

**“ANNEXURE MK 1”**

South African Police Service



South African Police Service

Private Bag: X 94, Pretoria

Your reference:	THE NATIONAL COMMISSIONER
My reference: 484089-6/4	SOUTH AFRICAN POLICE SERVICE
Enquiries: General Sitole	PRETORIA
Tel: 012 393 4230	0001

Lieutenant General NS Mkhwanazi  
The Divisional Commissioner  
**OPERATIONAL RESPONSE SERVICES**

Dear Lieutenant General Mkhwanazi

**LATERAL APPOINTMENT IN THE POST OF PROVINCIAL COMMISSIONER:  
KWAZULU-NATAL: YOURSELF**

Following engagement with the Provincial Executive of the KwaZulu-Natal Province, your lateral appointment in the post of Provincial Commissioner: KwaZulu-Natal with effect from 1 April 2021 at State cost is approved.

Your placement as Provincial Commissioner: Kwa-Zulu Natal will result in a change in your nature of appointment from permanent to an appointment in terms of a fixed term employment contract for a period of five (5) years, commencing on 1 April 2021 and ending on 31 March 2026, as contemplated in Section 7(1) of the SAPS Act, 1995. The changes in your service benefits (pension and financial implications) have already been duly explained to you by the Division: Human Resource Management.

You are hereby afforded an opportunity to submit a representation with regard to the lateral appointment within 7 calendar days after receipt of this notice, in terms of the provisions of the Transfer Policy of the Service (SSSBC Agreement 5 of 1999).

Should you, however, accept the lateral appointment, you are requested to indicate this in writing within 7 calendar days as well.

It is trusted that your lateral appointment to the post of Provincial Commissioner: KwaZulu-Natal will add value to the South African Police Service and service delivery.

Please acknowledge receipt of this letter on the attached copy.

My best wishes accompany you.



**NATIONAL COMMISSIONER: SOUTH AFRICAN POLICE SERVICE**  
NS SITOLE, (SOEG)

**GENERAL**

Date: 2021-02-15

**“ANNEXURE MK 2”**

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# PROVINCIAL COMMISSIONER OF KWAZULU NATAL

## MEDIA BRIEFING

06 JULY 2025



# PURPOSE

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The purpose of this presentation is to:

- Brief the citizens of KwaZulu Natal and by extension the inhabitants of the Republic of South Africa about the work of the Political Killings Task Team.

## BACKGROUND OF THE POLITICAL KILLINGS TASK TEAM



The escalation of politically related incidents in KwaZulu Natal up to 2018 led to the President of the Republic of South Africa, his Excellency President Ramaphosa establishing the Inter-Ministerial Committee (IMC) consisting of the ministries of Police, State Security Agency, Defence, Justice and Correctional Services. This happened during the visit by the President to the family of the ANC activist, the late Mr Musawenkosi Qashana Mchunu who was assassinated in Plessisslaer in May 2018.

- After the assessment by the IMC of the then Provincial Task Team investigating these incidents, one of the preliminary observations amongst others was that the Task Team was working in silos, compromised and that it did not have an investigation and prosecutorial plan or strategy, as a result there was little or no progress in the investigation and prosecution on these cases.



## **BACKGROUND OF THE POLITICAL KILLINGS TASK TEAM**



- A decision was taken by the IMC to establish a National Integrated Multi-disciplinary Task Team consisting of SAPS and National Prosecuting Authority (NPA) supported by State Security Agency (SSA) and Correctional Services which commenced in July 2018 to implement the now tried and tested analysis-led and prosecution-driven investigation strategy.
- As the result of the excellent performance, the Political Killings Task Team has been assigned in other Presidential Intervention Projects: killing of Traditional leaders in KZN as well as murders within the University of Fort Hare EC.

## SUCCESSSES OF THE POLITICAL KILLINGS TASK TEAM



- Since the establishment of the Political Killings Task Team in July 2018, the Team has been investigating a total of **612** dockets. These cases include Murder, Attempted Murder, Intimidation, Conspiracy to commit murder and other cases.
- A total of **436** suspects were arrested and charged, with **156** firearms recovered of which **55** links ballistically to politically related cases. An additional **35** SAPS members were arrested and charged on attempts to defeat the course of justice on these cases.
- A total of **128** accused were found guilty on **106** cases, **29** accused were sentenced to life imprisonment, **40** accused were sentenced between 10 to 135 years, **25** accused were sentenced between 1 to 9 years, **23** accused sentenced between 3 to 12 months. Awaiting sentencing of **11** eleven accused on two cases. The sentences total to **1801** years imprisonment.

## CURRENT STATUS OF THE POLITICAL KILLINGS TASK TEAM



- On the 26<sup>th</sup> March 2025 a total of **121** case dockets under investigation were taken away from the Task Team as directed by the Deputy National Commissioner: Crime Detection Lt General Sibiya acting on the instruction of the Minister of Police to disband the Task Team. This was done without the authority of the National nor the Provincial Commissioner.

**NB: These case dockets have been seating at the Head Office ever since without any investigation work done on them.**

- Therefore the team accounts for only **112** dockets of which **54** are politically related, **22** Parallel, **15** Adhoc, **16** University of Fort Hare and **5** Traditional Leadership



## **POLITICAL KILLINGS TASK TEAM SUPPORT TO THE GAUTENG ORGANISED CRIME INVESTIGATION UNIT**



In the year 2024, A request was received from Gauteng Organised Crime Investigation Unit to assist with the investigation to dismantle the organised crime syndicate operating in the country and controlled in Gauteng Province.

- The Provincial Commissioner of KwaZulu Natal took a decision to deploy ten (10) members from the Political Killings Task Team to support Gauteng Organised Crime Investigation Unit.
- This investigation has unmasked the syndicate which involves Politicians, Law Enforcement (SAPS, Metro Police & Correctional Services), Prosecutors, Judiciary and controlled by Drug cartel as well as Business People.

**NB: This act undermines the South African Criminal Justice System**

## INFILTRATION OF THE CRIMINAL JUSTICE SYSTEM



- ❑ Mr Brown Mogotsi sends WhatsApp messages to Lt General Mkhwanazi regarding the allegations on the defeating the ends of justice matters which were publicised which involve the Department of Correctional Services at Empangeni in KwaZulu Natal.
  
- ❑ Mr Brown Mogosti also sends a screenshot of a presentation that was made on the 30<sup>th</sup> September 2024 titled “2024/2025 Division Crime Intelligence Policies” to Lt Gen Mkhwanazi,

**NB:** when asked to share the copy of this presentation, he responded by saying,  
*“Gen Khan will brief u next week”.*

He further wrote that,

*“the Minister is briefed, he has just arrived in Lusikisiki”.*

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## INFILTRATION OF THE CRIMINAL JUSTICE SYSTEM



- On the 5th March 2025 a presentation was made to the Portfolio Committee by the Provincial Commissioner of KwaZulu Natal which included the allegations of an associate of the Minister of Police ( Brown Mogotsi).
- The Minister denied knowing Mr Brown Mogotsi in Parliament, however the Minister confirmed that he knows this Mr Brown Mogotsi during the telephonic conversation which was posted @Londcare 3-30 where he confirmed that this was his comrade from North West Province,
- The evidence has been found in the cellphone of the accused Mr Vusimuzi @CAT Matlala which shows the communication between Mr Brown and the Minister of Police Mr Senzo Mchunu.

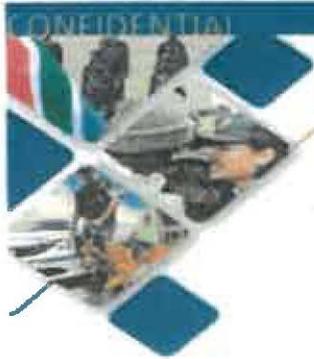


## THE BEGINNING OF THE ORCHESTRATED DEMISE OF THE POLITICAL KILLINGS TASK TEAM



The sequence of events :

- In April 2024, Mr Swart, a Qtech employee was fatally shot while entering the company premises. Qtech has been a long-standing service provider to Transnet. Shortly after the incident, three suspects, including **Warrant Officer Detective Tau Pule**, were arrested in Johannesburg. During the arrest, weapons used in the murder—an AK-47 and a pistol—along with cellphones, were confiscated.
- The ballistic expert from within the Political Killing Task Team conducted examination of these firearms.



## **THE BEGINNING OF THE ORCHESTRATED DEMISE OF THE POLITICAL KILLINGS TASK TEAM**



The sequence of events continues:

- On the 6<sup>th</sup> December 2024, the Task Team visited the premises of two of the high-profile syndicates of which one (Mr. Katiso Molefe) was arrested for the murder of Mr Swart. The unusual activities were observed whilst the team was busy with this operation.
- On the 30<sup>th</sup> December 2024 the Ballistic Expert issued a ballistic report which linked these firearms with a number of High-Profile cases ( including high-profile South African Artists) which occurred in Gauteng dating as far back as 2021.



## **THE BEGINNING OF THE ORCHESTRATED DEMISE OF THE POLITICAL KILLINGS TASK TEAM**



The sequence of events continues:

- On the 31<sup>st</sup> December 2024, the Minister of Police Mr Senzo Mchunu, issued a letter to disband the Political Killings Task Team and to suspend the filling of all vacancies within the Crime Intelligence.
- In January, February, and April 2025 the Deputy National Commissioner Crime Detection Lt General Sibiya issued written instructions withdrawing all the case dockets from the Task Team to his office.

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## ORCHESTRATED DEMISE OF THE POLITICAL KILLINGS TASK TEAM



The sequence of events continues:

- On the 14<sup>th</sup> May 2025 the Task Team arrested Vusimuzi @CAT Matlala for an attempted murder x3.

**NB: This is an individual who was awarded a police contract of over 360 million rands in 2024.**

- An analysis was conducted on electronic communication of this syndicate.
- This analysis reveals communication between the arrested Vusimuzi @CAT Matlala, Mr Brown Mogotsi an associate of the Minister of Police as well as the Minister of Police, Mr. Senzo Mchunu.

## ORCHESTRATED DEMISE OF THE POLITICAL KILLINGS TASK TEAM



The sequence of events continues:

- On the 1<sup>st</sup> January 2025 , Brown Mogotsi sent a WhatsApp to Vusimuzi CAT Matlala :  
*'I have arranged a meeting for Sibiya and the Minister, they must have a solution'*  
followed by another that stated, '  
*The task team that came to your house and harassed you have been dissolved; they got the letter on Monday. As we speak, they are bringing all dockets to Sibiya.'*
- Further analysis of the chats indicates that Vusimuzi CAT Matlala is financially supporting the Minister of Police and Mr Brown Mogotsi's political endeavors. This is supported by the evidence of conversations and the proof of payments of guests for the January 8<sup>th</sup> travelling costs and a gala dinner table in Cape Town.

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# ORCHESTRATED DEMISE OF THE POLITICAL KILLINGS TASK TEAM



The sequence of events continues: On the 9<sup>th</sup> January 2025 Vusimuzi CAT Matlala sent a Proof of Payment to Mr Brown Mogotsi.

## ***NOTIFICATION OF PAYMENT***

To Whom It May Concern:

First National Bank hereby confirms that the following payment instruction has been received:

Date Actioned : 2025/01/09  
Time Actioned : 14:25:29  
Trace ID : MR29KV3M

### **Payer Details**

Payment From : Medicare 24 Tswane District (pty) Ltd  
Cur/Amount : 111,000.00

### **Payee Details**

Recipient/Account No : 233288  
Name : Gothe Specialist  
Bank : FNB/RMB  
Branch Code : 250655  
Reference : Medicare 24

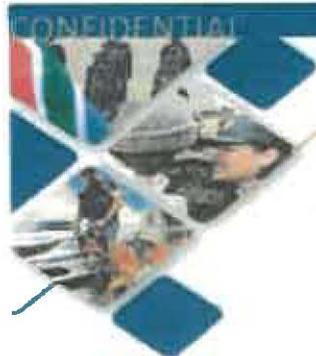


## ORCHESTRATED DEMISE OF THE POLITICAL KILLINGS TASK TEAM



The sequence of events continues:

- On the 2<sup>nd</sup> January 2025 at 10:05 Vusimuzi CAT Matlala received a copy of the letter of the disbandment of the Political Killings Task Team from Mr Brown Mogotsi who is an associate with the Minister of Police Senzo Mchunu.



## ORCHESTRATED DEMISE OF THE POLITICAL KILLINGS TASK TEAM



The sequence of events continues:

- On the 14<sup>th</sup> January 2025 Mr Brown communicates with Mr Vusimuzi CAT Matlala as follows: *“Sure, Don’t forget to work on yrInvoices”* . On the 15<sup>th</sup> January Mr Vusimuzi CAT Matlala respond with a screenshot:

```
*****
* * * * *
00R01  SOUTH AFRICAN POLICE SERVICE (PROD)
  2
05.10  INFRASTRUCTURE : EXTERNAL DATA RETRIEVAL
:23    Job master : PI051001 / Parm nr : 44 / Type : DAILY /

-----
Job type  Parm Run name  Job run nr  Host file name / Dataset name
-----
DAILY    44 POLPI510    42265      HRM6QL9V.20250113.215900.txt
          NO ERRORS FOUND ON DATA SET - INVOICES TO BE UPLOADED
          REPOL.PRD.HRM6QL9V.R002.M7100047
          ** ----- **
          *           END OF REPORT           *
          ** ----- **
00R01  SOUTH AFRICAN POLICE SERVICE (PROD)
  1
  .10  INFRASTRUCTURE : EXTERNAL DATA RETRIEVAL
  23
```



## ORCHESTRATED DEMISE OF THE POLITICAL KILLINGS TASK TEAM



The sequence of events continues:

- On the 26<sup>th</sup> January 2025 Mr Brown Mogotsi sent a message to the Minister of Police Senzo Mchunu which reads as follows:

**'The guy of the funding (20) is also in Joburg from Tuesday. He is the 1 I said has a 3billion contract with SAPS'**

***'I'm also meeting with the DNC and CoS today in Durban for finalization of Khumalo and Gen Mkhwanazi matters.'***

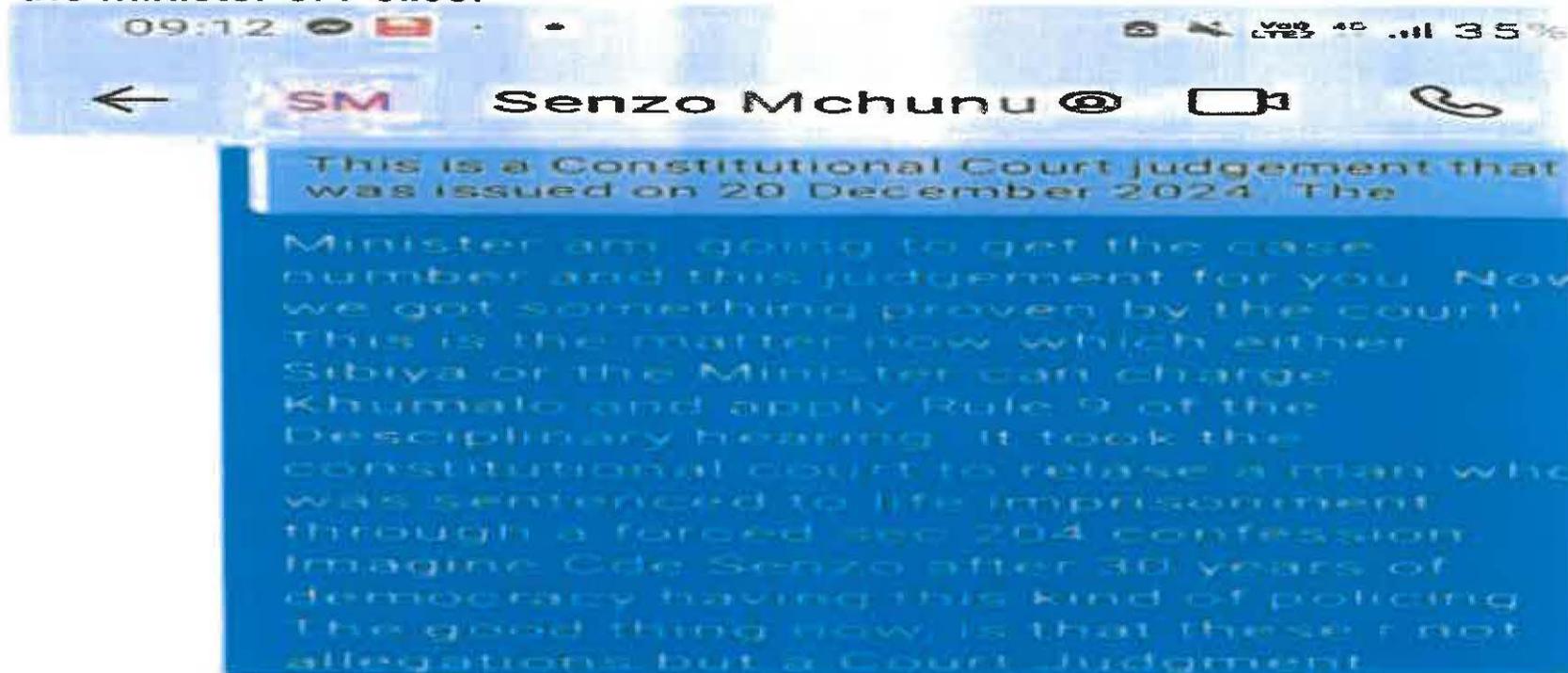
***'DNC is waiting for the CoS here. This is very significant.'***

## ORCHESTRATED DEMISE OF THE POLITICAL KILLINGS TASK TEAM



Is there a theory of conspiracy Targeting some senior officers involving the Minister of Police?

- On the 31<sup>st</sup> December 2024 Mr Brown Mogotsi sent the following message to the Minister of Police.





## ORCHESTRATED DEMISE OF THE POLITICAL KILLINGS TASK TEAM



- On the 13<sup>th</sup> May 2025 the contract of Vusimuzi CAT Matlala was cancelled by the National Commissioner.
- On the 14<sup>th</sup> May 2025 Vusimuzi CAT Matlala sent the message to Mr Brown Mogotsi

*'Morning, just to let you know that my contract was **cancelled** yesterday, and i see you've been **ignoring me and promising me things that never happened**, luckily took screenshots of every conversation just in case something like this might happen, I'm taking all this to media and some to court on Friday when i do the interdict'*



## ORCHESTRATED DEMISE OF THE POLITICAL KILLINGS TASK TEAM



On the 30<sup>th</sup> of May 2025, the Investigative Directorate Against Corruption (IDAC) requested the exhibits (cellphones) of Vusimuzi CAT Matlala from the Political Killings Task Team and they downloaded the contents of the cellphones.

- On the 25<sup>th</sup> June 2025, the Project Coordinator of the Political Killings Task Team is arrested by the IDAC.
- On the 26<sup>th</sup> of June 2025, the accused Katiso @KT Molefe who was arrested by the Task Team was granted bail.

**NB: The work of Gauteng Organised Crime supported by the Political Killings Task Team has been compromised.**



## CONCLUSION



- The disbandment of the Political Killings Task Team, was influenced by the sterling work that they performed in Gauteng to uncover the criminal syndicate which involves some members of the Criminal Justice System operating in Gauteng Province.
- Despite all these challenges, we acknowledge and appreciate the resilience of the members of the Political Killings Task Team.
- The Political Killings Task Team, remains operational albeit attempts to disrupt its work to protect and serve the inhabitants of the Republic as enshrined in Section 205 (3) Constitution of the Republic of South Africa.
- A criminal investigation has been launched against all this possible infiltration and control of Criminal Justice System by the Organised Crime Syndicates.

# MEDIA BRIEFING

KZN SAPS Provincial  
Commissioner: LtGen Mkhwanazi

06 July 2025

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**\*KZN Police Commissioner Nhlanhla Mkhwanazi briefs on task team matters, Sunday, 6 July 2025\***

I am here this morning in order to speak to you about the policing issues that are happening in KZN as well as in the Republic of South Africa.

So I am presenting this briefing to the citizens of this province and by extension the inhabitants of the Republic of South Africa, specifically about the work of the Political Killing Task Team. It's been spoken about a lot, I'm sure you know that.

Let me give you a bit of a background about this Political Killing Task Team.

In 2018, the President of the Republic, His Excellency President Ramaphosa, established the Inter-Ministerial Committee, which we refer to as IMC, which consists of the Minister of Police, the Minister of State Security, the Minister of Defence, the Minister of Justice and Correctional Services and Correctional Development.

These Ministers were given a task by the President to ensure that they deal with matters of security nature that affect political leadership in this province.

You will recall that the Minister had visited the family of the late Musawenkosi Qashana Mchunu in places like in Pietermaritzburg in May 2018. It was then where this IMC was established by the President.

So it is a committee of Ministers, not a police-directed operation, but a committee that involves different departments.

The IMC at the time met and listened to the investigation report that was presented, the so-called Political Task Team that was established before them. And the observation amongst others was that the task team was working in silos. It was compromised and that it did not have any investigation as well as a prosecutorial plan or strategy.

As a result, there was little or no progress in the investigation and prosecution of these cases.

A decision was therefore taken by the IMC to establish a nationally integrated multidisciplinary task team which consists of the South African Police Service, the National Prosecuting Authority NPA, supported by both State Security as well as Correctional Services, which commenced its work in July of 2018 to implement the now tried and tested analysis-led and prosecution-driven investigation strategy.

As a result of the excellent performance, the Political Killing Task Team has been assigned in another Presidential Intervention Project. I can name a few. The killing of the traditional leaders in the province of KwaZulu-Natal as well as the murders that happened in the University of Fort Hare in the Eastern Cape.

Since the establishment of this Political Killing Task Team in July 2018, the team has been investigating a total of 612 case dockets.

These case dockets include murders, attempted murders, intimidation, conspiracy to commit murders and other cases. A total of 436 suspects were arrested and charged.

156 firearms were recovered, of which 55 of them were linked directly with a ballistic bullet through a forensic testing to the political-related cases. An additional 35 suspects who are members of the South African Police Service were arrested. The notable one is the one who is now in prison, who has been working with the parliamentarian who was involved in the murder, about the murder of one Sindiso Magaqa.

We are going to talk about that later.

A total of 128 accused were found guilty on 106 cases. 29 accused were sentenced to life in prison.

40 accused were sentenced between 10 to 35 years. 25 accused were sentenced between 1 to 9 years. 23 accused were sentenced between 3 to 12 months.



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And there's quite a lot of awaiting trial prisoners that are going to be finalised in the next coming few weeks.

So a total of sentences that is years, total number of years that has been given, if I add all of them, amounts to about 1,801 years of imprisonment.

This is the work done by the team since 2018 to date that have led to the successful prosecution because of this integration working between the SAPS and the prosecution.

On the 26th of March 2025, this year, a total of 121 case dockets that were under investigation were taken away from the task team as directed by a Deputy National Commissioner of Crime Detection, a Lieutenant General Sibiyi, who was acting on the instruction of the Minister of Police to disband the team.

This was done without the authority of the National Commissioner, nor I as a Provincial Commissioner was never informed.

These case dockets have since March been sitting at the head office ever since without any investigation work done on them.

Five of these dockets had already instruction to arrest perpetrators, but nothing has been done because a Lieutenant General Sibiyi, being instructed by the Minister, or well, executing instruction of the Minister, withdrew all these dockets and they are sitting in archive in his office in Pretoria. God knows why.

Therefore, only a total of 112 dockets which are still in court, of which 54 of them are politically related and others will include Parallel Ad Hoc, as well as those dockets that are involving the incident at Forte University, and five of them are traditional leadership are still with the team at this present moment.

In the year 2024, a request was received from Gauteng and Organised Crime Investigating Unit to assist with the investigation to dismantle the Organised Crime Syndicate that was operating in Gauteng, that was controlled in Gauteng, but operating in the rest of the country and the neighbouring countries.

I as a Provincial Commissioner took a decision to deploy 10 members from this political killing team to go and support this Organised Crime Unit in Gauteng. I can tell South Africans that this decision was a cause for the disbandment letter of this team because they overstepped their mandate of only focussing on KZN they went to support Gauteng Organised Crime Unit with the dismantling of a criminal syndicate.

And I can confirm before the South Africans today that the investigation which these members were involved with in Gauteng has unmasked the syndicate and this syndicate involves, amongst others, politicians who are currently serving in Parliament.

The law enforcement officers include the members of the South African Police Service, the Metro Police and Correctional Services.

They include prosecutors in Gauteng Province, the judiciary and all these are controlled by the drug cartel as well as business people in the province of Gauteng.

This act, of course, undermines the criminal justice system in this country. Mr. Brown Mogotsi sends a WhatsApp message to myself, Lieutenant General Mkhwanazi, regarding the allegation on defeating the end of justice matters which were widely publicised, which involves an incident that happened at the Correctional Service at Mpangeni in Kwazulu-Natal.

Mr. Brown sends this message in September last year, long before the news came out in public about the incident that happened at Mpangeni.

He sends this message. In this message that he sends to the Provincial Commissioner, he attaches a police letter and he attaches a copy of the occurrence book, a register that is used at the police station that is supposed to only be accessed by police officers. But Mr. Brown, who is not a police officer, attaches those in his message and he sends it to the Provincial Commissioner and his words say there is a plot to charge him.



Mr. Brown Mogotsi also sends a screenshot of a presentation that was made on the 30th of September 2024, a presentation that was titled 2024-2025 Division Crime Intelligence Policies. He sends this to myself, Lieutenant General Mkwanazi, as the Provincial Commissioner of Kwazulu-Natal. Surely, this must have been a classified information where Crime Intelligence are presenting their policies, but this man has access to that and is not a policeman.

When asked to share the copy of this presentation through that WhatsApp communication, he responded by saying General Khan will brief you next week. There is only one General Khan in the South African Police Service, so is one Lieutenant General Sibiyi in the South African Police Service. I have never heard of any other Lieutenant Generals in any other way in the security cluster in the country with the very same names, so I assume these are colleagues that I know very well.

He further wrote on the very same WhatsApp message. He said that, I quote, the Minister is briefed. He has just arrived in Lusikisiki, end quote.

You will recall, colleagues, that we had an incident in Lusikisiki, a mass murder that happened there, and the Minister of Police had gone visiting the families and that crime scene.

So, after this communication, the provincial commissioner called the Chief of Staff, Mr. Nkabinde, the Chief of Staff of the Minister of Police, and asked the Chief of Staff, who is this Brown Mogotsi? This Brown Mogotsi seems to be travelling with the Minister to Lusikisiki, who is he? Cause I have never heard of him.

The response from the chief of staff was that that Mr Mogotsi is an associate of the Minister but he is not employed in the department. That is when I got a confirmation about Mr Brown Mogotsi and I asked the Chief of Staff to send the phone number of this Brown Mogotsi of which he did. It is that number that made me to confirm that indeed the person who is sending me WhatsApp messages is the same person that is called Brown Mogotsi and he is from North West.

On the 5th of March 2025 the South African Police appeared before the Portfolio Committee in parliament a presentation was made to this Portfolio Committee by the provincial commission of KwaZulu-Natal, which included the allegations of an associate of the Minister of Police Mr Brown Mogotsi.

The Minister denied on record. Go and google a visual made a presentation to the Portfolio Committee on the 5<sup>th</sup> of March this year towards the end of that briefing where the Minister of Police responded and he say he does not know this Mr Brown Mogotsi.

He said that in parliament, however the Minister confirmed that he knows this M Brown Mogotsi during a telephone conversation that he had which was posted on X under the handler @loadcare, this was on the 30th of March where he confirmed that this was his comrade from North West.

A conversation between the Minister and the lady is available, you can go on X and find it on the 30<sup>th</sup>, if it has been removed from that account as we finish this briefing I will share that with you.

The evidence has been found in the cell phone of M Vusimusi also known as Cat Matlala which shows the communication between M Brown Mogotsi and the Minister of Police Mr Senzo Mchunu.

As I said this was the beginning of the closure of the Political Task Team.

I will try to outline some sequence of events.

I had said the team left for Gauteng to go and assist organized crime in Gauteng.

There was a shooting incident that had occurred in April 2024 where Mr. Swart, a Q-Tech employee, was fatally shot while entering the company premises.



Q-Tech has been a long-standing service provider to Transnet. Shortly after the incident, three suspects, including a warrant officer, a South African police savings warrant officer, a detective, Tau Pule, were arrested in Johannesburg.

During the arrest, weapons that were used in this murder, which was an AK-47 and a pistol, along with cell phones, were confiscated.

I must applaud to the team in Gauteng who have effected before the arrival of the team in KZN.

It is the challenges that this investigating team of Gauteng encountered that led into the invitation to the KwaZulu-Natal police to go and assist.

The KwaZulu-Natal Political Killing Task Team arrival, they took these weapons and they went and tested them.

So they conducted a ballistic test in order to check whether these firearms were linked with that murder and many other murders perhaps that will have occurred in the country.

Maybe let me pause on that one and come back into what had happened prior to the us receiving the results from the task team, ballistic test results.

On the 6th of December, 2024, the task team visited the premises of the two of the high-profile syndicate, of which one, Mr. Katiso Molefe was arrested for the murder of Mr. Swart of QTech.

During that arrest and unusual activities were observed whilst the team were busy with the operation.

These activities included a dispatching of members of the South African police service under the command of a senior manager at the head office to go and interrupt the operation that was unfolding.

Fortunately, when they arrived there, the members realized that it is indeed the police operations, so they allowed the members to carry out their operation without this disturbance.

On the 30th December, 2024, the ballistic expert issued a ballistic report which linked these firearms, not only with the murder of Mr. Swart, but these firearms were linked with a number of high-profile cases and these cases include very high-profile South African artists that were murdered in Gauteng which occurred dating back as far as 2021.

I am not going to mention them, but we have them on record.

On The 31st of December 2024, the Minister of Police Mr. Senzo Mchunu issues a letter to disband the Political Killing Task Team and to suspend the feeling of vacancies within the Crime Intelligence.

In January, February and April this year, the Deputy National Commissioner Crime Detection Lieutenant General Sibiyi issued written instructions withdrawing all these cases from the task team to his office.

On the 14th of May this year, 2025, the task team arrested Vusimusi, who is also known as Cat Matlala, for an attempted murder x3.

I must highlight that this Mr. Vusimusi Cat Matlala is an individual who was awarded a police contract of over 360 million rand in 2024.

An analysis was conducted on an electronic communication of this arrested person.

This analysis reveals communication between the arrested Vusimusi Cat Matlala, Mr Brown Mogotsi, an associate of the Ministry of Police, as well as the Minister of Police, Senzo Mchunu.



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On the 1st of January, the latest issue on the 31st, on the 1st of January, 2025, Mr. Brown Mogotsi sends a WhatsApp to Vusimusi Cat Matlala, and it reads as follows. I quote, I have arranged a meeting for Sibiya and the Minister. They must have a solution.

And it follows another message. The task team that came to your house and harassed you have been dissolved. They got the letter on Monday, as we speak, they are bringing all docket to Sibiya.

This letter is issued on the 31st of December, 2024. This communication is on the very next day, the 1st of January, 2025, where it says that dockets are being called and are being sent to Sibiya.

Yes, we know that dockets only were sent to Sibiya in March this year.

Further analysis of the chats indicates that Vusimusi Cat Matlala is financially supporting the Minister of Police and Mr. Brown Mogotsi's political endeavours.

This is supported by the evidence of conversation and the proof of payments of guests for January 8 traveling cost and the gala dinner in Cape Town, which was done in 2025.

The proof of payment, we have it. As I said, we are going to share with you where Mr. Matlala is sending this proof of payment to Mr Brown Mogotsi.

On the 2nd of January 2025, later about 5h10 in the morning, Vusimusi Cat Matlala receives a copy of the letter of the disbandment of the political killing stars team from Mr. Brown Mogotsi who is an associate with the Minister of Police.

I pause to remind you that this is a very same Brown Mogotsi that the Minister of Police had denied in parliament and later confirmed to be his comrade but not involved with police matters but he is sending this communication. That is what we have discovered through the investigation.

On the 14th of January, 2025, Mr. Brown communicates with Mr. Vusimusi Cat Matlala as follows.

I quote, I quote, "sure, don't forget to work on your invoices. On the 15th January, Mr. Vusimusi Cat Matlala responds with a screenshot of an invoice that he has submitted to the South African police service, which I guess was due for payment on his contract.

On the 26th of January, 2025, Mr. Brown Mogotsi sent a message to the Minister of Police, Senzo Mchunu, which reads as follows. I quote:

"the guy of the funding in bracket 20 is also in Joburg from Tuesday. He is the one I said has a R3 billion contract with SAPS". Close quote.

Open quote, again, another message.

"I am also meeting with the DNC and the COS today".

Now, in the abbreviation, the DNC in the South African police service is referred to as the Deputy National Commissioner and the COS will be in this regard the Chief of Staff.

He says "I'm also meeting with the DNC and Chief of Staff today in Durban for finalisation of Khumalo and General MKhwanazi's matter". Close quote.

Another message reads, "DNC is waiting for the Chief of Staff here. This is very significant". Close quote.

This is extracted from the communication of the arrested person. So we ask ourselves a question. Is there a theory of conspiracy targeting senior officers involving the Minister of Police? this country.



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On the 31st of December, we have seen Mr. Brown Mogotsi sending the following message to the Ministry of Police, which reads, "Minister, I am going to get the case number and the judgment for you. Now we've got something proven by the court. It is a matter now which either Sibiyi or the Minister can charge Khumalo and apply rule 9 of the disciplinary regulations of the South African Police Service. It took the constitutional court to release a man who was sentenced to life imprisonment through a forced Section 204 confession.

