do we get the cameras installed, without people knowing", I said "Gerrie, the people must come in on a Sunday evening, and must pretend to be electricians".

What you criminals are doing is nothing more, or less, than the last kicks of a dying horse. Its unethical, its wrong and its downright criminal and you will pay for it. In any event, the horse will still die.

Torie, you and your accomplices' PCLU badges (badges of shame) will be worn off in a dark prison cell, where you get to see the other side of the criminal justice system. Baloyi and Masuuga will be with you all. Or maybe they will send you to Sun City, where it never gets dark.

You'll all get to learn, like Maema forced me to learn, the love-life of rats. Its amazing, wham-bam, not even a thank you maam, and its all over in less than three seconds. They scuttle all over the place and even climb onto you whilst you are not moving.

Soon there will be a new NDPP. Then you will all be toast.

Johann,

Tell the other two, your persecutors will be in prison long before your trial gets under way.

The *State Capture Enablers* that are still jammed in the system are running out of road. All it takes is a simple presidential proclamation to reverse Mbeki's proclamation, and that's the end of the PCLU. I will write to the President and ask him to sign the death warrant of the PCLU.

Maybe I can even get these clowns with gowns into the justice system before your next appearance.

Silas,

'Shame on you, for allowing this circus to continue. Why do you allow these criminals with gowns to continue with their crimes?

Are you a man or a mouse?

Read the Constitution and the act, you have legal obligations.

You are *de facto* in charge of the NPA. Stand up and do something about these criminals on your payroll, or I will name and shame you as one of the 'State Capture Enablers'.

I note that you refused to answer my previous mail about Ntlemeza's daughter, which pretty much shows me you are 'captured'. Otherwise how do you explain your procrastination and protection of Ntlemeza's criminal offspring, who got into the police and promoted, as a result of nepotism, carried out by Ntlemeza's mistress in Limpopo?

From: Paul O'Sullivan
Sent: 19 September 2018 01:56 PM
To: Silas Ramaite (msramaite@npa.gov.za)
Subject: criminal complaints against Warrant Officer Anele Ntlemeza

Dear Dr Ramaite,

Upon enquiring about the progress on the case against Ms Anele Ntlemeza today, I discovered that the matter has been postponed so that she can make representation as to why the charges against her should be withdrawn.

As a victim of her and her father's heinous crimes, I believe I also have a right to be heard:

1. Firstly, whilst not pertinent to the charges she is currently facing, I should like to mention that she was only appointed into the SAPS, as a result of nepotism.
2. Next, she is wholly unfit to be a police official. Just today, she was convicted of driving with almost four times the legal limit of alcohol.
3. She also benefitted from nepotism in her career path in the police.
4. Finally, and this is the crux of the matter, just take a look at the vile SMS's she sent to me, when I communicated with her and instructed her to STOP threatening Captain Ramahlaha, as he is a witness in criminal cases I had opened against her father, the then (now dismissed) unlawfully appointed head of the DPCI.

The vileness and the display of intentional unlawfulness cannot be better captured, as they are in her vile SMS's. She has played that she considers herself above the law, and a clear signal needs to be sent out to like-minded individuals.

As a result, I have assured Captain Ramahlaha, that if she is not prosecuted, then I will provide the funds for a private prosecution as she belongs behind bars with her father.

If it is then decided not to prosecute her, then please be so kind as to issue the relevant certificate, in terms of Section 7 (2) of the Criminal Procedures Act.

I look forward to hearing from you.

South Africa is sick and tired of these criminals with badges and gowns and if you don't do something now, I will publicly name you, as part of the problem.

Paul O'Sullivan CFE



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Tel: + 44 7784 886 408 (UK)

Fax: +27 86 689 2315

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NPC No. 2015/25962/08

P.O. Box 78200

Sandton

2146

Torie Pretorius (JP)

From: Paul O'Sullivan <paul.osullivan@shcplc.com>
Sent: 19 April 2018 08:53 PM
To: Shaun SK. Abrahams; Torie Pretorius (JP); George D. Baloyi; Sibongile Mzinyathi; Sello G.Maema; Molatlhwa M. Mashuga
Cc: TebogoMo@presidency.gov.za
Subject: NPA Criminal Skunks will go to prison
Attachments: CREDIBLE EVIDENCE REQUEST

You crooked criminals have been protecting criminals whilst using my taxes to persecute me.

You will all go to prison.

Each and every one of you.

