



**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 30/2019

No.	Description	Pages
1.	Application by Brigadier Pharasa Daniel Ncube in respect of Robert John McBride's evidence dated 17 May 2019	001 to 056

ORIGINAL

**IN THE COMMISSION ON STATE CAPTURE
HELD IN JOHANNESBURG**

BEFORE DEPUTY CHIEF JUSTICE RM ZONDO

MR ROBERT J McBRIDE

Witness

BRIGADIER PHARASA DANIEL NCUBE

Applicant

FILING SHEET

OUR CLIENT : BRIGADIER PHARASA DANIEL NCUBE

Document presented for filing : Applicant's Response to Allegations made against him by Mr R J McBride and Application to cross-examine and give evidence.

Take notice that this document has been served electronically on the Commission of Inquiry into State Capture – Mr P Pedlar on Friday, 17 May 2019 at 10:06.

Dated at Johannesburg on this the 17th day of May 2019.

Filed by:



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TO : Commission of Inquiry into State Capture
Hillside House, 3rd Floor
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Parktown
Tel.: 071 320 8293
Attention : Acting Secretary – P Pedlar

Louisa Koekemoer

From: Louisa Koekemoer
Sent: Friday, 17 May 2019 10:06
To: 'PeterP@commissionsc.org.za'
Cc: 'pdp@bdk.co.za'
Subject: OUR CLIENT : BRIGADIER P D NCUBE
Attachments: doc01485120190517081026.pdf

Importance: High

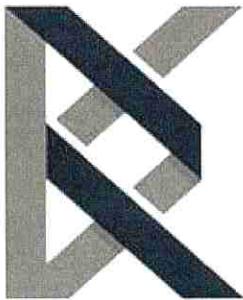
Good day sir,

Kindly see enclosed Brigadier P D Ncube's response to allegations made against him.

I confirm that the original affidavit with annexures will be hand delivered to the Commission during the course of today.

☐sting you find same in order.

Louisa
Cell [083 557 5641](tel:0835575641)



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**IN THE COMMISSION ON STATE CAPTURE
HELD IN JOHANNESBURG**

BEFORE DEPUTY CHIEF JUSTICE RM ZONDO

BRIGADIER PHARASA DANIEL NCUBE

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IN THE COMMISSION ON STATE CAPTURE
HELD IN JOHANNESBURG

BEFORE DEPUTY CHIEF JUSTICE RM ZONDO

BRIGADIER PHARASA DANIEL NCUBE

APPLICANT'S RESPONSE TO ALLEGATIONS MADE AGAINST HIM
BY MR RJ McBRIDE

A. INTRODUCTION

I, the undersigned,

PHARASA DANIEL NCUBE

do hereby make oath and state:



1. I am a Brigadier and reside in Potchefstroom
2. I am a member of the South African Police Service and hold the rank of Brigadier.
I am currently the Provincial Head Commercial Crime in the North West Province.
3. I am a Career Police Officer and have been in the employ of the South African Police Service effective 18th April 1988 with an unbroken service record of more than 31 years' service.
4. The facts set out in this affidavit are within my personal knowledge and belief, unless stated otherwise or the context of what I declare makes the contrary apparent, and are true and correct.
5. To the extent that I make submissions of a legal nature in this affidavit, I do so on the basis of counsel obtained in the course of preparation of this affidavit, from my legal representatives, and which I believe to be the correct legal position.

B. PURPOSE OF THIS APPLICATION

6. I depose t this affidavit for the following reasons:
 - (a) I am an implicated person having so being implicated by Mr Robert McBride former Executive Head of the Independent Police Investigative Directorate (IPID) in his statement before the commission on state capture (commission) dated 13th February 2019, and I need to respond to allegations made against me, and.



- (b) I also need to put my version to this commission, be cross-examined and for my legal representatives to be afforded an opportunity to cross examine Mr McBride.

7. It is apposite that I make my submission in the following sequence:-

- (a) First, I deal with my educational background,
(b) Second I deal with my appointment to the investigation team
(c) Thirdly I deal with the evidence collected during the investigation
(d) Fourthly I deal with allegations against me by Mr McBride
(e) Fifth, I deal with Ad Senatim; and
(f) Lastly, I deal with the conclusion

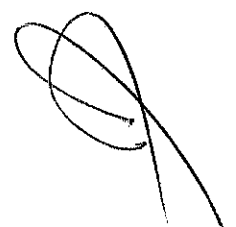
C. EDUCATIONAL BACKGROUND

8. As stated above, I am employed by the South African Police Service which institution I served since 18th April 1988. I am a career policeman who has served our Country and the people of the Republic of South Africa with pride and dignity over the past 31 years.

1988 – 1989 Basic Police Training – Hammanskraal

1989 – 1990 Court Orderly – High Court Rustenburg

- Safeguarding of waiting trial prisoners during court proceedings
- Escorting the judge into the court and Court Chambers



1990 – 1996 Investigator-Rustenburg Detective Service

- Investigation duty
- Investigating Serious Offences, Category of cases investigated:
 - Murder
 - Armed Robbery
 - Visiting Scene of crime and gathering of physical evidence on the scene
 - Trace possible suspects
 - Given evidence in the Criminal Court Cases

1996 – 1998 Branch Commanders – Boitekong Detective Service

- Manage Detective Service Unit Activities
- Manage and align the Detective Service Unit with Station's Strategic direction
- Manage the administration and information flow for the Detective Service Unit
- Manage and control the human & physical resources at the Detective Service Unit
- Plan and co-ordinate special Projects or operations
- Promote and maintain good public relations, interrelations and the image of the SAPS
- Coordinate the recruitment and maintenance of Informers

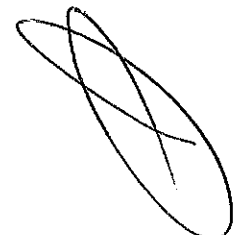
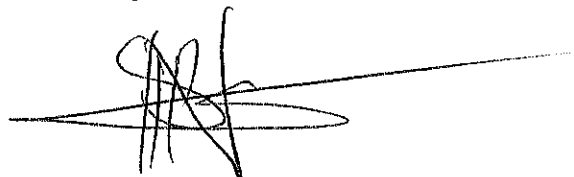


1998 – 2000 Branch Commanders – Phomolong Detective Service

- Manage Detective Service Unit Activities
- Manage and align the Detective Service Unit with Station's Strategic direction
- Manage the administration and information flow for the Detective Service Unit
- Manage and control the human & physical resources at the Detective Service Unit
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- Coordinate the recruitment and maintenance of informers

2000 – 2004 Branch Commander – Marikana Detective Service

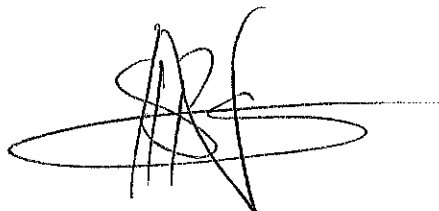
- Manage Detective Service Unit Activities
- Manage and align the Detective Service Unit with Station's Strategic direction
- Manage the administration and information flow for the Detective Service Unit
- Manage and control the human & physical resources at the Detective Service Unit
- Plan and co-ordinate special projects or operations
- Promote and maintain good public relations, interrelations and the image of the SAPS



- Coordinate the recruitment and maintenance of informers

2005 – 2006 Unit Commander Rustenburg: Vehicle Identification Unit

- Rendering a Vehicle Identification Unit
- Rendering a Vehicle Safeguard Service
- Manage and Control Human and Physical Resources
- Visits Panel Beaters, Scrap Metal Dealers and Second Hand Vehicle Dealers
- Inspection of SAPS Vehicle Clearance
- Monitoring Compacting Process
- Investigating Unidentified vehicles
- Issuing of SAPV1N – South African Police Service Vehicle
- Identification to vehicles in accordance to National Road Traffic Act, Act no 93/1996
- Conducting investigation regarding registration of vehicle manufactures, importers and builder (MIB) in accordance with National Road Act, 1996
- Conducting Chop Shop Operations
- Recording vehicles to be impounded in the SAPS 13 Register and capturing the related information on the Property Control System
- Conducting regular audit inspections regarding all vehicles impounded at the VISS



- Disposal of vehicles in terms of Section 30(b), 31 1(a)(b) and 31 (2) and Section 33 and 34 of the Criminal Procedure Act, Act 51 of 1977

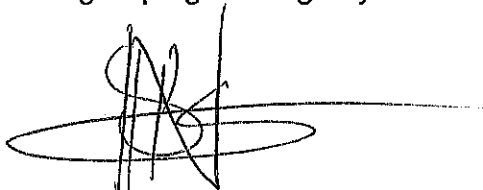
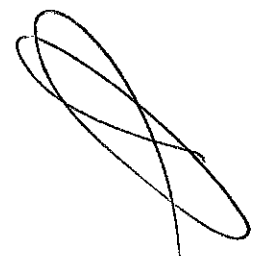
2006 – 2007 Task Team Commander – Greedy Task Team

Cash in Transit Robbery, Bank Robbery and Casino Robbery

- Manage serious crime scene
- Compile report, including court and feedback reports on the progress of investigation and operations
- Co-ordinate the recruitment and maintenance of informers
- Inspection of dockets to ensure that it is properly investigated and prepared for trial
- Manage personnel performance
- Co-ordinate and monitor training and development initiatives for investigators, provide on the job coaching as well as orientate and induct new personnel
- Monitor the use of physical resources

2007 - 2008 Unit Commander – Phokeng Organised Crime Unit

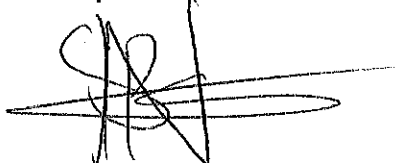
- Ensure the identification and investigation of organised criminal grouping and high flyers

A complex, stylized handwritten signature in black ink, consisting of several overlapping loops and vertical strokes.A handwritten signature in black ink, featuring a large, prominent loop on the left side and several smaller loops and strokes extending to the right.