Imagine, comrade Senzo, after 30 years of democracy, having this kind of policing, the good thing now is that these are not allegations, but a court judgment".

This is extracted from a conversation that Mr. Brown Mogotsi is sending to the Minister of Police.

On the 13th of May this year, the contract of Vusimusi Cat Matlala was cancelled by the National Commission of the South African Police Service.

On the 14th of May this year, Vusimusi Cat Matlala sent a message to Brown Mogotsi, which reads, I quote, "morning, just to let you know that my contract was cancelled yesterday, and I see you've been ignoring me and promising me things that never happened. Luckily, of every conversation, just in case something like this might happen, I'm taking all these to media and some to court on Friday when I do the interdict". Close quote.

On the 30th of May, 2025, the Investigative Directorate Against Corruption, which is referred to as IDEC, requests the exhibits from the cell phone of Vusimusi Matlala from the political killing stars team, and they download the content of the cell phone.

IDEC is a unit that was established to deal with corruptions in the country. We don't know what is it that we're investigating for them to come and ask for these cell phone downloads. On the 25th of May, on the 30th of May, a beg your pardon.

On the 25th of June this year, the project coordinator of the Political Killing Task Team is arrested by IDEC, a dramatic arrest.

On the 26th of June, 2025, they accused Katiso KT Molefe, who was arrested by the various time stars team, was granted bail.

Guess that one went under the radar. The work of the organized crime, in Gauteng supported by the Political Killing Task Team has indeed been compromised.

The disbandment of the Political Killing Task Team was influenced by the stealing work they performed in Gauteng to uncover the criminal syndicate which involved some members of the criminal justice system operating in the Gauteng province and not because of what I presented earlier which was the work they did in the province of KwaZulu-Natal.

Their demise was as a result of them assisting Gauteng to uncover the criminal syndicate.

Despite all these challenges we acknowledge and appreciate the resilience of the members of the Political Killing Task Team.

The Political Killing Task Team remains operational albeit attempt to disrupt its work to protect and serve the inhabitants of the Republic as enshrined in the Constitution under section 205, subsection 3 of the Constitution of the Republic.

The political killings testing remains operational. Therefore, we have embarked on a process of registering a criminal investigation in order to deal with this infiltration and control of the criminal justice team by the organized crime.

We, in KZN, know that a member of Crime Intelligence or members of Crime Intelligence released classified documents and handed them over to a member of parliament. That includes vetting documents as well as covert properties.



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We all know in the country that the Joint Standing Committee of Intelligence is the one that must supervise the operations of a secret fund account, not only for the South African police service but all the intelligence agencies in the country.

But the members of Crime Intelligence gave these documents to the member of parliament and a member of parliament register a criminal case in Gauteng where he was alleging that some of the officials within criminal intelligence were issued fraudulent vetting clearance certificates.

After opening the case, he sends the communication to the Minister of Police. He asked the Minister of Police to take these dockets and assign them to someone else.

The Minister of Police, Chief of Staff, Mr. Nkabinde, wrote a letter to the head of the NPA newly established unit, which is referred to as IDAC investigating the directorate against corruption, to investigate these cases.

These are allegations of a manipulation of a vetting process, not a state capture, not corruption, but IDAC receives this communication from the Minister of Police to take these documents and IDAC does exactly that.

They go and take these documents and they investigate them. I wonder whether is this what the unit IDEC was established for?

The Minister of Police invited and facilitated the peace talk between myself, the provincial commission of KwaZulu-Natal and the Deputy National Commission of Lieutenant General Sibya, in his office, in his house, State House, official residence in Pretoria.

The purpose of the invitation was to try and create peace between myself and the deputy national commission. It was unprecedented. I've never seen in alive. The national commission was present, but he just kept quiet because it was not his meeting.

The Minister of Police felt that he must make me and Lieutenant General Sibya to find peace. Surely, there can never be peace between the criminal and the police officer. As we speak, the South African police Service KwaZulu-Natal still does not have a leader in within Crime Intelligence because of the letter where the minister suspended the feeling of vacancies of Crime Intelligence which is dated the 31st of December.

So to date we don't have a command of Crime Intelligence. In this province we are trying to figure out on our own how to infiltrate syndicates because the minister decided these posts must not be filled.

The Crime Intelligence at the national level has no commander as we speak and we must thank the magistrate who made the ruling that went beyond what the charge sheet against the accused is about, which the members were charged on HR related matters that dealt with feeling of vacancies.

The magistrate directed that these members must never enter any premises of Crime Intelligence in the country.

So which means all the work of Crime Intelligence had to come to a halt.

Interesting for us is that another magistrate who then had the matter of the second accused on that case who had remaining custody last week did not issue the same condition.

He understood that the judiciary cannot get involved in determining whether people must go back to work or not. It is an employer that must make the decision. But I must just indicate to the South Africans that Mr. Padayache who appeared in court on the day when these police officers were arrested whom the magistrate referred to as an investigating officer is a former member of Crime Intelligence himself.

He retired from the police and he went to join this new unit IDEC.

He is now referred to as a lead investigator with no qualification, no investigative experience at all. But he is a person whom the magistrate directs that if anything is wanted at Crime Intelligence must go via him.



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So he gives him a Carte blanche to access anything at common intelligence on behalf of the members that are employed to work there.

The vetting section within Crime Intelligence has more powers than any other units within that space because they can scrutinize everything up about the applicant who's applying for security clearance, and they can manipulate that security clearance process for their own benefit.

So I stand here understanding, as leading this province of KwaZulu-Natal, that fighting organized crime remains a priority as directed by government.

The National Commission remains my commander, and the commander of all of us, as we wear this uniform. And we must protect this badge and the police commissioner.

I call on all men and women in law enforcement, the South African police savings and metro police to stand up and protect our people.

Yes, sometimes law can stand on the way to achieve justice. We must choose justice.

Thank you so much for listening to me.



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**“ANNEXURE MK 3”**

## CURRICULUM VITAE OF NHLANHLA SIBUSISO MKHWANAZI

### PERSONAL DETAILS

**Surname** : Mkhwanazi  
**First Names** : Nhlanhla Sibusiso  
**Identity Number** : ██████████  
**Residential Address** : ████████████████████  
 ██████████  
  
**Postal Address** : ████████████████████  
 ██████████  
  
**Telephone** : ██████████  
**Cell. No.** : ██████████  
**Date of Birth** : 21 May 1973  
**Citizenship** : South African  
**Driver's Licence** : EC1  
**Gender** : Male  
**Marital Status** : Married  
**Home Language** : Zulu  
**Other Languages Spoken** : English  
**State of Health** : Excellent

### ACADEMIC HISTORY

**High School Attended** : **Siyahlomula High School**  
**Highest Standard Passed** : Matric  
**Year** : 1992

**Tertiary Education**  
**Name of Institution** : **Technikon Pretoria**  
**Degree** : B-Tech Degree: Policing  
**Year Obtained** : 2002

**Name of Institution** : **Technikon SA**  
**Diploma** : National Diploma: Policing  
**Year Obtained** : 2000

**Other Qualifications**  
**Name of Institution** : **Wits University Business School**  
**Certificate** : International Executive Development Programme  
**Year Obtained** : 2015

**Name of Institution** : **Africa Institute for Mentoring**  
**Certificate** : Executive Development Programme  
 Station Management Learning Programme  
**Year Obtained** : 2006

**Name of Institution** : **South African Police Services**  
**Certificate** : **Operational Commanders Training**  
**Year Obtained** : **2003**

**Name of Institution** : **U.S Department of Justice Federal Bureau of Investigation**  
**Certificate** : **Supervisors Role in Counterterrorism Investigations**  
**Year Obtained** : **2003**

**Name of Institution** : **South African Police Services**  
**Certificate** : **Officers Programme**  
**Year Obtained** : **2002**

**Name of Institution** : **Louisiana State University - USA**  
**Certificate** : **Crisis Response Team Training**  
**Year Obtain** : **2001**

**Name of Institution** : **South African Police Services**  
**Certificate** : **Bomb Disposal**  
**Year Obtained** : **2000**

**Name of Institution** : **International Paul Tingley Management Services**  
**Certificate** : **Development Programme for High Performance Managers**  
**Year Obtained** : **1999**

**Name of Institution** : **South African Police Services**  
**Certificate** : **Class 4 Emergency Diving**  
**Year Obtained** : **1999**

**Name of Institution** : **South African Police Services**  
**Certificate** : **Special Task Force Operators Selection**  
**Year Obtained** : **1998**

**Name of Institution** : **South African Police Services**  
**Certificate** : **Public Order Police Operations**  
**Year Obtained** : **1997**

**Computer Literacy:** Word Perfect  
 Microsoft Word  
 Microsoft PowerPoint  
 Microsoft Excel  
 Internet and E-mail

### **EMPLOYMENT HISTORY (SOUTH AFRICAN POLICE SERVICE)**

**Position** : **Provincial Commissioner: KwaZulu-Natal**  
**Duration** : **2021-04-01 to date**

**Position** : **Divisional Commissioner: Operational Response Services**  
**Duration** : **2019-08-01 to 2021-03-31**

**Position** : **Acting Provincial Commissioner: KwaZulu-Natal**  
**Duration** : **2018-05-16 to 2019-07-31**

**Position** : **Divisional Commissioner: Human Resource Development**  
**Duration** : **2015 to 2018**

**Position** : **Divisional Commissioner: Facilities Management**  
**Duration** : **2013 to 2015**

**Position** : **Acting National Commissioner: South African Police Service**  
**Duration** : **2011 to 2012**

**Position** : **Head: Specialised Operations**  
**Duration** : **2011 (January to October)**

**Position** : **Section Head: Special Task Force**  
**Duration** : **2005 to 2011**

**Position** : **Deputy Section Head: Special Task Force**  
**Duration** : **2003 to 2004**

**Position** : **Unit Commander: Special Task Force, Pretoria**  
**Duration** : **2001 to 2003**

**Position** : **Section Leader: Special Task Force**  
**Duration** : **2000 to 2001**

**Position** : **Operator: Special Task Force**  
**Duration** : **1998 to 1999**

**Position** : **Section Leader: Public Order Police**  
**Duration** : **1995 to 1997**

**Position** : **Crowd Management Official: Public Order Policing**  
**Duration** : **1994 to 1995**

## REFERENCES

**Name:** **Sehlahle Fannie Masemola**  
**Position:** **National Commissioner: South African Police Service**  
**Cell Number:** [REDACTED]

**“ANNEXURE MK 4”**

14/1/4

## **INFORMATION NOTE**

**To: The National Commissioner  
SOUTH AFRICAN POLICE SERVICE**

### **IMPLEMENTATION PLAN: INVESTIGATION OF POLITICAL RELATED CASES KWAZULU NATAL FROM 2018-07-01 TO 2018-12-31**

#### **1. Purpose**

The purpose of this information note is to request the approval of the strategy, its implementation plan and funding for investigation and prosecution of political related cases in KwaZulu Natal.

#### **2. Background**

The spate of attacks and killings of political leaders, activists and Local Government officials in KwaZulu Natal since January 2011 continued unabated, escalated towards the 2016 Local Government Elections and to date has reached unprecedented and appalling levels. During May 2018, the President of the Republic established the Inter Ministerial Committee (IMC) consisting of the ministries of State Security, Justice and Correctional Services and Police. The committee is chaired by the Minister of Police and is tasked with ensuring that the perpetrators of these crimes are brought to book.

The IMC met with the Task Team investigating these cases on 21 May 2018 and one of preliminary observations was that this multidisciplinary Task Team was working in silos and that it does not have an investigation and prosecutorial plan or strategy that is aligned to overall government priorities contained in the National Development Plan (NDP) 2030, the Medium Term Strategic Framework (MTSF) and other key policy prescripts i.e. creating safe and secure environment.

The Acting Provincial Commissioner of Police in KwaZulu Natal then led the process of developing the Strategy for Investigation and Prosecution of Political Related Cases in the Province which was tabled during the follow up

**IMPLEMENTATION PLAN: INVESTIGATION OF POLITICAL RELATED CASES  
KWAZULU NATAL FROM 2018-07-01 TO 2018-12-31**

meeting of the IMC on the 12<sup>th</sup> of May 2018. The Strategy and its Implementation Plan were provisionally approved by the National Commissioner.

**3. Current Situation**

When reflecting upon the criminal cases reported to the SAPS within the Province of KwaZulu-Natal for the period 2011-01-01 until 2018-05-30. Records reflect the total of 99 Political related cases was reported as per the following breakdown:

Murder	Attempted Murder	Intimidation	Conspiracy to commit murder	Arson
67	11	11	3	3

The status of these cases as per the break down below in terms of investigation and prosecution shows an unacceptable situation when comparing cases that are still under investigation, already withdrawn and those that have been finalized. This then necessitated an intervention in a project format.

Total Cases	Under Investigation	Pending Court	Withdrawn	Finalised	
				Not Guilty	Guilty
99	48	27	14	2	8

**IMPLEMENTATION PLAN: INVESTIGATION OF POLITICAL RELATED CASES  
KWAZULU NATAL FROM 2018-07-01 TO 2018-12-31**

**3. The operational approach and concepts**

The approach is based on the tried and tested method of integrating operational processes, resources, competencies, capabilities and intelligence from all operational environments of SAPS with dedicated and centralised command structures in order to achieve the clearly defined objective in a result driven and holistic manner, and is implemented as follows:

- Determining the operational area (Mission Area Joint Operational Centre), in this case KwaZulu Natal Province and divide it into four small and manageable action areas (Tactical Joint Operational Centres) in this case four geographic zones made up of between two and seven Clusters
- Establish and activate MAJOC and TACJOC's at identified locations and appoint suitable, experienced and competent Operational and Tactical Commanders as well as members to implement and command the following operational concepts:
  - Intelligence Gathering, Analysis and Co-ordination
  - Combat and Reaction Approach
  - Investigation and Prosecution including Organised Crime Approach
  - Communication & Liaison
- Establish an integrated small operational teams that are inclusive of the following disciplines:
  - Crime Intelligence Gatherers, and Analysts to implement **Pillar: 1** (Intelligence Gathering, Coordination and Analysis)
  - NIU and TRT to implement **Pillar:2** (Combat and Reaction Approach)
  - DPCI, Detectives, Forensic Services and National Prosecuting Authority to implement **Pillar:3** (Investigation and Prosecution including Organised Crime Approach)
  - IMC, Steering Committee, DPCI and SAPS Corporate Communication to implement **Pillar:4** (Communication & Liaison)

**IMPLEMENTATION PLAN: INVESTIGATION OF POLITICAL RELATED CASES  
KWAZULU NATAL FROM 2018-07-01 TO 2018-12-31**

**4. Composition of Operational Teams**

<b>ROLE PLAYERS</b>	<b>MAJOC (S TRUC UNIT)</b>	<b>TACJOC / TACJOP (SPE ZONE)</b>
<b>TASK TEAM COMMANDER</b>	<b>1 x MAJ GEN</b>	
<b>PROJECT MANAGER, OPS COORDINATOR AND MAJOC / TACJOC COMMANDERS</b>	<b>1x BRIG</b>	<b>4X LTCOL</b>
<b>OPERATIONAL &amp; ADMINISTRATION SUPPORT</b>	<b>1 x LT COL</b>	<b>4 x CAPT</b>
<b>INTELL COLLECTION ANALYSIS AND COORDINATION)</b>	<b>1 x LT COL</b>	<b>4 x CAPT</b>
<b>TACTICAL COMMANDER (DETECTION)</b>	<b>1 x LT COL</b>	<b>-</b>
<b>INTELLIGENCE GATHERERS</b>	<b>1X LT COL</b>	<b>6</b>
<b>ANALYSTS</b>	<b>1X LT COL</b>	<b>1</b>
<b>NIU/TRT(COMBAT TEAM)</b>	<b>-</b>	<b>4</b>
<b>DPCI</b>		<b>2</b>
<b>DETECTIVES</b>		<b>5</b>
<b>TRACKING TEAM MEMBERS</b>		<b>2</b>
<b>FORENSIC SERVICES</b>		<b>1</b>
<b>TOTAL</b>	<b>7</b>	<b>33 X 4</b>
<b>TOTAL MAJOC + 4 TACJOCs</b>	<b>7</b>	<b>132</b>
<b>GRAND TOTAL</b>	<b>7+132</b>	<b>139</b>

**5. Costing**

The intervention will commence from 2018-07-01 to 2018-12-31 over a period of six months. The deployment of 139 personnel over six months period is estimated to cost R49 138 808.00 with the breakdown as follows:

**IMPLEMENTATION PLAN: INVESTIGATION OF POLITICAL RELATED CASES  
KWAZULU NATAL FROM 2018-07-01 TO 2018-12-31**

**5.1 MAJOC:**

	<b>TARRIF</b>	<b>DAYS DEPLOYED</b>	<b>PERSONNEL</b>	<b>TOTAL</b>
MEALS	R180	186	7	R 234 360
DAILY ALLOWANCE	R122	186	7	R 158 844
OVERTIME	R200	600	5	R 600 000
ACCOMMODATION	R750	186	7	R 976 500
INFORMERS				<b>R 3000 000</b>
REWARDS				<b>R 2000 000</b>
COORDINATION EXPENSES				R 100 000
LAUNDRY	R150	24	7	R 25 200
<b>TOTAL</b>				<b>R 7 094 904</b>

**5.2 NORTH COAST TACJOC:**

	<b>TARRIF</b>	<b>DAYS DEPLOYED</b>	<b>PERSONNEL</b>	<b>TOTAL</b>
MEALS	R180	186	33	R 1 104 840
DAILY ALLOWANCE	R122	186	33	R 748 836
OVERTIME	R200	600	33	R 3 960 000
ACCOMMODATION	R750	186	33	R 4 603 500
LAUNDRY	R150	24	33	R 118 800
<b>TOTAL</b>				<b>R10 535 976</b>

**5.3 MIDLANDS TACJOC**

	<b>TARRIF</b>	<b>DAYS DEPLOYED</b>	<b>PERSONNEL</b>	<b>TOTAL</b>
MEALS	R180	186	33	R 1 104 840
DAILY ALLOWANCE	R122	186	33	R 748 836
OVERTIME	R200	600	33	R 3 960 000
ACCOMMODATION	R750	186	33	R 4 603 500
LAUNDRY	R150	24	33	R 118 800
<b>TOTAL</b>				<b>R10 535 976</b>

**IMPLEMENTATION PLAN: INVESTIGATION OF POLITICAL RELATED CASES  
KWAZULU NATAL FROM 2018-07-01 TO 2018-12-31**

**5.4 CENTRAL TACJOC**

	<b>TARRIF</b>	<b>DAYS DEPLOYED</b>	<b>PERSONNEL</b>	<b>TOTAL</b>
MEALS	R180	186	33	R 1 104 840
DAILY ALLOWANCE	R122	186	33	R 748 836
OVERTIME	R200	600	33	R 3 960 000
ACCOMMODATION	R750	186	33	R 4 603 500
LAUNDRY	R150	24	33	R 118 800
<b>TOTAL</b>				<b>R10 535 976</b>

**5.5 SOUTH COAST TACJOC**

	<b>TARRIF</b>	<b>DAYS DEPLOYED</b>	<b>PERSONNEL</b>	<b>TOTAL</b>
MEALS	R180	186	33	R 1 104 840
DAILY ALLOWANCE	R122	186	33	R 748 836
OVERTIME	R200	600	33	R 3 960 000
ACCOMMODATION	R750	186	33	R 4 603 500
LAUNDRY	R150	24	33	R 118 800
<b>TOTAL</b>				<b>R10 535 976</b>

**5.6 TOTALS**

Meals	= R 4 653 720.00
Daily allowance	= R 3 154 188.00
Overtime	= R16 440 000.00
Accommodation	= R19 390 500.00
Informers	= R 3 000 000.00
Rewards	=R 2 000 000.00
Laundry	= R 500 400.00
<b>Grand Total</b>	<b>= R 49 138 808.00</b>

**IMPLEMENTATION PLAN: INVESTIGATION OF POLITICAL RELATED CASES  
KWAZULU NATAL FROM 2018-07-01 TO 2018-12-31**

**6. Monitoring and Evaluation**

- Tactical Joint Operational Centre (TACJOC) Commanders will meet on daily basis to inspect dockets and direct operations in accordance with tasking's from the Mission Area Joint Operational Centre (MAJOC) and Task Team Leader
- Tactical Joint Operational Centre (TACJOC) Commanders and Mission Area Joint Operational Center (MAJOC) will meet on weekly basis to check on the progress of the investigations and direct operations in accordance with tasking's given by the Joint Operational Coordinating Committee (JOCCOM).
- Mission Area Joint Operational Centre (MAJOC) will brief the Joint Operational Coordinating Committee comprising of the Provincial Commissioner South African Police Service, the Director of Public Prosecution, the Provincial Manager State Security Agency and the Regional Commissioner of Correctional Services on the status and progress of the cases bi-weekly
- The status report will be submitted to the Justice Crime Prevention and Security (JCPS) Director Generals Cluster Chairperson bi-weekly for further handling with the IMC.
- The first review of the project will be at the end of September 2018 and the last review at the termination of the project ( December 2018)

**7. Recommendations**

- The implementation Plan for the Strategy to investigate and prosecute perpetrators of political related cases to be approved.
- The project to be approved and funded from National Budget on the estimated total amount of R49 138 808.00 to be managed at Provincial Office KwaZulu Natal



**ACTING PROVINCIAL COMMISSIONER: KWAZULU-NATAL  
NS MKHWANAZI**

**LIEUTENANT GENERAL**

Date: 2018.06.18

**IMPLEMENTATION PLAN: INVESTIGATION OF POLITICAL RELATED CASES  
KWAZULU NATAL FROM 2018-07-01 TO 2018-12-31**

Recommended/not recommended

*Cost Centre Posting different to other  
national ops. Understand that its provincial  
proc. ops. Vehicle budget is outstanding*



**LIEUTENANT GENERAL  
DEPUTY NATIONAL COMMISSIONER: POLICING  
SF MASEMOLA**

Date: 2018/06/18

~~Recommended/not recommended~~

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**LIEUTENANT GENERAL  
DEPUTY NATIONAL COMMISSIONER: CRIME DETECTION  
LJ TSUMANE**

Date: 2018.06.18

**IMPLEMENTATION PLAN: INVESTIGATION OF POLITICAL RELATED CASES  
KWAZULU NATAL FROM 2018-07-01 TO 2018-12-31**

Recommended/~~not recommended~~

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**NATIONAL HEAD: DIRECTORATE FOR PRIORITY CRIME INVESTIGATION  
SJ LEBEYA**

**LIEUTENANT GENERAL**

Date: 2018-06-18

Funds available/~~not available~~

Funds will be made available

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**DEPUTY NATIONAL COMMISSIONER: ASSEST & LEGAL MANAGEMENT  
FN VUMA**

**LIEUTENANT GENERAL**

Date: 2018-06-18

**IMPLEMENTATION PLAN: INVESTIGATION OF POLITICAL RELATED CASES  
KWAZULU NATAL FROM 2018-07-01 TO 2018-12-31**

Approved / ~~not approved~~ →

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\_\_\_\_\_  
\_\_\_\_\_



**NATIONAL COMMISSIONER: SOUTH AFRICAN POLICE SERVICE  
KJ SIBILE (SOEG)**

**GENERAL**

Date: 2018 -06- 18

Information Note compiled by:  
Telephone number:  
Date:

Brigadier SD Khumalo  
\_\_\_\_\_  
2018-06-15

Information note verified by:  
Telephone number:  
Date:

Lieutenant General N S Mkhwanazi  
\_\_\_\_\_  
2018-06-15

# "ANNEXURE MK 5"

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**ON A JOURNEY TO A SAFER SOUTH AFRICA**

*Creating a safe & secure, crime free environment; that is conducive for social & economic stability, supporting a better life for all*



# INTEGRATED STRATEGIC PLAN FOR INVESTIGATION AND PROSECUTION OF POLITICALLY RELATED CASES: KZN

*#Patronize & Selfless Service*



## ON A JOURNEY TO A SAFER SOUTH AFRICA

*Creating a safe and secure, crime free environment, that is conducive for social & economic stability, supporting a better life for all.*



**This Strategy is to provide an integrated framework within the JCPS Cluster led by the South African Police Service and the National Prosecuting Authority in the detection, investigation and prosecution of politically related cases in order to mitigate all the risk factors associated with investigation and prosecution of these cases in KwaZulu-Natal Province.**



## BACKGROUND



- The escalation of Politically related incidents in KwaZulu Natal up to 2018 led to the President establishing the Inter Ministerial Committee (IMC) consisting of the ministries of State Security Agency, Defence, Justice and Correctional Services and Police.
- The Committee is chaired by the Minister of Police and is tasked with ensuring that the perpetrators of politically related cases in KwaZulu Natal are brought to book.
- After the assessment of the then Task Team investigating these cases by the IMC, one of preliminary observations was that the Task Team was **working in silos** and that it **did not have an investigation and prosecutorial plan or strategy**.
- The former acting Provincial Commissioner of Police in KwaZulu Natal was then tasked to develop the Strategy for Investigation and Prosecution of Politically Related cases in the Province which was subsequently approved and the Integrated Multi-disciplinary Task Team consisting of SAPS and NPA supported by SSA and Correctional Services was then established in July 2018 to implement the approved plan.
- The implementation of the Integrated Multi-Disciplinary plan had some challenges that led to the Task Team briefing the National Director of Public Prosecutions and the National Commissioner of Police on Friday 2019-08-23.
- As a result, the Provincial Steering Committee (NPA/SAPS) has been directed to report to the National Steering Committee that will be co-chaired by the National Head of Directorate of Priority Crime Investigation (DPCI) Lieutenant General Lebeya and NPA Acting Deputy National Director of Public Prosecutions Advocate S Mzinyathi.
- The National Commissioner and the National Director of Public Prosecutions directed that a revised Provincial Multi-Disciplinary Strategic Plan with deliverables and time frames be developed which will incorporate both SAPS and NPA.



## OBJECTIVES OF THE STRATEGY



- To immediately attend to, investigate and prosecute reported incidents of politically related cases in KwaZulu-Natal.
- To implement the multi-disciplinary TROIKA methodology consisting of Intelligence gathering, Crime Investigation and Prosecution.
- To ensure perpetrators of politically related cases are arrested and prosecuted as speedily as possible to instill public confidence and stability.
- To identify and successfully prosecute the “kingpins” or “master minds” behind politically related cases.
- To optimize the provision of witness protection.



## STAKEHOLDER ENGAGEMENT



→ South African Police Service (SAPS)

→ National Prosecuting Authority (NPA)

### **SUPPORT AT OPERATIONAL LEVEL**

→ State Security Agency (SSA)

→ Department of Justice and Correctional Services (DCS)



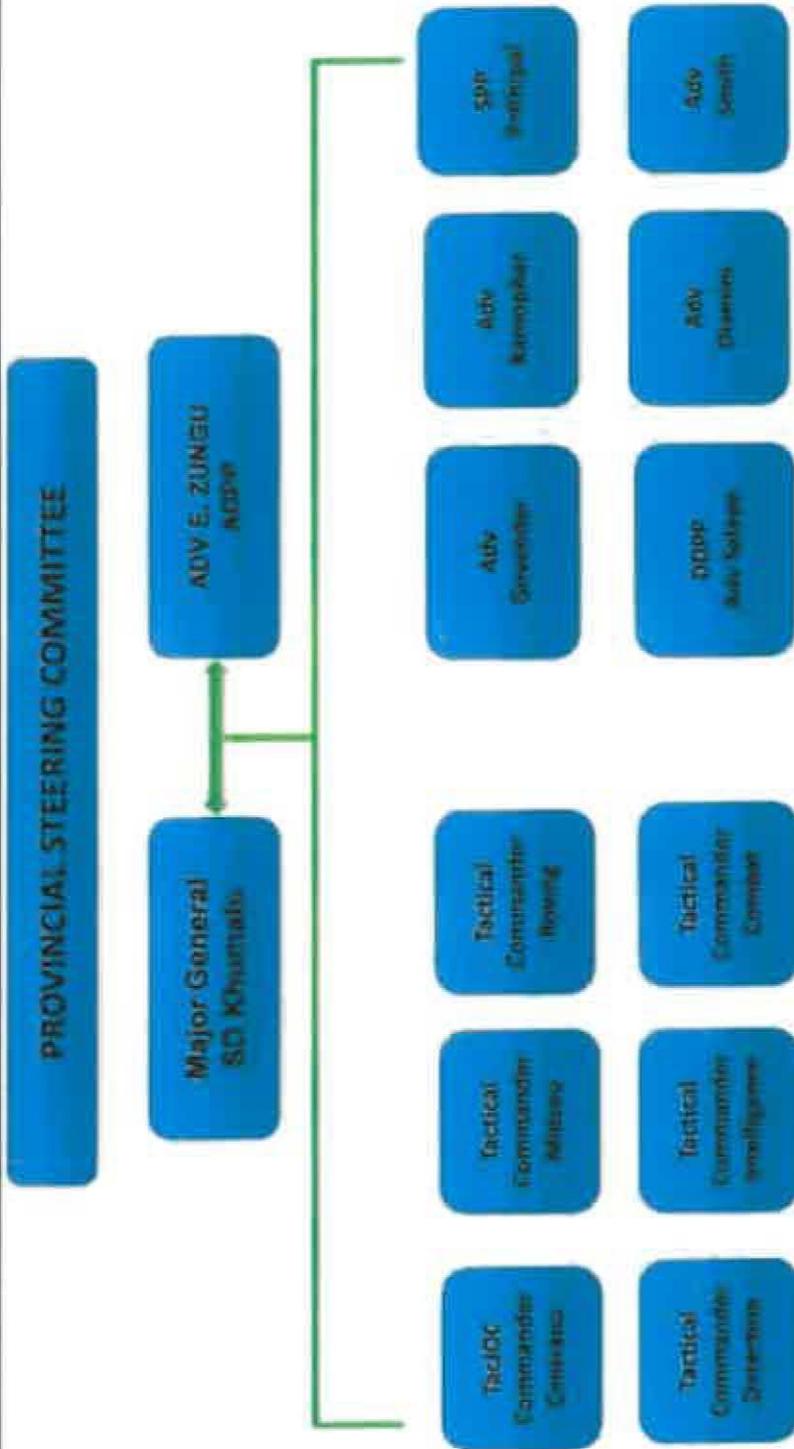
## IMPLEMENTATION AND GOVERNANCE



- The approach is based on the method of integrating all relevant stakeholders from SAPS and NPA into a Provincial Steering Committee, in order to address the identified threat and mitigate all risks associated with investigation and prosecution of Politically Related cases in KZN Province. The structure is envisaged to be implemented as follows:
- **Provincial Steering Committee**
    - This committee consists of Senior Managers from the NPA and SAPS Command Structure and will meet monthly to monitor, evaluate and report progress to the National Steering Committee.
  - **Investigation and Prosecution Team (IPT)**
    - The Investigation Team consists of dedicated investigators from SAPS who are divided into two Tactical Operational Centres within the KZN province concentrating on the North and Central regions as well as the Midlands and South regions.
    - The Prosecution Team consists of dedicated prosecutors from the Organised Crime Component of the NPA, KwaZulu Natal.
    - The IPT will subscribe to the Prosecutor Guided Investigation (PGI) methodology in dealing with Politically related cases.