If I cannot send you to prison, I will exact my own form of justice on you and your families and will not stop whilst I am alive and breathing

All legal of course – because unlike you criminals, I do not break the law

You will NEVER escape me for what you criminals have done

NEVER

STOP ME IF YOU CAN YOU LOW-LIFE COWARDLY CRIMINALS

I am now closely watching each and everyone of you 24/7 and waiting for my chance to move on you all together, or pick you off one by one

Be prepared and be afraid, be very afraid, as you will all face justice and the slow punctures that follow

RUBBISH LOW-LIFE CRIMINALS!

Shu Abrahams, are top of my clean-up list.

Torie, you yellow criminal, you are next, then that fake advocate Mlotshwa, then you Maema, then you Mzinyathi, then I will save the best for last and deal with you Michael – I have something special for you Michael and – YOU WILL BE SURPRISED AT WHAT I HAVE

Not one of you will escape justice, no matter what you do to me.

When I've finished with you CRIMINALS, I will then go after your crooked cop criminals in the North-West – see the attached mails, they are barking up the wrong tree and committing offences as they go – offences sanctioned by criminals in the NPA – I will deal with them all – they cannot save Phahlane, or themselves, even with your criminal protection racket

Tebogo,

Please tell Cyril, that he MUST despatch these criminals as soon as possible, as they are holding up the clean-up of our beloved country

Every day these criminals are in office is a day too long

Torie Pretorius (JP)

From: Paul O'Sullivan <Paul.osullivan@poaa.za.com>
Sent: 06 February 2019 08:33 PM
To: Torie Pretorius (JP)
Cc: Sibongile Mzinyathi; Fred C Daniel (fred@cradleoflife.com); Minister@justice.gov.za; President@rsa.gov.za; yasmin.sooka@gmail.com; 'jwbooyesen@icloud.com'; dudumyeni@telkomsa.net; Lebeya SG - Lieutenant General (LebeyaSG@saps.gov.za); parliamentaryleader@da.org.za; Molatlhwa M. Mashuga; Communication; sarah.trent@forensicsforjustice.org; dali mpofu; glynis.breytenbach@gmail.com; George D. Baloyi
Subject: The Truth is Coming Out -
Attachments: NDPP Memorandum 2016-04-12.pdf

Pretorius,

I'm certain that you, along with all the criminal thugs that have captured the heart of the NPA, including the PCLU, better known as **Politicised Criminal Litigation Unit** have not been serving my country for many years. Your recent admission to political interference in the TRC trials, is *prima facie* proof that you have abandoned your oath of office and the Constitution. Why did you not speak out sooner? Why?

It is abundantly clear that the unlawfully appointed Zupta crony, Abrahams, left a very large **sleeper-cell** in place, as a rear-guard for not only to protect himself, but the whole of the Zupta syndicate, most of that sleeper cell is embedded in the PCLU and elsewhere, such as George Baloyi, Sibongile Mzinyati and so on. Every day that sleeper cell remains in place, is a day too long for this country.

The NPA will REMAIN CAPTURED, until you have all been driven out or put into prison, or both and replaced with honourable people that serve the Constitution.

I say you Pretorius are one of the kingpins in the CAPTURE of the criminal justice system, along with Abrahams. If Booyesen, Breytenbach, Gordhan, Dramat, Sibiya and the SARS three were asked, I am sure they would all agree with me.

Let's consider some facts over here:

We'll start with this Daily Maverick piece:

<https://www.dailymaverick.co.za/article/2019-02-05-dudu-myeni-bosasa-woes-stack-up-beyond-a-louis-vuitton-handbag/>

You and your accomplices have been **protecting Myeni** for years, so that she could bring a once proud airline to its knees, whilst being a part of the Zupta conspiracy, together with her boyfriend and their son, aimed at capturing Eskom. I confirm that I have opened FOUR criminal cases against her, dating back to March 2015. You and your accomplices have covered up and squashed those cases, whilst at the same time, working together with badged criminals in the DPCI to express-feed fake cases against myself, merely to stop me from speaking out. Some of those cases can be found here: <https://www.forensicsforjustice.org/portfolio-posts/dudu-myeni-board-of-saa/> and here: <https://www.forensicsforjustice.org/portfolio-posts/zuma-state-capture-smoking-gun/> all dockets that you and your accomplices have suppressed, whilst chasing me on fake cases.

As is now clear, each and every one of your fake cases against me, has spectacularly crashed and burned. I hear you and your accomplices have been desperately trying to conjure up some more, but the sand is nearly gone from the hour glass and it will soon be too late. What you do now, will be last kicks of a dying horse.