- Ensure the comprehensive gathering of court related evidence regarding project investigation and high flyers
- Manage and control effective execution of controlled deliveries in terms of the International convention on Drug Trafficking, Human Trafficking and Organised Crime
- Monitor and maintain standards for optional information security in accordance with the instruction regarding the Miss document in the organised crime unit.
- Implementation of prevention of organised crime Act no 121 of 1998 – in terms of Racketeering and Money Laundering.
- Attending Regional Organised Crime Secretariat and Provincial Organised Crime Secretariat to discuss Organised Crime Analysis
- Implement financial control measures and expenditure in accordance with public Finance Management Act.
- Coordinate the recruitment and maintenance of Agents.

2008-2009 Section Commander – Serious and Violent Section – Phokeng Organised Crime Unit

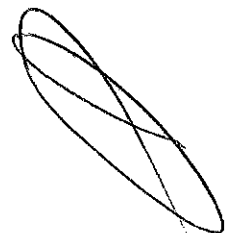
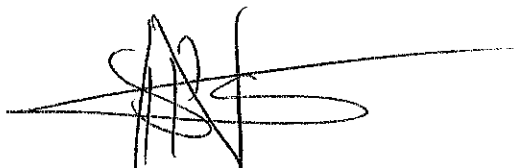
- Co-ordinate the functions of the House Robbery and Business Robbery Task Team
- Supervised Subordinate in Management of serious crime scene



- Attending all serious crime scene in line with Organised Crime Mandate example: Cash in Transit, Armed Robbery, ATM Blast, House Robbery and Business Robbery and Murder of prominent figure.
- Planning of special operation example: Suspect Raiding
- Compile reports, including court and feedback reports on the progress of investigation and operation.
- Inspection of dockets to ensure that it is properly investigated and prepared for trial or closure.
- Inspect and control an inventory.
- Monitor the use of physical resources.

2009-2013 Unit Commander – Klerksdorp Organised Crime Unit

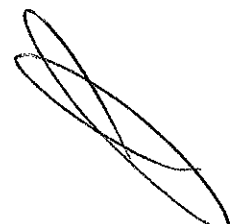
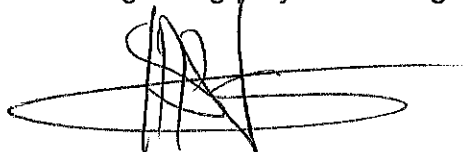
- Ensure the identification and investigation of organised criminal grouping and high flyers
- Ensure the comprehensive gathering of court related evidence regarding project investigation and high flyers
- Manage and control effective execution of controlled deliveries in terms of the International conventions on Drug Trafficking, Human Trafficking and Organised Crime



- Monitor and maintain standards for optimal information security in accordance with the instruction regarding the Miss document in the organised crime unit.
- Implementation of prevention of organised crime Act no 121 of 1998 – in terms of Racketeering and Money Laundering.
- Attending Provincial Project Evaluation Committee meetings to discuss Organised Crime Analysis
- Implement financial control measures and expenditure in accordance with Public Finance Management Act.
- Coordinate the recruitment and maintenance of Agents
- Manage and control Human, Physical and Financial resources allocated to the unit.
- Manage the utilization of informer's network in terms National Instruction 1/2001.
- Docket inspection and updating Crime Administration System.

2013 to date Unit Commander – Tlhabane Organised Crime Unit

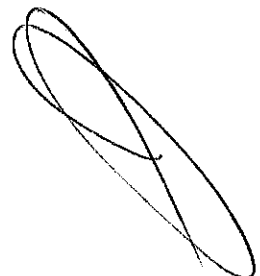
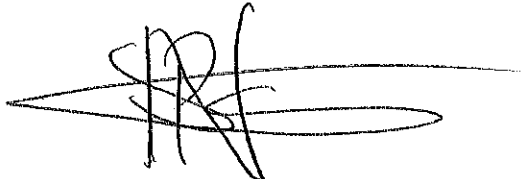
- Ensure the identification and investigation of organised criminal grouping and high flyers
- Ensure the comprehensive gathering of court related evidence regarding project investigation and high flyers



- Manage and control effective execution of controlled deliveries in terms of the International conventions on Drug Trafficking, Human Trafficking and Organised Crime
- Monitor and maintain standards for optimal information security in accordance with the instruction regarding the Miss document in the organised crime unit.
- Implementation of prevention of organised crime Act no 121 of 1998 – in terms of Racketeering and Money Laundering.
- Attending Provincial Project Evaluation Committee meetings to discuss Organised Crime Analysis
- Implement financial control measures and expenditure in accordance with Public Finance Management Act.
- Coordinate the recruitment and maintenance of Agents
- Manage and control Human, Physical and Financial resources allocated to the unit.
- Manage the utilization of informer's network in terms National Instruction 1/2001.
- Docket inspection and updating Crime Administration System.

Since my employment at the SAPS, I have completed the following courses:-

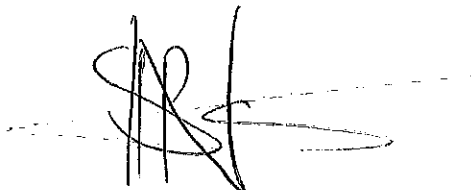
1989 Riots and Public Control Course



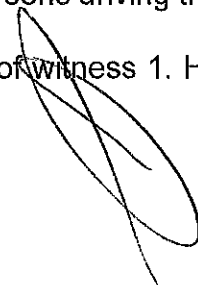
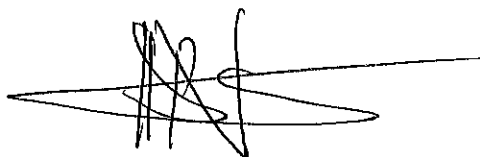
- 1990 Junior Commander Course
- 1991 Introduction to Crime Investigation Course
- 1991 Detective Learning Programme
- 1994 SWAT Course
- 2000 Detective Commander's Course
- 2003 Disciplinary and Chairperson Course
- 2004 Officer's Course
- 2005 Vehicle Identification and Etch Course
- 2007 Organised Crime Course
- 2008 Middle Management Learning Programme
- 2010 Policy Development and Management
- 2011 Human Trafficking

9. After completing my compulsory police training, following matriculation, I proceeded with obtaining my National Diploma Police Administration through Technikon SA and subsequently obtained my Bachelor Degree in Policing through UNISA.

APPOINTMENT TO THE INVESTIGATION TEAM

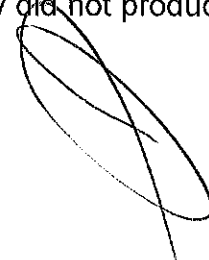
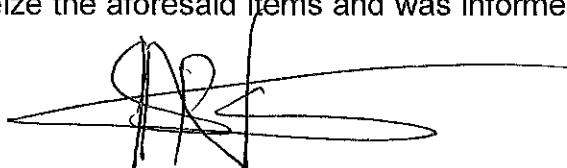


10. During December 2016, I was informed by Major General Mabula I was elected to form part of the investigation team that was to investigate a security breach at the residential place (Sable Hills Waterfront Estate, Pretoria) of former Acting National Commissioner Lieutenant General JK Phahlane ("Phahlane").
11. The investigation was conducted under Potchefstroom enquiry reference 1/11/2016. The investigation at Sable Hills Waterfront Estate commenced at the end of November 2016, and the following witnesses were interviewed and their statements were obtained. A synopsis of the statements obtained indicate the following: (the names of the witnesses are withheld as the matter is sub-judicae)
- **Witness 1** – He deposed to an affidavit under oath that members, who were all alleged to be from IPID, only one of them produced a business card of IPID (not an appointment card) attended at the estate where Phahlane resides. One person introduced himself as Paul (clearly Mr Paul O'Sullivan) and was in the company of a female identified as Sarah (clearly Ms Sarah-Jane Trent). They demanded the building plans of the residence of Phahlane and all documents relevant to the construction of the house. No search and seizure warrant was produced allowing them access to such documents, instead the witness was threatened with imprisonment, should he fail to hand over such documents. The file was retrieved and both O'Sullivan and the IPID member took pictures of the building plans. A statement was drafted by O'Sullivan, which was only signed by this witness after he requested several amendments.
 - **Witness 2** – He deposed to an affidavit that he met with the persons driving the Ford Kuga at the main gate and escorted them to the offices of witness 1. He



was then also requested to take them to the house of the Phahlane and was questioned about the security personnel responsible for the protection of Phahlane. Mr O'Sullivan questioned the witness about the following security details of the Phahlane to wit: how many protectors are deployed at the house; whether the protectors are static or mobile; what firearms are they carrying and how many vehicles are they utilising.

- **Witness 3** – He deposed to an affidavit that he stopped the Ford Kuga at the service delivery entrance and was informed by the driver Mandla (this is referring to the IPID official – Mr Mandla Kayise Mahlangu) that they were from SAPS and demanded entry into the estate. He directed them to the main entrance.
- **Witness 4** – He deposed to an affidavit confirming that the registration number of the Ford Kuga CK 35XS GP, white in colour, belongs to a private individual, Mr PR O'Sullivan with ID: 550826 5600 085 of 7 Janine Road, Sandown, Johannesburg..
- **Witness 5** – He deposed to an affidavit that the said Mr O'Sullivan had a registered firearm on his name, a CZ9mm pistol with serial number 56771.
- **Witness 6** – He deposed to an affidavit that he was contacted by witness 1, given the detail of the visit and he inquired if these members were in possession of a valid search warrant or other valid documents, allowing them the power to seize the aforesaid items and was informed by witness 1 they did not produce

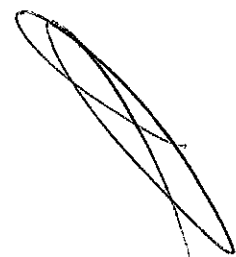
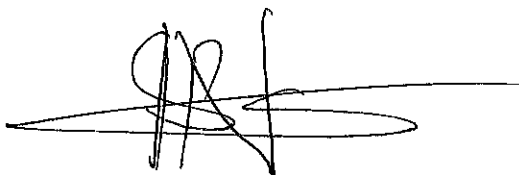


same. Witness 1 informed him of the threat of arrest and advised witness 1 against handing over documents without proper search warrants.