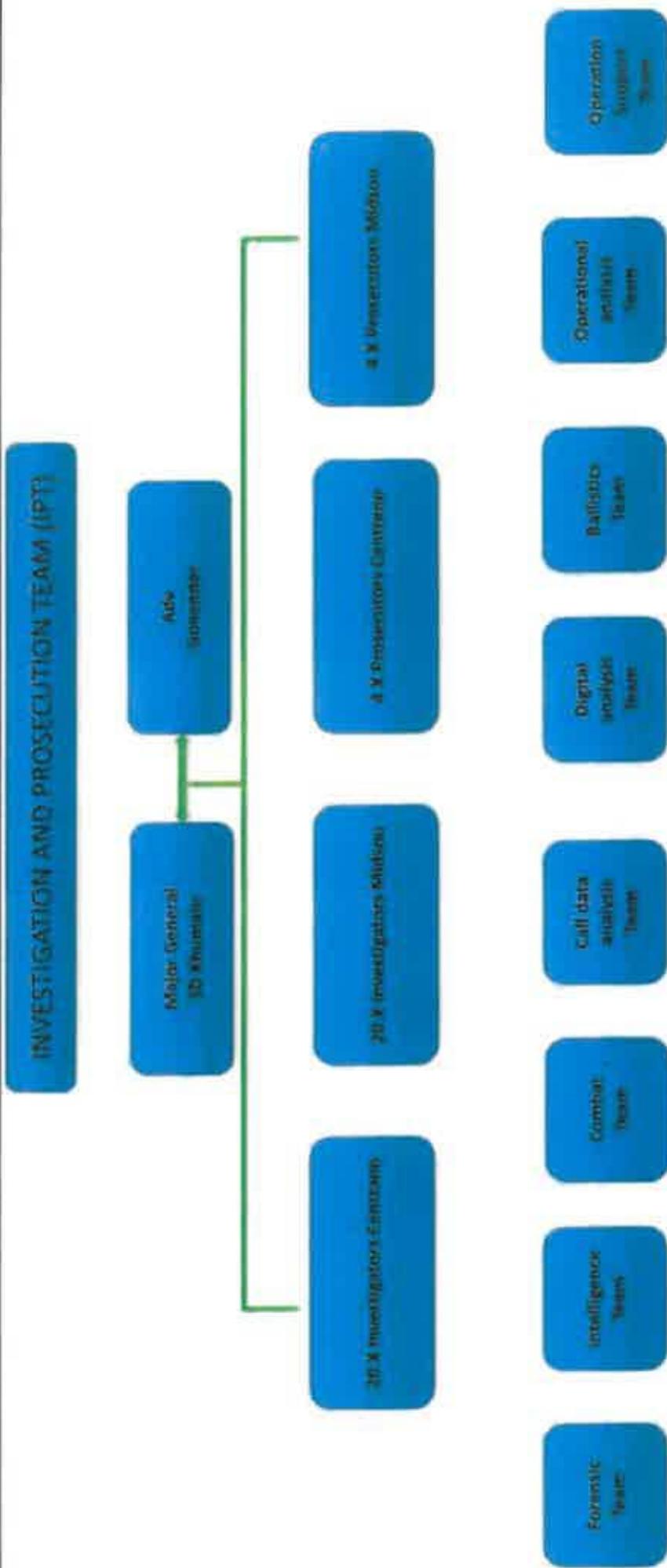


# COORDINATING STRUCTURE





# OPERATIONAL STRUCTURE

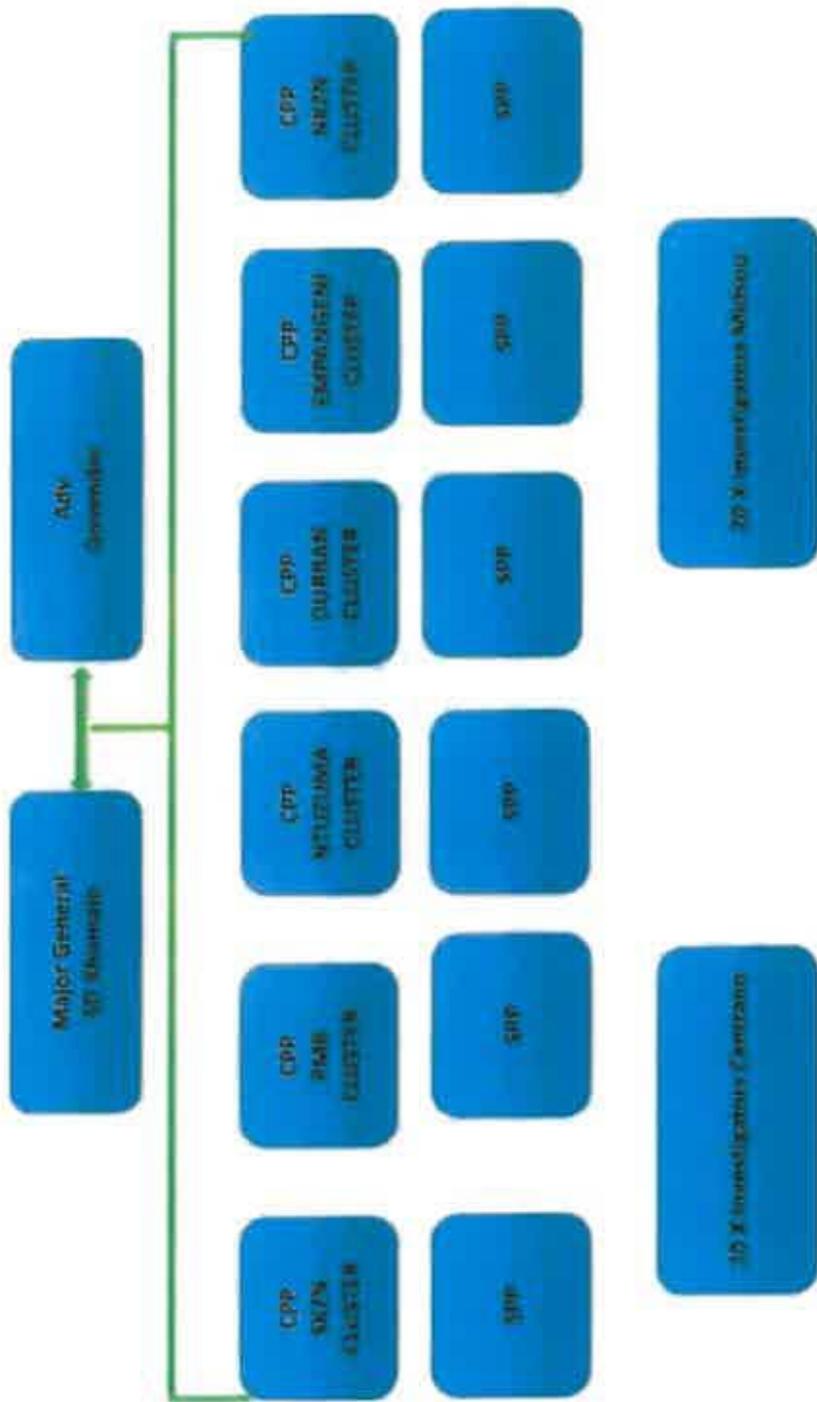




# OVERALL COORDINATING STRUCTURE



RESPONSIBLE FOR PROSECUTION OF PARALLEL AND ADHOC CASES AT DISTRICT AND REGIONAL COURTS





## STAKEHOLDER : SOUTH AFRICAN POLICE SERVICE



<b>Pillar 1</b>	<b>Intelligence Gathering, Analysis and Coordination (CI and SSA– Operatives &amp; Analysts)</b>
<b>Key action</b>	<b>To enhance intelligence gathering, analysis and coordination on all political related cases</b>
<b>Deliverables</b>	<b>Short Description of the Deliverable</b>
<b>Intelligence gathering</b>	Increase the ground coverage on the identified hot spots and Identification of perpetrators
	Collection of focussed pro-active and re-active intelligence regarding the threat being addressed and Recruiting of credible informer(s)
<b>Information/Intelligence Analysis</b>	Provision of intelligence products to tactical teams for operationalization
	Collect, collate, correlate, verify and analyse information and intelligence available
	Operational docket analysis on all related registered cases
	Profiling and linkage of wanted/priority suspects, Identification and analysis of hotspots and modus operandi
	Identify cross clusters & provincial linkages
	Profiling of forensic investigative leads received from Forensic Services
	Provision of analysis products to crime combating teams
<b>Intelligence Coordination</b>	Identify and compile trends and pattern analysis ( Events like meetings, Days and times)
	Ensure focused intelligence gathering, cooperation between intelligence cell and operational teams
	Issue taskings to intelligence operators and analysts
	Ensure the creation and maintenance of database on political related crimes, modus operandi and suspects



## STAKEHOLDER : SOUTH AFRICAN POLICE SERVICE



Pillar 1	Detection (Investigation, Forensic and Digital Analysis)
Key action	Focus on Crime Investigation for the effective detection of crime
Deliverables	Short Description of the Deliverable
<b>Detection Approach</b>	Quality investigation (proper statement taking and evidence collection) and docket management
	Activate and enhance informer network
	Focussed liaison with Prosecution
	Coordination and investigation of all organised criminality and anti-corruption related cases to the operation
	Linkage and tracing of wanted suspects (Warrant of arrest, finger print and other forensic leads)
<b>Forensic Investigation</b>	Coordination of all exhibit packaging, analysis and examination in support of the operation
	Attend and manage crime scenes, coordination of the <b>fingerprints process and other forensic leads/evidence</b> for identified crime scenes. The analysis and provisioning of <b>forensic evidence</b> to enhance investigations and use thereof by Detectives.



## STAKEHOLDER : SOUTH AFRICAN POLICE SERVICE



<b>Pillar 1</b>	<b>Combat Approach (Specialised Operatives and Correctional Services)</b>
<b>Key action</b>	<b>To focus on escorts and protection</b>
<b>Deliverables</b>	<b>Short Description of the Deliverable</b>
<b>Combat Approach</b>	Escorting and protection of detection, prosecution and prisoners
	Intelligence driven and disruptive operations
	Observations and waylays in identified hotspots
	Rapid response to incidents
	Fresh or hot pursuits of wanted/priority suspects
	Specialised operational reaction capacity
	Cordon and search
Conduct takedown operations	



## STAKEHOLDER: NATIONAL PROSECUTING AUTHORITY



PILLAR 2	NATIONAL PROSECUTING AUTHORITY
<b>Key Action</b>	<b>To increase successful prosecution in respect of all politically related cases</b>
<b>Deliverable</b>	<b>Short Description of the Deliverable</b>
<b>Reduction in case cycle times (6 Months from the time of enrolment to finalization)</b>	Screening of all politically related case dockets by OCC/CPs.
	Quality guidance of investigation on all politically related cases.
	Decision to arrest to be taken jointly by the team.
<b>Reduction in withdrawals (less than 3%)</b>	Interviewing of critical witnesses before-enrolment.
	Timeous consultation with witnesses before trial.
<b>Successful prosecution (74%)</b>	Interrogate reasons for acquittals to identify skills gaps and trends to allow for continuous training.
	Provide and Interrogate reasons for withdrawals.
	To provide dedicated capacity to deal with Politically related cases.
	Optimal utilisation of Witness Protection and other protective measures (i.e. CPA).
	Optimise referrals to the Asset Forfeiture Unit



## STAKEHOLDERS : SAPS & NPA



### Monitoring and evaluation

<b>Key action</b>	<b>To attend integrated accountability and evaluation sessions</b>
<b>Deliverables</b>	<b>Short Description of the Deliverable</b>
<b>Monitoring of Tactical Joint Operational Centres (SAPS)</b>	The Operational Command Centre (MAJOC) and two Tactical Joint Operational Centres will meet on daily basis to review the past 24 hour activities and plan for the next day.
	Conduct weekly feedback sessions to monitor and provide guidance on prioritized cases for the month
<b>Accountability and guidance sessions (Investigation and Prosecution Team)</b>	Prosecutor guided investigation sessions to be held regularly between investigator and prosecutor.
	The Investigation and Prosecution Team will meet Bi-Weekly on a Monday to assess the progress, give guidance and compile/forward weekly report including updating case management template to the office of the Provincial Steering Committee in order to update the National Steering Committee.



## RISK MANAGEMENT



Risks	Mitigation action
<b>Corrupt SAPS and NPA members working in collusion with criminals</b>	Employ counter intelligence measures. Employ integrity testing and life style audits. Arrest and charge corrupt members
<b>Security/walkouts/pass outs of witness protection program and killing of witnesses</b>	Utilization of police officials to fulfil the function of the security officers for state witnesses on political related cases who are on the Witness Protection Program as prescribed in the Witness Protection Act 112 of 1998 Sec 3 (5) (a) (iii) and Sec 6 (b).
<b>Security of prosecutors and investigating teams</b>	Regular threat assessments to be conducted by SSA.
<b>Reluctance/refusal of witnesses to enter the program.</b>	Explain the alternative protective measures provided for by Legislation (i.e. CPA).



## COMMUNICATION STRATEGY



- A comprehensive communication plan will be implemented for internal and external communication of the SAPS and NPA Strategy for Investigation and Prosecution of politically related cases:
  - This committee consists of Senior Managers from the NPA and SAPS Command Structure and will meet monthly to monitor, evaluate and report progress to the National Steering Committee.
  - Joint media release by SAPS and NPA in relation to the successes.
- The marketing of the strategy to all internal and external role players will be undertaken with a view to obtaining support and buy-in of all stake holders.



## COSTING



MONTH	OCTOBER	NOVEMBER	DECEMBER	TOTAL
<b>No. of SAPS members</b>	152	152	152	456
<b>Goods &amp; Services</b>	6 122 108	5 927 744	6 122 108	18 171 960
<b>Overtime</b>	3 344 000	3 344 000	3 344 000	10 032 000
<b>Computer and Cellphones consumables</b>	500 000	500 000	500 000	1 500 000
<b>Informer rewards</b>	200 000	200 000	200 000	600 000
<b>Air transport</b>	50 000	50 000	50 000	150 000
<b>Total Expenditure</b>	<b>10 216 108</b>	<b>10 021 744</b>	<b>10 216 108</b>	<b>30 453 960</b>
<b>No of NPA members</b>	14	14	14	42
<b>Goods &amp; Services</b>	640 626	620 858	640 626	1 902 110
<b>Overtime</b>	308 000	308 000	308 000	924 000
<b>Air transport</b>	20 000	20 000	20 000	60 000
<b>Computer and Cellphones consumables</b>	200 000	200 000	200 000	600 000
<b>Total Expenditure</b>	<b>1 168 626</b>	<b>1 148 858</b>	<b>1 168 626</b>	<b>3 486 110</b>



## COSTING



MONTH	JANUARY	FEBRUARY	MARCH	TOTAL
<b>No. of SAPS members</b>	152	152	152	456
<b>Goods &amp; Services</b>	6 122 108	5 733 380	6 122 108	17 977 596
<b>Overtime</b>	3 344 000	3 344 000	3 344 000	10 032 000
<b>Computer and Cellphones consumables</b>	500 000	500 000	500 000	1 500 000
<b>Informer rewards</b>	200 000	200 000	200 000	600 000
<b>Air transport</b>	50 000	50 000	50 000	150 000
<b>Total Expenditure</b>	10 216 108	9 827 380	10 216 108	30 259 596
<b>No of NPA members</b>	14	14	14	42
<b>Goods &amp; Services</b>	640 626	600 460	640 626	1 881 712
<b>Overtime</b>	308 000	308 000	308 000	924 000
<b>Computer and Cellphones consumables</b>	200 000	200 000	200 000	600 000
<b>Air transport</b>	20 000	20 000	20 000	60 000
<b>Total Expenditure</b>	1 168 626	1 128 460	1 168 626	3 465 712
<b>GRAND TOTAL</b>	22 769 468	22 126 442	22 769 468	67 665 378



## CONCLUSION



- The investigation of all politically related cases will be undertaken in line with this strategy upon its approval and until termination hereof.
- Regular engagements will take place with all stake holders and the strategy updated whenever necessary to yield optimal results.
- Commitment of all role players is of importance in order to ensure the success of this strategy and to ensure that the people are and feel safe.



**ON A JOURNEY TO A SAFER SOUTH AFRICA**  
*Creating a safe and secure, crime free environment, that is conducive for  
social & economic stability, supporting a better life for all*



**The End**

**“ANNEXURE MK 6”**

26/3/4/1/670

## INFORMATION NOTE

To: The National Commissioner: South African Police Service

### **REQUEST FOR FINANCIAL AUTHORITY FOR 2024/2025: NATIONAL TASK TEAM INVESTIGATING POLITICAL RELATED CASES IN KWAZULU-NATAL**

1. The escalation of political related killings in KwaZulu Natal up to 2018 led to the President of the Republic of South Africa establishing the Inter Ministerial Committee (IMC) consisting of Ministries of State Security Agency, Defence, Police, Justice and Correctional Services. The Committee is chaired by the Minister of Police and is tasked with ensuring that the perpetrators of politically related incidents are brought to book.
2. The Multi-Disciplinary Task Team consisting of the South African Police Service (SAPS), National Prosecuting Authority (NPA), State Security Agency (SSA) and Department of Justice and Correctional Services (DJ&CS) was then established by the IMC to develop implement the strategy for the investigation and prosecution of politically related cases in the province effective from July 2018.
3. The strategy implemented by the Task Team which is centred around **analysis-led and prosecution-driven organised crime investigation approach** has been proven to be a great success in the effective investigation of contract killings which does not only results in the arrest and prosecution on only hitmen but the entire groupings and syndicates.
4. The achievements, performance and successes of the Task Team has been found to be outstanding during the continuous evaluations by the National Steering Committee, the Inter-Ministerial Committee and the President of the Republic. The current phase of the Task Team was approved up until 2024-03-31.
5. **The decision has been taken to extend the period of the National Task Team and the appointment of Lieutenant General S D Kitumalo as the Project Manager for the financial year 2024/2025 due to the following reasons:**

**REQUEST FOR FINANCIAL AUTHORITY FOR 2023/2024: NATIONAL TASK TEAM INVESTIGATING POLITICAL RELATED CASES IN KWAZULU-NATAL**

- The mandate of the Task Team has been extended with effect from 1 April 2024 to include the investigation of cases involving the killings of Traditional Leaders in KwaZulu Natal.
- There are also other parallel major investigations that are still on-going like killings at the University of Fort Hare in the Eastern Cape that the Task Team was tasked to conduct.
- There is a potential risk that the court going politically related cases especially the 49 trial ready and 82 cases under investigation may collapse if the current Task Team withdraws without them being finalized.
- As this is a project based intervention, it is imperative to ensure that the objectives are achieved within the set timeframes with a long term effect on stability and effectiveness of Criminal Justice System.
- The incidents of political related cases are expected to increase between now and the next General Elections in 2024 due to the unstable coalition governance as most municipalities within KZN are affected

8. The estimated expenditure for the period 1<sup>st</sup> April 2024 to 31<sup>st</sup> March 2025 is as follows:

EXPENDITURE	AMOUNT
<b>120 SAPS members per month for 12 months (April 2024 to March 2025)</b>	
<b>S &amp; T Accommodation</b>	R 40 883 799.00
<b>S &amp; T Food and Beverages</b>	R 15 193 800.00
<b>S &amp; T Incidental Costs</b>	R 6 606 000.00
<b>Laundry</b>	R 1 274 400.00
<b>Overtime</b>	R 30 000 000.00
<b>Cell phones consumables and Section 205</b>	R 440 000.00
<b>Stationery</b>	R 400 000.00
<b>Flights</b>	R 100 000.00
<b>Total Expenditure</b>	<b>R 94 857 999.00</b>

**REQUEST FOR FINANCIAL AUTHORITY FOR 2023/2024: NATIONAL TASK TEAM INVESTIGATING POLITICAL RELATED CASES IN KWAZULU-NATAL**

9. It is recommended that:

- The estimated budget for **R 94 857 999.00** be approved and funded from the National budget and such budget be ring fenced under its own Project code within the Division Crime Intelligence.
- Alternatively, whilst the final budget allocation is being considered for 2024/2025, a two-months portion (**R15 810 000**) of the above estimated budget to be approved in order for the extension of the Task Team to be effected from the 1<sup>st</sup> of April 2024.



**LIEUTENANT GENERAL  
PROJECT MANAGER: INVESTIGATION OF POLITICAL RELATED CASES: KZN  
SD KHUMALO**

Date: 2024-03-23

Recommended / Not recommended *Recommended*

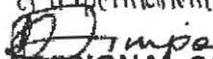


**LIEUTENANT GENERAL  
DEPUTY NATIONAL COMMISSIONER: CRIME DETECTION  
SM SIBIYA**

Date: 2024-03-26

Funds available / Funds not available. Considering the 11% reduction on the operational budget of the organisation, the following are recommended:

- An amount of R20 000 000.00 be approved for 2024/2025 financial year.
- Post elections, the task team be deactivated as it has been in existence for the last five years.
- Management to be tasked to urgently conduct a work study investigation for the establishment of a permanent structure in KZN.



**LIEUTENANT GENERAL  
DIVISIONAL COMMISSIONER: FINANCIAL MANAGEMENT AND ADMINISTRATION  
PP DIMPANE**

Date: 2024-04-12

REQUEST FOR FINANCIAL AUTHORITY FOR 2023/2024: NATIONAL TASK TEAM INVESTIGATING POLITICAL RELATED CASES IN KWAZULU-NATAL

Approved / Not approved *R 20 000 000-00 Provisional whilst the finalisation of allocation is processed. Task Team will continue beyond elections so long there is work to be done Team cannot be localised to KZN,*



GENERAL  
NATIONAL COMMISSIONER: SOUTH AFRICAN POLICE SERVICE  
SF MADEMOLA (SOEG)

Date: 2024 -04- 16

Information note compiled by : Lieutenant General SD Khumalo  
Contact number :   
Date : 2024-03-27

Information note verified and approved by: Lieutenant General SM Sibiya  
Contact number :   
Date : 2024-03-27

**“ANNEXURE MK 7”**

Reference: 26/3/4/1/670

## INFORMATION NOTE

TO: The National Commissioner  
SOUTH AFRICAN POLICE SERVICE

**REQUEST FOR FINANCIAL APPROVAL 2025-08-01 TO 2026-03-31: NATIONAL TASK TEAM INVESTIGATING POLITICAL RELATED CASES IN KWAZULU-NATAL FOR FINANCIAL YEAR 2025/2026.**

### 1. PURPOSE

The purpose of this information note is to obtain financial approval for the extension period from 01<sup>st</sup> August 2025 until 31<sup>st</sup> March 2026.

### 2. BACKGROUND

In December 2024 Minister of Police issued a directive to the National Commissioner regarding the disestablishment of the National Political Killings Task Team.

Various meetings have been held and a detailed progress report submitted to the Minister of Police. On 2025-03-06 a draft disbandment plan was presented to the Minister of Police which was then approved.

It was agreed that in order to avoid adverse effect and unnecessary civil claims and to ensure continuity of cases particularly those that are under investigation and those that are in court, the disestablishment and or disbandment will take a form of a phased-out approach as follows:

- The 125 (60 Political related, 46 Traditional leadership related, 16 Parallel cases, 2 UFH cases and 1 Adhoc case), case dockets which are under investigation and 10 dockets submitted for decision are to be transferred to KwaZulu Natal and Eastern Cape Serious and Violent Crime (Murder & Robbery Unit) respectively for further investigation.
- The newly reported cases linked with the National Political Killings Task Team's Mandate shall be referred to the KwaZulu Natal Serious and Violent Crimes Unit (within Murder & Robbery Unit).

**REQUEST FOR FINANCIAL APPROVAL 2026-00-01 TO 2026-03-31: NATIONAL TASK TEAM INVESTIGATING POLITICAL RELATED CASES IN KWAZULU-NATAL FOR FINANCIAL YEAR 2025/2026.**

- The 289 finalised, 57 withdrawn and 9 unfounded dockets to be returned to the stations of origin for filling purposes.
- The 110 dockets (54 Political Related cases, 22 Parallel cases, 15 Adhoc cases, 14 UFH cases, and 5 Traditional Leadership related cases) that are on the court roll will remain with the investigating officers in KZN and Eastern Cape until the finalisation of the prosecution processes. This will mean the gradual withdrawal of the remaining members until all cases are finalised.

### 3. STRENGTH OF THE TEAM

During 1<sup>st</sup> May 2025, only 56 Multi-disciplinary Team members were overseeing the 110 court going dockets and continue with the outstanding investigation in preparation for trial, as and when each case gets finalised, the dedicated detective and combat member will withdraw and return to their respective stations.

- The 20 Detectives shall be responsible for the cases currently at court.
- Due to the high-risk nature and threat levels of these investigations, the investigation Team (20 Detectives and 15 Prosecutors are allocated 27 Combat Members) for security and protection purposes.
- The five (3) commanders to monitor the cases in court and provide command and control.
- The three (2) Analysts (Digital forensic and Call Data) to finalise their analysis and section 212 statements for the cases at court.
- The two (2) administration personnel to be responsible for the financial admin and fleet management related administration.
- The two (2) guards are to safeguard the operational centre.

**REQUEST FOR FINANCIAL APPROVAL 2025-08-01 TO 2026-03-31: NATIONAL TASK TEAM INVESTIGATING POLITICAL RELATED CASES IN KWAZULU-NATAL FOR FINANCIAL YEAR 2025/2026.**

**4. ESTIMATED EXPENDITURE FOR THE PERIOD 1<sup>ST</sup> AUGUST 2025 TO 31<sup>ST</sup> MARCH 2026**

EXPENDITURE	AMOUNT
56 SAPS members per month for 08 months	
S & T Accommodation	R 13 888 000
S & T Meals allowance	R 5 277 440
S & T Incidental Costs	R 2 484 146
Cell phones and Section 205 consumables	R 75 000
Stationery	R 700 000
Laundry	R 483 840
Travelling expenses	R 200 000
Overtime	R 8 064 000
<b>Total Expenditure</b>	<b>R 31 172 426</b>

**5. RECOMMENDATIONS**

It is recommended that:

- The approval for extension be granted for the duration of 08 months (01<sup>st</sup> August 2025 to 31<sup>st</sup> March 2026).
- The estimated budget for R 31 172 426 be approved and funded from the National budget and such budget be managed at Provincial Commissioner KwaZulu Natal as recommended by the Chief Financial Officer (CFO) as per attached annexure "A" and "B".

  
 LIEUTENANT GENERAL  
 PROVINCIAL COMMISSIONER: KWAZULU NATAL  
 NS MKHWAHAZI

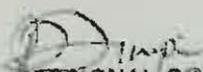
Date: 2025-07-23

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**REQUEST FOR FINANCIAL APPROVAL 2025-08-01 TO 2026-03-31: NATIONAL TASK TEAM INVESTIGATING POLITICAL RELATED CASES IN KWAZULU-NATAL FOR FINANCIAL YEAR 2025/2026.**

Funds available / not available

An amount of R27 million is available & should be managed in such that payments up to 28 February 2026 are paid during this financial year

  
 DIVISIONAL COMMISSIONER: FINANCIAL MANAGEMENT AND ADMINISTRATION  
 PP DIMPANE

LIEUTENANT GENERAL

DIVISIONAL COMMISSIONER: FINANCIAL MANAGEMENT AND ADMINISTRATION  
 PP DIMPANE

Date: 2025-07-25

Approved / Not approved

GENERAL  
 NATIONAL COMMISSIONER: SOUTH AFRICAN POLICE SERVICE  
 SF MASEMOLA (SOEG)

Date:

Information note compiled by  
 Telephone number  
 Date

⊖ Lieutenant General NS Mkhwanazi  
  
 ⊖ 2025-07-18

**"ANNEXURE MK 8"**

**National Prosecution Service**  
Office of the Senior Prosecutor  
Vereeniging



My reference number: 9/2/4/1-05/2024  
Enquiries: Mrs R Coetzee

5 August 2024

Vereeniging

Tel: [REDACTED]  
Fax: +27 16 422 9319  
[REDACTED]  
gov.za

Magistrate's Court  
Corner Beaconsfield  
and Leslie Street  
VEREENIGING  
1930

P/Bag X06  
VEREENIGING  
1930  
South Africa

[www.npa.gov.za](http://www.npa.gov.za)

**RISK TO SAFETY OF OFFICIALS STATIONED AT PROVINCIAL  
ORGANISED CRIME UNIT: D/SGT HLENGIWE MBELE (7070899-1)  
AND D/SGT SICELO ERNEST SITHOLE (7149970-9)**

1. D/Sgt Mbele and D/Sgt Sithole, with the assistance of a group of detectives, have been involved in the investigation of Vereeniging Cas 275/04/2024, Kliprivier Cas 77/04/2024, Bramley Cas 149/04/2024 and Sunnyside Cas 286/01/2024.
2. The charges on the docket includes a planned assassination, whereby a young man at a business premises in Vereeniging was shot 23 times. The one accused is a police official from Johannesburg Central police station.
3. The investigation has proven that all three accused are involved in a serious organized crime syndicate, of which almost a million rand was offered for the assassination in this regard.
4. Investigations have also revealed that the assassination is directly linked to whistle blowing to the Hotline of Transnet, which involved millions of rands of corrupt activities.
5. The investigations also revealed that the firearms used during the commission of the assassination and found in their possession, are linked to multiple assassination and serious violent crime scenes.
6. The cell phone linkage investigations have revealed high profile organized crime and crime scene planning.
7. Two of the accused have in the interim been charged on an attempted assassination and other serious violent crimes.
8. The bail for all three accused were successfully opposed, shortly after the arrest.
9. Accused 1, Michael Pule Tau, the police official, has brought an application for bail on new facts, claiming that his diabetic condition has worsened whilst in custody. Sgt Mbele and Sithole have obtained numerous statements from Groenpunt Correctional Services, indicative of the fact that he was causing his own medical decay with all the unhealthy food brought in twice per week by his visitors.

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

10. The magistrate, for some bizarre and unexplainable reason, decided to grant Tau bail of R10 000-00 and place him under house arrest. The reality of the situation is that there is nobody who can watch over him 24/7 to ensure that he does in fact comply with the conditions. It is actually unenforceable. The prosecution has already spoken to the DPP to appeal the decision of the magistrate and we just await the typed court recordings of the bail application to be presented to the DPP to file the appeal.
11. The investigations have revealed that Tau is one of the main organizers behind this organized crime syndicate. His release on bail has intensify the danger of the safety of the investigation team, especially Mbele and Sithole, who are the people who made statements in this case and they were the well-known faces who attended every court session. Mbele has been identified as the investigating officer, as she has presented detailed sworn statements to oppose the first and the second bail applications.
12. During the first few court sessions, the investigating team was actually followed from the court building and many threats have been made inside the court room, by the family and friends and threats have been received via informers and even from a high ranking police officer in the Vaal Rand Area.
13. Tau clearly has a very large support system and large amounts of money are spend to obtain the best and most expensive advocates. The money is clearly coming from the syndicate as all three accused are currently unemployed.
14. The case is brilliantly investigated and the accused are 100% connected to all the charges against them. They obviously face long terms of imprisonment as well as a definite life sentence for the assassination.
15. From the abovementioned it is clear that the lives of the investigating officers are currently in grave danger, as well as the safety of the police dockets.
16. You are requested to urgently arrange for the safe guarding of especially Mbele and Sithole. There is a real danger that their lives are in extreme danger as these organized criminals will do everything in their ability to try and destroy the evidence against them and/or to seriously derail the trial. It has just now become so much easier, with Tau having unlimited access to technology and his syndicate friends and family.

***Your urgent assistance in this regard will be highly appreciated in the best interest of justice and to ensure that SAPS and prosecutors will continue to fight organized crime in this country.***

Kind regards.

**(MRS) R COETZEE**  
**SENIOR PROSECUTOR / REGIONAL COURTS / VEREENIGING**  
**TEL: [REDACTED]**  
**E MAIL: [REDACTED]**

**“ANNEXURE MK 9”**



MINISTRY OF POLICE  
REPUBLIC OF SOUTH AFRICA

Private Bag X463 PRETORIA 0001, Tel: (012) 3932815, Fax: (012) 393 2824/20 Private Bag X9080 CAPE TOWN 8000, Tel: (021) 467 7000, Fax: (021) 467 7077

**General SF Masemola (SOEG)  
National Commissioner  
South African Police Service  
Private Bag X463  
Pretoria 0001**

**Dear General Masemola**

**DIRECTIVES ON MATTERS RELATING TO CRIME INTELLIGENCE, PORTS OF ENTRY AND THE POLITICAL KILLINGS TASK TEAM**

I trust this correspondence finds you well in this festive season. In the past few months towards the end of this year 2024, I have made observations on a number of important aspects on the SAPS and policing. For purposes of this letter I'm focusing on the three aspects that require very urgent attention to address some of the challenges at hand.

**1. Filling of posts in the Intelligence Division.**

All processes to fill vacant posts in the Division should be halted immediately. This applies to all posts in Provinces, including those of Provincial Heads of Intelligence that are currently vacant. It also applies to all posts currently vacant at Head Office. This should be the position until substantive discussions between the Minister and the National Commissioner take place sometime early next year.

**2. Ports of Entry**

It is common course that all South African ports of entry are managed by Border Management Authority with SAPS playing a critical role in the same space which cannot be over emphasised. In line with this role, SAPS personnel impact and efficiency should be reviewed from time to time with an objective of enhancing their role in improving security in the country's ports of entry. I, in terms of section 207(2) direct that you develop a new plan in this regard and present it to the next Ministry

Management Executive Committee meeting later in January 2025. Key reference points to include but not limited to the following;

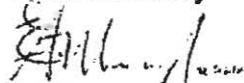
- 2.1 A comprehensive analysis of the current challenges of security in the Ports of Entry and Exit, the SAPS perspective.
- 2.2 A comprehensive, operational and remedial action plan based on a policy of rotation of staff members among others.

### 3. Political Killings Task Team

In 2019, a directive was made to the National Commissioner of Police following the Moerane Commission report, even though not flowing directly from such that an inter-ministerial task force be established. The key mandate was to stop/investigate/resolve unresolved murders of politicians in the country especially in KwaZulu-Natal.

My observation in this regard as indicated above is that further existence of this Team is no longer required nor is it adding any value to policing in South Africa. I therefore direct that the Political Killings Task Team be disestablished immediately. Further, that a preliminary report in this regard be submitted to the Minister by the 20<sup>th</sup> of January 2025. The final and closing report must be submitted to the Ministry-Management Executive Committee meeting late January 2025, the date of which will be communicated as soon as possible.

Yours Sincerely



**MINISTER OF POLICE**

**MR ES MCHUNU, MP**

**Date: 31/12/2024**



**“ANNEXURE MK 10”**

SOUTH AFRICAN POLICE SERVICE



SOUTH AFRICAN POLICE SERVICE

Private Bag X302, Pretoria, 0001

Reference	21/2/1/59
Enquiries	Lt Gen SM Sibiya
Telephone	[REDACTED]
E-Mail	[REDACTED]

THE DEPUTY NATIONAL COMMISSIONER  
CRIME DETECTIONThe Divisional Commissioner  
**DETECTIVE & FORENSIC SERVICES****DEACTIVATION AND DISBANDMENT OF THE NATIONAL TASK TEAM ON POLITICAL KILLINGS**

1. The South African Police Service (SAPS) established the National Task Team on Political Killings (NTTPK) to address the concerning rise in politically motivated murders and related crimes involving political figures.
2. This specialised task team was dedicated to investigating, resolving, and preventing such incidents to ensure justice and maintain political stability in affected regions.
3. On 31 December 2024, the Minister of Police issued a directive to the National Commissioner to immediately deactivate and disband the NTTPK. This decision was informed by an assessment that the task team no longer significantly contributed to policing efforts.
4. The directive requires immediate compliance, with appropriate measures to be undertaken to ensure the effective disbandment of the NTTPK in accordance with current prescripts in this regard.
5. In compliance with the aforementioned directive of the Minister of Police you are directed to engage with the Divisional Commissioner of Crime Intelligence with the view to do a proper handing over and to follow all processes necessary to conduct a handing over process. This includes, but not limited to:
  - 5.1 A status report of all cases
  - 5.2 A case register wherein all the cases were recorded and current status of court going cases and cases under investigation,
  - 5.3 All cases or projects , documentation relevant to the Political killings task team  
This should include all evidentiary material ( documents, electronic, recordings, etc)  
It must be booked into the SAPS 13 or in possession of the team or stored in any storage facility
  - 5.4 All human and physical resources allocated listed, as well as a report on all financial expenditure for the duration of the operations of the Task Team.