You were a part of that criminal enterprise that considered charging me with Espionage, Treason, unlawful interception and other grave offences, which according to then head of DPCI, Ntlemenza and Minister of Happy Endings (David Mahlobo) would see me spend the rest of my life in prison. For what? For the crime of standing up to state capture and systemic corruption, your accomplices raided my offices multiple times, dragged me off a plane with two of my minor daughters and imprisoned and tortured me, they kidnapped my lawyer and again arrested me and kept me against my will, just like they did in the Apartheid days to those speaking out against Apartheid. You all failed!

But I won't fail in dealing with you Pretorius. Ask Andre Bouwer, Vito Assante, Selebi, Aglioti, Clinton Nassif, Steven Chosi, Ntlemenza, Phahlane, Krejcir and so many others. When I set my mind on it, I never fail.

I hereby publicly state that you should be charged with corruption, because you accepted a significant pay rise at the hands of an unlawfully appointed criminal, Shawn Abrahams, and you gladly accepted that pay rise, for the *quid pro quo* that you would do what you were told to do and ignore your constitutional obligations in the process. Some of the particulars of the docket opened against your kind, are contained at this location:

<https://www.forensicsforjustice.org/portfolio-posts/how-why-mafia-captured-criminal-justice-system/> and here: <https://www.forensicsforjustice.org/portfolio-posts/state-capture-criminal-justice-system/>

What's changed you may ask? Well it's a little thing called time. In the time between opening those dockets and now, we have discovered just how pivotal your role was in State Capture and the protection of the country's largest ever crime syndicate. That's why you refused to comply with my requirement for you to supply the document sent by Abrahams to Jiba on 2015-11-18, and copied to you, which mirrors the attached, only with other victim's names on it. Names of the people that the Zupta captured NPA was desperate to silence.

That is why Pretorius, we are all calling for your dismissal and for you to go on trial, along with all your accomplices.

Maybe you should try and cut a deal with a Section 204, like those Kebble connected criminals did? Maybe you can do an 'Agliotti' or an 'Agrizzi'?

It's better to be unemployed and survive jail with a Section 204, than have to plead your case out in a very public criminal trial, with a the possibility of a long stretch in prison at the end. This is what the law society said about that fake advocate (Mlotshwa) that you, Abrahams and Ntlemenza unleashed on me:

The council has carefully and diligently considered all the facts available to it concerning respondent as set out in this affidavit. It has concluded that whether each complaint is considered alone or all the complaints are considered cumulatively, respondent has made himself guilty of unprofessional or dishonourable or unworthy conduct and is no longer a fit and proper person to continue to practise as an attorney or as an officer of the honourable court. Respondent's conduct reveals character defects which cannot be tolerated in a practitioner or officer of the honourable court and does not meet the standard of behaviour and conduct and reputation which is required of an attorney and of an officer of the honourable court. By virtue of his conduct and behaviour respondent has damaged and affected the good standing and reputation of the profession as a whole. Consequently, his name should not be allowed to remain on the roll of attorneys.

Such a glowing commendation made him perfect to be a part of your capture team, but not to be employed by the NPA. His wife's time as an attorney was similarly cut short when she was caught stealing client funds, but that did not bother you and your accomplices, to have such people in your midst.

FRED DANIEL

To prove just how low you can stoop, I understand you have taken charge of the fraud, corruption and defeating the ends of justice docket opened last year by Mr Fred Daniel, with my assistance.

Mr Daniel has advised me, that he called you to ask why the suspect has not been arrested and your response was, 'because Paul O'Sullivan is involved'.

This serves as further evidence that you are 'captured'. You are invited to explain precisely how the PCLU got its hands on that docket in the first place, which should have been dealt with at the jurisdictional court level. You are also invited to explain why you have not issued a J50 for the suspect, despite mountains of *prima facie* evidence.

I think it's no coincidence that the Fred Daniel docket investigation is being led by DPCI's very own (Vlok Symington kidnapper) Brigadier Xaba, who one of your other accomplices, George Baloyi, declined to prosecute.

Of course we know you won't reply. You won't reply because that reply may further incriminate you.