- **Witness 7** – He deposed to an affidavit that he was responsible for the building of the house of Phahlane. He states that he was approached by 4 individuals who informed him that they were from IPID and he was interviewed by Mr O'Sullivan concerning the payments and was requested to furnish his bank statements which Mr O'Sullivan undertook to pay for. He was threatened by Mr O'Sullivan and indicated that he was not a suspect but a witness but this could change should he not give his cooperation. He was also sent SMS messages by Ms Trent confirming the allegations and requesting him to avail himself for a meeting at the IPID head office in Pretoria. He refused to do so after receiving advice.

- **Witness 8** – He deposed to an affidavit confirming that he received a call from witness 7 being threatened by Mr O'Sullivan to cooperate with investigations failing which he will be regarded as a suspect. He was also informed that Mr O'Sullivan wanted to pay for the bank charges in order to obtain the bank statements of witness 7.

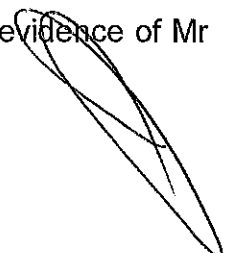
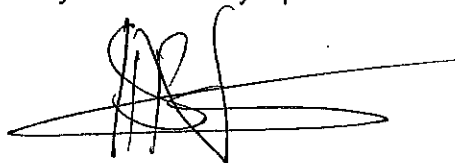
- **Witness 9** – He deposed to an affidavit that during an interview by IPID members he was threatened and intimidated by Mr O'Sullivan. He indicated to him that he must be careful as he could lose his job due to Phahlane and being a white person it would be difficult for him to find a new job should he be fired. A



statement was drafted for him by Mr O'Sullivan which was only signed by him after he requested several amendments.

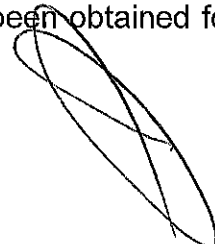
- **Witness 10** – She deposed to an affidavit stating that she was approached by witness 1. He had a statement in his possession that was drafted by Mr O'Sullivan which was e-mailed to witness 1. He requested her to sign the statement. She explained that she was surprised as no interview was conducted with her by Mr O'Sullivan. She states that the entire content of the drafted statement was untrue.

12. After evidence was collected and presented to Advocate Nemaorane of the offices of the DPP and on his instructions, a criminal case was registered under Kameeldrift CAS 12/01/2017, impersonating an IPID official. Advocate Mashuga was thereafter assigned to oversee and guide the investigation. After the evidence was gathered it was perused by Adv Mashuga and a J50 warrant of arrest was authorised for Paul O'Sullivan and Sarah-Jane Trent. At all times during the investigation I was acting upon directives of the offices of the DPP. I attach hereto a bundle of some of these marked **Annexures "PDN1a" to "PDN1k"**.
13. The J50 warrant of arrest was executed on the 10th of February 2017 and the 13th of February 2017 respectively. The cellular phone of Sarah Jane-Trent was seized. She was immediately detained at Kameeldrift Police Station. There was an urgent bail application where Sarah-Jane Trent was released on bail of R10 000.00 with conditions. She was given a copy of the J50 warrant and also allowed to contact her attorney immediately upon her arrest. This is contrary to the evidence of Mr



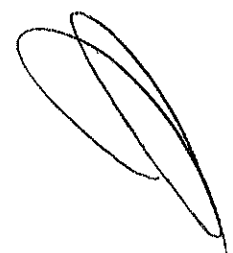
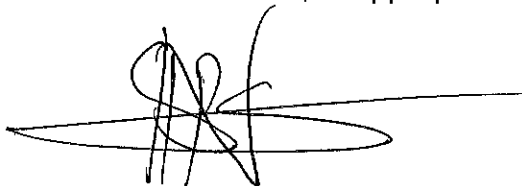
McBride where he testified before the commission that Sarah-Jane Trent was kidnaped. Sarah-Jane Trent also refused to provide the pin code to access her phone.

14. Paul O'Sullivan was arrested on the 13th February 2017 and was detained at Kameeldrift Police Station. The attorney of Paul 'O Sullivan launched an urgent application at the High Court Pretoria, where I learnt that there was an order made by court that Paul O'Sullivan was released and had to be given 48 hour notice prior to any arrest by the SAPS. Although I found this to be a strange order, I complied. I proceeded to give Paul 'O Sullivan notice to appear before me within 48 hours. After 48 hours Paul 'O Sullivan appeared at the Pretoria Central Magistrate court where he was given bail of R10 000.00 with conditions.
15. I thereafter received instructions from the Advocate Mashuga to obtain the warning statements of IPID investigators Mandla Mahlangu and Temane Binang. After their warning statements were obtained, Advocate Mashuga issued the J175 summonses, and the suspects appeared in Pretoria Magistrate Court whilst the investigation continued. See **Annexure "PDN2"**.
16. The cellular phone of Sarah-Jane Trent was downloaded and analysed. The evidence was also presented to Advocate Mashuga.
17. It needs to be stated that Trent is the personal assistant of Paul O'Sullivan and that they work closely together and were both present at Phahlane's property with the IPID members. No authorisation in terms of the IPID Act had been obtained for



their involvement in the investigation. From the phone records of Trent it clearly appears that herself and Paul O'Sullivan were functioning as investigators and not witnesses or complainants. Full records of the contents of the phone is filed on the docket and the Commission can obtain these from the new investigating officer if needed. From the phone records downloaded from the phone of Trent the following clearly appears :

- 17.1. Herself and Paul O'Sullivan directly communicated with witnesses, supplying them with draft sworn statements;
- 17.2. Trent addressed correspondence to witnesses assuring them that they were not suspects and arranged appointments with such witnesses at the IPID offices;
- 17.3. Trent sent witness statements to the investigating officer Mandla Mahlangu;
- 17.4. Trent drafted notices in terms of Section 205 of the Criminal Procedure Act on behalf of the investigating officer Mandla Mahlangu;
- 17.5. Trent obtained cell phone records relevant to the matter and analysed it on behalf of the investigating officer;
- 17.6. The investigating officer reported to Trent relating to progress with the investigation;
- 17.7. The investigating officer reported to Trent immediately after the search of the property of Phahlane relating to what was found during the search and seizure operation;
- 17.8. Trent had an inappropriate sexual relationship with the head of IPID, Robert McBride, inappropriate in view of her and Paul O'Sullivan's



involvement in the investigation conducted by IPID which was headed by McBride.

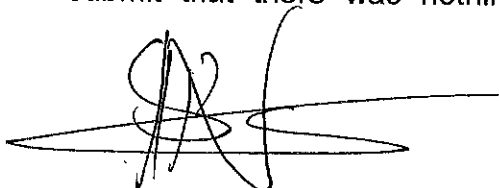
I therefore submit that my appointment as part of the investigating team led by General Mabula was lawful and that I carried out the investigation as far as I was involved, under supervision and direction of an advocate attached to the offices of the DPP. I submit that all actions taken in this matter by myself and the investigating team was appropriate and carried out in accordance with the law.

18 On the 8th November 2017 the case against Paul 'O Sullivan and Sarah-Jane Trent was struck of the roll in terms of section 342A of CPA 1 of 1977. This was done to allow us to add additional accused.

19 On the 13 November 2017 I was given a directive by Advocate Mashuga to obtain the warning statement of Mr Robert McBride and Mantsha Raphesu. See **Annexure "PDN3"**.

20 **ALLEGATIONS OF McBRIDE OF INTERFERENCE IN THE IPID INVESTIGATION**

20.1 In respect of the allegations of Robert McBride In paragraph 94 of his statement, I have dealt with it in detail above and will not repeat it. I submit that there was nothing sinister about my appointment and

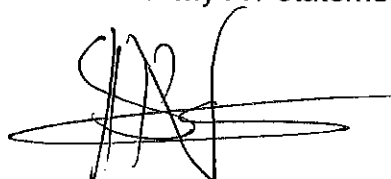


investigation and that IPID, led by McBride, Trent and O'Sullivan clearly contravened the law.

20.2 In respect of the allegations of Robert McBride on paragraph 95, namely that I had stolen the cell phone of Sarah-Jane Trent, I say that the cell phone was seized in terms of section 20 of the CPA 51 of 1977. I wish to state that a false case of Theft was registered against Brig. Kgorane and Col Dawood and that Mantsha Raphesu and Binang, both from IPID, tried to get the cell phone back under the pretext of it being stolen. After I became aware of them trying to unlawfully get the cell phone back by investigating such false case registered by Sarah-Jane Trent, I informed the DPP Gauteng North who issued a letter that the handset of Sarah-Jane Trent was seized as an exhibit and must not be tampered with. I attached copies of seizure acknowledgement by Sarah-Jane Trent as per **Annexure "PDN4"**. I also attach a copy of the DPP Directive as per **Annexure "PDN5"**.

20.3 As to the allegations made by Mr McBride that the contents of the phone was leaked to Sunday Times, I deny these allegations that I or any of my team members leaked any evidence to the Sunday Times.

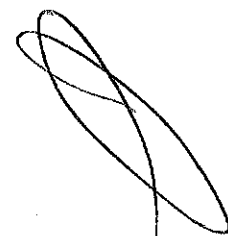
20.4 As to the allegations made by Mr McBride on paragraph 96, I confirm that I registered a case of intimidation against Robert McBride Pretoria Central CAS 284/5/2017 but not for the reasons advanced by Mr McBride. My A1 statement sets out in detail what led to me opening a



Criminal case. This statement may be sourced by the Commission from the investigating officer, Col Nana of Gauteng Provincial Detectives.

20.5 In respect of paragraph 99, I deny the allegation. There was no order made by the Magistrate in terms of section 342A (a)(b)(c) of CPA 51 of 1977 to stop the investigation. As I understand it Justice Prinsloo ordered that the investigation be overseen by the DPP, which was adhered to. Neither was there an order from Judge Prinsloo stopping the investigation. We in fact after the said order obtained permission of the NDPP Mr Abrahams to continue the investigation. See **Annexure "PDN6"**.