**DEACTIVATION AND DISBANDMENT OF THE NATIONAL TASK TEAM ON POLITICAL KILLINGS**

6. It is advised that the Divisional Commissioner : Detective and Forensic Services ensures that the cases / investigations are taken care of to ensure that cases are not lost in Court because of the deactivation and disbandment of the Task Team.
7. You are required to ensure that this is done within 7 days in also considering the content of the attached correspondence sent to the Divisional Commissioner : Crime Intelligence, which you will also ensure that the closing report is submitted as per directive of the National Commissioner.



**LIEUTENANT GENERAL  
DEPUTY NATIONAL COMMISSIONER: CRIME DETECTION  
SM SIBIYA**

Date: 2025-02-04

SOUTH AFRICAN POLICE SERVICE



SOUTH AFRICAN POLICE SERVICE

Private Bag X302, Pretoria, 0001

Reference	21/2/1/59
Enquiries	Lt Gen SM Sibiya
Telephone	[REDACTED]
E-Mail	[REDACTED]

THE DEPUTY NATIONAL COMMISSIONER  
CRIME DETECTION

The Divisional Commissioner  
**CRIME INTELLIGENCE  
 DETECTIVE & FORENSIC SERVICES**

### DEACTIVATION AND DISBANDMENT OF THE NATIONAL TASK TEAM ON POLITICAL KILLINGS

1. My evenly numbered correspondence dated 2025-01-17 and 2025-02-04, respectively, refer.
2. In compliance with the directive of the Minister of Police on 31 December 2024 and subsequent directives on the matter you are advised that this process should be finalised by Thursday 24 April 2025.  
This includes the transfer of all dockets , closed, currently under investigation and in Court , to the Division Detective and Forensic Services.
3. A final feedback report on the finalisation of this process, including confirmation that all task team members have reported back to their Stations of origin, is awaited on or before Friday 25 April 2025.
4. Kindly acknowledge receipt of this correspondence.

Sincerely

LIEUTENANT GENERAL  
 DEPUTY NATIONAL COMMISSIONER: CRIME DETECTION  
 SM SIBIYA

Date: 2025-04-22

**Divisional Commissioner : Crime Intelligence**

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**From:** Affinand Lee-Ann Colonel: National Commissioner MIC  
**Sent:** Tuesday, 22 April 2025 07:39  
**To:** Divisional Commissioner : Crime Intelligence; Nkosi NO - Staff Officer Detective & Forensic Services  
**Cc:** Divisional Commissioner : Detective & Forensic Services – PA; Keketsi Sibongile - Captain; Mabula TR; Lethoko GH - Brig  
**Subject:** DEACTIVATION AND DISBANDMENT OF THE NATIONAL TASK TEAM ON POLITICAL KILLINGS  
**Attachments:** Letter Divcom Detectives CI follow up Political killings.pdf

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Good Morning Colleagues

As directed by the DNC Crime Detection please find urgent correspondence for the attention of the Divisional Commissioners Crime Intelligence and DFS.

\*\*\*\*\*

Brig Lethoko

Copy for information of the National Commissioner as directed by the DNC Crime Detection

Respectfully

Lee-Ann Affinand | Colonel



Office of the Deputy National Commissioner: Crime Detection | South African Police Service  
 Cell: 0794970805  
 E-mail: [REDACTED] | Affinand Lee-Ann Colonel – National Commissioner MIC

**“ANNEXURE MK 11”**

South African Police Service



South African Police Service

P.O. Box 1866, DURBAN

Reference	: 26/13/3 (56)	<b>THE PROVINCIAL COMMISSIONER KWAZULU-NATAL</b>
Enquiries	: Lieutenant General NS Mkhwanazi Major General A Gopaul	
Tel	[REDACTED]	
Email	[REDACTED]	

2025-05-22

The Divisional Commissioner  
**CRIME INTELLIGENCE**

**CASE FLOW MANAGEMENT ACCOUNTABILITY: POLITICAL TASK TEAM**

1. On 2025-05-20 during Case Flow Management Session in KwaZulu-Natal with the Political Task Team led by Lieutenant Colonel Motlou the Provincial Commissioner KwaZulu-Natal was appraised to the absence of 121 case dockets that was delivered to your office on 2025-03-26 on your instruction via Lieutenant Colonel Khumalo.
2. The case dockets were delivered and to date no indication on the reasons for requesting these dockets or where it must be transferred to on the system has been communicated.
3. An alarming concern highlighted by the team was that the families of the victims have been requesting feedback from the investigators while the office of the Director of Public Prosecution KwaZulu-Natal has been enquiring on why J50 warrants have not been executed as well as why dockets have not returned since the last guidance that was provided.
4. Kindly provide this office with written confirmation of your telephonic instruction requesting these dockets and the reasons thereof as well as the whereabouts of these dockets.
5. Your urgent response is appreciated.

**LIEUTENANT GENERAL  
PROVINCIAL COMMISSIONER: KWAZULU-NATAL  
NS MKHWANAZI**

**“ANNEXURE MK 12”**

## DIRECTOR OF PUBLIC PROSECUTIONS

### KwaZulu-Natal Division

Tel: +27 33 845 4400 | [dpp@mbhighcourt@nqa.gov.za](mailto:dpp@mbhighcourt@nqa.gov.za)  
 286 Pietermaritzburg Street, Pietermaritzburg, 3200 | P/Bag X9008,  
 Pietermaritzburg, 3200, South Africa



National Prosecuting Authority  
 South Africa

Enq: Adv. E. Harrison

**Gen N. Mkhwanazi**

Provincial Commissioner: KZN

15 Bram Fischer Road

Durban

4001

Dear Gen Mkhwanazi

### RE: POLITICAL TASK TEAM: PROSECUTOR GUIDED INVESTIGATIONS

Your correspondence dated 22 May 2025 refers. The contents thereof are noted.

Kindly take note that the purpose of this correspondence is related to the issue of whether the Political Task Team continues to exist. There have been a number of media reports whereby it has been noted that the Political Task Team has been disbanded. There has been no formal communication to the office of the National Director of Public Prosecutions as well as my office on this issue. It is of concern that this office remains unsure of what the correct position is regarding the existence of this team. A Ms. Mary De Haas has been very vocal regarding the disbandment of the Task Team and the fact that it continues to operate. My office has had to indicate to her that I have received no formal correspondence regarding this disbandment. Despite this response the concern continues to be a problem.

I engaged Adv. Gcaba regarding the contents of your abovementioned correspondence. He has confirmed that members were sent to his office to collect the dockets. My office cannot ignore an instruction when members are sent to collect dockets as same is the property of SAPS. Upon enquiry regarding the existence of the Task Team, there was no clear response except that he noted that the members of the Task Team have indicated to him that they will finalise the outstanding cases on the court roll. This is the only information that my office has regarding the issue.

In 2026 there will be local government elections. We are aware that all elections are often preceded by violent political activity. This consists of murder, attempted murder, assault, crimen injuria, malicious injury to property etc. being committed. The modus operandi differs in that it may involve members from the same political party against each other or between the different political parties.

Upon my assumption of duty in the province as the Director of Public Prosecutions in May 2019 (acting at that time), my office was approached by Gen Khumalo who requested for dedicated capacity to respond to the Political Task Team. At that time my predecessor had nominated Adv. C. T. Selepe, a Deputy Director of Public Prosecutions, to manage the portfolio (Political Related Cases). As the work increased, he was unable to manage the portfolio on his own. This led to my office issuing a directive to the KZN Prosecutors dated 13 June 2019 (a copy attached as **Annexure "A"** for easy reference) which dealt with how KZN would respond to these cases at that time. This directive set out the challenges which Gen Khumalo had raised. Despite this arrangement, there was a continued unhappiness regarding the Task Team not having dedicated capacity.

I also wish to bring to your attention a correspondence which the Minister of Police, Mr. B. H. Cele, had forwarded to our NDPP, Adv. Batohi. This correspondence is dated 24 May 2019. The purpose of the correspondence was to highlight the challenges regarding the successful prosecution of the politically related cases allocated to the Task Team. Attached (**Annexure "B"**) is a copy of this correspondence for ease of reference.

On 05 August 2019, there was a meeting. This meeting was attended by the National Commissioner of the South African Police Service, the National Director of Public Prosecutions and other dignitaries regarding the challenges surrounding the politically related cases. I was requested to identify a dedicated capacity of prosecutors who would specifically deal with these cases. After consultation with my management team, it was decided that the Organised Crime Component (OCC) would be the dedicated capacity for the politically related cases. A coordination plan was devised internally as to how the cases would be dealt with.

On 23 August 2019, there was a Steering Committee meeting. There was a presentation done. Attached hereto is the presentation (**Annexure "C"**) which was presented. The Task Team and OCC had met and developed the **"Integrated Strategic Plan for Investigation and Prosecution of Politically Related Cases: KZN"**. This document is attached (**Annexure "D"**). The purpose of this plan is set out on page 2 of the document.

At the meeting of 05 August 2019, there was also a resolution that there be a dedicated court to deal with the Politically related cases. Attached is a correspondence addressed by the Minister of Justice and Correctional Services dated 10 September 2019 and addressed to Mr. V. Madonsela, the Director-General at that time. I have attached same as (Annexure "E") for your ease of reference.

All of the above indicates the amount of work which went into ensuring that the work of the Political Task Team was coordinated so that there was better case coordination and management of same by NPA, but above all to deal with the prosecutorial challenges that the team and the Minister of Police has raised to the NDPP. I was instructed to have a dedicated prosecutorial capacity, which was provided as per the request.

The dedicated prosecutorial capacity is headed by a Deputy Director of Public Prosecutions who has advocates under his management who are assigned to guide the investigations, make prosecutorial decisions and prosecute these matters where there are murder and or attempted murder charges. A database has been retained since the inception of this dedicated capacity. There have been numerous successful prosecutions. There are several high profile politically related matters/cases on the court roll. Some are in the High Court and others are in the Regional Court. The dedicated prosecutors continue to provide their prosecutorial dedication to these cases however they are also not certain as to what is the position regarding the existence of the team and new cases reported.

The Task Team had its own resources which assisted with the fast tracking of the investigations.

All of the information above has been set out to show the seriousness that this office made to address the challenges which the Task Team and SAPS as a whole had raised.

### Conclusion

It is requested that you assist with providing my office with a response regarding whether the SAPS Political Task Team still exists. The dedicated capacity needs to respond to the dedicated Task Team. If there is no dedicated Task Team, then the dedicated prosecutorial capacity will be dissolved, and all new cases will have to be reported to the Chief Prosecutors in the area where the crime is committed. This office cannot retain dedicated capacity where there is no dedicated SAPS Task Team. Your correspondence will assist as the unit has to plan for the year 2025/2026. It has its own priorities as per the NPS AOP. As we are all aware, organized crime has become the new focus/priority and this office needs to plan. I am unfortunately not

able to complete the planning because the issue regarding the existence of the Task Team has not been communicated. At this stage the only information which one has is that in the media

Your urgent response to the above issue will be appreciated.



**ADV. E. HARRISON**

**DIRECTOR OF PUBLIC PROSECUTIONS: KWAZULU-NATAL**

**DATE: 10/06/2025**

Annexure "A"

**DIRECTOR OF PUBLIC PROSECUTIONS  
KWAZULU-NATAL**



**TO: ALL DPP: KZN MEMBERS OF STAFF**

13 June 2019

**DPP: KZN DIRECTIVE 04/2019: POLITICALLY RELATED CASES**

Director of Public  
Prosecutions  
KWAZULU-NATAL

301 Church Street  
PIETERMARITZBURG  
3201

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PIETERMARITZBURG  
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**PURPOSE AND BACKGROUND**

1. This directive replaces Directive 01/2018.
2. KwaZulu-Natal has experienced a high level of violence particularly against persons linked to political parties or perpetrated by persons linked to political parties.
3. In order to manage the situation in KwaZulu-Natal, the Honourable President of the Republic of South Africa has convened an Inter-Ministerial Task Team comprising of JCPS Cluster Ministers to look into effective solutions aimed at eradicating the high level of politically linked violence experienced in our Division. The Inter-Ministerial Task Team (IMTT) will continue to visit KwaZulu-Natal until the situation can be considered to be under control. My office has to provide a comprehensive report to the NDPP on all these matters.
4. In addressing the complaints and challenges that have been brought to my attention, with regards to:
  - 4.1. 01 dedicated Prosecutor only in the Province dealing with the matters;
  - 4.2. Prompt decision making in these matters;
  - 4.3. Reduction of the withdrawals in these type of matters;
  - 4.4. Prioritization of these matters, and
  - 4.5. Better collaboration between the Chief Prosecutors, the assigned Deputy Directors and the SAPS Task Team

it has become imperative that this Directive be issued in seeking to address the above.

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

5. All cases involving offences, either perpetrated by a person(s) linked to political party or against a person(s) linked to a political party must be considered by the Chief Prosecutor before the matter being enrolled. In potential High Court matters the provisions of Circular 3/2000 still apply. Each cluster and unit or office must ensure that a complete copy of the docket(s) is forwarded to my office in the most expeditious manner in compliance with the "3 day rule, and the correspondence must indicate "Politically Related Cases" in the subject line.
6. The witnesses in these cases must be interviewed prior to the enrolment of these matters, especially in cases where one is dealing with accomplice witnesses and single witnesses.
7. Where the case has been enrolled already, it is directed that an interview be conducted before a decision is made to transfer the matter to the Regional or High Court.
8. The decision not to prosecute a person, but to use such a person as a witness in terms section 204 of the Criminal Procedure Act, must be made in consultation with the Chief Prosecutor and/or DDPP (in potential High Court cases). Section 204 should only be used in exceptional circumstances, where it is in the interest of justice to use the provision. Reference must be made to Part 4 of the NPA Policy Manual, section D headed "*Section 204 Witnesses*".
9. The Chief Prosecutors and Deputies must ensure that a database of these politically related cases is maintained for the cluster/unit and that by the 10<sup>th</sup> of each month one update for the whole cluster, unit or office is forwarded to the Strategy and Operations office, attention of Mr Sunill Prithipal and Ms Emmelda Mngomezulu.
10. No politically related case may be withdrawn without detailed and cogent written notes in the C-Clip of the docket or office file.
11. Adv. Selepe is the coordinator for these matters and where there is a doubt in regards to a decision, he can be contacted for assistance.

Kind regards

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

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**ADV. E. ZUNGU  
ACTING DIRECTOR OF PUBLIC PROSECUTIONS  
KWAZULU-NATAL**

**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**

# Annexure "B"



MINISTRY OF POLICE  
REPUBLIC OF SOUTH AFRICA

Private Bag X463 PRETORIA 0021, Tel: (012) 3932800, Fax: (012) 393 2819/20 Private Bag X9080 CAPE TOWN 8000, Tel: (021) 467 7021, Fax: (021) 467 7033

The National Director of Public Prosecutions (NDPP)  
Advocate S Batohi  
123 Westlake Street  
Weavind Park  
**PRETORIA**  
0184

Dear Advocate Batohi

## **CHALLENGES ON PROSECUTION OF POLITICAL RELATED CASES: TASK TEAM KZN**

### **1. PURPOSE**

The purpose of this report is to highlight the challenges with regards to successful prosecution of the political related cases allocated to the Task Team. Challenges range from delayed trials, State witnesses (Section 204) being turned against the state and killing of the witnesses including those who are in the witness protection program as well as recommendations.

### **2. BACKGROUND**

A total of 167 cases are allocated to the Task Team, with 29 investigating officers and 1 dedicated prosecutor. Status of these cases are 50 under investigation, 64 court going, and 53 finalized and no cases withdrawn, however there are charges that have been provisionally withdrawn against certain individuals. The court going cases are perennially remanded or decisions

**CHALLENGES ON PROSECUTION OF POLITICAL RELATED CASES:  
TASK TEAM KZN**

delayed and thus affording more time for the State Witnesses to be turned against the state or to be killed.

### 3. CHALLENGES IDENTIFIED

#### 3.1. Section 204 Witnesses Killed while In the Witness Protection Program

No.	Cases where witnesses were killed	Cases Affected
1.	Plessislaer CAS 236/10/2018 – Murder (witness protection program)	Plessislaer CAS 220/11/2017 Murder Estcourt CAS 58/05/2018 Conspiracy to Commit Murder

#### 3.2. Key witnesses killed outside the witness protection program

Witnesses on the cases mentioned in the table below were offered with witness protection program but declined.

No.	Cases Where Witnesses Were Killed	Cases Affected
1.	Inchanga CAS 01/05/2019 Murder	Inchanga CAS 57/12/2016- murder Inchanga CAS 5/06/2017-murder Inchanga CAS 9/03/2017 – murder
2.	Madadeni CAS 208/05/2019 Murder	Madadeni CAS 149/05/2016 Murder & Att. Murder

#### 3.3. SECTION 204 WITNESSES TURNED AGAINST THE STATE

##### 3.3.1. Witnesses who abandoned Witness Protection Program

No.	Cases that might be affected
1	Madadeni 29/7/2016 Murder & Att Murder
2.	LadySmith 125/2/2019 Murder

CHALLENGES ON PROSECUTION OF POLITICAL RELATED CASES:  
TASK TEAM KZN

### 3.3.2. Witnesses Who Turned Against The State Whilst outside the Witness Protection Program

Five witnesses turned against the state

- Umlazi CAS 487/10/2018 Murder ( 2 witnesses)
- Ibisi CAS 91/04/2017 Murder ( 1 witness)
- Madadeni CAS 149/05/2016 Murder ( 2 witnesses )

### 4. QUESTIONABLE WITHDRAWAL DECISIONS BY NPA

NO	STATION & CAS NO	REASON	PROSECUTOR
1.	Ibisi CAS 54/07/2017 Murder	Suspects placed on the roll and later withdrawn	PP Moodley
2.	Hilton CAS 64/07/2017 Intimidation	"You will feel the heat" does not amount to intimidation. Which resulted in all three cases being declined to prosecute.	SPP Naidoo
3.	Hilton CAS 05/08/2018 Intimidation		
4.	Camperdown CAS 79/08/2018 Intimidation		
5.	Mahlabathini CAS 52/12/2018 Unlawful possession of firearm	No evidence to prove the offence	SPP Sewpersad
6.	Plessislaer CAS 698/09/2018 Possession of firearm and ammunitions without the valid licence/permit	The security guard is not liable for the charge but the owner	PP Tango
7.	Plessislaer CAS 699/09/2018 Possession of firearm and ammunitions without the valid licence/permit	The security guard is not liable for the charge but the owner	SPP Senekal

**CHALLENGES ON PROSECUTION OF POLITICAL RELATED CASES:  
TASK TEAM KZN**

8.	Richmond CAS 19/04/2017 Negligent handling of firearm Falling to safeguard	Awaiting judgement on Richmond CAS 9/04/2017 Murder	SPP Senekal
9.	Ingwavuma CAS:23/09/2018 Unlawful possession of the firearm	The owner of the security company does not cooperate to rectify the queries regarding the investigation.	SPP Khumalo
10.	Paulpietersburg CAS 25/11/2018 Defeating the ends of justice and Perjury	The magistrate refused to give another remand date as the matter has been postponed four (4) times before for trial	PP Gumede
11.	Plessislaer CAS 481/5/2019 Possession of unlicensed firearm and ammunition	Unreasonably demanding additional evidence to enrol the case despite overwhelming evidence which links the suspect to the case.	PP Sibiya

**5. QUESTIONABLE DECISIONS BY NPA**

NO.	CASE NUMBER	CHARGE	DECISION
1.	Ntuzuma CAS 242/10/2012 Murder		NPA guidance to take the case for formal inquest instead of trial despite strong evidence of premeditated murder
2.	Plessislaer CAS 233/05/2018 Murder		Unreasonably demanding additional evidence to enrol the case despite overwhelming evidence which links the suspect to the case.

**CHALLENGES ON PROSECUTION OF POLITICAL RELATED CASES:  
TASK TEAM KZN**

**6. SPEEDY TRIALS DELAYED**

NO	CASE NUMBER	CHARGE	REASON
1.	Nongoma CAS 391/05/2018	Murder	Since the arrest of the hitmen, linking and charging of the accused during September 2018, the accused is only on the pre-trial stage on the five cases he is linked to.
2.	Bulwer 12/10/2017	Murder	Accused 2 Nokhona Mpanza indicated that she want to plead guilty but the process is delaying.
3.	Gamalakhe CAS 50/06/2016	Murder (Ntokozo Lubunyana- no position her sister was a PR Councillor)	Accused Mhlangi Luvuno wants to plead but the process is delayed.
4.	Margate CAS 150/11/2016	Murder Mr Thembinkhosi Zoleka	

**7. DELAYED DECISIONS**

NO	CASE NUMBER	DATE	STATUS OF	NAME OF
CHARGE	CHARGE	SUBMITTED	LOCKED	PROSECUTOR
1.	Richmond CAS 20/3/2017	Submitted to SPP to 2019-04-08	Awaiting decision	DPP Miza
2.	Plessislaer CAS 169/06/2016	Submitted to SPP on 2019/03/05	Awaiting decision	PP Padayachee
3.	Inchanga CAS 38/04/2019	Submitted to SPP on 2019-04-29	Awaiting decision	CPP Dlamini

**CHALLENGES ON PROSECUTION OF POLITICAL RELATED CASES:  
TASK TEAM KZN**

4.	Dundee CAS 218/03/2019 Defeating the ends of Justice	Submitted to SPP on 2019-04-23	Awaiting decision	SPP Zuma
5.	Ladysmith CAS 515/03/2019 Possession of firearm without valid licence	Submitted to the SPP on 2019-04-23	Awaiting decision	SPP Rangasam
6.	Durban central CAS 1194/11/2018 Giving permission to unauthorised person to handle firearm	Submitted to the SPP on 2019-05-06	Awaiting decision	PP Mkhize
7.	Berea CAS 172/4/2019 Giving permission to unauthorised person to handle firearm	Submitted to the SPP on 2019-04-29	Awaiting decision	PP Annan
8.	Ladysmith CAS 351/04/2019 Negligent loss of firearm	Submitted to the SPP on 2019-04-23	Awaiting decision	SPP Rangasam

### **8. ACCUSED GRANTED BAIL WHILST ON BAIL**

8.1. Sifiso Radebe a well-known hitman was arrested on Ibsi CAS 91/04/2017 Murder of Councillor Thobela was granted R10 000.00 bail. Whilst out on bail he committed other offences as per Ibsi CAS 86/09/2018 discharging of firearm and was granted R1 000.00 bail, UMzimkhulu CAS 05/10/2018 Possession of unlicensed firearm granted R1 000.00 bail and UMzimkhulu CAS 112/10/2018 Possession of unlicensed firearm and ammunition granted R2 000.00 bail. Bail was opposed on all cases but it was unsuccessful.

8.2. Thembinkosi Shazi a businessman who was also implicated in the murder of Wiseman Shibase a PR councillor he was granted bail of R10 000.00, Whilst out on bail he committed other offences as per UMzimkhulu CAS 74/02/2019

CHALLENGES ON PROSECUTION OF POLITICAL RELATED CASES:  
TASK TEAM KZN

murder, UMzimbhulu CAS 01/03/2019 Murder and attempted murder and UMzimbhulu CAS 02/03/2019 Malicious damage to Property was granted R20 000.00 bail. Bail was opposed on both cases but it was unsuccessful.

8.3. Dr Mahlaba a Mayor of Newcastle was arrested and charged on Madadeni CAS 149/05/2016 Murder of Freddy Ngubeni and was granted R50 000.00 bail, whilst on bail was charged on Vryheid CAS 494/04/2018 Assault GBH and was granted R1 000.00 bail. Bail was not opposed on Madadeni case and opposed on Vryheid case but unsuccessful.

8.4. Sibusiso Pralsegod Sibiya was arrested and charged on Madadeni CAS 149/05/2016 Murder of Freddy Ngubeni and was granted R20 000.00 bail, whilst on bail he was arrested and charged on Madadeni CAS 29/07/2016 Murder of Elizabeth Mbongwa was granted R20 000.00, bail was opposed on Madadeni 29/07/2016 Murder but unsuccessful.

8.5. Khayaletu Njyelwa was arrested and charged on Ibisi CAS 91/04/2017 Murder of Khayaletu Thobela and was granted R10 000.00 bail, whilst on bail he was arrested and charged on Ibisi CAS 79/05/2017 Murder of Mduduzi Tshibase and was granted R10 000.00 bail. Bail was opposed on both cases but it was unsuccessful.

8.6. Fisokuhle Ntuli was arrested, charged and sentenced on Putfontein CAS 50/06/2016 4x attempted murder. He appealed and was granted bail, whilst on bail he was arrested and charged on four murder cases as per Nongoma CAS 30/04/2016, Nongoma CAS 391/05/2016, Nongoma CAS 88/01/2017 & Nongoma CAS 127/08/2018 and two possession of unlicensed firearm as per Nongoma CAS 285/03/2017 & Nongoma CAS 147/08/2018 that he is alleged to have committed whilst on appeal.

CHALLENGES ON PROSECUTION OF POLITICAL RELATED CASES:  
TASK TEAM KZN

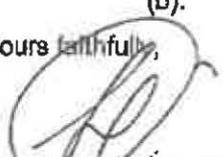
**9. Findings**

- The political related cases especially murder are organised in nature with different role players carefully identified i.e. Hitmen, Spotters, coordinators and individuals at the top who are ordering the hits.
- Most cases are dependent on section 204 witnesses that were part of the syndicate especially when the investigation has to be directed against individuals on top (Politicians and Tenderpreneurs)
- The involvement of Politicians and Business people poses a threat of attempts to bribe the Criminal Justice System personal, if it fails then attempts to turn section 204 against the state, if that fails then they kill the state witnesses which results in the case being withdrawn.
- The lack of dedicated prosecutors to guide and prosecute on allocated cases.
- The trail ready cases being postponed for a longer period due to unavailability of dedicated magistrates.
- The repetitive granting of bail to accused who are already on bail.

**10. Recommendations**

- A dedicated courtroom for the processing of the politically related cases.
- Dedicated preferable prosecutors and magistrates to deal with these cases.
- Appointment of a permanent KZN Director of Public Prosecutions.
- Urgent appointment or utilization of police officials to fulfil the function of the security officers in the Witness protection program as prescribed in the Witness Protection Act 112 of 1998 Sec 3 (5) (a) (ii) and Sec 6 (b).

Yours faithfully,

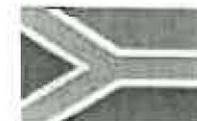
  
Minister Bh Cele, MP  
Minister of Police

Date:

24/05/2019



Annexure "C"



**PROGRESS REPORT**  
**INVESTIGATION AND PROSECUTION OF**  
**POLITICAL RELATED CASES**

**STEERING COMMITTEE**

**23 AUGUST 2019**

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1

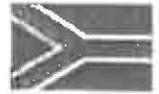
Annexure "C"



## BACKGROUND



- The escalation of Politically related incidents in KwaZulu Natal up to 2018 led to the President establishing the Inter Ministerial Committee (IMC) consisting of the ministries of State Security Agency, Defence, Justice and Correctional Services and Police.
- The Committee is chaired by the Minister of Police and is tasked with ensuring that the perpetrators of political related cases in KwaZulu Natal are brought to book.
- After the assessment of the then Task Team investigating these cases by the IMC, one of preliminary observation was that the Task Team was **working in silos** and that it **did not have an investigation and prosecutorial plan or strategy**.
- The former acting Provincial Commissioner of Police in KwaZulu Natal was then tasked to develop the Strategy for Investigation and Prosecution of Political Related cases in the Province which was subsequently approved and the Integrated Multi-disciplinary Task Team consisting of **SAPS and NPA supported by SSA and Correctional Services** was then established in July 2018 to implement the approved plan.
- The report will highlight the breakdown and status of investigation and prosecution of current allocated cases



## CASE DOCKETS ON HAND

- A total of **175** cases are allocated to the Task Team which includes **43** new cases reported after the formation of the task team.
- The status of these cases are **57** under investigation, **59** court going with **(225)** suspects arrested, **56** finalized with **(30)** accused convicted and **3** cases withdrawn.
- In addition, a total of **84** case dockets not related to the Task Team mandate but linked with allocated politically related cases are taken by the Task Team for parallel investigation.
- Over and above the allocated and parallel politically related cases, the Task Team is conducting intelligence-driven operations targeting unlicensed firearms with **36** cases which have led to **41** arrested suspects and **31** firearms were recovered.
- All three categories of cases with a total of **295** are allocated to the Task Team to ensure centralised investigation and prosecution.

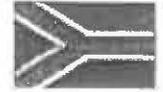
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# INVESTIGATIVE APPROACH



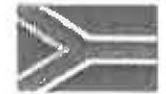
- The Task Team have adopted the investigation model which consists first of the investigation of the motive and the investigation of the incident which makes it easy to identify the possible suspects, however, the linking of the top structure to the crime has been a challenge as in most cases they did not physically take part in the commission of crime. -
- The use of this investigation model led to the identification and successful arrest of all suspects in the structure on some cases, e.g. Ladysmith CAS 125/02/2019 Murder and Kwandengezi CAS 13/09/2018 Murder.
- The investigation of these cases have revealed that some of the cases are not politically related but are merely domestic issues or revenge where political figures within the different parties are killed not necessarily for political reasons mostly for monetary gain.
- It was also established through the investigation that some of the politicians register false cases with the aim to increase their security and to strengthen their positions within their political parties which has led to the Team registering cases of defeating the ends of justice and arresting the politicians involved.

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## IDENTIFIED / ARRESTED SUSPECTS

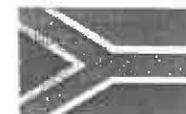


MISSION AREA	MIDSOU	CENTRANO	TOTAL
Identified	140	98	238
Arrest	<u>134</u>	<u>91</u>	225
Outstanding identified suspects	6	7	13

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## STATUS OF SUSPECTS ARRESTED



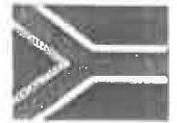
TAG JOC	NUMBER OF SUSPECTS ARRESTED	NUMBER OF SUSPECTS CHARGED	NUMBER OF SUSPECTS NOT CHARGED	STATUS							
				ACCUSED							
				IN CUSTODY	ON BAIL	TURNED SEC 204	DECEASED	RELEASED (57)		NOT GUILTY	CONVICTED
WITHDRAWN	NOT ENROLLED										
TOTAL	225	213	12	42	54	10	7	34	23	13	30

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# CURRENT STATUS OF ALL CASES



## POLITICAL RELATED CASES

	UNDER INVESTIGATION	PENDING COURT		FINALISED	TOTAL
	57	59	3	56	175

## PARALLEL CASES

	UNDER INVESTIGATION	PENDING COURT		FINALISED	TOTAL
	15	64	4	1	84

## ADHOC CASES

	UNDER INVESTIGATION	PENDING COURT		FINALISED	TOTAL
	4	23	4	5	36

## ALL CASES

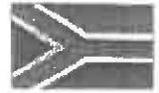
	UNDER INVESTIGATION	PENDING COURT		FINALISED	TOTAL
	76	146	11	62	295

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## MATTERS OF CONCERN



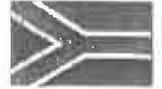
- ❖ The political related cases especially murder are organised in nature with different role players carefully identified i.e. Hitmen, Spotters, coordinators and individuals at the top who are ordering the hits.
- ❖ Most of these cases are dependent on **Section 204 witnesses** that were part of the conspiracy or planning and **circumstantial evidence** especially when the investigation has to be directed against individuals on top **(Politicians and Tenderpreneurs)** who are mostly not directly involved in the commission of the crime, for an example,
  - ❖ Ibisi CAS 54/7/2017 Murder
  - ❖ Madadeni CAS 149/5/2016 Murder
  - ❖ Newcastle CAS 208/5/2019 Murder
  - ❖ Umlazi CAS 487/10/2018 Murder
  - ❖ Plessislaer CAS 233/05/2018 Murder
  - ❖ Ulundi 155/5/2018 Murder
- ❖ The involvement of Politicians and Business people in these crimes results in them availing legal fees and assistance for whoever is arrested below them, attempts to bribe the Criminal Justice System personnel, if it fails then attempts to **turn Section 204 witnesses against the state**, if that fails then they **kill the state witnesses** which results in the case being withdrawn and makes it difficult for the investigation to reach the top level.