NEW LEADERSHIP

Adv Shamila Batohi might be in charge of the NPA, but she is **NOT** in control of the NPA and does not have a cat-in-hells chance whilst you and your accomplices are in office. It's precisely the same analogy I have applied to the DPCI when General Lebeya took the reins. At least he's now starting to kick it into shape. Until those engaged in State Capture are removed from the system, the Criminal Justice System remains captured. It's why the Myeni's, Zuma's, Vincent Smith's and Gavin Watson's of the country are walking around free as birds, when they plainly belong behind bars.

My parting shot – go ahead and sue for me for defamation. But first read up about publishing what's true and in the public interest. Your time is coming.

I've copied the DA and EFF, as well as the President. I'm sure they all want to know that the NPA is STILL captured and will remain so, whilst people like you are at your desks.

Paul O'Sullivan CFE



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The only thing **necessary for the triumph** of evil is for good men to do nothing. - Edmund Burke

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Pos

Torie Pretorius (JP)

From: Paul O'Sullivan <Paul.osullivan@poaa.za.com>
Sent: 25 January 2019 08:39 AM
To: Torie Pretorius (JP)
Subject: Malicious Prosecutions

Pretorius,

You know that you and that fake advocate you have been protecting, worked together to bring all the fake cases against me.

Apart from the fake Diamond case, I require you to produce evidence of the compliance with Section 24 (3) of the NPA Act in respect of each and every fake case your fake advocate, under your control, brought against me. We now know that you retrospectively got Andrew Chauke to provide such evidence in respect of the fake Diamond case and he will be a witness in your criminal trial.

You have until Monday to provide the proof of compliance with Section 24 (3).

If you fail or refuse to provide them, then I shall assume you do not have them and will produce a substantial docket against you and publish it.

I shall also commence a campaign to have you suspended, fired and prosecuted for your role in Sate Capture.

The time for rubbish like you is over.

Paul O'Sullivan CFE



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Torie Pretorius (JP)

From: Paul O'Sullivan <Paul.osullivan@poaa.za.com>
Sent: 05 January 2018 10:16 AM
To: Shaun SK. Abrahams
Cc: Andrew KMA. Chauke; Sibongile Mzinyathi; Torie Pretorius (JP); glynis.breytenbach@gmail.com; Sarah Trent
Subject: Your Country Needs You

..... to RESIGN

I'm going to keep the heat on you and your accomplices, until you're all jobless, in jail, or both. (preferably both)

https://www.biznews.com/undictated/2018/01/04/npa-police-zupta-osullivan/?utm_source=BizNews.com&utm_campaign=bbfb2ed171-dailyinsider&utm_medium=email&utm_term=0_d5e2e8a496-bbfb2ed171-101185821

In 2018, you will pay for what you did to me in 2016/17

Expect no quarter!

Paul O'Sullivan CFE



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ML BRIDE - ZC 110

SEQ 31/2019-063

**National Prosecution Service
Priority Crimes Litigation
Unit**



NATIONAL PROSECUTING AUTHORITY
South Africa

ANNEXURE C
(H)

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Head Office

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018 381 9003

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Pretoria

0001

South Africa

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**TO : ADV J P PRETORIUS
PRIORITY CRIMES LITIGATION UNIT
NATIONAL PROSECUTING AUTHORITY**

**AND TO: ADV S MZINYATHI
DIRECTOR OF PROSECUTIONS
NORTH GAUTENG**

**AND TO: ADV THOKO MAJOKWENI
THE ACTING HEAD OF NPS
NATIONAL PROSECUTION AUTHORITY**

**FROM: THE PROSECUTION TEAM
PRIORITY CRIMES LITIGATION UNIT**

**SUBJECT: PROGRESS REPORT IN RESPECT OF THE IPID
MATTER: THE STATE VERSUS HUMBULANI KHUBA
AND TWO OTHERS: PRETORIA CAS 2454/05/2015
REGIONAL COURT CASE A16/212/2016: FRAUD AND
DEFEATING THE ENDS OF JUSTICE**

DATE : 31 OCTOBER 2016

REF NUMBER: 10/3/5/3PCLU3/2016

A: INTRODUCTION

The purpose of this report is to advise the Acting Special Director of the Priority Crimes Litigation Unit on the available evidential material and the state of the evidence after I consulted all the available witnesses in the matter.

In the light of the challenges outlined hereunder, it is our recommendation that the charges against the accused be withdrawn. As the initial decision to prosecute was communicated to the Head of the NPS, it is incumbent that the prosecution team's views be communicated to the Acting Head of the NPS for her consideration, interrogation and approval.