20.6 In respect of paragraph 109, I deny the allegations. I was at the offices of Adams and Adams Attorneys in Centurion to obtain the warning statement of Mantsha Raphesu. His legal representative was present the entire time. I deny the allegations that I wanted to arrest Robert McBride. I have dealt with the reason to obtain the warning statements of both Robert McBride and Mantsha Raphesu in paragraph 19. At no stage have I ever arrested any members of IPID. The attendance of Temane Binang and Mahdla Mahlangu was done by way of J175 summons. I therefore state that the allegations of McBride in paragraph 100 that *"..... these arrests and prosecutions were illegal....."* is incorrect and that I have demonstrated that due process was followed at all times.

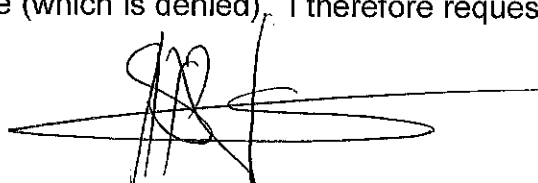


21. I believe that Genl. Mabula will deal with the issues raised by McBride from paragraph 101 onwards of his statement under the heading "Interdict Against Counter Investigation" and I will therefore not do so as I was working under the command of Genl. Mabula.

GROUNDS TO CROSS-EXAMINE MR McBRIDE AND TO TESTIFY IN FRONT OF THE COMMISSION IN PERSON

22

- 22.1 I submit that I have clearly indicated in my answer to Mr McBride's allegations that Mr McBride was not candid with the Commission both in his affidavit and testimony and therefore his evidence on record cannot go unchallenged.
- 22.2 This Commission is a constitutional construct and I am entitled to be afforded sufficient opportunity in terms of the Constitution to vindicate my rights enshrined in the Bill of Rights. This will include my right to testify in person in front of the Commission in defence of *inter alia* my right to dignity.
- 22.3 I have highlighted above that Mr McBride had created an impression to the Commission and the public that I was a key participant in the capturing of law enforcement agencies such as my employer, the SAPS. I verily believe that such defamatory statements cannot go unchallenged in view of the serious nature thereof and the implications it could have for the country should it be true (which is denied). I therefore request leave to put my version before the

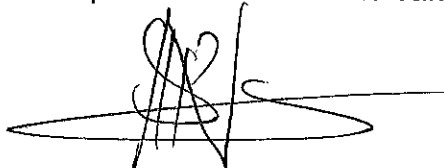


Commission in person and to be cross examined by any interested party to test the veracity thereof. I also request the opportunity for my legal representatives to be allowed to cross-examine Mr McBride on the allegations made in his statement and in evidence before the Commission.

**APPLICATION FOR CONDONATION FOR THE LATE FILING OF MY RESPONSE
TO THE NOTICE IN TERMS OF RULE 3.3 OF THE COMMISSION**

I was not notified at all of the fact that I was to feature as an implicated person in the evidence of Mr McBride before he was called to testify. I was subsequently served with a Notice in terms of Rule 3.3 and was afforded the opportunity to file a response on or before the 30th of April 2019. Subsequent to this I had to seek assistance from the State Attorney in order to be afforded legal representation and such permission was only granted on the 2nd of May 2019. Subsequent to notification that I was granted legal assistance by the State Attorney I had a preliminary consultation with my legal representatives and arising from that had to source various documentation and verify certain detail for purposes of further consultation and preparation of my statement.

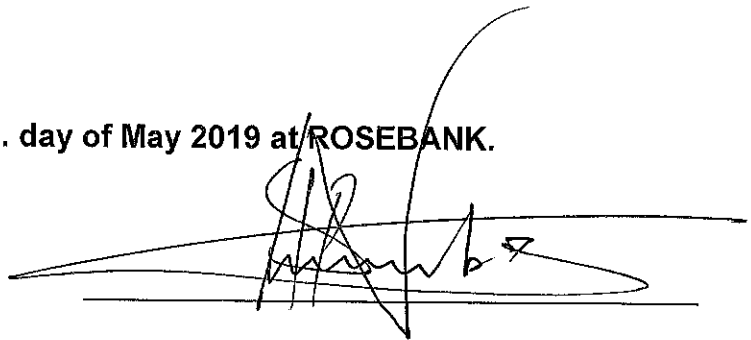
In the meantime the general elections of the Republic of South Africa which was scheduled for 8 May 2019 was looming and I received call up instructions from for deployment relating to the general elections for the period 6 May 2019 to 10 May 2019. I attach hereto as proof thereof, a copy of the Call Up Instruction, marked **Annexure "PDN7"**. Subsequent to the elections various debriefing sessions were held relating



to the elections with the result that I was not in a position to properly consult with my legal representatives and to attend to this matter before Monday, the 13th of May 2019.

I submit that in the circumstances I tended to this matter with the necessary sense of urgency and request that my failure to file my response by the required date of 30 April 2019 be condoned. Such is not due to any negligence on my side or that of my legal representatives.

This done and signed at this day of May 2019 at ROSEBANK.



PHARASA DANIEL NCUBE

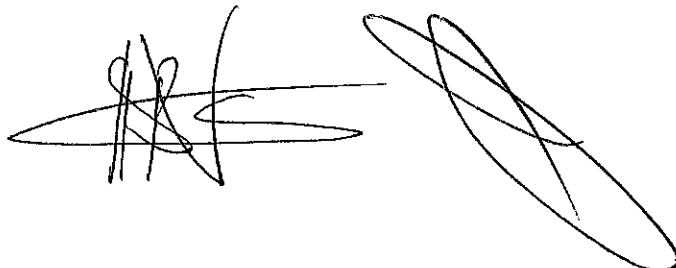
I certify that the foregoing was signed and sworn to before me at ROSEBANK on the ^{17th}..... day of MAY 2019, by the Deponent who has acknowledged that he knows and understands the contents of this affidavit and the provisions of the Regulations contained in the Government Gazette No. R1258 dated 21st July 1972 have been complied with.



COMMISSIONER OF OATHS
JACOBUS JOHANNES DU PLESSIS
 Commissioner of Oaths Ex Officio
 Practising Attorney R.S.A.
OF RAMBURJOO & DU PLESSIS INC.
 28 - 3rd AVENUE
 PARKTOWN NORTH

FULL NAMES
DESIGNATION
ADDRESS

JACOBUS JOHANNES DU PLESSIS
Commissioner of the City Office
for the City of Johannesburg
OF RAMORJOO & DU PLESSIS INC.
28 - 3rd AVENUE
PARKTOWN NORTH



Kameeldrift cas 12/01/2017

SEQ 30/2019-081

"PDN1 26

9-K



REPUBLIC OF SOUTH AFRICA

Police Station	Kameeldrift	CAS No.	12/01/2017	Case No	
Name	Brigadier P D Ncube				
Address	Wet 51 Square Potchefstroom				
Gender	Male	Age	84 yrs		

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

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

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

Sarah Jane Trent

on a charge of FPIA Act 1/2011- sec 335) Pretend to be FPIA Investigator, Fraud

being from information taken upon oath a reasonable suspicion that *he/she committed the alleged offence on or between 09 November 2016 to 08 December 2016 about the day of year in the District of

DIRECTOR OF PUBLIC PROSECUTIONS
PRIVATE BAG X300
DOCKET
PRETORIA 0001
NORTH-GAUTENG: PRETORIA

The said Sarah Jane Trent is at present known or suspected on reasonable grounds to be within the District of Johannesburg

*Director of Public Prosecutions/Public prosecutor/ Police officer

WARRANT OF ARREST

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

1. Whereas from written application by Brigadier P D Ncube there is a reasonable suspicion that Sarah Jane Trent of NO 19 - 18th Street - Parkhurst Johannesburg and 86 Graydon Drive (address) 309 Hydro Park Sandton between 09 November 2016 to 08 December 2016 on the day of year committed the crime of FPIA Act 1/2011- Pretend to be FPIA Investigator - Fraud

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

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

Given under my hand at this day of 2017 -02- 08

Private Bag X300, Pretoria 0001
2017 -02- 08
CHM-CULLINAN-01

*Magistrate /Justice of the Peace

Description of accused: White female - 32yrs - ID 8402140232083

*Delete whichever is not applicable

Kameldrift Cas 12/01/2017

SEQ 30/2019-032

21



REPUBLIC OF SOUTH AFRICA

Police Station	Kameldrift	CAS No.	12/01/2017	Case No	
Name	Brigadier V P D Ncube				
Address	Waspot Square Potchefstroom				
Gender	Male	Age	54 yrs		

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

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

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

Paul O Sullivan

on a charge of Intimidation - Act 72 of 1982 Section 1(a)(b)
Extortion, Fraud Attempted Extortion - IPID Act 1/2011 Pretendy as IPID Investigator
here being from information taken upon oath a reasonable suspicion that *he/she committed the alleged offence on or
between 2016/01/31 day of to 2016/12/13 year in the District of Cullinan

The said Paul O Sullivan is at present known or suspected on reasonable grounds to be within the District of Johannesburg

DEPARTMENT OF PUBLIC PROSECUTIONS
PRIVATE BAG X300
2017 -02- 08
DOCKET
PRETORIA 0001.....
*Director of Public Prosecutions/Public Prosecutor/ Police Officer

WARRANT OF ARREST

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

1. Whereas from written application by Brigadier V P D Ncube there is a reasonable suspicion that Paul O Sullivan of NO-07 Janine Road - Sandown, Sandton, Johannesburg (address) on the between 2016/01/31 day of to 2016/12/13 year committed the crime of Intimidation, Extortion, Fraud, Attempted Extortion, IPID Act 1/2011 Pretendy as IPID Investigator