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## MATTERS OF CONCERN



- ❖ The lack of dedicated prosecutors has contributed to the backlog of court going cases ( $59 + 64 + 23 = 146$ ), increase of withdrawal of cases and witnesses losing interest.
- ❖ The delayed decisions whether to prosecute or not also negatively affects the turnaround time and finalization of investigation of these cases.
- ❖ There are some questionable decisions to withdraw the cases or charges against some individuals without valid reasons, endorsement and queries in the docket.
- ❖ The delaying of trial of an accused who is pleading guilty which leads to accused persons to be influenced otherwise and change their plea of guilty.
- ❖ The trial ready ( $44 + 40 + 20 = 104$ ) cases being postponed for a longer period due to unavailability of dedicated prosecutors and presiding officers.
- ❖ Reluctance to prosecute on single witness cases, dying declaration, child witness and circumstantial evidence.
- ❖ The repetitive granting of bail to accused who are already on bail.

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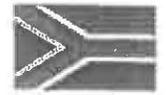
## RECOMMENDATIONS



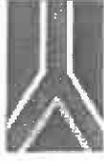
- ❖ Dedicated courtrooms x 2 for the processing of the politically related cases, one servicing the Central and Northern regions and the other court servicing the Midlands and Southern regions of the province.
- ❖ Dedicated prosecutors x 6 and presiding officers x 3 preferably from outside the province to deal with these cases without delay, fear and compromise.
- ❖ The use of dedicated Correctional Center (Ebongweni-Kokstad Super Maximum Prison) already identified by the Minister of Justice and Correctional Services for accused of politically related cases to minimize the risks of interferences.
- ❖ Utilization of police officials to fulfil the function of the security officers for state witnesses on political related cases who are on the Witness Protection Program as prescribed in the Witness Protection Act 112 of 1998 Sec 3 (5) (a) (iii) and Sec 6 (b).



## CONCLUSION



- It is envisaged that in order to address the backlog on trial ready cases and finalize the investigation on **57** cases, the enhanced Task Team which includes dedicated courts, prosecutors and presiding officers will need approximately 6 months.
- As this is a project based intervention, it is imperative to ensure that the objectives are achieved within the set timeframe with a long term effect on stability and effectiveness of Criminal Justice System.
- There is a potential risk that the court going especially the **44** trial ready and **57** cases under investigation may collapse if the current Task Team withdraws without them being finalized.



**THANK YOU**

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**ON A JOURNEY TO A SAFER SOUTH AFRICA**  
*Creating a safe and secure, crime free environment that is conducive for  
social and economic stability, assuring a better life for all.*



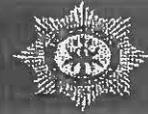
**This Strategy is to provide an integrated framework within the JCPS Cluster led by the South African Police Service and the National Prosecuting Authority in the detection, investigation and prosecution of politically related cases in order to mitigate all the risk factors associated with investigation and prosecution of these cases in KwaZulu-Natal Province.**



- **The escalation of Politically related incidents in KwaZulu Natal up to 2018 led to the President establishing the Inter Ministerial Committee (IMC) consisting of the ministries of State Security Agency, Defence, Justice and Correctional Services and Police.**
- **The Committee is chaired by the Minister of Police and is tasked with ensuring that the perpetrators of politically related cases in KwaZulu Natal are brought to book.**
- **After the assessment of the then Task Team investigating these cases by the IMC, one of preliminary observations was that the Task Team was working in silos and that it did not have an investigation and prosecutorial plan or strategy.**
- **The former acting Provincial Commissioner of Police in KwaZulu Natal was then tasked to develop the Strategy for Investigation and Prosecution of Politically Related cases in the Province which was subsequently approved and the Integrated Multi-disciplinary Task Team consisting of SAPS and NPA supported by SSA and Correctional Services was then established in July 2018 to implement the approved plan.**
- **The implementation of the Integrated Multi-Disciplinary plan had some challenges that led to the Task Team briefing the National Director of Public Prosecutions and the National Commissioner of Police on Friday 2019-08-23.**
- **As a result, the Provincial Steering Committee (NPA/SAPS) has been directed to report to the National Steering Committee that will be co-chaired by the National Head of Directorate of Priority Crime Investigation (DPCI) Lieutenant General Lebeya and NPA Acting Deputy National Director of Public Prosecutions Advocate S Mzinyathi.**
- **The National Commissioner and the National Director of Public Prosecutions directed that a revised Provincial Multi-Disciplinary Strategic Plan with deliverables and time frames be developed which will incorporate both SAPS and NPA.**



- To immediately attend to, investigate and prosecute reported incidents of politically related cases in KwaZulu-Natal.
- To implement the multi-disciplinary TROIKA methodology consisting of Intelligence gathering, Crime Investigation and Prosecution.
- To ensure perpetrators of politically related cases are arrested and prosecuted as speedily as possible to instill public confidence and stability.
- To identify and successfully prosecute the “kingpins” or “master minds” behind politically related cases.
- To optimize the provision of witness protection.



→ South African Police Service (SAPS)

→ National Prosecuting Authority (NPA)

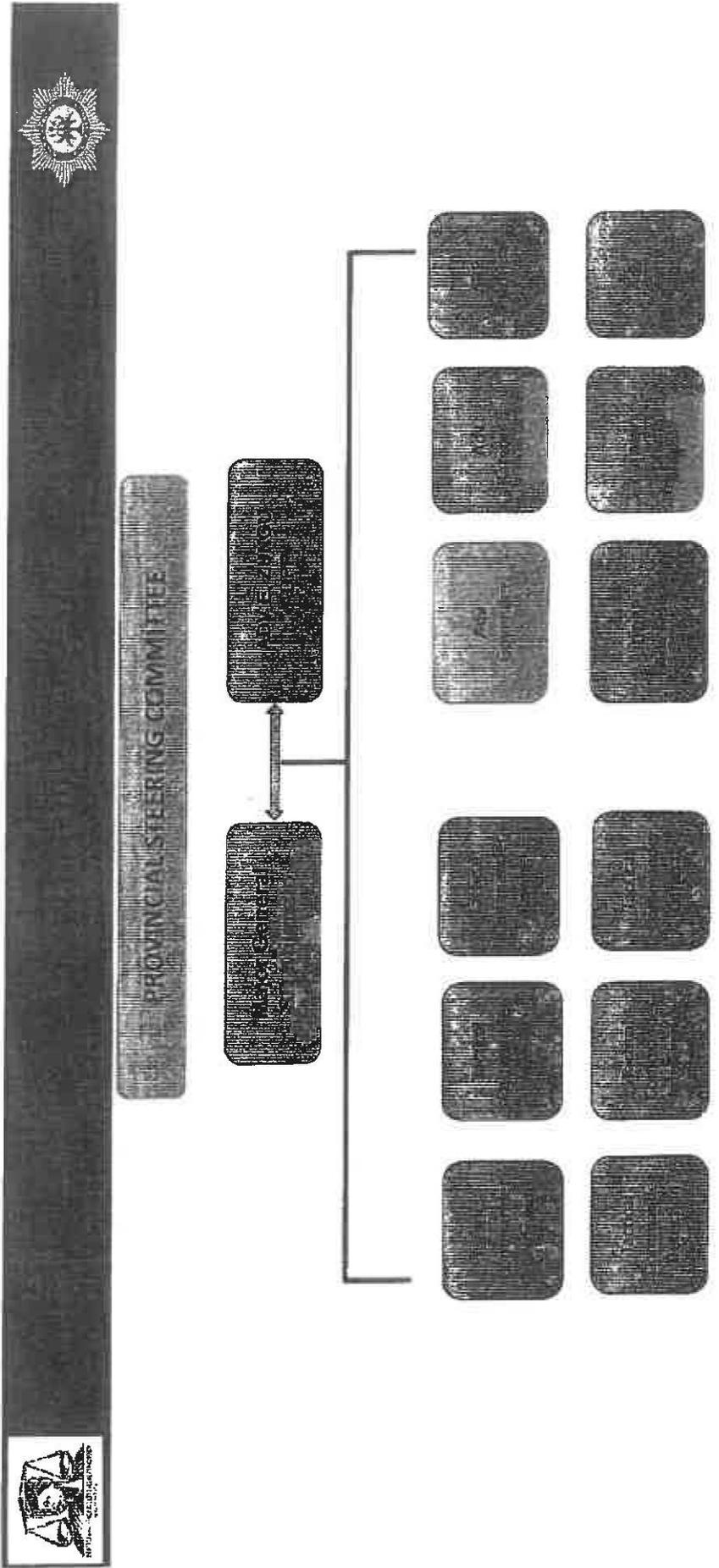
#### **SUPPORT AT OPERATIONAL LEVEL**

→ State Security Agency (SSA)

→ Department of Justice and Correctional Services (DCS)



- The approach is based on the method of integrating all relevant stakeholders from SAPS and NPA into a Provincial Steering Committee, in order to address the identified threat and mitigate all risks associated with investigation and prosecution of Politically Related cases in KZN Province. The structure is envisaged to be implemented as follows:
- **Provincial Steering Committee**
    - This committee consists of Senior Managers from the NPA and SAPS Command Structure and will meet monthly to monitor, evaluate and report progress to the National Steering Committee.
  - **Investigation and Prosecution Team (IPT)**
    - The Investigation Team consists of dedicated investigators from SAPS who are divided into two Tactical Operational Centres within the KZN province concentrating on the North and Central regions as well as the Midlands and South regions.
    - The Prosecution Team consists of dedicated prosecutors from the Organised Crime Component of the NPA, KwaZulu Natal.
    - The IPT will subscribe to the Prosecutor Guided Investigation (PGI) methodology in dealing with Politically related cases.





INVESTIGATION AND PROSECUTION TEAM







<p><b>Brilam</b></p>	<p><b>Intelligence Gathering, Analysis and Coordination (CI and SSA) Operatives &amp; Analysts</b></p>
<p><b>Key action</b></p>	<p>To enhance intelligence gathering, analysis and coordination on all political related cases</p>
<p><b>Deliverables</b></p>	<p><b>Short Description of the Deliverable</b>          Increase the ground coverage on the identified hot spots and identification of perpet rars          Collection of focus of proactive and re-active intelligence regarding the threat being addressed and recruiting of credible informants</p>
<p><b>Intelligence gathering</b></p>	<p>Provision of intelligence products to tactical teams for operationalization          Collect, collate, correlate, verify and analyse information and intelligence available          Operational docket analysis on all related registered cases          Profiling and linkage of wanted/priority suspects, identification and analysis of hotspots and modus operandi          Identify cross clusters of criminal images          Provision of forensic investigative leads received from Forensic Services          Provision of analysis on various crime combating teams          Identify and compile trends and pattern analysis (Events like meetings, Days and times)          Ensure focused intelligence gathering, cooperation between intelligence cells and operational teams</p>
<p><b>Information/Intelligence Analysis</b></p>	<p>Issue tasking to intelligence operators and analysts</p>
<p><b>Intelligence Coordination</b></p>	<p>Ensure the creation and maintenance of database on political related crimes, modus operandi and suspects</p>



Pillar 1	Detection (Investigation, Forensic and Digital Analysis)
Key action	Focus on Crime Investigation for the effective detection of crime
Deliverables	Short Description of the Deliverable
<b>Detection Approach</b>	Quality investigation (proper statement taking and evidence collection) and docket management
	Activate and enhance informer network
	Focussed liaison with Prosecution
	Coordination and investigation of all organised criminality and anti-corruption related cases to the operation
	Linkage and tracing of wanted suspects (Warrant of arrest, finger print and other forensic leads)
<b>Forensic Investigation</b>	Coordination of all exhibit packaging, analysis and examination in support of the operation
	Attend and manage crime scenes, coordination of the fingerprints process and other forensic leads/evidence for identified crime scenes
	The analysis and provisioning of forensic evidence to enhance investigations and use thereof by Detectives



<b>Pillar 1</b>	<b>Combat Approach (Specialised Operatives and Contractual Services)</b>
<b>Key Action</b>	<b>To focus on escorts and protection</b>
<b>Deliverables</b>	<b>Short Description of the Deliverable</b> Escorting and protection of detection, prosecution and prisoners Intelligence driven and disruptive operations Observations and waypoints in identified hotspots Rapid response to incidents Fresh or hot pursuits of wanted priority suspects Specialised operational reaction capability Cordon and search Conduct taken own operations
<b>Combat Approach</b>	



PILLAR 2	NATIONAL PROSECUTING AUTHORITY
Key Action	To increase successful prosecution in respect of all politically related cases
<b>Deliverable</b> <b>Reduction in case cycle times (6 Months from the time of enrolment to finalisation)</b> <b>Reduction in withdrawals (less than 3%)</b> <b>Successful prosecution (74%)</b>	<b>Short Description of the Deliverable</b> Screening of all politically related case dockets by OCC/CPPs. Quality guidance of investigation on all politically related cases. Decision to arrest to be taken jointly by the team. Interviewing of critical witnesses before-enrolment. Timeous consultation with witnesses before trial. Interrogate reasons for acquittals to identify skills gaps and trends to allow for continuous training. Provide and Interrogate reasons for withdrawals. To provide dedicated capacity to deal with Politically related cases. Optimal utilisation of Witness Protection and other protective measures (i.e. CPA). Optimise referrals to the Asset Forfeiture Unit



<p><b>Key action</b></p> <p><b>Deliverables</b></p> <p>Monitoring of Tactical Joint Operational Centres (SAPS)</p>	<p><b>Monitoring and evaluation</b></p> <p>To attend integrated accountability and evaluation sessions</p> <p><b>Short Description of the Deliverable</b></p> <p>The Operational Command Centres (OCCs) and two Tactical Joint Operational Centres will meet on daily basis to review the past 24-hour activities and plan for the next day.</p> <p>Conduct weekly feedback sessions, monitor and provide guidance on prioritized cases for the month.</p> <p>Prosecutor guided investigation sessions are to be held regularly between investigators and prosecutors</p>
<p><b>Accountability and guidance sessions (Investigation and Prosecution Teams)</b></p>	<p>The Investigation and Prosecution team will meet bi-weekly on a Monday to assess the progress, give guidance and compile/forward weekly report including case management template to the office of the Provincial Steering Committee in order to update the National Steering Committee.</p>



- A comprehensive communication plan will be implemented for internal and external communication of the SAPS and NPA Strategy for Investigation and Prosecution of politically related cases:
- This committee consists of Senior Managers from the NPA and SAPS Command Structure and will meet monthly to monitor, evaluate and report progress to the National Steering Committee.
  - Joint media release by SAPS and NPA in relation to the successes.
- The marketing of the strategy to all internal and external role players will be undertaken with a view to obtaining support and buy-in of all stake holders.



MONTH	OCTOBER	NOVEMBER	DECEMBER	TOTAL
<b>No. of SAPS members</b>	152	152	152	456
<b>Goods &amp; Services</b>	6 122 108	5 927 744	6 122 108	18 171 960
<b>Overtime</b>	3 344 000	3 344 000	3 344 000	10 032 000
<b>Computer and Cellphones consumables</b>	500 000	500 000	500 000	1 500 000
<b>Informant rewards</b>	200 000	200 000	200 000	600 000
<b>Air transport</b>	50 000	50 000	50 000	150 000
<b>Total Expenditure</b>	10 216 108	10 021 744	10 216 108	30 453 960
<b>No of NPA members</b>	14	14	14	42
<b>Goods &amp; Services</b>	640 626	620 858	640 626	1 902 110
<b>Overtime</b>	308 000	308 000	308 000	924 000
<b>Air transport</b>	20 000	20 000	20 000	60 000
<b>Computer and Cellphones consumables</b>	200 000	200 000	200 000	600 000
<b>Total Expenditure</b>	1 168 626	1 148 858	1 168 626	3 486 110



MONTH	JANUARY	FEBRUARY	MARCH	TOTAL
No. of SAPS members	152	152	152	456
<b>Goods &amp; Services</b>	<b>6 122 108</b>	<b>5 733 380</b>	<b>6 122 108</b>	<b>17 977 596</b>
Overtime	3 344 000	3 344 000	3 344 000	10 032 000
Computer and Cellphones consumables	500 000	500 000	500 000	1 500 000
Informer rewards	200 000	200 000	200 000	600 000
Air transport	50 000	50 000	50 000	150 000
<b>Total Expenditure</b>	<b>10 216 108</b>	<b>9 827 380</b>	<b>10 216 108</b>	<b>30 259 596</b>
<b>No of NPA members</b>	<b>14</b>	<b>14</b>	<b>14</b>	<b>42</b>
Goods & Services	640 626	500 450	640 626	1 781 712
Overtime	308 000	308 000	308 000	924 000
Computer and Cellphones consumables	200 000	200 000	200 000	600 000
Air transport	20 000	20 000	20 000	60 000
<b>Total Expenditure</b>	<b>1 168 626</b>	<b>1 128 450</b>	<b>1 168 626</b>	<b>3 465 712</b>
<b>GRAND TOTAL</b>	<b>22 769 468</b>	<b>22 126 442</b>	<b>22 769 468</b>	<b>67 665 378</b>



Risks	Mitigation action
<b>Corrupt SAPS and NPA members working in collusion with criminals</b>	Employ counter intelligence measures. Employ integrity testing and life style audits. Arrest and charge corrupt members
<b>Security/walkouts/pass outs of witness protection program and killing of witnesses</b>	Utilization of police officials to fulfil the function of the security officers for state witnesses on political related cases who are on the Witness Protection Program as prescribed in the Witness Protection Act 112 of 1998 Sec 3 (5) (a) (iii) and Sec 6 (b).
<b>Security of prosecutors and investigating teams</b>	Regular threat assessments to be conducted by SSA.
<b>Reluctance/refusal of witnesses to enter the program.</b>	Explain the alternative protective measures provided for by Legislation (i.e. CPA).



- The investigation of all politically related cases will be undertaken in line with this strategy upon its approval and until termination hereof.
  
- Regular engagements will take place with all stake holders and the strategy updated whenever necessary to yield optimal results.
  
- Commitment of all role players is of importance in order to ensure the success of this strategy and to ensure that the people are and feel safe.



ON A JOURNEY TO A SAFER SOUTH AFRICA  
Creating a safe and secure environment for investment and economic stability is a priority for the ANC.



## The End

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Annexure "E"



MINISTER  
JUSTICE AND CORRECTIONAL SERVICES  
REPUBLIC OF SOUTH AFRICA

Private Bag X 276, Pretoria, 0001, Tel: (012) 406 4669; Fax: (012) 406 4680  
Private Bag X 256, Cape Town, 8000, Tel: (021) 467 1700, Fax: (021) 467 1730

Mr Vusi Madonsela  
Director General  
Department of Justice and Constitutional Development  
316 Thabo Sehume Street  
Pretoria  
0001

Dear Director General

**INTER-MINISTERIAL COMMITTEE MEETING (IMC) REGARDING THE POLITICAL KILLINGS IN KWA-ZULU NATAL**

This letter serves to inform you regarding the decision taken at the Inter-Ministerial Committee Meeting (IMC) regarding the Political killings in Kwa-Zulu Natal; and to instruct the Department to implement the decisions taken

President has appointed an Inter-Ministerial Committee to focus on the political killings at Kwa-Zulu Natal. The inter-ministerial committee has resolved that the political killings should have a central court in Kwa-Zulu Natal. This process also emanates from the bi-lateral with the NDPP on the 05<sup>th</sup> August 2019, on the best possible way to handle this matter. Kindly advise of the possibility to central try all this matters in one Court and the recommended court that can be designated for this purposes, the regulations and financial implications thereof if any.

I am also in engagement with Correctional Services to find a correctional facility where all inmates who on trial for the above mentioned offence can be housed.

Please revert by the 16<sup>th</sup> September 2019.

Yours sincerely,

MR R O LAMOLA, MP  
MINISTER OF JUSTICE AND CORRECTIONAL SERVICES

DATE: 10/09/2019

South African Police Service



South African Police Service

P.O. Box 1966, DURBAN

Reference : 26/13/3 (56)  
 Enquiries : Lieutenant General NS Mkhwanazi  
 Major General A Gopaul  
 Tel (031)325 4828  
 Email [REDACTED]

THE PROVINCIAL COMMISSIONER  
KWAZULU-NATAL

2025-05-22

The Director of Public Prosecution  
KWAZULU-NATAL

**POLITICAL TASK TEAM: PROSECUTION GUIDED INVESTIGATION: FAILURE TO EXECUTE J50 WARRANTS**

This office wishes to apologise for the failure in executing J50 warrants in dockets among 121 case docket that this office has discovered to have been delivered to Pretoria due to a telephonic instruction received by the Political Task Team Leader.

It is an unfortunate situation that this office became alerted to on 2025-05-20 in a docket Accountability Session to the fact that all Prosecution Guidance since 2025-03-26 has not been addressed.

This office assures the office of the Director of Public Prosecution that the whereabouts of these dockets is being investigated and the findings will be brought to your attention.

Kind Regards

LIEUTENANT GENERAL  
PROVINCIAL COMMISSIONER: KWAZULU-NATAL  
NS MKHWANAZI

Acknowledge receipt of this corresp

**Elaine Harrison**

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**From:** KZN:Provincial Commissioner:Staff Officer [REDACTED]  
**Sent:** Monday, June 2, 2025 5:58 PM  
**To:** Elaine Harrison  
**Cc:** KZN:Ilembe District:Commissioner:Gopaul A - Major General  
**Subject:** [EXTERNAL] POLITICAL TASK TEAM: PROSECUTION GUIDED INVESTIGATION:  
FAILURE TO EXECUTE J50 WARRANTS  
**Attachments:** SKM\_C650I25052216390.pdf

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Good Day Advocate,

By direction of the Provincial Commissioner: KwaZulu-Natal, Lieutenant General Mkhwanazi, please find herewith the attached document for your attention and further handling.

Kind regards.

Colonel Ntandoyenkosi Khuzwayo  
Staff Officer to the Provincial Commissioner: KwaZulu-Natal  
Tel: [REDACTED]  
Cell: [REDACTED]  
Email: [REDACTED]

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**Elaine Harrison**

**From:** Duma Nontobeko (NPA Contact) <nyduma@npa.gov.za>  
**Sent:** Friday, June 21, 2019 2:28 PM  
**To:** Thulani Bhengu; Senekal Johann; Heeralall Hithesh; Vahed Zubeida; Sindisiwe Nkomonde; Chambilal Dookhi; Brandon Van Staden; Rene Schuler; Shandu Phumlani; Reddy Nicola; Vijesh Haridewu; Mbali Mcambi; smkhonza@justice.gov.za; Ngcobo Jabu; Veeran Prahaladh; Previnash Naidoo; Sanghline Bhartu; Phumzile Nogonyoti; Logan Reddy; Roshiea Benimadho; Ntuli Thami; Mamani Nontembiso; Mathibe Matshwana; Amanda A. Patterson; Val Melis; Emmelda G. Mngomezulu; Bulelwa B. Vimbani; Cyril CT. Selepe; Deneshree Naicker; Elsa Smith; Gert Nel; Kalaivani D. Govender; Kombisa Mbakaza (KK); Rita Blumrick; Sandesh S. Sankar; Sheriza Ramouthar; Steven Mmbara (T.S); Kistnasamy Ameeta; Branco Elsa; Isreal Zuma; Ngilande Lillian; Madlavu Lungisa; Jude Naedia; Nonhlanhla Dlamini; Phillile Sibeko; Mckenzie Christina; Sagren Naidoo; Brisset Sorelle; Prithipal Sunill; Ndumo Xolani; Addelaid A. Watt; Andre R. Ludick; Attie Truter; Candy Kander; Cyril CT. Selepe; Dorian A. Paver; Dawn D. Coleman; Sipho ES. Magwaza; Frank van Heerden; Gert Nel; Purity Gugulethu Shange; Ian Cooke (IP); Julius JM. Khatji; Johan Du Tolt (J); Karen Govender; Korne Radyn; Mziwodumo M. Miza; Netleton ES. Buthelezi; Nledile Dunywa; Nkonzo N.F. Mlotshwa; Naveen N.B. Sewparsat; Pretty-Girl Ngcobo; Rita Blumrick; Roan Du Preez (R); Stephanie P. Erasmus; Sandra Senekal; Sandesh S. Sankar; Suhana Singh; Zukiswa GPZ. Dyasi; Abbey Letsholo (T.A); Alistair SH. Walters; Andre Calitz; Annelize Harrison; Ashika A. Haripersad; Ashika A. Lucken; Ayesha Bissessur; Bonga B. Vika; Bonginkosi B. N. Mbokazi; Christo Nel; Denardo C. Macdonald; Jeremiah JE. Sibanyoni; Kelvin K. Singh; Khatija Essack; Krishen Shah; Mahendra Naidu; Makhosi Mthembu; Mbali Mdadane; Meera Naidu; Mlungisi Magwanyana; Noxy Tokwana (N); Nevas N. Heeralall; Nirvana Rambali; Nadira Moosa; Nolwazi N.M. Letsholo; Phakamisa Manciya; Poovallingum Govender; Ranjini Govender; Reenai Ramouthar; Richard Xaba; Sanelisiwe Mcanyana; Sara Parak; Sheryl S. Nayager; Sheriza Ramouthar; Tamara S. Jacobs; Thavanessi Moodley; Thiru V. Chetty; Wendy Greef; Wendy-Anne W.A. OBrien; Yoliswa Nyakata; Yuri Gangai (M)  
**Cc:** Elaine Harrison; Amanda I. Pillay; Ashika Sewchurran; Indharani Kisten; Lindokuhle LM. Khumalo; Shobona S. Sewlall; Sureka Pooren; Zamo Z.C. Gumede; Zandile E. Kubeka  
**Subject:** DPP: KZN DIRECTIVE 03/2019 -POLITICALLY RELATED CASES  
**Attachments:** DPP KZN DIRECTIVE 03 OF 2019 - POLITICALLY RELATED CASES.pdf

Dear All

Kindly find the attached Directive, in respect of Politically Related cases, for your urgent attention and dissemination to all Advocates / Prosecutors in your respective Units / Clusters.

Kind regards



Ntsamo Nontobeko Duma  
 Personal Assistant: DPP KZN  
 303 Church Street  
 9<sup>th</sup> Floor, High Court Building  
 PIETHEMMANANTZIBUNIS  
 3201  
 Private Bag 95008, Pietermaritzburg, 3208

Tel: +27 33 845 4426  
 Ext: 33 4428  
 E-mail: nyduma@npa.gov.za  
 Web: www.npa.gov.za



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**DIRECTOR OF PUBLIC PROSECUTIONS  
KWAZULU-NATAL**



**TO: ALL DPP: KZN MEMBERS OF STAFF**

**21 June 2019**

**DPP: KZN DIRECTIVE 03/2019: POLITICALLY RELATED CASES**

Director of Public  
Prosecutions  
KWAZULU-NATAL

301 Church Street  
PIETERMARITZBURG  
3201

P/Bag X9008  
PIETERMARITZBURG  
3200

KwaZulu Natal  
South Africa

Tel: 033 846 4405  
Fax: 033 394 6391

[www.ndpp.gov.za](http://www.ndpp.gov.za)

**PURPOSE AND BACKGROUND**

1. This directive replaces Directive 01/2018.
2. KwaZulu-Natal has experienced a high level of violence particularly against persons linked to political parties or perpetrated by persons linked to political parties.
3. In order to manage the situation in KwaZulu-Natal, the Honourable President of the Republic of South Africa has convened an Inter-Ministerial Task Team comprising of JCPS Cluster Ministers to look into effective solutions aimed at eradicating the high level of politically linked violence experienced in our Division. The Inter-Ministerial Task Team (IMTT) will continue to visit KwaZulu-Natal until the situation can be considered to be under control. My office has to provide a comprehensive report to the NDPP on all these matters.
4. In addressing the complaints and challenges that have been brought to my attention, with regards to:
  - 4.1. Only one dedicated Prosecutor in the Province dealing with the matters;
  - 4.2. Prompt decision making in these matters;
  - 4.3. Reduction of the withdrawals in these matters;
  - 4.4. Prioritization of these matters, and
  - 4.5. Better collaboration between the Chief Prosecutors, the assigned Deputy Directors and the SAPS Task Team

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

it has become imperative that this Directive be issued in seeking to address the above complaints / challenges.

5. All cases involving offences, either perpetrated by a person(s) linked to political party or against a person(s) linked to a political party must be considered by the Chief Prosecutor / delegated prosecutor before enrolment thereof. In potential High Court matters the provisions of Circular 3/2000 still apply. The Chief Prosecutor / delegated prosecutor must ensure that a complete copy of the docket(s) is forwarded to my office in the most expeditious manner in compliance with the "3 day rule, and the correspondence must indicate "Politically Related Cases" in the subject line.
6. The Chief Prosecutor / delegated prosecutor must interview the witnesses in these cases prior to the enrolment of these matters, especially in cases involving accomplice witnesses and single witnesses. Legible consultation notes must be filed in the B-section of the docket.
7. In respect of pending cases, the Chief Prosecutor / delegated prosecutor must interview the witnesses before a decision is made to transfer the matter to the Regional or High Court. Legible consultation notes must be filed in the B-section of the docket.
8. The decision to decline to prosecute a person and rather use such a person as an accomplice witness in terms section 204 of the Criminal Procedure Act 51 of 1977, must be made in consultation with the Chief Prosecutor and / or DDPP (in potential High Court cases). The provisions of section 204 should only be used in exceptional circumstances, where it is in the interest of justice to do so. See in this regard Section D, Part 4 of the NPA Policy Directives "Section 204 Witnesses".
9. The Chief Prosecutors and DDPPs must ensure that a database of these politically related cases is maintained for the cluster/unit and that by the 10<sup>th</sup> of each month one update for the whole cluster, unit or office is forwarded to the Strategy and Operations office, attention of Mr Sunil Prithpal and Ms Emmelda Mngomezulu.
10. No politically related case may be withdrawn without detailed and cogent written notes and reasons in the C-Section of the docket or DPPs office file.

11. Adv. Selepe remains the coordinator for these matters and where there is a doubt in regards to a decision, he can be contacted for assistance.

Kind regards



---

**ADV. E. ZUNGU  
ACTING DIRECTOR OF PUBLIC PROSECUTIONS  
KWAZULU-NATAL**

**Elaine Harrison**

---

**From:** Nonceba MN. Monageng  
**Sent:** Monday, June 3, 2019 8:06 PM  
**To:** Sibongile Mzinyathi; Elaine Zungu  
**Cc:** Shamila Batohi  
**Subject:** Challenges on Prosecutions of Political Related Case  
**Attachments:** Letter from Minister of Police 20190603.pdf

Dear Advocates Mzinyathi and Zungu,

Kindly find attached a letter from Minister of Police for your attention and review.

The NDPP awaits your response in this regard.

Kind regards



Nonceba Monageng  
 Executive Assistant / National Director  
 of Public Prosecutions  
 Republic of South Africa  
 Victoria & Griffiths Mawng Building,  
 133 Westlake Avenue, Waverland Park  
 Silverton, Pretoria, 0184  
 Private Bag 3752, Pretoria, 0001

Tel: +27 12 845 6758  
 Fax: +27 12 845 7090  
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 E-mail: [NMonageng@ndpp.gov.za](mailto:NMonageng@ndpp.gov.za)  
 Web: [www.ndpp.gov.za](http://www.ndpp.gov.za)



**Elaine Harrison**

**From:** Kalaivani D. Govender  
**Sent:** Thursday, January 23, 2025 8:25 PM  
**To:** Elaine Harrison  
**Subject:** FW: REPORT TO THE NDPP AND NATIONAL COMMISSIONER.pptx  
**Attachments:** REPORT TO THE NDPP AND NATIONAL COMMISSIONER.pptx

**ADV KD GOVENDER**  
 Deputy Director of Public Prosecutions  
 Director of Public Prosecutions, Kwazulu-Natal



031 3346051 082 447 3400 [kdgovender@npa.gov.za](mailto:kdgovender@npa.gov.za)

Southern Life Building, 88 Joe Slovo Street Durban, 4000

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**NPAA Prosecutors**  
 The National Prosecuting Authority of South Africa  
 National Prosecuting Authority

**From:** Elaine Zungu <EZungu@npa.gov.za>  
**Sent:** 27 August, 2019 11:21 AM  
**To:** Shamila Batohi <SBatohi@npa.gov.za>; Sibongile Mzinyathi <smzinyathi@npa.gov.za>  
**Cc:** Prithipal Sunill <SPrithipal@justice.gov.za>; Cyril CT. Selepe <ctselepe@npa.gov.za>; Sheriza Ramouthar <sramouthar@npa.gov.za>; Kalaivani D. Govender <kdgovender@npa.gov.za>; Nonhlanhla Dlamini <NoDlamini@justice.gov.za>; Emmelda G. Mngomezulu <gemngomezulu@npa.gov.za>  
**Subject:** FW: REPORT TO THE NDPP AND NATIONAL COMMISSIONER.pptx

Good day Adv Batohi and Adv Mzinyathi

Kindly find attached is the presentation that was done on Friday, 23 August 2019.