B: THE CHANGED CIRCUMSTANCES**1. Letter received from Mr Sandile July of Werkmans Attorneys dated 14 October 2016**

The Werkmans report on the Illegal Rendition of Zimbabwean nationals prepared by Mr Sandile July of the Werkmans Attorneys on the request by the Minister of Police is a very critical basis of the prosecution. It is as a result of the recommendations in this report that the criminal investigation into the rendition of the Zimbabwean nationals was commenced by the police. On 12 October 2016, I had a consultation with Mr Sandile July in the presence of the investigating officer, during which Mr July indicated his reluctance to testify as a witness in the matter and he followed up with the letter a copy of which is enclosed, wherein he expresses his views that his evidence will be hearsay and he reserves his rights (to approach the courts) if he were to be compelled to testify in the matter.

Although I do not agree with the view he expresses, his reluctance to testify places the case at a disadvantage, particularly because the defence has indicated that the contents of the report and its recommendations are disputed.

2. Consultation with Mr Glen Angus of IPID, Mpumalanga

Mr Angus was consulted on 25 October 2016 at his office in Nelspruit after he was refused permission to travel to Pretoria on Monday 24 October 2016, for the purpose. Accused 3, Mr McBride resumed duties as Executive Director of IPID on 20 October 2016 after the National Parliament did not pass a resolution relating to the conduct of his disciplinary action. The result is that the IPID employees have now become scarred to testify in the matter for fear of possible reprisal from management. Mr Angus finds himself in this untenable position and has indicated his reluctance to testify due to these changes.

3. Aborted Consultation with Brigadier Moukangwe of SAPS, Mpumalanga

The biggest challenge with Brigadier Moukangwe who was the initial Investigation officer of the police rendition matter is that his statement was not obtained in both the rendition docket and in this matter. He was initially willing to meet me for a consultation but later changed his stance, emphatically refusing even to consult with me in the matter. He indicated that his transfer to Nelspruit was recent and the police did not even obtain his statement when he was in Pretoria, his excuse is that he has no document from which to refresh his memory. He also mentioned his knowledge of Accused 2 Mr Sesoko and his knowledge of Accused 3, Mr McBride's previous activities during the liberation struggle. He is very reluctant to testify.

4. Unavailability of the former Executive Director of IPID, Ms Kukie Mbeki

Ms Mbeki in her capacity as the former Executive Director of IPID had asked Accused 1 to conduct the investigation into the rendition of Zimbabwean nationals. As Colonel Moukangwe, as he then was, had commenced the police investigation, Ms Mbeki had asked Accused 1 to work with Col. Moukangwe and the prosecutors in the matter, to the exclusion of Accused 2. In Accused 1's disciplinary matter, issues were

raised about the instructions Ms Mbeki gave to accused 1, which in Accused 1's view were unlawful, such as bypassing Accused 2 who was the Head of Investigations at IPID or to work on an IPID report with persons other than employees of IPID. It would be crucial to lead the evidence of Ms Mbeki to challenge these views. She has unfortunately not been traced to date nor has her statement been obtained.

5. Consultation with Adv Zaais van Zyl of DPP South Gauteng

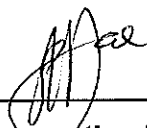
The crucial part of Adv van Zyl's evidence that weakens the state case is his concession that he would ignore the recommendation of IPID completely in his evaluation of the case against the accused. The recommendation that was changed by the accused would in his view not have had any influence on his assessment of the state case in any way. Considering that the main rendition case is still continuing, the state would find it difficult even to prove an attempt to defeat the ends of justice.

C: RECOMMENDATIONS

It is thus recommended that the prosecution of the accused persons be withdrawn in the light of the changes circumstances, which affect the prospect of a successful prosecution. The Special Director is urged to effect the consultation with the Director of Prosecution, Gauteng in compliance with section 24 (3) of the NPA Act, Act 32 of 1998 and to inform the Head of the NPS of this change in views.

A copy of the charge sheet and the document received from Mr Sandile July is enclosed herewith.