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

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

Given under my hand at this day of year

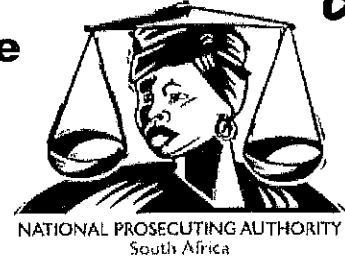
*Magistrate /Justice of the Peace

DEPARTMENT OF JUSTICE
Private Bag 1101, Pretoria
2017 -02- 08
CHIEF CLERK
*Magistrate /Justice of the Peace

Description of accused:
White male - 62yrs old - ID 5508265700085

*Delete whichever is not applicable

National Prosecutions Service
 Director of Public Prosecutions
 North Gauteng, Pretoria



REF./VERW. NO. 10/3/5-J3 -(ORC) – 1/2017

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The Investigating Officer
 SAPS, Provincial Specific Crimes Unit
 Potchefstroom

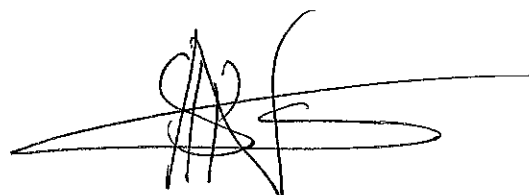
RL

The following outstanding investigations must be finalised:

1. An additional statement must be obtained from A3 wherein he explains what happened after the first meeting between him, the two accused and the two IPID investigators, whether there were any further communication or meetings and who were present in those meetings.. Clarity must also be sought from him in relation to the smses sent by Sarah Jane as to what was she telling him to do and whether he complied with those instructions.
2. It transpired during my consultation with A3 that accused no 2 even gave him a statement to sign which he refused to as a result of which accused no 2 then retyped the statement from his laptop and printed it and gave it to the witness to sign. A search warrant must be applied for in order to obtain the cellphones of the accused that were used or reasonably suspected to have been used in the commission of these offences and the laptop that the accused used to send threats and type out statements of witnesses.
3. The authenticity of the smses sent by Sarah Trent to the witnesses, A3 and A 12 must be confirmed and printed by experts and statements to that effect must be obtained and filed in the case docket.
4. Warning statements must be obtained from the IPID Investigators who were in the company of the accused during the commission of these offences, but only after the abovementioned investigations have been finalised.

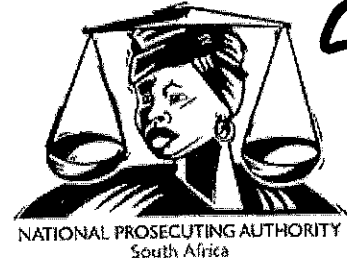

 for DIRECTOR OF PUBLIC PROSECUTIONS
 GAUTENG, PRETORIA

27/02/2017.




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

National Prosecutions Service
 Director of Public Prosecutions
 Gauteng Division, Pretoria



REF./VERW. NO 10/3/5/3 (ORC) – 1/2017

The Investigating Officer
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RE: THE STATE VERSUS PAUL O' SULLIVAN & 6 OTHERS
KAMEELDRIFT CAS 12/01/2017

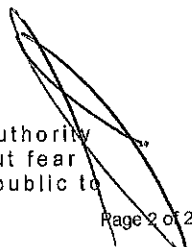
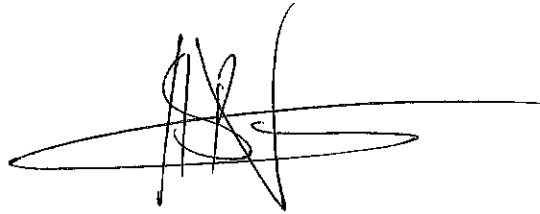
The following investigations must be completed:

1. Sworn statements must be obtained from the following witnesses wherein they clarify whether they gave permission to Sarah Jane Trent to access their credit bureau information;
 - a. Rui Videira, the architect of General Phahlane,s house.
 - b. Jozua Rosslee of sounds great where General Phahlane purchased the sound system.
 - c. Ketsebae Kgamanyane, the former Acting Executive Director of the Independent Police Investigative Directorate
 - d. Thenjiwe Kgamanyane, the wife of Ketsebae Kgamanyane
 - e. Frederik Terblanche, the builder of General Phahlane's House
 - f. Bonyiwe Sotyu, the daughter of the Deputy Minister of Police by then.
2. The credit and/or individual trace and/or forensic enquiry reports of all the witnesses including that of Frederik Terblanche, Terblanche Du Toit cc, Ketsebae Kgamanyane, Thenjiwe Kgamanyane and Bonyiwe Sotyu accessed by Sarah Jane Trent on 16 November 2016, that of Jozua Rosslee, accessed by Sarah Jane Trent on 23 November 2016, that of Rui Videira accessed on 24 November 2016 and that of Minister Nkosinathi Nhleko accessed by Sarah Jane Trent on 24 November 2016 must be obtained from Transunion and filed in the case docket. A section 205 subpoena must be applied for in that regard.
3. A sworn statement must be obtained from the relevant person at Transunion wherein he/she clarifies why and how did Sarah Jane Trent access the credit bureau information of the abovementioned witnesses.
4. A sworn statement must be obtained from the polygrapher, Henriette, wherein she clarifies the following:
 - a. Who arranged the polygraph test of Robert McBride with her?
 - b. Did Paul O' Sullivan provide questions to be asked to either Robert McBride or Prince Mokotedi or both during the polygraph test?
 - c. Who is supposed to formulate questions for a polygraph test, the examiner or any other person?

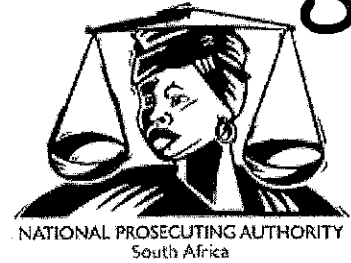
- d. Who paid for the polygraph test?
- 5. The invoices and bank statement relating to the payment for the polygraph test must be obtained and filed in the case docket.
- 6. All chain statements in respect of the handling of Sarah Jane Trent's cellphone which was seized as an exhibit up to when it was taken for unlocking and brought back must be obtained and filed in the case docket

for THE DIRECTOR OF PUBLIC PROSECUTIONS
GAUTENG DIVISION, PRETORIA

~~AAA~~ 2018/01/16



National Prosecutions Service
 Director of Public Prosecutions
 Gauteng Division, Pretoria



REF./VERW. NO 10/3/5/3 (ORC) – 1/2017

RL

The Investigating Officer
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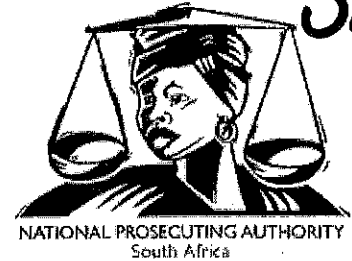
THE STATE VERSUS PAUL O' SULLIVAN & 6 OTHERS
KAMEELDRIFT CAS 12/01/2017

1. In light of the statement obtained from Mrs Henriette Joubert (A 85) and the fact that after agreeing to provide and attach the invoice and the bank statement, she later changed and requested that the said invoice and bank statement in respect of the payment for the polygraph test on Mr McBride be obtained with a section 205 subpoena, a section 205 subpoena must be obtained and the said invoice and bank statement obtained and filed in the case docket.
2. A statement must be obtained from Mrs Henriette Joubert wherein she clarifies what the suspects were communicating with her.

~~AAA~~ 2018/01/17

for DIRECTOR OF PUBLIC PROSECUTIONS
 GAUTENG, PRETORIA

National Prosecutions Service
 Director of Public Prosecutions
 Gauteng Division, Pretoria



REF./VERW. NO 10/3/5/3 (ORC) – 1/2017

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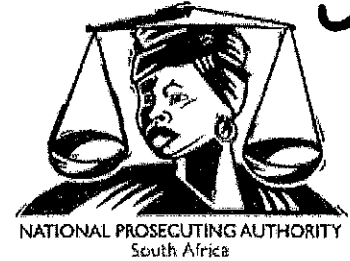
THE STATE VERSUS PAUL O' SULLIVAN & 6 OTHERS
KAMEELDRIFT CAS 12/01/2017

1. The transunion reports of Minister Nkosinathi Nhleko, Rui Videira, Jozua Roslee and Patrick Johnson must be obtained and filed in the case docket.

~~AAA~~ 2018/01/24.

for DIRECTOR OF PUBLIC PROSECUTIONS
 GAUTENG, PRETORIA

National Prosecutions Service
 Director of Public Prosecutions
 Gauteng Division, Pretoria



REF./VERW. NO 10/3/5/3 (ORC) – 1/2017

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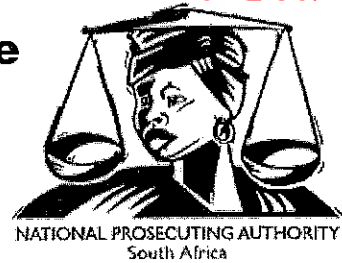
THE STATE VERSUS PAUL O' SULLIVAN & 6 OTHERS
KAMEELDRIFT CAS 12/01/2017

1. The transunion credit reports of Nkosinathi Nhleko, accessed by Sarah Jane Trent on the 23rd November 2016 and that of Alwyn Du Preez accessed during November and that of Jozua Rosslee accessed on 18 November 2016 must be obtained with a section 205 application and filed in the case docket. The correct ID number must be written in the section 205 application.