Regards,



**Adv E Zungu**  
 Acting DPP : KZN  
 Directorate of Public Prosecutions: PWS  
 301 Church Street,  
 Pietermaritzburg,  
 3201

**Tel:** +27 33 645 4400  
**Fax:** 33 6428  
**E-mail:** [ezungu@npa.gov.za](mailto:ezungu@npa.gov.za)  
**Web:** [www.npa.gov.za](http://www.npa.gov.za)



**From:** ORS Special Operations 1 <MatjilaM2@saps.gov.za>  
**Sent:** Tuesday, August 27, 2019 9:00 AM  
**To:** Elaine Zungu <EZungu@npa.gov.za>  
**Cc:** Khumalo Dumisani - Brigadier <KhumaloD@saps.gov.za>  
**Subject:** FW: REPORT TO THE NDPP AND NATIONAL COMMISSIONER.pptx

Good Morning Advocate

Attached please the report as requested

With respect

WARRANT OFFICER  
MS MATJILA  
SUB SECTION: ANALYSIS AND MONITORING  
SECTION: OPERATIONS  
012 400 5988

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**"ANNEXURE MK 13"**

*Final*  
SAPS Version  
2022/08/26



**KWAZULU-NATAL NPA / SAPS PROVINCIAL, REGIONAL EFFICIENCY OVERSIGHT  
AND DISTRICT EFFICIENCY OPTIMISATION FORUMS**

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**KWAZULU NATAL NPA/SAPS  
PROVINCIAL EFFICIENCY OPTIMISATION FORUM, REGIONAL  
EFFICIENCY OVERSIGHT FORUMS  
AND  
DISTRICT EFFICIENCY OPTIMISATION FORUMS  
TERMS OF REFERENCE**

**(NPA/SAPS KZN PEOF, REOF AND DEOF)**

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Document Control Page								
<b>Document title</b>	TERMS OF REFERENCE: KWAZULU NATAL NPA/ SAPS PROVINCIAL EFFICIENCY OPTIMISATION (PEOF) FORUM, REGIONAL EFFICIENCY OVERSIGHT FORUMS(REF) AND DISTRICT OPTIMISATION FORUMS(DEOF)							
<b>Creation date</b>	26/08/2022							
<b>Effective date</b>	26/08/2022							
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<b>Editor title, name and contact details</b>	Chief Prosecutor: GP Sibeko <a href="mailto:psibeko@justice.gov.za">psibeko@justice.gov.za</a>							
<b>Contributors</b>	KWAZULU NATAL NPA/ SAPS PROVINCIAL EFFICIENCY OPTIMISATION (PEO)FORUM							
<b>Distribution</b>	DESIGNATED KZN NPA AND SAPS EMPLOYEES							
<b>Security classification</b> Indicate with X	Restricted	N/A	Confidential	X	Secret	N/A	Top Secret	N/A
<b>Revision</b>	<b>Version Nr</b>	<b>Revision Date</b>	<b>Revision Details</b>			<b>Revised by</b>		
<b>Revision frequency:</b>	2	26/08/2022	NPA/SAPS Meeting dated 26/08/2022			SAPS PC and DPP KwaZulu Natal		

The signatories hereof, being duly authorized thereto, determine and issue hereby the official Terms of Reference for successful coordination of NPA and SAPS operational outcomes.



Provincial Director of Public Prosecution: Adv. E Zungu

26/8/2022  
Date



SAPS PROVINCIAL COMMISSIONER: Lt. Gen. NS Mkhwanazi

2022-08-26  
Date

**PREAMBLE**

The Medium-Term Strategic Framework contains various strategic outcomes to realize the mandate contained in the National Development Plan of the Republic of South Africa. NPA and SAPS, as part of the JCPS Cluster, are responsible for ensuring that people in South Africa “are and feel safe.”

Leading towards the achievement of that outcome in KwaZulu-Natal province is The Provincial Director of Public Prosecutions (DPP: Adv. Elaine Zungu) and The Provincial Commissioner of SAPS (PC: Lt. Gen. NS Mkhwanazi).

**WHEREAS** the SAPS is responsible for, *inter alia*, the effective investigation and securing the attendance of suspects in Court in reported cases.

**AND WHEREAS** the NPA is responsible for, *inter alia*, the prosecution of cases brought to court by the police.

**AND WHEREAS**, NPA and SAPS form an integral part of the Justice Crime Prevention and Security Cluster.

**NOW THEREFORE**, the Director of Public Prosecutions (DPP) and the Provincial Commissioner (PC) of SAPS hereby establish monthly and quarterly NPA and SAPS Efficiency Optimisation and Oversight Forums, whose main aim is to improve investigation and prosecution of reported cases in KwaZulu Natal. The forums will review the State's performance against SAP 6 (Column 8.1 to 8.6) and NPA's five (5) internal performance indicators as well as Outcome 3 outputs. The main aim of the established forums is to monitor progress and enter into a cycle of continuous improvement to drive NPA and SAPS performance towards the realization of a more effective and efficient Criminal Justice System. Joint monitoring of progress reports should highlight areas where investigation and or prosecution is weak; where activities and outputs are not contributing to the outcomes as planned and should prompt an investigation of why and what is needed to enhance a more effective and efficient detective and/or prosecution service. This in turn should result in joint interventions to improve the investigation and prosecution of reported crime.

**AND NOW THEREFORE** the Director of Public Prosecutions and the Provincial Commissioner, KwaZulu Natal, hereby establish the forums with the Terms of Reference as set out hereunder:

## **ESTABLISHMENT AND RESPONSIBILITY OF THE EFFICIENCY OPTIMISATION FORUMS**

1. The established forums are to be known as KwaZulu Natal NPA/ SAPS Efficiency Optimisation and Oversight Forums for the consideration of NPA and SAPS performance.
2. The Forums will:
  - Strengthen the coordination within NPA and SAPS and ensure that NPA and SAPS jointly monitor and evaluate performance results.
  - Improve police stations/ courts/district level planning of the JCPS Outcome 3 Plan in respect of all reported cases.
  - Focus on increasing successful prosecution of cases.
  - Ensure that delivery is on track to meet investigation and prosecution targets stipulated in the JCPS Plan.
  - Use performance information to unblock blockages to improve service delivery timeously.
  - Report monthly to the District Efficiency Oversight Forum on:
    - ✓ Progress made
    - ✓ Challenges encountered
    - ✓ Measures implemented to address challenges.

### **COMPOSITION OF THE DISTRICT EFFICIENCY OPTIMISATION FORUMS – “DEOF”**

The forums comprise of the following members:

- a) The Chief Prosecutor (where necessary) or his/her delegate and SAPS District Detective Commanders or his/her designate and whose responsibility is to ensure that NPA and SAPS monthly performance results are distributed to all forum members.
- b) All SAPS Liaison Officers for that area.
- c) All Senior, Control Prosecutors and Section Commanders whose performance results are discussed.
- d) Secretariat as appointed by the forum.
- e) Any other person/s as agreed upon by members.
- f) The NPA will retain chairpersonship.

### **OBJECTIVES OF THE FORUMS**

The objectives of the forum are to:

- a) Ensure that all courts achieve the targets in terms of Outcome 3 outputs and operational objectives.
- b) Monitor progress with regard to achievement of joint targets.
- c) Identify and address challenges encountered in meeting targets.
- d) Identify and address specific crime types/modus operandi/crime trends in hotspots.
- e) Optimise performance of the NPA and SAPS in the KZN Province with the end result of the people of this province **being and feeling safe**.

### **FUNCTIONS OF THE FORUMS**

- 1) Maintain an effective and harmonious working relationship amongst role players.
- 2) The development of joint investigation/prosecution improvement plans.
- 3) Facilitate collaboration across NPA and SAPS.
- 4) Focus on the implementation of the key activities aimed at improving investigations and prosecutions as outlined in their respective Annual Plans.
- 5) Ensure delivery is on track.
- 6) Use performance information to unblock blockages to successful prosecution of crimes.
- 7) Optimise performance and service delivery by the NPA and SAPS in KZN in terms of respective mandates.

### **MEETING OF THE DISTRICT EFFICIENCY OPTIMISATION FORUMS**

- 1) The meetings of the forum shall take place monthly.
- 2) If any urgent matter arises, the Chairperson may convene a special meeting to discuss such a matter.
- 3) The Chairperson may cancel a meeting for lack of a quorum, or any other acceptable reason but shall make it a point that the meeting is reconvened within that month.
- 4) A simple majority (50%+1) of the key role-players of the forum constitutes a quorum for the transaction of business.
- 5) The Secretary of the Forum must keep the official minutes of each meeting, which is subject to the approval of the Forum.
- 6) The minutes and a report of meetings must be distributed to all members of the forum within 5 working days after the meeting.
- 7) All documents/presentations relating to new matters must be submitted to the secretary at least 5 days prior to the meeting.
- 8) The Secretary must submit documents/presentations in respect of new matters for consideration by the forum to the members of the forum at least 48 hours before the meeting.
- 9) The chairperson shall report failure to hold a monthly meeting/non-attendance and reasons therefore to the District Efficiency Oversight Forum to promote accountability.
- 10) Minutes are to be forwarded monthly to the DPP, the SAPS Provincial Commissioner and the Deputy Provincial Commissioner: Crime Detection.
- 11) The DEOF shall escalate unresolved issues to the District Efficiency Oversight Forum.

### **THE REGIONAL EFFICIENCY OVERSIGHT FORUM**

1. The Regional Efficiency Oversight Forum shall comprise of:
  - The Chief Prosecutor and the
  - District Commissioner
2. The function of this forum is to:
  - Receive and deal with unresolved issues from the District Efficiency Optimisation Forum,
  - Escalate unresolved issues to the Director of Public Prosecutions and the SAPS Provincial Commissioner,
  - Convene bi-monthly.

**THE PROVINCIAL EFFICIENCY OPTIMISATION FORUM**

- 1) The Provincial PEOF shall convene on a quarterly basis, with rotational chairmanship, to review the functioning of the district DEOF and resolve matters escalated to the provincial forum.
- 2) The PEOF shall comprise of:
  - The Director of Public Prosecutions of KwaZulu Natal,
  - The SAPS Provincial Commissioner of KwaZulu Natal,
  - The Deputy Provincial Commissioners,
  - SAPS Provincial Heads: Crime Detection,
  - SAPS Provincial Head: Legal Services
  - The Chief Prosecutors,
  - The District Commissioners of KwaZulu Natal,
  - Secretariat as provided by either party on a rotational basis,
  - Any other person/s as agreed upon by members.
  - The chairmanship will rotate between the Director of Public Prosecutions and the SAPS Provincial Commissioner of KwaZulu Natal.

**AGENDAS OF THE "District Efficiency Optimisation Forum" AND THE "Provincial Efficiency Optimisation Forum"**

1. The items on the agenda must be taken up in the following order:
  - (a) Opening and welcome.
  - (b) Apologies
  - (c) Adoption of the agenda.
  - (d) Minutes of the previous meeting.
  - (e) Matters arising from the minutes.
    - ✓ Progress on previously proposed interventions.
  - (f) Standing items —
    - ✓ SAP 6 (Column 8.1 to 8.6) and Efficiency Index System indicators.
      - Were the set targets met?
      - What were the challenges?
      - What are the interventions?
    - ✓ NPA 5 internal indicators and Outcome 3
      - Were the set targets met?
      - What were the challenges?
      - What are the interventions?
    - ✓ SAPS presentation on specific crime types/modus operandi /crime trends in hotspots
      - What crime type was reported as prevalent?
      - How many of those prevalent cases were enrolled?
      - If not enrolled, what were the challenges?

- What are the joint interventions put in place/to be put in place?
  - ✓ Matters escalated from DEOF/Local meetings
- (g) New matters.
  - (h) Next meeting.
  - (i) Closure.
2. The Secretariat of PEOF must avail the agenda to all members of the forum by e-mail or any other means at least 48 hours before the meeting.

**Annexure A: List of Acronyms**

<b>Abbreviation</b>	<b>Description</b>
<b>DEOF</b>	<b>District Efficiency Optimisation Forum/s</b>
<b>DPP</b>	<b>Director of Public Prosecutions</b>
<b>JCPS</b>	<b>Justice, Crime Prevention and Security</b>
<b>KZN</b>	<b>KwaZulu Natal</b>
<b>Lt.Gen</b>	<b>Lieutenant General</b>
<b>NPA</b>	<b>National Prosecuting Authority</b>
<b>PC</b>	<b>Provincial Commissioner</b>
<b>PEOF</b>	<b>Provincial Efficiency Optimisation Forum/s</b>
<b>REOF</b>	<b>Regional Efficiency Optimisation Forum/s</b>
<b>SAPS</b>	<b>South African Police Service</b>

**“ANNEXURE MK 14”**

**From:** Sakiena Frenchman [<mailto:sfrenchman@parliament.gov.za>]  
**Sent:** Friday, 01 November 2024 08:25  
**To:** Nkabinde CM <[NkabindeCM@saps.gov.za](mailto:NkabindeCM@saps.gov.za)>; Mlandu SA <[MlanduSA@saps.gov.za](mailto:MlanduSA@saps.gov.za)>; Motswakae LP <[MotswakaeLP@saps.gov.za](mailto:MotswakaeLP@saps.gov.za)>  
**Subject:** Fw: Charges Laid by NCC

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---

**From:** Sakiena Frenchman  
**Sent:** Friday, November 1, 2024 8:21:01 AM  
**To:** Edward Senzo Mchunu <[emchunu@parliament.gov.za](mailto:emchunu@parliament.gov.za)>  
**Subject:** Charges Laid by NCC

**To:** Minister of Police

1) I have opened cases in the Western Cape on a number of Senior SAPS personnel, as per the following case dockets as per Grand Central: 1650/10/2024  
1651/10/2024  
1653/10/2024.

2) I was told that the dockets were intercepted.

3) In my quest for justice, I traveled to Gauteng and opened the following dockets as per Orlando SAPS:  
403/10/24  
404/10/24  
405/10/24.

4) However, I have also been notified that the Gauteng police department has followed the same Modus Operandi as the Western Cape PC, and is interfering in the investigative process.

5) I urgently and humbly ask for the Minister to intervene and ensure the integrity of the investigative process is maintained, to ensure a fair and just outcome.

Regards,  
Hon Fadiel Adams

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**From:** Sakiema Frenchman [<mailto:sfrenchman@parliament.gov.za>]  
**Sent:** Sunday, 10 November 2024 19:22  
**To:** Nkabinde CM <[NkabindeCM@saps.gov.za](mailto:NkabindeCM@saps.gov.za)>  
**Subject:** Investigation into Cases

Dear Sir

In the matter of the below cases,

87/11/2024  
403/10/2024  
404/10/2024  
402/10/2024

Please note that I Fadiel Adams, request an independent investigator or body to investigate the cases I have laid. I make this request as your National Commissioner has claimed all is above board in the case of the allegations made against Major General Khumalo. We are reliably told that this is false and have the statements to back it up. If indeed the Commissioner's position is compromised in this regard, please view our concerns with concern.

Regards,  
Hon. Fadiel Adams

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**From:** Sakiema Frenchman (<mailto:sfrenchman@parliament.gov.za>)  
**Sent:** Sunday, 10 November 2024 21:38  
**To:** Nkabinde CM <[NkabindeCM@saps.gov.za](mailto:NkabindeCM@saps.gov.za)>  
**Subject:** Cases for investigation

Dear Sir

From the Office of the honourable minister of Police

With regards to case number 87/11/2024 langplaate police station  
Case number 403/10/2024  
Case number 404/10/2024  
Case number 402/10/2024  
Orlando police station

The above cases relate to Fraud, Theft and Nepotism.

We hereby request that an independent officer or body be appointed as we are concerned that general Masimola may have erred in his statement that the allegations pertaining to major general Khumalo's security clearance. If this is the case the national commissioner has misled the nation which in our view is a very serious issue.

Regards,  
Hon. Fadiel Adams

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**“ANNEXURE MK 15”**



**SOUTH AFRICAN POLICE SERVICE**

<b>COMMISSIONER MEMO NO:</b>		<b>FILE:</b>	<b>SUBMISSION NO:</b>
<b>URGENT</b>	<input checked="" type="checkbox"/>		

**SUBJECT: COMPLAINT AGAINST THE SOUTH AFRICAN POLICE SERVICE:  
 ALLEGATIONS OF CORRUPTION AND DEFEATING THE ENDS OF JUSTICE:  
 COMPLAINANT:  
 F ADAMS, MP**

**DEPARTMENT : SOUTH AFRICAN POLICE SERVICE**

	<b>Drafter</b>	<b>SIGNATURE</b>
Surname & Initials	LT GEN PA JACOBS	
Date	2025-07-30	
Telephone Number		

<b>Mark Route With X</b>		<b>TO</b>		<b>FROM</b>		
		Office	9	Initial	Date	Initial
<b>NATIONAL</b>		<b>GENERAL SF</b>				<b>2025/07/30</b>
<b>COMMISSIONER</b>		<b>MASEMOLA</b>		<b>LT GEN PA</b>		
				<b>JACOBS</b>		

**Requests:**

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SOUTH AFRICAN POLICE SERVICE

**SUBMISSION ATTESTATION**

**COMPLAINT AGAINST THE SOUTH AFRICAN POLICE SERVICE: ALLEGATIONS OF CORRUPTION AND DEFEATING THE ENDS OF JUSTICE: COMPLAINANT: F ADAMS, MP**

Department : Divisional Commissioner: Inspectorate  
 Date : 2025-07-30  
 Submission made by : Lieutenant General PA Jacobs

I attest to the fact that I reviewed the attached submission request and confirm the following:

1. That it has been checked for alignment with current SAPS strategy and that it conforms.
2. That financial and budgetary aspect have been assessed and verified with SAPS Finance.
3. That I assessed risks related to the submission
4. That I gave consideration policy, legal and regulatory aspects.

Please find attached feedback on SCS 19/11/2024 and SCS 20/11/2024.

  
 LIEUTENANT GENERAL  
 DIVISIONAL COMMISSIONER: INSPECTORATE  
 PA JACOBS

Date: 

**COMPLAINT AGAINST THE SOUTH AFRICAN POLICE SERVICE:  
ALLEGATIONS OF CORRUPTION AND DEFEATING THE ENDS OF JUSTICE:  
COMPLAINANT: F ADAMS, MP**

**CONTENT**

1. Information Note addressed to the National Commissioner
2. Annexures
  - 2.1 Email thread
  - 2.2 Division: Inspectorate Report addressed to Minister of Police
  - 2.3 Division: Inspectorate Report addressed to Division: Legal Services
  - 2.4 Division: Legal Services Report
  - 2.5 Gauteng Report
  - 2.6 WhatsApp message to Major General Khumalo (Gauteng DPC: Crime Detection) - 2.6
  - 2.7 Screenshot of call received from Lieutenant General Senthumule - 2.7
  - 2.8 Acknowledgement of Receipt for dockets received by IDAC

SCS 19/11/2024 and 20/11/2024

## INFORMATION NOTE

To: The National Commissioner

**COMPLAINT AGAINST THE SOUTH AFRICAN POLICE SERVICE: ALLEGATIONS OF CORRUPTION AND DEFEATING THE ENDS OF JUSTICE: COMPLAINANT: F ADAMS, MP**

### 1 PURPOSE

- 1.1 The purpose of the Information Note is to provide a response to allegations that:
  - 1.1.1 The Division: Inspectorate was complicit and irregular in the handling of a service complaint levelled by Mr F Adams, MP, and
  - 1.1.2 To reflect on an averment that the Division: Inspectorate irregularly handed over seven dockets to the Investigating Directorate Against Corruption (IDAC).

### 2 BACKGROUND

- 2.1 On 26 July 2025, Lieutenant General Mkwanazi alleged that the Division: Inspectorate handed over dockets linked to the allegations levelled by Mr F Adams, MP, to the IDAC, without due process and malice. The averment was linked to a matter which was received by the Division: Inspectorate in November 2024.
- 2.2 The matter relates to allegations contained in an email to the Office of the Police Minister (dated 1 November 2024) wherein Mr F Adams, MP (hereinafter referred to as the complainant) alleged the following:
  - 2.2.1 He opened three criminal dockets at Cape Town Central SAPS (Western Cape) but has learnt that *"there has been interference from the SAPS Provincial office"*.
  - 2.2.2 He thus opened three criminal dockets at Orlando SAPS (Gauteng) but has also learnt that *"there has been interference from the SAPS Provincial office"*.

**COMPLAINT AGAINST THE SOUTH AFRICAN POLICE SERVICE: ALLEGATIONS OF CORRUPTION AND DEFEATING THE ENDS OF JUSTICE: COMPLAINANT: F ADAMS, MP**

- 2.3 On 1 November 2024, the Division: Inspectorate's Complaints Nodal Point received an email from the Office of the National Commissioner, to address the matter and provide a report to the Office of the National Commissioner by 12:00 4 November 2024 and to the Office of the Minister by the same day at 15:00.

*Email thread dated 1 – 4 November 2024, attached as per Annexure 1.*

- 2.4 As the allegations were levelled against two different business units, the provincial offices of the Western Cape and Gauteng, two service complaint files were registered, namely, SCS 19/11/2024 (Western Cape) and SCS 20/11/2024 (Gauteng).

### **3 ROLE OF INSPECTORATE**

- 3.1 The Division: Inspectorate is mandated in terms of National Instruction (NI) 6/2017 to amongst others, address and manage service complaints levelled against the SAPS.
- 3.2 In terms of Section 13 (1) (c) (i) and (ii) of NI 6/2017 (*Version 02, which was applicable at the time*), the Divisional Commissioner: Inspectorate is responsible to ensure *investigation of specific service complaints–*
- (i) *subject to the direction and instruction of the National Commissioner based on relevant merits or circumstances.*
  - (ii) *which, in his or her discretion based on relevant merits or circumstances, require to be investigated.*
- 3.3 In terms of the NI, the officer appointed to conduct the investigation must be of equal or higher rank than the official implicated. In terms of the allegations levelled by the complainant, no official was implicated hence Colonel Philip, of the Division: Inspectorate, was appointed to conduct the investigation of the service complaint.
- 3.4 The investigation was conducted in line with Section 13 (13) of the NI which amongst others, indicates the perusal of criminal dockets.

**COMPLAINT AGAINST THE SOUTH AFRICAN POLICE SERVICE: ALLEGATIONS OF CORRUPTION AND DEFEATING THE ENDS OF JUSTICE: COMPLAINANT: F ADAMS, MP**

**4 FINDINGS OF THE SERVICE COMPLAINT INVESTIGATION**

4.1 The following six criminal dockets, registered by the complainant were obtained as part of the service complaint investigation:

<b>Station and CAS number</b>	<b>Allegation</b>
Orlando CAS 403/10/2024 and Cape Town Central CAS 1651/10/2024	In July 2024, Major General Madondo failed the polygraph examination as the officer was cited for 2 incidents of tax evasion. Brigadier Ncube of the Division: Crime Intelligence was tasked not to address the discrepancies.
Orlando CAS 404/10/2024 and Cape Town Central CAS 1650/10/2024	The abuse of the Secret Services account by Lieutenant General Khumalo, citing the non-payment of authenticated sources and the channelling of funds to a Political Task Team, which in the complainant's view is a Task Team formed for private service of Gen Bheki Cele.  Lieutenant General Khumalo is also practicing nepotism at Crime Intelligence which has compromised the security of the State.
Orlando CAS 404/10/2024 and Cape Town Central CAS 1650/10/2024	Lieutenant General Khumalo was involved in the cover up in Villeria CAS 38/08/202, wherein Major General Lushaba's (of the Division: Crime Intelligence), official laptop and cellphone were stolen by a sex worker.  Monies from the Secret Services account was utilised to pay off the sex worker and purchase new equipment for Major General Lushaba.
Orlando CAS 405/10/2024 and Cape Town Central CAS 1653/10/2024	Lieutenant General Khumalo and Major General Lushsaba are utilising funds of the Secret Account to purchase vehicles for the KZN Political Task Team.

4.2 Various attempts were made to conduct an interview with Mr Fadiel Adams, MP but due to the complainant's schedule, no appointment could be secured. The purpose of the requested appointment was to obtain an affidavit in terms of the allegations and determine if information alluded to in the affidavits contained in the criminal dockets was in the possession of the complainant. Colonel Philip submitted an affidavit to support the attempts made to secure the appointment.

**COMPLAINT AGAINST THE SOUTH AFRICAN POLICE SERVICE: ALLEGATIONS OF CORRUPTION AND DEFEATING THE ENDS OF JUSTICE: COMPLAINANT: F ADAMS, MP**

- 4.3 A report was compiled for the attention of the Minister of Police and sent to the Office of the National Commissioner on 4 November 2024.

*Division: Inspectorate's report dated 4 November 2024, attached as per Annexure 2.*

- 4.4 The six above mentioned dockets were provided to the Division: Legal Services to provide a legal opinion on whether the elements of crime exist and advise on the way forward.

*Division: Inspectorate's request dated 20 November 2024, attached as per Annexure 3.*

- 4.5 An extract of the report received from Legal Services indicated:

*"The current information contained in the dockets is scanty and too vague to formulate charges against any suspects. As a result, Legal Services is unable to confirm that the required elements of any offence are contained in the dockets".*

*Division: Legal Services' report dated 11 December 2024, attached as per Annexure 4.*

- 4.6 The allegations contained in the criminal dockets were of a sensitive nature. It is the practice of the Provincial offices to obtain the dockets to ensure the matters are addressed appropriately is not seen as "interference" but as standard operational procedure.

The complaint by the complainant was seen as premature as the Provincial offices were still in the process of addressing the dockets.

**5 REPORT SENT TO THE OFFICE OF THE MINISTER OF POLICE VIA THE OFFICE OF THE NATIONAL COMMISSIONER**

- 5.1 The report compiled, as per paragraph 4.3 *supra*, by the Divisional Commissioner: Inspectorate to the Office of the Minister via the Office of National Commissioner

**COMPLAINT AGAINST THE SOUTH AFRICAN POLICE SERVICE: ALLEGATIONS OF CORRUPTION AND DEFEATING THE ENDS OF JUSTICE: COMPLAINANT: F ADAMS, MP**

was received back, from the Office of the Minister via the Office of the National Commissioner and it was noted that Lieutenant General Sibiya had signed as the Acting National Commissioner.

- 5.2 It was further noted that no comment was endorsed by Lieutenant General Sibiya on the report.

**6 HANDING OVER OF THE CRIMINAL DOCKETS**

- 6.1 The Division: Inspectorate was in possession of the six criminal dockets as well as Villieria CAS 38/02/2022 as part of the service complaint investigation.
- 6.2 The three dockets which were registered in the Western Cape were handed over to Colonel Philip by Major General Maqashalala (DPC: Crime Detection: Western Cape) on 2 November 2024, in Cape Town.
- 6.3 The three dockets which were registered in Gauteng were handed over to Colonel Philip by Captain van Wyk (Gauteng Provincial Detectives) on 4 November 2024, in Pretoria. An Info Note addressed to the Provincial Commissioner: Gauteng from Major General Khumalo (DPC: Crime Detection: Gauteng) was also provided to Colonel Philip.

***Gauteng Info Note dated 1 November 2024, attached as Annexure 5.***

- 6.4 The Villieria docket was received from Villieria SAPS on 18 November 2024.
- 6.5 On 6 December 2024, Colonel Philip received a call from ██████████, with the male person identifying himself as Mr Raphese of IDAC. Mr Raphese indicated that he was coming to collect the six criminal dockets opened by the complainant as well as the Villieria case docket. Arrangements were made to meet on the same day.

**COMPLAINT AGAINST THE SOUTH AFRICAN POLICE SERVICE: ALLEGATIONS OF CORRUPTION AND DEFEATING THE ENDS OF JUSTICE: COMPLAINANT: F ADAMS, MP**

6.5.1 Mr Raphese produced a NPA document which was addressed to Major General Khumalo requesting that the dockets are handed over.

The NPA document was not handed over, only produced.

6.5.2 Colonel Philip attempted to call Major General Khumalo but there was no answer. A Whatsapp message was sent to Major General Khumalo (14:58) to indicate that IDAC were there to collect the dockets. There was no response to the WhatsApp.

***Screen shot of WhatsApp message attached as Annexure 6.***

6.5.3 Colonel Phillip informed Mr Raphese that the dockets could not be handed over as the NPA correspondence was not addressed to the Division: Inspectorate and that the dockets were at Legal Services. Mr Raphese indicated that the NPA correspondence would be amended, and arrangements were made for Mr Raphese to meet with the Divisional Commissioner: Inspectorate on 9 December 2024 12:00.

6.6 The six criminal dockets were received back from Legal Services on 9 December 2024.

6.7 On the same day, Mr Raphese attended the arranged meeting and produced another NPA document, which was addressed to the Deputy National Commissioner: Crime Detection, to hand over the six criminal dockets opened by the complainant and the Villieria docket.

The NPA document was not handed over, only produced.

6.8 Lieutenant General Jacobs chose not to hand over the dockets as the correspondence was not addressed to the Division: Inspectorate.

6.9 On 9 December 2024 at 12:24, Lieutenant General Senthumule called Lieutenant General Jacobs and indicated that the dockets are to be handed over to IDAC. The call lasted 2 minutes 9 seconds.

***Screen shot of the incoming call is attached as Annexure 7.***

**COMPLAINT AGAINST THE SOUTH AFRICAN POLICE SERVICE: ALLEGATIONS OF CORRUPTION AND DEFEATING THE ENDS OF JUSTICE: COMPLAINANT: F ADAMS, MP**

6.10 The docketts were handed over to Mr Raphese who acknowledged receipt for the seven docketts.

*The acknowledgement is attached as Annexure 8.*

**7 COMMENT**

- 7.1 NI 6/2017 is clear that the management of service complaints lies with the Division: Inspectorate.
- 7.2 The allegations levelled by the complainant fulfilled the criteria to be considered a service complaint against SAPS, coupled with the instruction from the Office of the National Commissioner for the matter to be addressed, authorised the actions of the Division.
- 7.3 The obtaining and perusal of the seven criminal docketts linked to the service complaint is a practice adopted by the Division and supported by Section 13(13) of NI 6/2017.
- 7.4 An important aspect to note is that criminal docket/s are not kept at any Inspectorate offices but are returned to the business unit tasked to conduct the criminal investigation or from whom the docket/s were obtained. A copy of the criminal docket will be placed in the service complaint file and used as supporting documents in the management of the service complaint.
- 7.5 The process followed to hand over the seven criminal docketts to IDAC was on the instance of the Divisional Commissioner: Detectives and Forensic Services, Lieutenant General Senthumule.
- 7.6 This office would have returned the docketts from where they were received but on guidance of Lieutenant General Senthumule, the docketts were handed over to IDAC.

**COMPLAINT AGAINST THE SOUTH AFRICAN POLICE SERVICE: ALLEGATIONS OF CORRUPTION AND DEFEATING THE ENDS OF JUSTICE: COMPLAINANT: F ADAMS, MP**

8 This office is of the considered view that the process followed to obtain, peruse and hand over the seven criminal dockets are above board and conducted without any malice.

  
**LIEUTENANT GENERAL  
DIVISIONAL COMMISSIONER: INSPECTORATE  
RA JACOBS**

Date: 2025/07/30

**Commentary**

**GENERAL  
NATIONAL COMMISSIONER: SOUTH AFRICAN POLICE SERVICE  
SF MASEMOLA (SOEG)**

Date:

Information note compiled by:  
Telephone number:  
Date:

Col Phillip  
  
2025-07-30

Information note verified and approved by:  
Telephone number:  
Date:

Lt Gen Jacobs  
  
2025-07-30

**Complaints Nodal Point**

---

**From:** Van Rooyen C - Colonel  
**Sent:** Friday, 01 November 2024 13:18  
**To:** Complaints Nodal Point  
**Subject:** Fwd: Charges Laid by NCC

Captain Mudau

Please register urgently.

Regards

Begin forwarded message:

**From:** Hankel Mark - Major General <[REDACTED]>  
**Date:** 01 November 2024 at 13:13:32 SAST  
**To:** Van Rooyen C - Colonel <[REDACTED]>, Maluleka Joseph - Colonel  
 <[REDACTED]>, "HEAD: IAC & SC" <[REDACTED]>  
**Cc:** Motshweni Emma - Brigadier <motshwenie@saps.gov.za>, "Nat:Inspectorate:Gcabashe  
 S- Brigadier" <[REDACTED]>, Matthys C - Captain <[REDACTED]>  
**Subject:** FW: Charges Laid by NCC

Good afternoon Colonel van Rooyen

Please ensure that this is urgently registered ito NI6 of 2017 vs2.

Please copy also to Colonel Maluleke for immediate intervention with GP and the WC if necessary.

\*\*\*\*\*

Good afternoon Colonel Maluleke

Please take note and deal with this immediately. Engage the province directly please.

Please also send screenprints of the 8.1.1.1's to me today still.

Also note the deadlines set for Monday 4 November 2024.

BF 2024/11/04

\*\*\*\*

Thanking you in anticipation.

Kind regards

MH  
**Major General M Hankel**  
 Head: Inspectorate Analysis Centre & Service Complaints



Division: Inspectorate

HEAD OFFICE

Tel: (Office): +27 12 397 7037

E-mail: [REDACTED]

**CAUTIONARY / WARNING:**

The content of this e-mail and attachments relating to the official functions of the SA Police Service is proprietary to the SA Police Service and is sent for the personal attention of the addressee. It is confidential, legally privileged and protected by law. The person(s) addressed in the e-mail is/are the sole authorised recipient/s thereof. Please immediately notify the sender if it has unintentionally reached you and you are not a designated recipient. If it is thus not addressed to you, you may not open any attachment, or copy, distribute or disclose the contents hereof. Please delete it immediately. Any unauthorised use or interception is illegal. This e-mail may include information which is legally privileged and exempt from disclosure. Your compliance with the security aspects and requirements hereof is appreciated.

**From:** NAT:Inspectorate:Bophela HA-Lt Col <BophelaAngel@saps.gov.za>  
**Sent:** Friday, 01 November 2024 11:59  
**To:** Hankel Mark - Major General <[REDACTED]>; Matthys C - Captain <[REDACTED]>  
**Cc:** Divisional Commissioner : Inspectorate <divcom.inspectorate@saps.gov.za>  
**Subject:** Fw: Charges Laid by NCC

Good day Gen

Please find an email from Lt Col Setati for urgent attention as directed by the National Commissioner.