Kind Regards

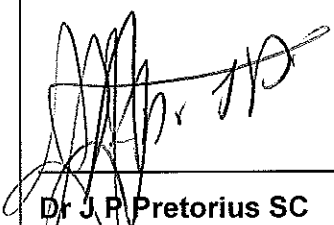


Prosecution Team

Priority Litigations Unit

Date:

Remarks *I agree*



Dr J.P. Pretorius SC
Acting Special Director
Priority Crimes Litigation Unit

Date:

Comments

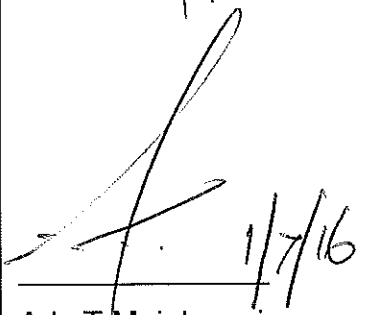
Agree with reservation as the witnesses are compellable. Most of the witnesses are recounting. There are no prospects

Adv S Mzinyathi
Director of Public Prosecutions
North Gauteng

Date:

Comments

I agree with the recommendation supported by Dr. J.P. Pretorius.



Adv T Majokweni
Acting Head of NPS

ANNEXURE "A"**Case no: RCA /2016**

THE STATE VERSUS

1. **HUMBULANI INNOCENT KHUBA**
2. **MATTHEWS SESOKO**
3. **ROBERT McBRIDE**

(Hereinafter referred to as accused 1 – 3 respectively)

Count No. 1**FRAUD**

Whereas Accused 1 had received instructions from the former Acting Executive Director of the Independent Police Investigative Directorate (IPID) around October 2012 to conduct an investigation into the rendition of Zimbabwean nationals by members of the Directorate for Priority Crimes Investigations (DPCI) to Zimbabwe;

AND

Whereas Accused 1 had conducted an in-depth investigation into the said rendition of Zimbabwean nationals by members of the DPCI with the assistance and or co-operation of other institutions such as the National Prosecution Authority (NPA), who were providing guidance to the investigation;

AND

Whereas Accused 1 having finalised the said investigation into the illegal rendition of the Zimbabwean nationals, compiled a report (herein referred to as the First Report) and submitted it to the National Prosecution Authority (NPA) on 22 January 2014. The First Report recommended to the National Prosecution Authority in accordance with Regulation 5(1) issued under the IPID Act 1 of 2011 that:-

- Lt General Dramat
- Major General Sibiya
- Lt Colonel Maluleke
- Constable Radebe
- Captain Nkosi and
- Warrant Officer Makoe

be charged criminally for the following offences:-

- Kidnapping and
- Defeating the ends of Justice;

There was a further recommendation that Lt Colonel Maluleke, Warrant Officer Makoe, Captain Nkosi and Constable Radebe be charged for assault and theft;

AND

Whereas Accused 3 subsequent to his appointment as Executive Director of the IPID on 3 March 2014 requested an update on all high profile matters handled by the IPID including the rendition matter, Accused 1 and a witness were directed and or instructed by Accused 3 to retrieve the rendition docket from the South Gauteng NPA office on 7 March 2014,

Therefore the accused are guilty of the crime of fraud

IN THAT on or about the **5th day of March 2014 to 8 April 2014** and at or near IPID National Head Office, in **Pretoria** in the Regional Division of Gauteng, the Accused, unlawfully altered the First Report by amongst others:-

- removing information linking Lt General Dramat and Major General Sibiya from Pages 9, 16, 20, 21, 28 and 30 of the First Report;
- adding certain new paragraphs on Pages 23, 24, 25, 26, 29 and 30;
- changing the recommendation from the one mentioned above to recommending that “no charges should be brought against Lt General Dramat and Major General Sibiya. The investigation established that there is no prima facie case against them”.

AND

- continued to make assertions and averments in other judicial processes that Lt General Dramat and Major General Sibiya were exonerated from any liability in the rendition of Zimbabwean nationals' matter,

Whereas Accused 3 knew when he made the assertions and averments in other judicial processes that he had no legal authority to exonerate anybody from any liability,

with the intention to falsely present to the National Prosecution Authority that the said Lt General Dramat and Major General Sibiya are not implicated in the rendition of the Zimbabwean nationals when in fact the accused knew when they made such false representations that there was evidence in the docket and the First Report, which implicated Lt General Dramat and Major General Sibiya in the said rendition of the Zimbabwean nationals,

thereby produced the Second Report which was completed on 8 April 2014 and submitted to a different NPA office and to the potential prejudice of the National Prosecution Authority in particular and or the administration of justice in general.