~~AAA~~ 2018/02/08.

for DIRECTOR OF PUBLIC PROSECUTIONS
 GAUTENG, PRETORIA

National Prosecutions Service
 Director of Public Prosecutions
 North Gauteng, Pretoria



REF. /VERW. NO. 10/3/5-13 -(ORC) - 1/2017

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The Investigating Officer
 SAPS, Provincial Specific Crimes Unit
 Potchefstroom

RL

-- The following outstanding investigations must be finalised:

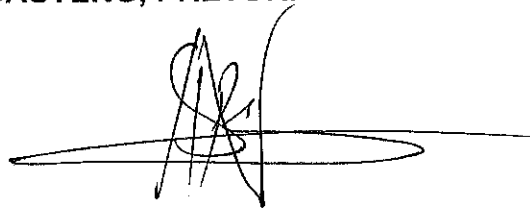
1. Additional statements must be obtained from all witnesses whose transunion credit information was accessed by Paul O' Sullivan and Sarah Jane Trent wherein they clarify whether there was any investigation against them, to their knowledge, whether they know of any motive for the suspects to investigate them, albeit unlawfully, and whether there was any animosity or disagreement with any of the suspects which might have caused the suspects to unlawfully investigate them.
2. A statement must be obtained from the National Credit Regulator wherein it is clarified as to under what circumstances a credit bureau can give access to credit information of other persons for fraud and detection. Can any person who wants to obtain a credit report of another simply say fraud and detection without more and he is entitled to the credit report of another person?
3. An additional statement must be obtained from Gayle Mowler wherein she clarifies under what circumstances does a subscriber access other persons, credit reports, in other words, can any person who wants to obtain a credit report of another simply say fraud and detection without more and he is entitled to the credit report of another person, and must be filed in the case docket. The subscriber agreement between Paul O' Sullivan and Sarah Jane Trent must be obtained and filed in the case docket.
4. A statement must be obtained from the relevant officer at Private security industry regulatory Authority wherein they clarify whether Paul O' Sullivan and Sarah Jane Trent are Registered as private investigators. If they are, under what circumstances are they supposed to conduct investigations, are they allowed to act as Law enforcement investigators, obtain evidence under misrepresentation or threats and whether they are allowed to act like lead investigators in investigations done by law enforcement investigators.

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

5. It must further be clarified from PSIRA whether a private investigator can conduct investigations and take witnesses statements or involve himself in investigations where he has opened a case with a law enforcement agency and is a complainant in that case, without a mandate from any other person.

~~AA~~ 2018/02/20

for DIRECTOR OF PUBLIC PROSECUTIONS
GAUTENG, PRETORIA



38

National Prosecutions Service
Director of Public Prosecutions
Gauteng Division, Pretoria



REF./VERW. NO 10/3/5/3 (ORC) – 1/2017

RL

The Investigating Officer
PROVINCIAL HEAD: COMMERCIAL CRIME
Detective Services, North West
Potchefstroom

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dnpota@npa.gov.za

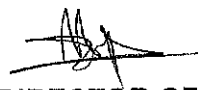
Prudential Building
28 Church Square
PRETORIA
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South Africa

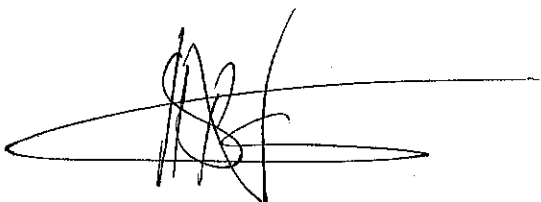
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THE STATE VERSUS PAUL O' SULLIVAN & 6 OTHERS
KAMEELDRIFT CAS 12/01/2017

1. The cellphone downloads of Sarah Jane Trent's cellphone must be referred to an independent data analyst (who is not part of the investigating team) for analysis.

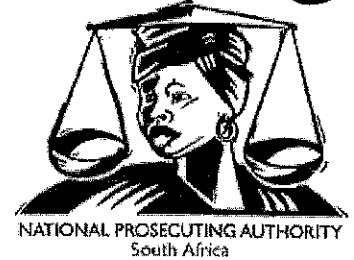
 25/8/04/12.

for DIRECTOR OF PUBLIC PROSECUTIONS
GAUTENG, PRETORIA



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

National Prosecutions Service
 Director of Public Prosecutions
 Gauteng Division, Pretoria



REF./VERW. NO 10/3/5/3 (ORC) – 1/2017

RL

The Investigating Officer
 PROVINCIAL HEAD: COMMERCIAL CRIME
 Detective Services, North West
 Potchefstroom

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THE STATE VERSUS PAUL O' SULLIVAN & 6 OTHERS
KAMEELDRIFT CAS 12/01/2017

Before a final decision can be taken on this matter, a sworn statement must be obtained from Transunion by a section 205 application wherein the following aspects are clarified:

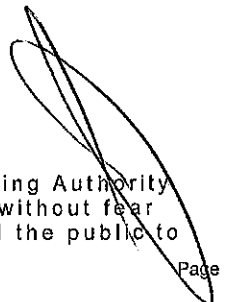
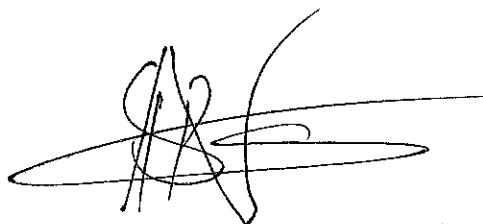
1. The National Credit Act provides for access of a credit report for ,inter alia, fraud detection and prevention. Under what circumstances can a subscriber access a report of a person under the category fraud detection and prevention.
2. If a credit report is accessed by a subscriber under false pretences:
 - a. What are the consequences of that ie what does Transunion do under those circumstances?
 - b. Is there any remedy for the individual or entity whose information was accessed?
 - c. Is there any prejudice, reputational or otherwise suffered by Transunion when personal information of individuals and information of entities in their possession which they are supposed to keep confidential and only disclosed on certain instances is accessed under false pretence?
 - d. Does Transunion view the access of information in their possession under false pretence as serious and as a crime. If so, would Transunion lay criminal charges?
 - e. Whose username and profile was used to access the data of the persons referred to in our previous section 205 request? How does a username and profile work? How is it registered and who can use it to access data? Whose username was used to access the data of the persons referred to in the previous section 205 requests.

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38

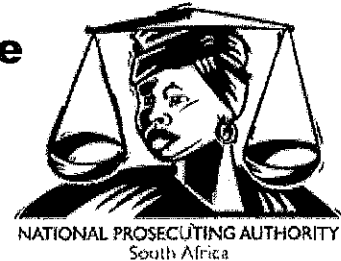
for DIRECTOR OF PUBLIC PROSECUTIONS
GAUTENG, PRETORIA

~~AP~~ 2018/05/07.



Guided by the Constitution, we in the National Prosecuting Authority ensure justice for the victims of crime by prosecuting without fear favour or prejudice and by working with our partners and the public to solve and prevent crime

National Prosecutions Service
 Director of Public Prosecutions
 North Gauteng, Pretoria



REF. /VERW. NO. 10/3/5-13 -(ORC) - 1/2017

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The Investigating Officer
 SAPS, Provincial Specific Crimes Unit
 Potchefstroom

RL

The following further investigations must be completed:

1. An additional statement must be obtained from A2 wherein he explains how did he come to learn that accused no 2, Mr Paul O Sullivan was at the Estate in the company of other suspects demanding his file from Mr Jooste. He must further clarify the process he followed when complaining to IPID and whether he knows how accused no 2 came to learn that he complained to IPID.
2. A2 must further clarify whether he gave accused no 2 permission to access his information at Transunion credit bureau.
3. It must be ascertained from A12 as to how was his statement obtained in light of the fact that his statement was seen in the computer of accused no 2
4. A statement must be obtained from Transunion Credit Bureau where they explain how and why did they provide accused no 2 who is not a law enforcement officer with the credit report of Lt. General Phahlane.

for DIRECTOR OF PUBLIC PROSECUTIONS
 GAUTENG, PRETORIA

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National Prosecutions Service
Director of Public Prosecutions
North Gauteng, Pretoria



NATIONAL PROSECUTING AUTHORITY
South Africa

REF. /VERW. NO. 10/3/5-13 -(ORC) - 1/2017

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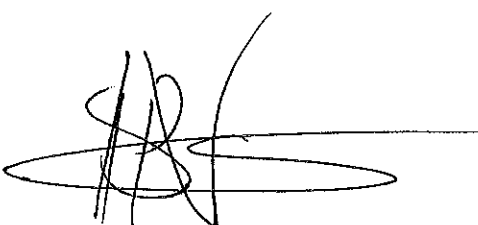
The Investigating Officer
SAPS, Provincial Specific Crimes Unit
Potchefstroom

RL

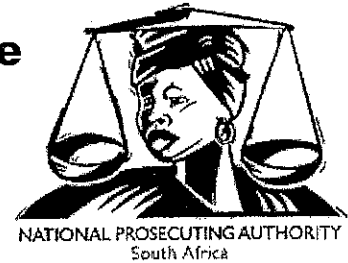
The following outstanding investigations must be finalised:

1. An additional statement must be obtained from A3 wherein he explains what happened after the first meeting between him, the two accused and the two IPID investigators, whether there were any further communication or meetings and who were present in those meetings.. Clarity must also be sought from him in relation to the smses sent by Sarah Jane as to what was she telling him to do and whether he complied with those instructions.
2. It transpired during my consultation with A3 that accused no 2 even gave him a statement to sign which he refused to as a result of which accused no 2 then retyped the statement from his laptop and printed it and gave it to the witness to sign. A search warrant must be applied for in order to obtain the cellphones of the accused that were used or reasonably suspected to have been used in the commission of these offences and the laptop that the accused used to send threats and type out statements of witnesses.
3. The authenticity of the smses sent by Sarah Trent to the witnesses, A3 and A 12 must be confirmed and printed by experts and statements to that effect must be obtained and filed in the case docket.
4. Warning statements must be obtained from the IPID Investigators who were in the company of the accused during the commission of these offences, but only after the abovementioned investigations have been finalised.

 27/02/2017.
for **DIRECTOR OF PUBLIC PROSECUTIONS**
GAUTENG, PRETORIA


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National Prosecutions Service
Director of Public Prosecutions
North Gauteng, Pretoria



REF. /VERW. NO. 10/3/5-13 -(ORC) - 1/2017

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The Investigating Officer
SAPS, Provincial Specific Crimes Unit
Potchefstroom

RL

The following outstanding investigations must be finalised:

1. A statement must be obtained from WO Ndlovu and Patrick Johnson whether they gave permission for their personal information to be accessed by IPID, Robert McBride, Paul O Sullivan or Sarah Jane Trent and filed in the case docket.
2. A statement must be obtained from Minister Nhleko wherein he explains whether he gave any permission to Robert McBride, Paul O Sullivan and Sarah Jane Trent to access his personal information, and, whether IPID or the above listed persons have any mandate whatsoever to investigate him and filed in the case docket.
3. Warning statements must be obtained from Robert McBride and Mantsha Raphesu in relation to charges of contravention of section 4(1)(a) of the Corruption Act 12 of 2004 and section 33(2) of the IPID Act 1 of 2011 and filed in the case docket.