After receiving the email, it was followed by a call to humbly request for feedback to be submitted on or before 12:00 on Monday 4th November 2024.

Respectfully

Lt Col Bophela

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**From:** Setati Maria - Lt Col <[REDACTED]>  
**Sent:** Friday, November 1, 2024 11:45:44 am  
**To:** Complaints Nodal Point <[REDACTED]>  
**Cc:** Divisional Commissioner : Inspectorate <[REDACTED]>;  
 NAT:Inspectorate:Bophela HA-Lt Col <[REDACTED]>; Lethoko GH - Brig  
 <[REDACTED]>; Sebola FM-Maj Gen <[REDACTED]>  
**Subject:** FW: Charges Laid by NCC

Good Morning

Trust this finds you well.

Kindly see the mail below for your urgent attention

NB: Feedback must reach the office of the National Commissioner on Monday at 12:00 and report to the office of the minister by Monday the 04-11-24 at 15:00

Kind Regards  
Lt Col Setati

**From:** Nkabinde CM <[NkabindeCM@saps.gov.za](mailto:NkabindeCM@saps.gov.za)>  
**Sent:** Friday, 01 November 2024 09:04  
**To:** Sebola FM-Maj Gen <[SebolaF@saps.gov.za](mailto:SebolaF@saps.gov.za)>; Lethoko GH - Brig <[LethokoG@saps.gov.za](mailto:LethokoG@saps.gov.za)>  
**Subject:** FW: Charges Laid by NCC

Good morning, Major General Sebola

The Ministry has received this complaint from the Member of Parliament.  
In order for the Ministry to respond accordingly, please furnish this office with a report in responding to this complaint and the details of the Investigating Officer who was assigned to investigate these cases.  
Your report is expected on Monday 04 November 2024 at 15:00

Kind Regards  
Mthokozisi Nkabinde  
Chief of Staff  
Ministry of Police

**From:** Sakiena Frenchman [<mailto:sfrenchman@parliament.gov.za>]  
**Sent:** Friday, 01 November 2024 08:25  
**To:** Nkabinde CM <[NkabindeCM@saps.gov.za](mailto:NkabindeCM@saps.gov.za)>; Mlandu SA <[MlanduSA@saps.gov.za](mailto:MlanduSA@saps.gov.za)>; Motswakae LP <[MotswakaeLP@saps.gov.za](mailto:MotswakaeLP@saps.gov.za)>  
**Subject:** Fw: Charges Laid by NCC

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**From:** Sakiena Frenchman  
**Sent:** Friday, November 1, 2024 8:21:01 AM  
**To:** Edward Senzo Mchunu <[emchunu@parliament.gov.za](mailto:emchunu@parliament.gov.za)>  
**Subject:** Charges Laid by NCC

To: Minister of Police

1) I have opened cases in the Western Cape on a number of Senior SAPS personnel, as per the following case dockets as per Grand Central: 1650/10/2024

1651/10/2024  
1653/10/2024.

2) I was told that the dockets were intercepted.

3) In my quest for justice, I traveled to Gauteng and opened the following dockets as per Orlando SAPS:

403/10/24  
404/10/24  
405/10/24.

4) However, I have also been notified that the Gauteng police department has followed the same Modus Operandi as the Western Cape PC, and is interfering in the investigative process.

5) I urgently and humbly ask for the Minister to intervene and ensure the integrity of the investigative process is maintained, to ensure a fair and just outcome.

Regards,  
Hon Fadiel Adams

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SCS 20/11/2024

## INFORMATION NOTE

To: The Minister of Police

**COMPLAINT AGAINST THE SOUTH AFRICAN POLICE SERVICE: ALLEGATIONS OF CORRUPTION AND DEFEATING THE ENDS OF JUSTICE: COMPLAINANT: F ADAMS, MP**

### 1 Purpose

- 1.1 The purpose of the Information Note is to provide information on a concern levelled in the email received vide F Adams, MP.

### 2 Background

- 2.1 Mr F Adams, MP (hereinafter referred to as the complainant) sent an email to the Office of the Police Minister (dated 1 November 2024) wherein the complainant alleged the following:

2.1.1 He opened three criminal dockets at Cape Town Central SAPS (Western Cape) but has learnt that *"there has been interference from the SAPS Provincial office"*.

2.1.2 He thus opened three criminal dockets at Orlando SAPS (Gauteng) but has also learnt that *"there has been interference from the SAPS Provincial office"*.

2.2 The National Commissioner has instructed that a report is provided in terms of the allegations that the SAPS is derailing the criminal allegations levelled by the complainant.

### 3 Discussion

- 3.1 The dockets registered at Cape Town Central (x 3) the dockets registered at Orlando SAPS (x3) were obtained and are in the possession of the Division: Inspectorate.

**COMPLAINT AGAINST THE SOUTH AFRICAN POLICE SERVICE: ALLEGATIONS OF CORRUPTION AND DEFEATING THE ENDS OF JUSTICE: COMPLAINANT: F ADAMS, MP**

3.1.1 The criminal allegations in the six cases which were opened are levelled against Lieutenant General Khumalo, Major General Lushaba, Major General Madondo and Brigadier Ncube and are centered on four specific matters, namely:

- Abuse of the Secret Services account.
- Cover up of a criminal incident linked to Villieria CAS 38/08/2022  
*This docket is locked in a safe at the police station and access thereto will only be available from 11 November 2024.*
- Failure to address Major General Madondo's results of the polygraph examination wherein two incidents of tax evasion were uncovered.
- Practices of nepotism

3.2 An officer from the Division: Inspectorate, who was in Cape Town on other official business, made several attempts to conduct an interview with the complainant but due to other commitments, the complainant had to cancel the proposed meetings.

The complainant indicated that he could travel to Gauteng if required.

3.3 The allegation levelled by the complainant is that the Provincial offices of Western Cape and Gauteng have interfered in the investigation.

3.3.1 The allegations contained in the criminal dockets are of a sensitive nature and the practice of the Provincial offices to obtain the dockets to ensure the matters are addressed appropriately is not seen as "interference" but as standard operational procedure.

3.3.2 The complaint by the complainant can be seen as premature as the Provincial offices were still in the process of addressing the matter.

**COMPLAINT AGAINST THE SOUTH AFRICAN POLICE SERVICE: ALLEGATIONS OF CORRUPTION AND DEFEATING THE ENDS OF JUSTICE: COMPLAINANT: F ADAMS, MP**

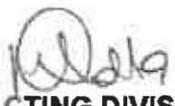
**4 Recommendation**

4.1 This office recommends that an extension of 10 working days is provided, in order for the following to be conducted, whereafter a comprehensive report can be provided:

4.1.1 Interview the complainant and obtain a detailed affidavit.

4.1.2 Perusal of all criminal dockets, including Villieria CAS 38/08/2022.

4.1.3 Determine if any other government department is investigating the same allegations.

  
**MAJOR GENERAL  
 ACTING DIVISIONAL COMMISSIONER: INSPECTORATE  
 NM DLADLA**

Date: 2024-11-04

Comments:

  
**LIEUTENANT GENERAL  
 ACTING NATIONAL COMMISSIONER: SOUTH AFRICAN POLICE SERVICE  
 SM SIBUYA**

Date: 2024-11-05

**COMPLAINT AGAINST THE SOUTH AFRICAN POLICE SERVICE: ALLEGATIONS  
OF CORRUPTION AND DEFEATING THE ENDS OF JUSTICE: COMPLAINANT:  
F ADAMS, MP**

Comments:



**MINISTER OF POLICE  
ES MCHUNU, MP**

Date: 08/11/24

Information note compiled by:

Telephone number:

Date:

Col Philip

2024-11-04

Information note verified and approved by:

Telephone number:

Date:

Maj Gen Dladla

2024-11-04

SCS 20/11/2024

## INFORMATION NOTE

To: The Divisional Commissioner: Legal Services

**COMPLAINT AGAINST THE SOUTH AFRICAN POLICE SERVICE: ALLEGATIONS OF CORRUPTION AND DEFEATING THE ENDS OF JUSTICE: COMPLAINANT: F ADAMS, MP**

### 1 Purpose

- 1.1 The purpose of the Information Note is to provide information on a concern levelled in the email received vide F Adams, MP (hereinafter referred to as the complainant) and for your office to provide a legal opinion of criminal dockets opened by the complainant.

### 2 Background

- 2.1 The complainant sent an email to the Office of the Minister of Police (dated 1 November 2024) wherein the complainant alleged the following:
- 2.1.1 He opened three criminal dockets at Cape Town Central SAPS (Western Cape) but has learnt that *"there has been interference from the SAPS Provincial office"*.
- 2.1.2 He thereafter opened three criminal dockets at Orlando SAPS (Gauteng) but has also learnt that *"there has been interference from the SAPS Provincial office"*.
- 2.2 The National Commissioner has instructed that a report is provided in terms of the allegations that the SAPS is derailing the criminal allegations levelled by the complainant.
- 2.2.1 A report was compiled wherein the allegation that there was interference from both the Provincial offices were reported to be unfounded.
- 2.2.2 It was also reported that this office is in possession of the six dockets opened by the complainant.

**COMPLAINT AGAINST THE SOUTH AFRICAN POLICE SERVICE: ALLEGATIONS OF CORRUPTION AND DEFEATING THE ENDS OF JUSTICE: COMPLAINANT: F ADAMS, MP**

**3 Discussion**

3.1 The criminal allegations in the six cases which were opened are levelled against Lieutenant General Khumalo, Major General Lushaba, Major General Madondo and Brigadier Ncube and are centered on four specific matters, namely:

- Abuse of the Secret Services account.
- Cover up of a criminal incident linked to Villieria CAS 38/08/2022  
*This docket is now also in possession of this office.*
- Failure to address Major General Madondo's results of the polygraph examination wherein two incidents of tax evasion were uncovered.
- Practices of nepotism.

3.2 The affidavits in the dockets are basic and in the opinion of this office, lack the elements of a crime.

3.3 As part of the protocols to address service complaints, an affidavit is obtained from the complainant. Col Philip of this office was tasked to obtain the affidavit, however after numerous attempts, it seems as if the complainant is evading the request. *Please find Col Philip's affidavit as proof hereof.*

**4 Recommendation**

4.1 Due to the sensitive nature of the allegations which has been being widely announced by the complainant it is imperative that before any criminal investigation is launched, your office peruse the affidavits to provide a legal opinion on whether the elements of a crime exist and advise on the ay forward.

**COMPLAINT AGAINST THE SOUTH AFRICAN POLICE SERVICE: ALLEGATIONS OF CORRUPTION AND DEFEATING THE ENDS OF JUSTICE: COMPLAINANT: F ADAMS, MP**

4.2 If your office is in support of the request, please find the dockets for perusal.

*N.M. Dladla*  
f/ DIVISIONAL COMMISSIONER: INSPECTORATE  
PA JACOBS MAJ GEN N.M. DLADLA

Date: 2024-11-20

Comments:

LIEUTENANT GENERAL  
DIVISIONAL COMMISSIONER: LEGAL SERVICES  
S CHAMANE

Date:

**Faez PHILIP** states under oath in English

1

I am an adult male and a Colonel in the South African Police Service with PERSAL number [REDACTED]. I am stationed at Division: Inspectorate and appointed as the Section Commander: Complaints Collation. My contact information is [REDACTED] and [REDACTED].

2

As part of my duties I also assist investigations of service complaints received at Division: Inspectorate. I was tasked to assist in SCS 19/11/2024 and SCS 20/11/2024, a service complaint levelled by Ms Fadiel Adams, MP, wherein he alleged that the SAPS Provincial offices had interfered in the investigation of criminal dockets opened at Cape Town Central SAPS and Orlando SAPS. The allegations contained in the criminal dockets were directed at senior officers attached to the Division: Crime Intelligence.

3

As part of the service complaint investigation, 6 criminal dockets were obtained, with the following allegations:

Station and CAS number	Allegation
Orlando CAS 403/10/2024 and Cape Town Central CAS /10/2024	In July 2024, Major General Madondo failed the polygraph examination as the officer was cited for 2 incidents of tax evasion. Brigadier Ncube of the Division: Crime Intelligence was tasked not to address the discrepancies.
Orlando CAS 404/10/2024 and Cape Town Central CAS /10/2024	The abuse of the Secret Services account by Lieutenant General Khumalo, citing the non-payment of authenticated sources and the channelling of funds to a Political Task Team, which in the complainant's view is a Task Team formed for private service of Gen Bheki Cele.  Lieutenant General Khumalo is also practicing nepotism at Crime Intelligence which has compromised the security of the State.
Orlando CAS 404/10/2024 and Cape Town Central CAS /10/2024	Lieutenant General Khumalo was involved in the cover up in Villeria CAS 38/08/202, wherein Major General Lushaba's (of the Division: Crime Intelligence), official laptop and cellphone were stolen by a sex worker.  Monies from the Secret Services account was utilised to pay off the sex worker and purchase new equipment for Major General Lushaba.
Orlando CAS 405/10/2024	Lieutenant General Khumalo and Major General Lushsaba are utilising funds of the Secret Account to purchase vehicles for the KZN Political Task Team.

*NB: The Orlando dockets were registered at Orlando SAPS but on the cover of the dockets is endorsed Villeria.*

## South African Police Service Suid-Afrikaanse Polisie

Private Bag  
Privaatsak X94

Fax No: 012 393 7098

Your reference:

DIVISIONAL COMMISSIONER

My reference:

SCS 20/11/2024

LEGAL SERVICES

Enquiries:

Brigadier de Kamper

PRETORIA

Tel:

0001

The Divisional Commissioner  
**INSPECTORATE**

### **COMPLAINT AGAINST THE SOUTH AFRICAN POLICE SERVICE: ALLEGATIONS OF CORRUPTION AND DEFEATING THE ENDS OF JUSTICE: COMPLAINANT: F ADAMS, MP**

1. Your request dated 20 November 2024 (attached hereto as annexure "A"), bears reference.
2. This office has perused the six dockets in question and the statement from Colonel Phillip, who is responsible for investigating service complaints received at the Inspectorate.
- 3.1 Cape Town CAS 1650/10/2024 and Villieria CAS 404/10/2024 contain allegations of abuse of the Secret Services Account by the Divisional Commissioner: Crime Intelligence ("CI"), Lt Gen Khumalo. The complainant alleges that information came to his attention that Lt Gen Khumalo instructed other senior members of the Service to ensure that there would be no investigation into the alleged theft of Maj Gen Lushaba's official firearm, cell phone and laptop by a sex worker (as per Villieria CAS 38/08/2022). It is alleged that the stolen items were replaced and the sex worker was paid off using funds from the Secret Services Account.
- 3.2 The complainant further alleges that Lt Gen Khumalo has strategically placed friends and family members in key positions in the Division: CI which hampers service delivery and compromises state security.

**COMPLAINT AGAINST THE SOUTH AFRICAN POLICE SERVICE: ALLEGATIONS OF CORRUPTION AND DEFEATING THE ENDS OF JUSTICE: COMPLAINANT: F ADAMS, MP**

- 3.3 The complainant states that evidence is available regarding the alleged cover-up of Villieria CAS 38/08/2022. No supporting evidence is contained in the dockets to substantiate the claim or to afford the further investigation of leads in support thereof.
- 3.4 No details are provided regarding the identity of the friends and family members of Lt Gen Khumalo who were allegedly appointed in the Division. (This would at least have enabled the investigation into the allegations.)
- 3.5 Neither the particulars or statements of the senior members of the Service who were allegedly instructed to ensure that Villieria CAS 38/08/2022 is not investigated, nor the statement of the sex worker are filed in these dockets. Villieria CAS 38/08/2022 was not provided to Legal Services.
- 3.6 In Cape Town CAS 1651/10/2024 and Villieria CAS 403/10/2024, the complainant alleges that Maj Gen Madondo failed her polygraph examination in July 2024, whereafter the head of vetting, Brig Ncube, was tasked to ensure that the matter would not be addressed or investigated.
- 3.7 The complainant does not reveal the identity of the person who allegedly tasked Brig Ncube not to investigate the failed polygraph.
- 3.8 In Cape Town CAS 1653/10/2024 and Villieria CAS 405/10/2024 the complainant alleges "none of the people appointed in CI have the necessary skills, qualifications and experience" and that many of these appointees are said to be associates and relatives of Lt Gen Khumalo.
- 3.9 It is furthermore alleged that the Secret Service Account was abused by Lt Gen Khumalo and Maj Gen Lushaba who failed to pay authentic sources but channelled funds to purchase items such as vehicles for the KwaZulu-Natal Political Task

**COMPLAINT AGAINST THE SOUTH AFRICAN POLICE SERVICE: ALLEGATIONS OF CORRUPTION AND DEFEATING THE ENDS OF JUSTICE: COMPLAINANT: F ADAMS, MP**

Team. According to the complainant, this task team is a private service to or front for the former Minister of Police, Gen Bheki Cele.

- 3.10 The complainant does not reveal the identity of the associates and relatives of Lt Gen Khumalo who were allegedly appointed improperly.
- 3.11 No details such as dates, locations, amounts or proof of payment are provided of the alleged irregular purchases.
- 3.12 At this stage, the complainant's allegations regarding Gen Cele are unsubstantiated and amount to no more than the complainant's personal opinion. No evidence or leads are provided to assist or afford an investigation into the allegations.
4. Only the complainant's A1 statements are contained in the six dockets. No other evidence is contained in the dockets. The lack of location information makes it impossible to determine proper jurisdiction at this stage.
5. In his report, Col Philip states that the complainant's statements were superficial, based on hearsay and that they did not contain all the elements of the alleged offences. It further details his communication with the complainant and the attempts that he made to obtain evidence in support of the allegations which the complainant alleged to be in possession of. These attempts proved unsuccessful.
6. The three dockets that were opened in Gauteng are merely a duplication of the three dockets that were opened in Cape Town. No explanation is provided regarding the opening of the second set of dockets on the same allegations, but in another province.
7. The correct charges must be identified, based on the content on the dockets, in order to determine whether or not all the elements of a particular offence are contained in the docket.

**COMPLAINT AGAINST THE SOUTH AFRICAN POLICE SERVICE: ALLEGATIONS OF CORRUPTION AND DEFEATING THE ENDS OF JUSTICE: COMPLAINANT: F ADAMS, MP**

8. The dockets are sparse on details and based solely on unsubstantiated hearsay evidence which make it difficult to determine the merits of the allegations and to identify the correct charges.
9. As indicated above, all the complainant's statements consist of hearsay evidence, which is inadmissible in court. The identity of witnesses who may have personal knowledge of the allegations are also not mentioned in the statements. This information is critical to ensure a proper investigation.
10. The interests of justice require that allegations of criminality be properly investigated and prosecuted. However, it also requires that resources should not be wasted and suspects should not be subjected to persecution based on unsubstantiated allegations.
11. Whilst the allegations made by the complainant are serious in nature, they are unsubstantiated at this stage. The complainant's statements can be described as vague accusations, rather than an account of factual details that fall within the complainant's personal knowledge.
12. Additional information is required from the complainant concerning the detail of the allegations, as indicated above.
13. The current information contained in the dockets is scanty and too vague to formulate charges against any suspects. As a result, Legal Services is unable to confirm that the required elements of any offence are contained in the dockets.

  
**LIEUTENANT GENERAL  
DIVISIONAL COMMISSIONER: LEGAL SERVICES  
SW CHAMANE**

Date: 2024-12-11

REF: 26/1/1

## INFORMATION NOTE

To: The Provincial Commissioner  
GAUTENG

**REPORT: VILLERIA CAS 403/10/2024, VILLERIA CAS 404/10/2024 CORRUPTION AND DEFEATING THE ENDS OF JUSTICE: VILLERIA CAS 405/10/2024 CORRUPTION**

### 1. PURPOSE

- 1.1 The purpose of this Information Note is to provide feedback to the Provincial Commissioner, Lt General DT Mthombeni with feedback with regards to Villeria CAS 403/10/2024, Villeria CAS 404/10/2024 for Corruption and defeating the ends of Justice, Villeria CAS 405/10/2024 is only for Corruption.

### 2. BACKGROUND

- 2.1 On Thursday, 2024-10-31, Mr Fadel Adams a Member of Parliament and a Member of the National Police Portfolio Committee opened the following three (3) cases at Villeria Police Station:

### 3. VILLERIA CAS 403/10/2024, CORRUPTION AND DEFEATING THE ENDS OF JUSTICE

- 3.1 Mr Fadel Adams state that Major General Madondo failed her polygraph in July 2024. He alleged that she had been cited for two (2) cases of Tax evasion. He alleged that the Head of vetting, Brigadier Ncube failed to do her duty to investigate the tax evasion cases.

The complainant does not cite any witnesses in his statement. His claims are based on accusations.

**REPORT: VILLERIA CAS 403/10/2024, VILLEIRIA CAS 404/10/2024 CORRUPTION AND DEFEATING THE ENDS OF JUSTICE: VILLERIA CAS 405/10/2024 CORRUPTION**

**4. VILLERIA CAS 404/10/2024 CORRUPTION AND DEFEATING THE ENDS OF JUSTICE.**

- 4.1 Mr. Adams alleged that he got sensitive information in respect of Lieutenant General Khumalo of Divisional Commissioner of Crime Intelligence. Funds from the Secret Service account that is in contravention of Public Finance Management Act. He also alleged that Lt General Khumalo's involvement in the matter of Villeria CAS 38/08/2024. He makes allegations of Nepotism to this affect that according to the complainant compromised the security of the State.

The complainant does not cite any witnesses in his statement. His claims are based on accusations.

**5. VILLERIA CAS 405/10/2024 CORRUPTION**

- 5.1 Mr Adams alleged in this case that abuse of Secret Service account by Lt General Khumalo of Divisional Commissioner of Crime Intelligence together with Major General Leshaba who is the Chief Financial Officer of Crime Intelligence. He alleged that funds are been channeled into the KZN Political Task team which was a front for the former Minister of Police Bheki Cele. He alleged that vehicles have been bought through funds for the Political Task team.

The complainant does not cite any witnesses in his statement. His claims are based on accusations.

**6. COMMENTS**

- 6.1 The three (3) above cases were requested by this office and will be perused and booked out by Crime Investigation Service: Gauteng.

Progress will be reported.

**REPORT: VILLERIA CAS 403/10/2024, VILLEIRIA CAS 404/10/2024 CORRUPTION AND DEFEATING THE ENDS OF JUSTICE: VILLERIA CAS 405/10/2024 CORRUPTION**

**7. RECOMMENDATION**

7.1 For the Provincial Commissioner to take note and brief the National Commissioner accordingly.



**MAJOR GENERAL  
DEPUTY PROVINCIAL COMMISSIONER: CRIME DETECTION: GAUTENG  
MM KHUMALO**

**Date: 2024-11-01**

**COMMENTS:**

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**LIEUTENANT GENERAL  
PROVINCIAL COMMISSIONER: GAUTENG  
DT MTHOMBENI**

Date:

Information note compiled by  
Telephone number  
Date

Captain Pretorius  
[Redacted]  
2024-11-01

Information note verified and approved by  
Telephone number  
Date

MaJ Genl MM Khumalo  
[Redacted]  
2024-11

06 December 2024

🔒 Messages and calls are end-to-end encrypted. Only people in this chat can read, listen to, or share them. Learn more.

Good day General 14:56

Please let me know when I can call. It is in connection with the F Adams dockers. IDAC is here with me pertaining to the dockets. 14:58

2.6

15:27

24%

# < History



## Wednesday, 19 March

☎ 09:10

Incoming call/Mobile/0 mins 26 secs

## Monday, 17 February

☎ 09:27

Incoming call/Mobile/1 min 51 secs

2.7

## Monday, 09 December 2024

☎ 12:24

Incoming call/Mobile/2 mins 9 secs



945163

SOUTH AFRICAN POLICE SERVICE



SUID-AFRIKAANSE POLISDIENST

A-13

CASE DOCKET - SAKDOSSIER

10111 Courtroll Centre No. \_\_\_\_\_

Station Villieria

CR No. \_\_\_\_\_ MR No. \_\_\_\_\_

CAS No. 38 / 156 / 422

Case Register No. \_\_\_\_\_

Indicate with X:  Crime Check Book/Boek  Incident Docket GED Dossier  Court number Hofnommer  Court Case Number Hofsaaknommer

Investigator: \_\_\_\_\_

Prosecutor: WILL CO

Defender: \_\_\_\_\_

Day and time of offence: \_\_\_\_\_

Day of week: SI MO TU WE TH FR SAT SUN

Method used/Estimate gained/Opname/bedrag of diefstal: \_\_\_\_\_

Type of instrument used: FAKES

Address of offence: 1564 VARIOUS ST

Complainant: MR NP LUSHABA

Police Station: \_\_\_\_\_

Indicate with X:  Domestic Violence  Gang Related  Heavy Arms  Police Involvement

Nature and description of charge	Crime code	Name of property owner	Value/Bedrag	Value of loss
<u>THEFT</u>		<u>LUSHABA</u>	<u>R 15 000</u>	
		<u>1564 VARIOUS ST</u>		
		<u>1564 VARIOUS ST</u>		

FINDING/RESULT OF TRIAL - BEVINDING/MITLAG VAN VERHOOR

Date of conviction: \_\_\_\_\_

OFFENCES CONVICTED OF AND SENTENCE: 1531E80

19/12/2024

10AC/NP

13-15

Months Repro

EXHIBITS - BEWYSSTUKKE

Station: Villieria

DATE: 15/12/2022

POSITIVE/NATIEF: \_\_\_\_\_

POSITIEF/NATIEF: \_\_\_\_\_



4035

SAPS 3M  
SAPD

SOUTH AFRICAN POLICE SERVICE



SUID-AFRIKAANSE POLISIEDIENS

# CASE DOCKET • SAAKDOSSIER

Command Centre IR No.: <i>11/11/019</i>	CR No. / MR No. / MM / YYJJ	Control Register No. / Beheerregister No.
	CAS No. <i>4405</i> / ID / <i>2024</i> / MM / YYJJ	Case Register No. / Sakeregister No.

<input checked="" type="checkbox"/> with X: Case docket / Saakdoekster	<input checked="" type="checkbox"/> Request Docket / GDO Dookster	Court number / Hofnommer	Court Case Number / Hofsaaknummer
------------------------------------------------------------------------	-------------------------------------------------------------------	--------------------------	-----------------------------------

Investigator / Ondersoeker: *[Handwritten Name]* Tel. No. *[Handwritten]*

Investigator / Ondersoeker: *[Handwritten Name]* Tel. No. *[Handwritten]*

Date of offence / Incident: *2021/01/01* or Period: Between *[Handwritten]* on *[Handwritten]*

Day of week: *SU* MO TU WE TH FR SA / Dag van week: *SO* MA DI WO DO VR SA

Instrument used / Wapen gebruik: *Hand's* Address of offence / Adres van misdryf: *Evansmuskloof*

Offender's name (initials and surname) / Voornamers en van: *Fadief Adams* Cell: *[Handwritten]*

Address: *Adams, 9, postament, gov. 27* Tel. No. (W): *[Handwritten]*

Domestic Violence  Gang Related  Railway Attack  Police Involvement

Offence and Description of offence / Ofskrif en beskrywing van misdryf	Crime code / Misdad kode	Nature of property/injuries / aard van eiendom/beserings	Value/Damage / Waarde/Skade	Value recovered / Waarde teruggewind
<i>Obstruction</i>	<i>10025</i>			

Other offences - See A / Vir verdere misdrywe - sien A

## FINDING/RESULT OF TRIAL • BEVINDING/UTSLAG VAN VERHOOR

Conviction/Finding: <i>[Handwritten]</i>	COURT DATES / HOFDATUMS	REASONS FOR POSTPONEMENT / REDES VIR UITSTEL
ICES CONVICTED OF AND SENTENCE or FINDING OF MAGISTRATE / REDINGS WAARAAN SKULDIG BEVIND EN VONNIS: of LANDDROS SE BEVINDING		
<i>[Handwritten Signature]</i>		
Date/Datum: <i>21/11/20</i>	Prosecutor/Aanklaer	* FOR FURTHER REMAND DATES SEE PAGE 6

## EXHIBITS • BEWYSSTUKKE

Place / Plek: *[Handwritten]* SAPS 13 No. / SAPD 13 No. *[Handwritten]* SAPS 43 No. / SAPD 43 No. *[Handwritten]*

002-0035

SAPS 3M  
SAPD

SOUTH AFRICAN POLICE SERVICE



SUID-AFRIKAANSE POLISIEDIENS

**CASE DOCKET • SAAKDOSSIER**

11 Command Centre IR No.: .....	CR No. / MR No. / .....	Control Register No. / Behoerregister No. / .....
Location: <u>CAPETOWN</u>	CAS No. <u>1659 10 12024</u> MAS No. / .....	Case Register No. / Sekeregister No. / .....

Case with X: Case docket / Saakdoosier <input checked="" type="checkbox"/>	Inquest Docket / GDO Dossier <input type="checkbox"/>	Court number / Hofnommer <input type="checkbox"/>	Court Case Number / Hofsaaknommer <input type="checkbox"/>
----------------------------------------------------------------------------	-------------------------------------------------------	---------------------------------------------------	------------------------------------------------------------

Investigator / Oondersoeker: ..... Tel. No. ....

Investigator / Oondersoeker: ..... Tel. No. ....

and time of offence / Incident: 2024 10 29 14 30 or Period: Between ..... on  
m en tyd van misdryf / voorval: YY/JJ MM DD HH MM of Tydsperk: Tussen HH / MM op

Day of week: SU MO TU WE TH FR SA  
Dag van week: SO MA DI WO DO VR SA

Method used / Entrance gained / Circumstances of death: Deteriorated  
de gebruik / Toegang verkry / Omstandighede van: .....

Address of instrument used / Instrument gebruik: Verbal Instruction Address of offence / Adres van misdryf: Head Office Pretoria

Plaintiff (initials and surname) / (Voorletters en van): F. Adams Cell: .....

Address: Adams to polisie... 90024 Tel. No. (W): (021) 453 2911

Case with X: Domestic Violence  Gang Related  Railway Attack  Police Involvement

Offence and description of offence / Ofskrif en beskrywing van misdryf	Crime code / Misdad kode	Nature of property / injuries / aard van eiendom / beserings	Value / Damage / Waarde / Skade	Value recovered / Waarde teruggevind
<u>Detention + 40 days of Justice</u>	<u>5910</u>			

Further offences - See A ..... / Vir verdere misdrywe - sien A .....

**FINDING/RESULT OF TRIAL • BEVINDING/UTSLAG VAN VERHOOR**

of conviction / Finding: .....  
m skuldig bevind / Bevinding: YY/JJ MM DD

OFFENCES CONVICTED OF AND SENTENCE: or FINDING OF MAGISTRATE  
TREDINGS WAARAAN SKULDIG BEVIND EN VONNIS: of- LANDDROES BE BEVINDING

*[Signature]*  
Date / Datum: ..... Prosecutor / Aanklaer: .....

COURT DATES / HOFDATUMS	REASONS FOR POSTPONEMENT / REDES VIR UITSTEL

EXHIBITS • BEWYSSTUKKE

Place / Plek: ..... SAPS 13 No. / SAPD 13 No. ..... (A .....) SAPS 43 No. / SAPD 43 No. ....

o. POSITIVE/NEGATIVE Date elimination FP forwarded

G.P.S. 002-0035

SAPS 3M  
SAPD

SOUTH AFRICAN POLICE SERVICE



SUID-AFRIKAANSE POLISIEDIENS

CASE DOCKET • SAAKDOSSIER

10111 Command Centre IR No. *11-619*

Station *11-619*

CR No. MR No. *11-619*

CAS No. MAS No. *11-619*

Control Register No. Beheersregister No.

Case Register No. Saka-register No.

Indicate with X: Mark met X:

Case docket Saakdoosier

Inquest Docket GDO Dossier

Court number Hofnommer

Court Case Number Hofsaaknommer

Investigator Oondersoeker *2023-01-13* Tel. No. *011-619*

Investigator Oondersoeker *2023-01-13* Tel. No. *011-619*

Day and time of offence/incident: Datum en tyd van misdryf/voerval: *2023-01-13*

or Period: Between of Tydperk: Tussen *01-13-2023* on *01-13-2023*

Day of week: SU MO TU WE TH FR SA  
Dag van week: SO MA DI WO DO VR SA

Method used/Entrance gained/Circumstances of death: Metode gebruik/Toegang verkry/Omstandighede van dood: *MIA*

Type of instrument used: Tipe instrument gebruik: *Hands*

Address of offence: Adres van misdryf: *Gousmuskeel*

Complainant (initials and surname): Klaer (voorletters en van): *Fredrick Adams*

Email address: *Adams@parliament.gov.za*

Indicate with X: Domestic Violence  Gen. Related  Railway Attack  Police Involvement

Nature and description of offence Aard en beskrywing van misdryf	Crime code Misdad kode	Nature of property/injuries Aard van eiendom/beserings	Value/Damage Waarde/Skade	Value recovered Waarde teruggevind
<i>Corruption</i>	<i>0025</i>			
<i>Defeating the ends of Justice</i>				

For further offences - See A *Nr verdere misdrywe - sien A*

FINDING/RESULT OF TRIAL • BEVINDING/UITSLAG VAN VERHOOR

Date of conviction/Finding: Datum skuldig bevind/Bevinding: *2023-01-13*

OFFENCES CONVICTED OF AND SENTENCE: OF FINDING OF MAGISTRATE - OORTREDINGS WAARAAN SKULDIG BEVIND EN VONNIS: OF LANDDROS SE BEVINDING

*21891680*

Date/Datum: *2023-01-13*

Prosecutor/Aanklaer: *21891680*

COURT DATES HOFDATUMS

REASONS FOR POSTPONEMENT REDES VIR UITSTEL

FOR FURTHER REMAND DATES SEE PAGE 8

Station/Place: *11-619*

SAPS 13 No. SAPD 13 No. *(A)*

SAPS 49 No. SAPD 49 No.