ANNEXURE "B"**Case no: RCA /2016**

THE STATE VERSUS

1. **HUMBULANI INNOCENT KHUBA**
2. **MATTHEWS SESOKO**
3. **ROBERT McBRIDE**

(Hereinafter referred to as accused 1 – 3 respectively)

COUNT 2**DEFEATING OR OBSTRUCTING THE ADMINISTRATION OF JUSTICE**

THAT the accused are guilty of the crime of Defeating or Obstructing the administration of justice

IN THAT upon or about the date and place mentioned in Count 1 within the Regional Division of Gauteng the accused did unlawfully and with intention to obstruct or defeat the administration of justice commit the following act to wit,

- removed information linking Lt General Dramat and Major General Sibiya from Pages 9, 16, 20, 21, 28 and 30 of the First Report;
- added certain new paragraphs on Pages 23, 24, 25, 26, 29 and 30;

- changed the recommendation from the one mentioned above to recommending that “no charges should be brought against Lt General Dramat and Major General Sibiya. The investigation established that there is no prima facie case against them”.

AND

- continued to make assertions and averments in other judicial processes that Lt General Dramat and Major General Sibiya were exonerated from any liability in the rendition of Zimbabwean nationals' matter,

Whereas Accused 3 knew when he made the assertions and averments in other judicial processes that he had no legal authority to exonerate anybody from any liability,

which conduct defeated or obstructed the administration of justice.

**DELIVERED BY EMAIL**

Advocate Gladstone Sello Maema
Public Prosecutions; Organised Crime

Email: gsmaema@npa.gov.za

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enquiries@werksmans.com

YOUR REFERENCE:

OUR REFERENCE: Mr S July/cm/MINI29566.1/#4557495v1
DIRECT PHONE: +27 11 535 8163
DIRECT FAX: +27 11 535 8663
EMAIL ADDRESS: sjuly@werksmans.com

14 October 2016

Dear Sir

SUBPOENA ISSUED IN MATTER BETWEEN THE STATE V R MACBRIDE

- 1 I refer to our discussions on 12 October 2016, regarding the subpoena issued against me to testify in the case between the State and Mr Robert McBride, which is scheduled for hearing on 1 November 2016.
- 2 I have indicated to you that I find no valid reason as to why I should become a witness in the case, as my evidence would constitute hearsay evidence.
- 3 I wish to record that the said investigation was based on the docket provide to me which *inter alia*, contained warning statements and affidavits deposed to by various individuals involved in the rendition. Furthermore, interviews were conducted with various role players including Mr McBride. As such, my report is based on an assessment and evaluation of the documentary evidence provided to me and the interviews conducted. This is not my personal evidence [my emphasis].
- 4 My evidence to this matter, if any, would be hearsay and would be unhelpful in the matter. At best, I can assist in the interpretation of the documentation and the explanation of my findings to you but not to the court; as my findings are not binding upon the court.
- 5 You need people with direct evidence to testify in the matter. As stated above, as I do not have such direct evidence to assist you in the prosecution of this case.

Werksmans Inc. Reg. No. 1990/007215/21 Registered Office 155 5th Street Sandton 2196 South Africa
Directors D Hertz (Chairman) AL Armstrong BA Aronoff DA Artelro T Bata LM Becker JD Behr AR Berman NMN Bhengu Z Bleden HGB Boshoff GT Bossr TJ Boswell MC Brönn W Brown PF Burger PG Cleland JG Cloete PPJ Coetser C Cole-Morgan JN de Villiers R Drieman LJ du Preez S Fodor SJ Gardner D Gewer JA Gobetz R Gootkin ID Gouws GF Griessel J Holliesen MGH Horiball VR Hosiosky BB Hotz HC Jacobs TL Janse van Rensburg N Harduth G Johannes S July J Kallmeyer SLG Kayana A Kenny BM Kew R Killoran N Kirby HA Kotze S Krlge PJ Krusche P le Roux MM Lessing E Levenstein JS Lochner K Louw JS Lubbe BS Mabasa PK Mabaso MPC Manaka H Masondo SM Moerane C Moraitis PM Mosebo KO Motshwane L Naidoo J Nickig JJ Niemand BPF Olivier WE Oosthuizen S Padayachy M Pansegrouw CP Pauw AV Pillay D Pisanti T Potter BC Price AA Pyzikowski RJ Raath A Ramdhn L Rood BR Roothman W Rosenberg NL Scott TA Sibidla LK Silberman JA Smit JS Smit BM Sono CI Stevens PO Steyn J Stockwell W Strachan JG Theron JJ Truter KJ Trudgeon DN van den Berg AA van der Merwe HA van Niekerk FJ van Tonder JP van Wyk A Vatalidis RN Wakefield DC Walker L Watson D Wegierski G Wickins M Wiehahn DC Williams DG Williams E Wood BW Workman-Davies