~~AB~~ 2017/11/03

for DIRECTOR OF PUBLIC PROSECUTIONS
GAUTENG, PRETORIA

Kameeldrift cas 12/01/2017

SIGNATURE ARRESTED PERSON: [Signature]

PLACE: Kameeldrift DATE 2017-07-10 TIME 19h05

SIGNATURE ARRESTING OFFICER: [Signature] Dmg
Kuobane

PLACE: Kameeldrift DATE 2017-02-10 TIME 18 19:05

WITNESSES: 1 [Signature] 7001905-32/10
TE MASHOBI

PLACE: KAMEELDRIFT DATE 2017-02-10 TIME 19:06

WITNESSES: 2 12th Capt. (TE MASHOBI)

PLACE: KAMEELDRIFT 2017-02-10 DATE 2017-02-10 TIME 19:06

[Signature]

[Signature]



SUID-AFRIKAANSE POLISIEDIENS

SOUTH AFRICAN POLICE SERVICE

REFERENCE NUMBER	KAMEELDRIFT CAS 12/01/2017
ENQUIRIES	BRIGADIER PD NCUBE
TELEPHONE NUMBER	018 299 7156
CELLPHONE NUMBER	0827728421

OFFICE OF THE PROVINCIAL HEAD
 COMMERCIAL CRIME INVESTIGATION
 DETECTIVE SERVICES
 NORTH WEST PROVINCE

The Director Public Prosecution
 National Prosecution Authority
 PRETORIA

For attention: V. Nemoarane

**RE: COMPLAINT AGAINST THE OFFICE OF THE DPP AND IPID MEMBERS
 INTERFERING WITH EXHIBITS HANDED IN ON KAMEELDRIFT CAS 12/01/2017**

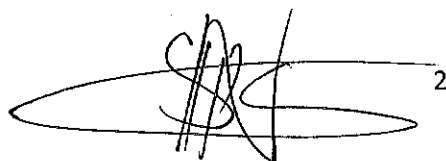
1. On 10 February 2017 Ms Sarah Jane Trent, an adult female, was arrested by Brigadier Kgorane pursuant to a warrant of arrest issued in terms of the provisions of Section 43 of the Criminal Procedure Act 51 of 1977, as amended.
2. Ms Sarah Jane Trent is an accused in a matter, Kameeldrift CAS 12/01/2017, and is to appear again in the Pretoria North Regional Court on 9 October 2017. The charges preferred against Ms Sarah Jane Trent and her co-accused, Paul O'Sullivan and M Mahlangu ("Mahlangu") and T Binang ("Binang") (two members in the employ of IPID),

➤ *Fraud;*

1

LETTER OF COMPLAINT DIRECTOR PUBLIC PROSECUTIONS

- *Contravening the provisions of Section 33(5) of the Independent Police Investigative Directorate Act 1 of 2011 (pretending to be an IPID member);*
 - *Four counts of Contravening the provisions of Section 18(b)(v) of the Prevention and Combating of Corrupt Activities Act 12 of 2004; and*
 - *Conspiracy to contravene Section 33(5) (v) of the Independent Police Investigative Directorate Act 1 of 2011.*
3. During the arrest of Ms Sarah Jane Trent her cellphone an I-Phone 6 was seized as an exhibit in terms of the provisions of section 20 of the CPA 51 OF 1977. The handset was subsequently booked in as an exhibit on Kameeldrift 49/2017.
4. The handset of Ms Sarah Jane Trent was seized after it was confirmed under oath by witnesses and after obtaining section 205 subpoenas that it was used during the commission of offences on Kameeldrift 12/01/2017. The handset was used to send and receive several electronic messages to complainants.
5. During the arrest of Ms Sarah Jane Trent she switched off the handset and refused to provide the unlocking code (pin code) for the handset to Brigadier Kgorane.
6. The handset was sent to the Cyber-Crime unit of the police for forensic analysis. Colonel Mike Sales is currently busy with experts who are assisting in the forensic analysis of same.
7. On the 06/07/201, a member of IPID namely Mantsha Raphesu an investigator attached to IPID met with Lt. Colonel I Dawood, during the meeting he produced a letter from the DPP Gauteng North (see **attached DPP instruction marked as A1**). Where he pointed out amongst other things that the DPP offices instructed him to get the handset of Ms Sarah Jane Trent and to take the handset for analysis to ascertain if there was any "**fiddling**" on the handset. He could not explain how the handset was part of his



2



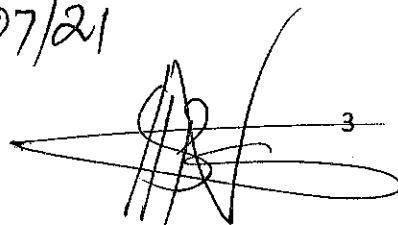
LETTER OF COMPLAINT DIRECTOR PUBLIC PROSECUTIONS

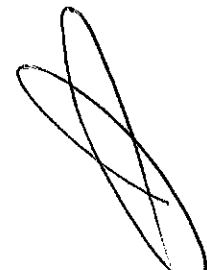
investigation on Sandton Cas 658/02/2017, where Ms Sarah Jane Trent was a complainant.

8. He was informed that the handset was booked in as an exhibit on Kameeldrift Cas 12/01/2017, and he said that he would inform the prosecutor of such, and did not have any problem with the explanation.
9. On the 18/07/2017 I learnt that both Mantsha Raphesu and T. Binang approached Colonel Mike Sales of the Cyber-crime unit. I wish to bring to the attention of the DPP that Mr. T. Binang is a suspect on Kameeldrift Cas 12/01/2017 together with Ms Sarah Jane Trent and has bail conditions which include that he should not interfere with witnesses on Kameeldrift Cas 12/01/2017. They have given Colonel Mike Sales until the 24/07/2017 to hand over the phone of Ms Sarah Jane Trent to them or they will issue him with a notice in terms of section 29 (1) of the IPID Act 1 of 2011. It must be brought to the attention of the DPP that section 29 (1) of the IPID act does not include exhibits that are in the possession of the police or part of an active investigation, as is the case in this instance.
10. It is my view that the DPP instruction concerning the handset of Ms Sarah Jane Trent was not correct and has thus compounded the problem.
11. I wish to state that any attempt by any member of IPID or the office of the Director of public prosecutions to remove the exhibit will be seen as an attempt to defeat or obstruct the course of justice, and the necessary criminal case will be opened and investigated.
12. For further enquiries please contact Brigadier PD Ncube on 082 772 8421
13. Your cooperation in this matter will be highly appreciated.


BRIGADIER
PROVINCIAL HEAD: COMMERCIAL CRIMES UNIT
PD NCUBE

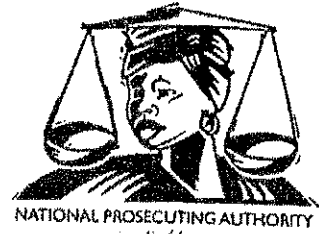
DATE: 2017/07/21

 3



National Prosecutions Service

Director of Public Prosecutions
Gauteng Division, Pretoria
(Organised Crime Component)



NATIONAL PROSECUTING AUTHORITY

REF.NO. 10/3/5/2-(ORC)-01/2017

North West Provincial Head (Commercial Crime Unit)
SAPS

21 July 2017

PRETORIA

Attention Brigdier PD Ncube

Tel: +27 12 351 6700
Fax: +27 12 843 1728
dpppta@npa.gov.za

**RE: COMPLAINT AGAINST THE OFFICE OF THE DPP AND IPID MEMBERS
INTERFERING WITH EXHIBITS HANDED IN ON KAMEELDRIFT CAS:
12/01/2017**

Prudential Building
28 Church Square
PRETORIA
0002

1. The cell phone that the DPP letter seeks to obtain from the investigators forms part of court exhibits and the NPA has no right to order that such exhibits be disposed of.
2. You are not authorised to dispose court exhibits to anyone except through an order of court. That would amount to defeating the ends of justice.
3. You must give this letter to Colonel Mike Sales who must take note that he is not allowed to dispose of court exhibits unless he gets a court order directing him to do so.

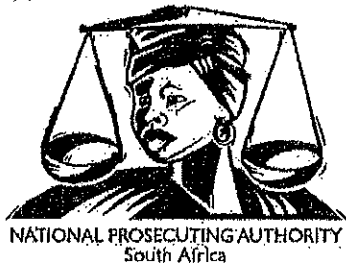
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Kind regards

MR V NEMAORANI
DEPUTY DIRECTOR OF PUBLIC PROSECUTIONS
NORTH GAUTENG, PRETORIA

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OFFICE OF THE NATIONAL DIRECTOR OF PUBLIC PROSECUTIONS

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Pretoria, 0001

Private Bag X752, Pretoria, 0001

Contact number: 012 845 6758

Email: ndpp@npa.gov.za
www.npa.gov.za

18 December 2017

The Acting Director of Public Prosecutions
Private Bag X 300
PRETORIA
0001

Dear Adv. Baloyi

REQUEST FOR AUTHORIZATION TO CONDUCT OUTSTANDING INVESTIGATION IN KAMEELDRIFT CAS 12/1/2017

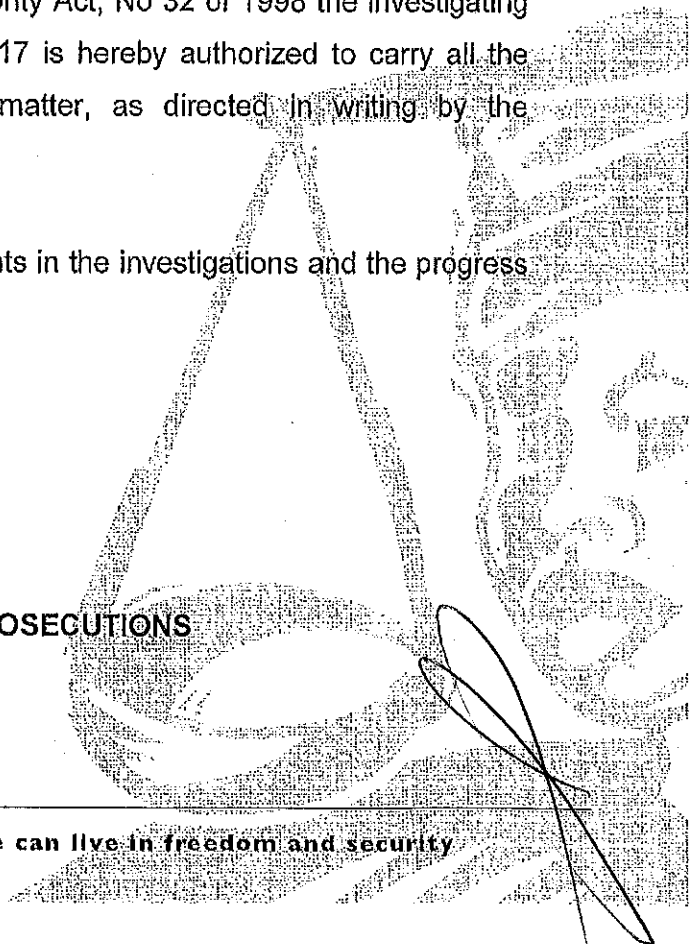
Your 10/2/12/3-NPA-37/2017 dated 15 December 2017 refer.

1. I have considered your request and perused the court order. In terms of sections 179(2) of the Constitution, Act 108 of 1996, read with section 20(1) of the National Prosecuting Authority Act, No 32 of 1998 the investigating team in Kameeldrift Cas 12/1/2017 is hereby authorized to carry all the necessary investigation in the matter, as directed in writing by the prosecutor in the case.
2. I must be apprised of developments in the investigations and the progress thereof.

Kind regards

ADV. S.K. ABRAHAMS
NATIONAL DIRECTOR OF PUBLIC PROSECUTIONS

DATE: 19-12-2017



SOUTH AFRICAN POLICE SERVICE**SUID AFRIKAANSE POLISIEDIENS**

PRIVATE BAG X801, POTCHEFSTROOM, 2520

Reference	3/5/2/294
Enquiries	Brig Govender
Telephone	(018) 299 7887
Fax number	(018) 299 7030
Email	govenderdk@saps.gov.za

THE PROVINCIAL COMMISSIONER
SOUTH AFRICAN POLICE SERVICE
NORTH-WEST
POTCHEFSTROOM
2520

The Deputy Provincial Commissioners
Policing
Crime Detection
Management Intervention
Human Resource Management
NORTH WEST

The Provincial Heads
DPCI
Legal Services
Vispol
FCS
Crime Detection
Organised Crime
Crime Registrar
TMS
Finance
O.D
Personal Management
HRD
SCM
NORTH WEST

CALL UP INSTRUCTION: DEPLOYMENT OF SMS MEMBERS: NORTHWEST: NATIONAL AND PROVINCIAL GENERAL ELECTIONS 2019: 6 MAY 2019 TO 8 MAY 2019.

1. NATJOINTS instruction 62 of 2018: National and Provincial Election 2018 refers.
2. The five year term of the current National and Provincial legislatures matures on 6 May 2019 and the General Elections will take place on 8 May 2019.
3. The Election security will be managed through the JOINTS Structures at Provincial, Cluster and Local levels to contribute towards creating conditions for free and fair elections.
4. The following SMS officers are called up for Election Related duties on 2019-05-06 from 10:00 to 18:00 (this is based on the premise that SMS members will first report to their respective Provincial offices at 05:45).

2019-05-07 from 05:45 till 18:00

2019-05-08 from 04:30 till the counting process is finalised and the ballot boxes are delivered to the respective warehouses.

**CALL UP INSTRUCTION: DEPLOYMENT OF SMS MEMBERS: NORTHWEST:
NATIONAL AND PROVINCIAL GENERAL ELECTIONS 2019: 6 MAY 2019 TO 8
MAY 2019**

5.

NUMBER	PERSAL	RANK	NAME	INITIALS	POSTING
1	06081401	Maj General	Mbotho	DP	PROVJOC
2	6033971	Maj General	Mabula	NJ	Rustenburg /Zeerust Cluster
3	6080049	Maj General	Molefe	DS	Pudimoe Cluster
4	5174791	Maj General	Olifant	KG	Vryburg Cluster
5	6048200	Maj General	Naidoo	GP	Mahikeng Cluster
6	4883080	Brigadier	Madoda	JD	Pudimoe Cluster
7	5433436	Brigadier	Ntshabele	JTS	Rustenburg Cluster
8	4103106	Brigadier	Swart	A	Mahikeng - Finance
9	5142695	Brigadier	Mothobi	GE	Mahikeng Cluster
10	4972996	Brigadier	Mqoni	DC	Brits Cluster
11	6067611	Brigadier	Nkabinde	DL	Klerksdorp Cluster
12	6173951	Brigadier	Masanya	MA	Zeerust Cluster
13	6367518	Brigadier	Kgorane	CM	Rustenburg Cluster
14	4287762	Brigadier	Wagner	AC	PROVJOC
15	4334221	Brigadier	Visser	V	Brits Cluster
16	6164277	Brigadier	Sibeko	PA	Mahikeng Cluster
17	6382754	Brigadier	Njikelana	T	Vryburg Cluster
18	4709888	Brigadier	Alexander	CD	Klerksdorp Cluster
19	4338511	Brigadier	Mans	A	Brits Cluster
20	4922786	Brigadier	Molate	AS	Vryburg Cluster
21	5205921	Brigadier	Ngutshani	TY	Pudimoe Cluster
22	04299337	Brigadier	Flynn	HF	Pudimoe Cluster

6. Attire and Operational Equipment

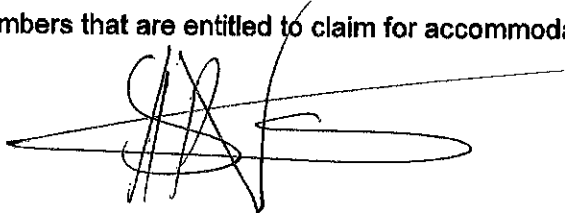
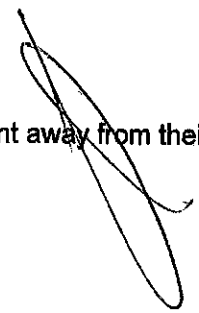
6.1 All members to be dressed according to the SAPS dress code and line function responsibility.

6.2 When reporting for duty members must be equipped with:

- Polmed membership card
- Identity documents
- Driver's licence
- Rain coat
- SAPS appointment certificate
- Pocket book
- Hand cuffs/ cable ties
- Official firearm
- Bullet Proof Vest with the name tag ironed on the middle of the vest
- Any other specialised equipment issued for operation purposes

7. Financial implications

7.1 Members that are entitled to claim for accommodation due to their deployment away from their

after approval of an Itinerary for the period deployed.

7.2 Source documents

7.1.1 The following documents will be used by financial service to process all payments relevant to the operation.

- The approved Call Up Instruction
- Approved itinerary.
- An official SAPS 15 form must be completed on a daily basis in detail by members for command and control purpose.

7.2.1 The following account must be utilized

Responsibility code: 1751
Objective code: 0132
Project code: ~~2437~~ 5657


7.2.2 All claims will be processed by the nearest accounting station. FA 1751098495

Item	Members	Days/ Nights	Tariff per person	Amount
Accommodation	23	3 Days		
	19	3 Nights	R 1000-00	R 57 000-00
Meals (non accommodation)	3	3 Days	R 236-00	R 2 124-00
Meals	28 19	4 Days	R 323-00	R 24 548-00
Allowance	28 19	4 Days	R 134-00	R 10 184-00
TOTAL COSTS				R 93 856-00

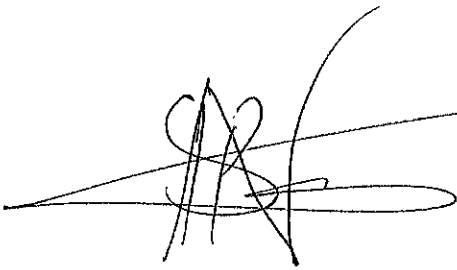
8. There are Director Generals deployed from National level as well as SMS members deployed from Head Office. Let us work jointly with them as they will be representing their departments.
9. SMS members will not take over duties from Station Commanders but and Cluster Commanders will enhance command and Control to ensure that General Election 2019 is managed efficiently.
10. Please take note of Head Office letter 14/1/4: General Elections 2019: 6 May 2019 to 8 May 2019: South African Police Service, in respect of meal allowance and Public Holiday Claims.

The Special Daily Overtime Allowance is not payable to SMS members on 6 and 7 May 2019. SMS members will only qualify for public holiday remuneration on 8 May 2019 and normal S&T allowance where applicable.

11. Your co-operation is appreciated.


PROVINCIAL COMMISSIONER: NORTH WEST PROVINCE
BB MOTSWENYANE
 Date: 2019.04.29

LIEUTENANT GENERAL
PROVINCIAL COMMISSIONER: NORTH WEST PROVINCE

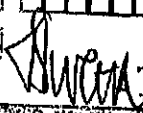


APPROVED / NOT APPROVED

AUTHORITY 1751098743 DATED 29 APR 2019

ACCOUNT NR 1751 0132

PROJECT NR 5657

 SWART
 B. M. RABIER

F/ PROVINCIAL COMMISSIONER: NORTH WEST PROVINCE
 SA POLICE SERVICE