MINI29566.1/#4557495v1
13102016



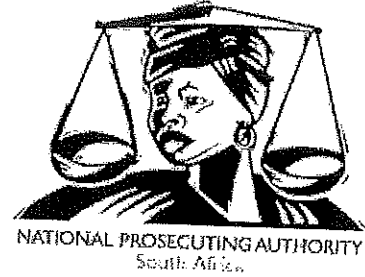
6 In the circumstances, I demand that you confirm in writing by no later 16h00 today that you will withdraw the subpoena issued against me, failing which my rights are reserved to approach the appropriate court to have it set aside.

7 I await your urgent reply hereto.

Yours sincerely

Werkmans Inc

**Priority Crimes Litigation
Unit**



Reference: 10/1/3/5/3/PCLU1/2016(IPID)
Enquiries: Kim Benjamin
Email: KBenjamin@npa.gov.za

Head Office

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018 381 9003

Fax: +27 12 845 7326

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

2 November 2016

The Section Head
Crimes Against the State and Tactical Operations Management
Directorate of Priority Crimes Investigations
Private Bag X1500
PRETORIA
0001

ATTENTION: BRIGADIER XABA

**THE STATE VERSUS HUMBULANI INNOCENT KHUBA AND
TWO (2) OTHERS ALTERATION OF THE REPORT ON THE
ZIMBABWE RENDITION MATTER: PRETORIA-CENTRAL
CAS 2454/5/2015: CAPTAIN HLATSHWAYO**

1. The case was on the Regional court roll on 1 November 2016. All the accused persons were present with their counsels ready to proceed on trial. The State could not commence with the hearing of the matter as a result of the following difficulties/ challenges:-

- Mr Sandile July of Werkmans Attorneys had disclosed his unwillingness to testify in the matter, he was of the view that his evidence amounts to hearsay evidence, a view which we do not agree with. He further threatens to approach the High Court to set aside his subpoena. A copy of his letter to me is enclosed herewith.

P/Bag X752
Pretoria
0001
South Africa
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- Brigadier Moukangwe who is now at the Provincial Detectives in Nelspruit, was unwilling to honour an appointment for consultation on Friday 28 October 2016; he indicated that the investigating officer did not obtain his witness statement despite having been in Pretoria at the time of the investigation. I had relied on the recording of his consultation at Werkmans Attorneys and was of the view that he had a statement in the main rendition matter, which was not so. He later called to indicate that he is now willing to assist, when the case was withdrawn already. A30
- Mr Angus, the head of IPID in Nelspruit indicated that he could not attend the consultation that I planned with him on Monday 24 October 2016 as he did not get approval of his travel arrangements. Accused 3, Mr McBride had resumed working as Executive Director of IPID and it would make it impossible for him as his subordinate to testify against his supervisor. I travelled to Nelspruit on Tuesday 25 October 2016 where I had a consultation with him. Although he was willing to testify, it would place him at a risk of losing his job to testify against his supervisor. The return of Mr McBride to the office and the immediate reversal of all the reforms brought by Mr Kgamanyane, who had been acting in the place of Mr McBride during the suspension, seem to have placed some renewed pressure that makes it uneasy and reluctant to testify in the trial.
- Adv Zaais van Zyl indicated that he normally does not even consider the recommendation of IPID in his assessment of the case, it would not have made a difference to him whether the recommendation was altered as he would read the statements to determine whether there was a case or not.
- The statement of Kukie Mbeki the former IPID Executive Director who had asked Accused 1, Khuba to handle the rendition investigation, was not obtained in the docket. Accused 1's version in the disciplinary hearing was that Kukie Mbeki had given

him an instruction to work with Brigadier Moukangwe and Adv Mosing to the exclusion of his supervisor, Mr Sesoko, which instruction was in their view unlawful. It was crucial to get a statement of Kukie Mbeki. I did not manage to get even a contact number of her.

2. I also considered that if I were to lead the evidence of Adv Mosing in this matter, it may compromise the main rendition case or the accused will have a chance to test his evidence in this matter before the main case.
3. In the light of these challenges, I thought it wise to have the charges withdrawn instead of putting the charges when I am not confident of a conviction. These changed circumstances forced me to withdraw all the charges against the accused.
4. The case docket is returned herewith.



G S Maema

Deputy Director of Public Prosecutions

Date: 2/11/2016