EXHIBITS • BEWYSSTUKKE

OB 3540/10/2024

G.P.-S. 602-0035

SAPS 3M  
SAPD

SOUTH AFRICAN POLICE SERVICE



SUID-AFRIKAANSE POLISIEDIENS

CASE DOCKET • SAAKDOSSIER

10111 Command Centre IR No.:	CR No. MR No. MM YY/JJ	Control Register No. Beheerregister No.
Station: 1111111	CAS No. 403/10 MAB No. MM YY/JJ	Case Register No. Sake-register No.

Indicate with X: Mark met X:	Case docket Sake-dossier	Inquest Docket ODO Dossier	Court number Hofnommer	Court Case Number Hofsaaknommer
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Investigator / Ondersoeker: [Name] Tel. No. [Number]

Investigator / Ondersoeker: [Name] Tel. No. [Number]

Day and time of offence / Incident: 2024/01/01 01:01  
 Datum en tyd van misdryf / Voorval: YY/JJ MM DD HH MM

or Period: Between of Tydens: Tussen MM DD

Day of week: SU MO TU WE TH FR SA  
 Dag van week: SO MA DI WO DO VR SA

Method used / Entrance gained / Circumstances of death  
 Metode gebruik / Toegang verkry / Omstandighede van dood: [Handwritten: CPA]

Type of instrument used / Tipe instrument gebruik: [Handwritten: Aardse]

Address of offence / Adres van misdryf: [Handwritten: Eucimuskloof]

Complainant (initials and surname) / Klaar (voornamte en van): [Handwritten: J. van der Merwe]

Email address: [Blank] Tel. No. (W): [Blank]

Indicate with X: Domestic Violence  Gang Related  Railway Attack  Police Involvement

Nature and description of offence Aard en beskrywing van misdryf	Crime code Misdad kode	Nature of property / injuries Aard van eiendom / beserings	Value / Damage Waarde / Skade	Value recovered Waarde teruggevoerd
1. Co-optation	10025			
2. Defeating the ends of Justice				

For further offences - See A. / Vir verdere misdrywe - sien A.

FINDING/RESULT OF TRIAL • BEVINDING/UTSLAG VAN VERHOOR

Date of conviction / Finding: Datum skuldig bevind / Bevinding: YY/JJ MM DD	COURT DATES HOFDATUMS	REASONS FOR POSTPONEMENT REDES VIR UITSTEL
OFFENCES CONVICTED OF AND SENTENCE: or FINDING OF MAGISTRATE GORTREDINGS WAARAAN SKULDIG BEVIND EN VONNIS: of LANDDROS SE BEVINDING		
Date / Datum: [Handwritten: 21/8/2024]	Prosecutor / Aanklager: [Handwritten: 21871680]	* FOR FURTHER REMAND DATES SEE PAGE 6

EXHIBITS • BEWYSSTUKKE

Station / Plaas: [Blank] SAPS 19 No. SAPD 19 No. (A. [Blank]) SAPS 43 No. SAPD 43 No.

4. 002-0035

SAPS 3M  
SAPD

SOUTH AFRICAN POLICE SERVICE



SUID-AFRIKAANSE POLISIEDIENS

### CASE DOCKET • SAKDOSSIER

0111 Command Centre IR No.:	CR No. / NR No. /	Control Register No. Beheerregister No.
Station Place: <u>Cape Town</u>	CAS No. <u>1693</u> / MAS No. <u>10</u> / <u>12024</u>	Case Register No. Sakeregister No.

Indicate with X: ork met X:	Case docket Sakdoosier	<input checked="" type="checkbox"/>	Inquest Docket GDO, Dossier	<input type="checkbox"/>	Court number Hofnommer	<input type="checkbox"/>	Court Case Number Hofsaaknommer	<input type="checkbox"/>
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Investigator Ondersoeker	Tel. No.	Investigator Ondersoeker	Tel. No.
Investigator Ondersoeker	Tel. No.	Investigator Ondersoeker	Tel. No.

Day and time of offence/incident:  
atum en tyd van misdryf/voerval: 2024 / 10 / 29 / 14 / 150

or Period: Between  
of Tydperk: Tussen

Day of week: SU MO TU WE TH FR SA  
Dag van week: SO MA DI WO DO VR SA

Method used/Entrance gained/Circumstances of death  
stede gebruik/Toegang verkry/Omstandighede van dood

Type of instrument used  
pe instrument gebruik

Address of offence  
Adres van misdryf: SAPS HEAD OFFICE, ISHOPHANE

Complainant (Initials and surname)  
laer (voortsetters en van): F. Adams

Cell: (Petera)

mail address: adams@parliament.gov.za

Tel. No. (W): (021) 403 2911

Indicate with X: Domestic Violence  Gang Related  Railway Attack  Police Involvement

Nature and description of offence Aard en beskrywing van misdryf	Crime code Misdadaad Kode	Nature of property/injuries Aard van eiendom/beserings	Value/Damage Waarde/Skade	Value recovered Waarde teruggevoerd
<u>Defeating the ends of Justice</u>	<u>5510</u>			

Further offences - See A / Vir verdere misdryfe - sien A

#### FINDING/RESULT OF TRIAL • BEVINDING/UTSLAG VAN VERHOOR

State of conviction/Finding: atum skuldig bevind/Bevinding:	COURT DATES HOFDATUMS	REASONS FOR POSTPONEMENT REDES VIR UITSTEL
OFFENCES CONVICTED OF AND SENTENCE: or FINDING OF MAGISTRATE ORTREDINGS WAARAAN SKULDIG BEVIND EN VONNIS: of LANDDROS SE BEVINDING		
<u>1871650</u>		
Date/Datum	Prosecutor/Aanklaer	* FOR FURTHER REMAND DATED SEE PAGE 8

#### EXHIBITS • BEWYSSTUKKE

Station/Place  
asle/Plek

SAPS 13 No.  
SAPD 13 No.

SAPS 43 No.  
SAPD 43 No.

POSITIVE/NEGATIVE Date elimination FP forwarded

**“ANNEXURE MK 16”**



MINISTRY OF POLICE  
REPUBLIC OF SOUTH AFRICA

Private Bag X463 PRETORIA 0001, Tel: (012) 3932815, Fax: (012) 393 2824/20 Private Bag X9080 CAPE TOWN 8090, Tel: (021) 467 7000, Fax: (021) 467 7077

---

**THE INVESTIGATING DIRECTOR  
INVESTIGATING DIRECTORATE AGAINST CORRUPTION  
NATIONAL PROSECUTING AUTHORITY OF SOUTH AFRICA  
BROOKLYN  
PRETORIA**

**REFERRAL AND REQUEST FOR INVESTIGATION IN TERMS OF SECTION 27 OF  
THE NATIONAL PROSECUTING AUTHORITY ACT, ACT 32 OF 1998 READ WITH  
THE NATIONAL PROSECUTING AMMENDMENT ACT, ACT 10 OF 2024**

Attached hereto please find for ease of reference, a copy of a written correspondence addressed to the Honourable Minister of Police, Honourable Senzo Mchunu by Member of Parliament, Honourable Fadiel Adams.

The allegations contained therein implicate very senior members of the South African Police Service and are viewed in a serious light and case dockets were registered as per the following case numbers:

Langlaate Cas 87/11/2024

Orlando Cas 402/10/2024

Orlando Cas 403/10/2024

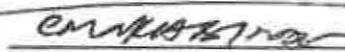
Orlando Cas 404/10/2024

Due to the nature of the allegations made by the Honourable Fadiel Adams which is deemed to be quite sensitive, and which contains allegations of criminal misconduct, this office requests the Investigating Director to consider investigating the same.

REFERRAL AND REQUEST FOR INVESTIGATION IN TERMS OF SECTION 27 OF THE NATIONAL PROSECUTING AUTHORITY ACT, ACT 32 OF 1998 READ WITH THE NATIONAL PROSECUTING AMMENDMENT ACT, ACT 10 OF 2024

Honourable Fadiel Adams was advised by this office to await your decision in this regards.

Yours Sincerely



MTHOKOZISI NKABINDE

CHIEF OF STAFF  
MINISTRY OF POLICE

  
NkabjndeCM@saps.gov.za

11/11/2024

**“ANNEXURE MK 17”**

23:20

4G

< 84  Brown Mogotsi   

30 Sep 2024

My General, Brown Mogotsi from the Northwest. 16:14

An internal attempt to discredit u thru a Defeating the end case. 16:17

01 Oct 2024

Morning Sir,

What are you talking about? What defeating case are you referring too and who's is behind that? 07:44

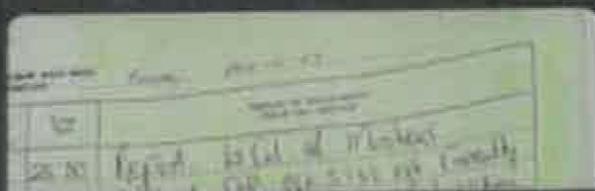
Thnx, 07:44

*Forwarded many times*

 KZN\_FACTUAL\_REPORT.doc  
235 KB · doc

07:44

*Forwarded*



+   



23:21

4G

< 84



Brown Mogotsi



Forwarded



This message was deleted. 07:47

Pliz handle confidently. M meeting with the complainant. Will revert!

07:51

M in Lusikisiki today 08:37

Gen Khumalo DIVCOM, just check yr standing with him. Yesterday he pushed a negative narrative about u on the CIT's in KZN. Again the same complainant spoke with him.

09:19



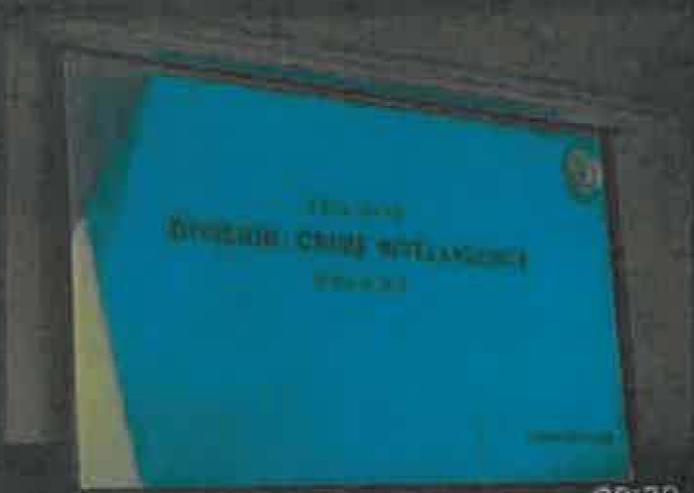
23:21

4G

84  Brown Mogotsi   

Gen Khumalo DIVCOM, just check yr standing with him. Yesterday he pushed a negative narrative about u on the CIT's in KZN. Again the same complainant spoke with him.

09:19



09:20

**Brown Mogotsi**

Gen Khumalo DIVCOM, just check yr standing with him. Yesterday he pushed a negative narrative about u on the CIT's i...

I hope u understand. Will revert. Confidentiality is key here!

09:22

I know that matter very well which was an illegal operation that was conducted at the premises of a high ranking DCS officer without a search warrant.

+   

23:21

4G

&lt; 84



Brown Mogotsi



That was a state house which is within DCS premises. Who doesn't know that at prison there are too many illegal activities taking place.

The alleged illicit goods were found in the dustbin which was outside the house. Those members felt that only the DCS senior must be held responsible hence they wanted to charge her.

It is a known secret that there are many illegal activities that are taking place within DCS so to simply blame the house tenant for items that are found inside the dustbin was malicious and it would have not be successfully prosecuted and a civil claim would have be registered against the SAPS

The Minister will learn the truth one day about that team which have been complaining that I make them conduct crime fighting operations which are outside their mandate although when they want to they do such duties eg this one which was carried out without



23:21

4G 53

84



Brown Mogotsi

**Brown Mogotsi**

Gen Khumalo DIVCOM, just check yr standing with him. Yesterday he pushed a negative narrative about u on the CIT's L...

What did he say about me?

09:26 ✓✓

**You**

I know that matter very well which was an illegal operation that was conducted at the premises of a high ranking DCS offi...

The Minister is briefed. He has just arrived in Lusikisiki

09:28

**You**

What did he say about me?

Gen, this must b in yr chest.

09:29

**Brown Mogotsi**

Gen, this must b in yr chest.

Trust me on this one

09:31 ✓✓

U r having yr interst and tht mayb u r having yr own catel.. u dont listen to the C.I. Then Masemola Intercepted him.

09:37

Also sopke about yr Provincial C. I, remember he is retiring next



23:21

4G 54

< 84  Brown Mogotsi   

Also sopke about yr Provincial C. I,  
remember he is retiring next  
month

09:38

Pls get me that presentation if  
there is one to confirm or  
otherwise if there is any  
recordings

09:44 ✓✓

You

Pls get me that presentation if there is  
one to confirm or otherwise if there is any  
recordings.

Nothing.

09:44

Gen Khan will brief u next week

09:44

Sure

09:45 ✓✓

Back in jhb

16:38

02 Oct 2024



Missed voice call

Tap to call back

13:31

04 Oct 2024



23:21

4G

84 Brown Mogotsi

02 Oct 2024

Goodday Gen!  
Met with the complainant, 10:47

Voice call  
35 sec 13:02

16 Oct 2024

Goodday Gen 14:01

~~This message was deleted.~~ 15:22

30 Oct 2024

Voice call  
42 sec 15:59

Thu, 10 Apr

My General 17:13

Yes Sir 18:08

Missed voice call  
Tap to call back 18:08

Congratulations, u r going to safe  
this country!!!

+ [App Store] [Camera] [Microphone]

23:21

4G

320.1

< 84  Brown Mogotsi   

02 Oct 2024

Goodday Gen!  
Met with the complainant, 10:47

 **Voice call**  
35 sec 13:02

16 Oct 2024

Goodday Gen 14:01

 *This message was deleted.* 15:22

30 Oct 2024

 **Voice call**  
42 sec 15:59

Thu, 10 Apr

My General  17:13

Yes Sir 18:06 ✓✓

 **Missed voice call**  
Tap to call back 18:08

Congratulations, u r going to safe  
this countrill 

+   

23:22

4G 53

320.2

< 84



Brown Mogotsi



Missed voice call

Tap to call back 18:08

Congratulations, u r going to safe  
this country!!!

18:09

How so ?

18:15 ✓✓

Standing on yr ground.

18:16

It's so unfortunate that it has come  
to this for doing what you're  
employed to do without any favour

18:17 ✓✓

No Gen, I think there is a  
misconception

18:22

**Brown Mogotsi**

No Gen, I think there is a misconception

Elaborate pls

18:23 ✓✓

There will b time one day my  
brother, I have a funeral in  
Limpopo and we are burying next  
week,

18:26

Pls accept my condolences for  
your loss

18:31 ✓



< 84  Brown Mogotsi   

Pls accept my condolences for your loss 18:31 ✓✓

Thnx 18:50

Wed, 02 Jul

Disappearing messages were turned on. New messages will disappear from this chat 90 days after they're sent, except when kept. Tap to change.

Gen, u need to intervene 21:47

 **Missed voice call**  
Tap to call back 21:50

 **Voice call**  
3 min 21:50

Brown Mogotsi updated the message timer. New messages will disappear from this chat 90 days after they're sent, except when kept. Tap to change.

Thu, 03 Jul

 **Missed voice call**  
Tap to call back 14:34

**“ANNEXURE MK 18”**

I Johannes Mokatle state under oath in English

(1)  
I am an African adult male with ID number [REDACTED]  
[REDACTED] residing at number [REDACTED]  
[REDACTED] Johannesburg employed by JMPD as a Metro  
Police Officer, K9 unit at 1 Stensbo Road, Staffed  
with cell number [REDACTED] and [REDACTED]

(2)  
Around 2008 I was part of a team that was formed in  
Johannesburg which included JMPD members, SABS Central  
SAPS members and Jeppe SAPS members. Fau Pule was  
part of that team and that is when I started to  
know him. I have also joined a group of Bikers  
and Fau Pule was also a member of that group,  
and we got even closer. In 2018 I attended a  
funeral in Sandton whereby I met Katiso Polife  
through Pule Fau. In 2014 Thabang Jojobele  
joined our biker group and I also started to  
know him. In 2021 I then met Misoa Kekana  
and Danny Mabonela through Fau Pule as two  
friends and I also became their friend. From time  
to time Pule Fau would send me car registra-  
tion numbers and would ask me to check their  
ownership for him and indeed I would check  
for him knowing he is a member of SAPS.

(3)  
On 15 April 2024 I received a picture with four  
written car registration numbers, though I do not  
remember the registration numbers from Danny Mabonela  
who requested me to test them on his  
behalf. I did not ask the reasons why he wanted  
to test them but I thought he might be buying

J MOKATLE

I Johannes Mokgatle state under oath further that:  
 Loud...

a car, so he wanted to check if they were stolen or not. I then sent those registration numbers to our work WhatsApp group. I do not recall who tested them from our office but in most cases a SAPS member called Mc Donald is the one who assists us by testing. Danny further sent me a message that I should send the ownership of those registration numbers to Katiso T. Polefe. I then sent those ownership particulars to Katiso T. Polefe. Later on that day, Danny sent me another registration number and requested me to check its ownership information also, but I responded to him by saying that the guy who checks for me had already packed off because I felt like he was now asking for too much.

④  
 I am very close to Katiso T. Polefe and in most instances he would request me to do the renewals for his vehicles and would thank me after I have assisted him with the renewals. He would normally give me R500 for one car.

⑤  
 On 17/04/2024 I learnt that Tau Pule was arrested from my colleague who is Tau Pule's neighbour. Three days later, I also learnt that Danny and T. Nura who were also arrested together with Tau Pule for a murder in Vereeniging. I also learnt from Tau Pule's children that he was indeed arrested.

~~J. Mokgatle~~  
 J. MOKGATLE

I Johannes Mofgatte states under oath in English further that:  
 (6) Something like a week after the arrest of Jan Pule, I also learnt that Thabang Molele was also arrested in Johannesburg for possession of unlicensed firearms and that one of the items that he was in possession of had its serial number filed-off.

(7) From September 2024, I became sick whereby on 04 November I got admitted at the hospital. I informed Katso Molele of my admission and one of the days he came and visited me at the hospital. Towards December 2024 I was discharged and I informed Katso that I was to resume my duties on 06 December 2024.

(8) On 06 December 2024 I reported on duty at about 10:00. I received a phone call from Katso Molele that there was a suspicious BMW X3 at his street few hours away from his house. I then proceeded to his house 137 Empire Road Sandhurst whereupon my arrival Katso got into my car and I drove to the spot where the aforesaid BMW X3 with reg. NB 44 DB GP was parked at. I then alighted my motor vehicle and leaving Katso in my car and approached the occupants of that car. The driver of that car introduced himself as Constable Moshago from SAPS. Before I approached the car I also noted the registration number of that car.

~~J. MOKGATLE~~  
 J MOKGATLE

I Johannes Mokoatlé state under oath further that  
 I then went back to my car and informed  
 Katio that it was an SAPS vehicle and I  
 then drove off and dropped off Katio at his  
 home thereafter I left and continued with  
 my routine patrols. Later on that day I  
 received a call from Katio's son Neo who informed  
 me that Katio's wife was arrested. On the next  
 day it was only when that I learnt that Katio  
 was arrested for murder that Tule and his friends were  
 also arrested for.

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

J MOKOATLE

I certify that the above statement was taken by me  
 and the deponent has acknowledged that he knows and  
 understands the contents thereof. I certify that the deponent's  
 signature was placed thereon in my presence at  
 JABULANI on 2025-02-04 at 22:15

PS25110 Sgt  
 NC Khoroamub  
 COMMISSIONER OF OATHS

NYADZENI CALVIN KHOROAMUBI  
 SAPS HQ, 182 PIETORIUS STR, PTA  
 SERGEANT SAPS

**“ANNEXURE MK 19”**

19:30:38

@

WhatsApp

Chat

It's actually good my person is going to be a National Commissioner now

2025/02/07 19:35:01 Mike Van Wyk

Diana

@

WhatsApp

Chat Not good

2025/02/07 19:25:40 Mike Van Wyk

Diana

@

WhatsApp

Chat

**BREAKING NEWS, NPA "ID" GUNS FOR NATIONAL POLICE "ROGUE UNIT"**

THE NPA INVESTIGATIVE DIRECTORATE "ID" RAIDS NATIONAL POLICE COMMISSIONER FANNE MADEMOLA AND NATIONAL CRIME INTELLIGENCE HEAD LIEUTENANT GENERAL KHUMALO OFFICES AFTER SERVING THEM WITH NOTICES OF ARREST. THIS COMES AFTER AN INVESTIGATION LODGED BY PARLIAMENT'S POLICE PORTFOLIO COMMITTEE

The National Police Commissioner Lieutenant General Fanne Mademola appeared weak and shaken when confronted by the ID. The ID had served him with arrest notices for 5 senior officers within the Crime Intelligence Division, including its National Head Lieutenant General Khumalo

When serving the arrest notices, the National Commissioner asked the ID for immunity from prosecution if he cooperates with them.

An investigator states, "The National Commissioner was very nervous and appeared to be shaking". He then blamed the collapse of Crime Intelligence at the hands of Lieutenant General Khumalo and KZN Provincial Commissioner Ntlanhla Mkhwenisi

Developing....

2025/02/07 19:23:45 Mike Van Wyk

Diana

**“ANNEXURE MK 21”**

Not Signed

I am No:0634729-1 Anthony Gopaul with identify no: [REDACTED] age 53 years, with cellphone no: [REDACTED]. I am employed in South African Polices as a District Commissioner: Ilembe at the rank of a Major General. I am currently the Acting Deputy Provincial Commissioner: Crime Detection and based at 15 Bram Fischer Road, Durban,4001, telephone no:031 321 4458.

1

I wish to place a record that on 05<sup>th</sup> February 2025 at about 08:17 I received a WhatsApp call from number: [REDACTED]. At the time of receiving the call the number was unknown to me and the caller's voice was not familiar to me. The caller was referring to the murder of Councillor Mabhida and wanted to know what happened. I politely asked the caller to indicate who I was speaking to and to which he replied that it was Minister Mchunu. I then immediately placed his voice to his name and provided some details on how the murder transpired at the Councillors home. Minister Mchunu requested I keep him updated on the investigation. I informed the Minister that as a District we did not have the docket and that it was with the political task team.

2

The Minister enquired why a task team was investigating the case instead of the local station as he gave clear direction that all political killing murders must be investigated at the stations where it was committed. I informed the Minister that my knowledge and experience was that the task team is better positioned to know all modus operandi and key suspects that usually commit these political killings and that they can deal with the linkages in all these cases better. I pointed out that that local stations they would not be able to see the modus operandi of other station cases and do linkage. The Minister appreciated the feedback and asked that I keep him updated on the case nonetheless. My call with the Minister on the 05 February 2025 was eight (08) minutes in duration. Later around 13:33 on the same day I whatsapp messaged Minister Mchunu an update but realised that it was premature as it was only the version of the arrested suspects and subsequently deleted the messages. I subsequently called Minister Mchunu on 25/02/07 around 08:37 and gave him an update on the status of the suspects and their court appearance related to the possession of unlicensed firearms and ammunition.

It must be noted that the member's enquiry was related to the Sundumbili murder CAS 30/02/2025 of the Councillor Mabhida of Mandeni Municipality who was shot and killed on 2025/02/04 and where the two alleged suspects responsible for the shooting was arrested successfully the same evening of the shooting under possession of unlicensed firearm and ammunition by Public Order Policing members unknown to them.

3

On 2025/02/05 after speaking to the Minister I gave the same feedback to the provincial Commissioner: Lieutenant General Mkhwanazi on WhatsApp where he called me and I briefed him on my conversation with the Minister.

I then explained to Lieutenant General Mkhwanazi that it was the first time I ever received a call from a Minister and I did not have the number until receiving the call on that day. I then called and WhatsApp Lt Col Khumalo about the suspects in custody at SAPS Sundumbili that were arrested by POP members and requested he send his members to interview the suspects as they may possibly be linked to the murder of councillor Mabhida as they were only detained on possession of unlicensed firearms and ammunitions via CAS 32 and 33/02/2025 Sundumbili.

4

On Saturday 2025/02/15 I was in a SMS interview panel at Servamus building when I noticed three (03) WhatsApp missed calls at 09:23, 09:24 and 10:50 from Minister Mchunu. The panel was in the middle of an interview and I could not immediately answer so I messaged the Minister that I was in a panel and will call once the candidate was done. I did try to call the Minister at 10:55 to no avail but received a message from the Minister indicating he was at the funeral of the Councillor Mabhida and needed an update on the suspects arrested and the charges and any other relevant information.

I then sent the investigator a request for the said update to appraise the Minister and he indicated that he will update the Provincial Commissioner who will update the Minister should the Minister make contact him. I then informed the Minister on WhatsApp on what the investigating officer's response was. The Minister then responded "Now covered". This was the last time I communicated to the Minister on

this matter. Find attached my complete whatsapp chat record between myself and Minister Mchunu.

This is all I wish to state.

I know and understand the contents of this statement

I consider this statement to be binding on my conscience

I have no objection to taking the herein

---

Deponent

I confirm that the above statement was confirmed by the deponent in my presence and that his signature was placed hereon in my presence. The deponent knows and understands the contents hereof and had no objection in taking the prescribed oath.

---

Date

Time

Place

Designation

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[2025/02/05, 08:18:00] Minister Mchunu: Messages and calls are end-to-end encrypted. Only people in this chat can read, listen to, or share them.  
 [2025/02/05, 08:18:00] Minister Mchunu: Minister Mchunu is a contact.  
 [2025/02/05, 08:17:59] Minister Mchunu: Voice call 8 min  
 [2025/02/05, 13:33:55] Anthony : You deleted this message.  
 [2025/02/05, 13:33:55] Anthony : You deleted this message.  
 [2025/02/05, 13:33:55] Anthony : You deleted this message.  
 [2025/02/05, 13:34:52] Anthony : You deleted this message.  
 [2025/02/07, 08:37:36] Anthony : Voice call 7 min  
 [2025/02/15, 09:23:19] Minister Mchunu: Missed voice call Tap to call back  
 [2025/02/15, 09:24:53] Minister Mchunu: Missed voice call Tap to call back  
 [2025/02/15, 10:50:50] Minister Mchunu: Missed voice call Tap to call back  
 [2025/02/15, 10:52:23] Anthony : Good morning Minister, apologies notice calls now. I am in panel in interviews. I will call you immediately after the current candidate  
 [2025/02/15, 10:55:16] Anthony : Voice call No answer  
 [2025/02/15, 10:55:28] Minister Mchunu: Morning , im at the funeral of Cllr Mabhida , sorry , i needed an update , you can get somebody else to update me ..  
 1) Suspects arrested  
 2) Charges  
 [2025/02/15, 10:56:08] Minister Mchunu: 3)any other relevant information ..plse  
 [2025/02/15, 10:57:34] Anthony : Noted Minister, I will ask the investigator to send a quick update shortly  
 [2025/02/15, 11:06:46] Minister Mchunu: 🙏🙏  
 [2025/02/15, 11:24:41] Minister Mchunu: Nothing so far ...?  
 [2025/02/15, 11:46:37] Anthony : The PC will send you shortly Minister. The investigator indicated that he sent the update to PC. I am in same panel with PC and I asked him to check his messages  
 [2025/02/15, 11:52:17] Minister Mchunu: Now covered , thanks  
 [2025/02/15, 12:13:21] Anthony : 🙏🙏  
 [2025/03/30, 10:52:49] Anthony : Good morning Minister, greetings to you Sir, my apologies for not receiving you at ward 28 this morning. I am in Shongweni today with a personal commitment.🙏🙏🙏  
 [2025/03/30, 10:59:27] Anthony : Minister local branch may raise concern on candidate as from the chatter I picked up.  
 I did a preliminary check and of note no new cases against him since he last canvassed for National elections.  
 Vishnugopal Govender  
 ( Doeshie)  
 I/D . 6512295279085

1. Cas 91/02/1997 = Liquor Act, sell Liquor without license  
AG R300 paid
2. Cas 13/11/2019 = Liquor Act , Fail to comply with condition  
W/D
3. Cas 82/11/2010 = Pointing of Firearm  
W/D
4. Cas 83/02/2010 = Theft of M/V  
Acc. 1 Mr P Dube Guilty 4yrs and 2yrs suspended  
Acc 2 \$ 3 (Doeshie) W/D
5. Cas 78/11/2010 = Assault GBH  
W/D
6. Cas 246/03/2011 = Liquor Act, W/D
7. Cas 254/05/2011 =

Intimidation

W/D

8. Cas 277/06/2013 =

Liquor Act, Fail to.      comply with condition

AG Paid R1000.

9. Cas 310/12/2014 =

Liquor Act, Fail to comply with condition attached to license

W/D

**“ANNEXURE MK 22”**

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

---

**AFFIDAVIT**

---

I, the undersigned,

**NHLANHLA SIBUSISO MKHWANAZI**

do hereby make an oath and state the following in English:

1. I am an adult male of full legal capacity, a Lieutenant-General in the South African Police Services ("SAPS") currently appointed as the Divisional Commissioner: Operational Response Services situated at 459 Leyds Street, Sunnyside. I am also the former acting National Commissioner of the SAPS from the period 2011 to 2012.
2. The facts deposed to by me below are within my personal knowledge, unless otherwise stated or indicated by the context, and are, to the best of my belief, both true and correct.

*NbM*

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**A. The purpose of this submission**

3. The purpose of this submission to the Judicial Commission of Inquiry into Allegations of State of Capture, Corruption and Fraud in the Public Sector including Organs of State ("the Commission") is to give context to my utterances before the Portfolio Committee on Police at Parliament in 2012. I will also deal with the Lieutenant General Mdluli matter and the interference by Minister Nkosinathi Mthethwa ("Minister Mthethwa") and the Inspector General of Intelligence, Advocate Faith Radebe ("Advocate Radebe").

**B. Employment history in SAPS**

4. My history in the SAPS includes various appointments and posts as indicated below:

- **1993 – 1998 Platoon Member: Public Order Police**
  
- **1998 – 2005 Operator, Section Leader and a Unit Commander: Special Task Force**
  
- **2005 – 2011 Section Head: Special Task Force**
  
- **2011 - 2011 (May to October) Component Head: Specialised Operations**
  
- **2011 – 2012 Acting National Commissioner**
  
- **2012 – 2013 No post but still employed in SAPS**
  
- **2013 – 2015 Divisional Commissioner: Facilities Management**
  
- **2015 – 2018 Divisional Commissioner: Human Resource Development**
  
- **2018 – 2019 Acting Provincial Commissioner: KwaZulu Natal**

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- **2019 to date Divisional Commissioner: Operational Response Service**
5. **During October 2011, I was appointed by the former President Jacob Zuma, as the Acting National Commissioner of the SAPS.**
6. **My functions and job description as the National Commissioner entailed, *inter-alla*:**
- **Managing all Support related matters as per Program 1 "Administration"**
  - **Managing Visible policing as per Program 2 "Visible Policing"**
  - **Managing Crime Detection as per Program 3 "Crime Detection"**
  - **Managing Crime Intelligence as per Program 4 "Crime Intelligence"**
  - **Managing Protection and Security Service as per Program 5 "Protection and Security Service"**
7. **Whilst I occupied the post of National Commissioner, I was assisted by a group of Deputy National Commissioners, which comprised the following Lieutenant Generals (LtGen):**
- **Lieutenant General Anwa Dramat - National Head of the DPCI**

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- Lieutenant General Godfrey Lebeya - Head of Crime Detection
- Lieutenant General Fani Masemola - Head of Visible Policing
- Lieutenant General Mgwenya - Chief Operations Officer
- Lieutenant General Stander - Human Resource Management
- General Mafume - Supply Chain Management

### **C. The Mdluli Matter**

8. On taking up my new post in October 2011, I began assessing the health of the organisation, which included being briefed on matters pertaining to the suspension of some senior staff. One such person who came to my attention was Lieutenant General (LtGen) Richard Mdluli who at that stage had been appointed to the post of Divisional Commissioner of the Crime Intelligence ("CI") Division, a covert collection component of the SAPS.
9. By the time I had taken up the post of the Acting National Commissioner, LtGen Mdluli had already been suspended by my former colleague, National Commissioner General Bheki Cele on 29 April 2011. I made enquires as to the status of LtGen Mdluli's suspension and disciplinary charges that had been instituted against him, and I learnt that LtGen Mdluli had only been suspended in relation to his alleged involvement in a murder matter where the deceased was Mr Oupa Ramogibe. I had also learnt that LtGen Mdluli had been implicated

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In serious matters of corruption and fraud relating to the theft of funds from the CI- Secret Service Account ("SSA"), which is simply defined as a fund utilised to finance covert operations and to purchase equipment and resources for such operations. This fund is operated separately from the 'normal' police account which funded the day to day operations of the SAPS, and was consequently governed by a separate set of rules.

10. On establishing that LtGen Mdluli had not been suspended on the fraud and corruption charges, I issued instructions to LtGen Stander, the Deputy National Commissioner from Human Resources ("HR") to initiate steps to implement disciplinary charges against LtGen Mdluli, in this regard.
  
11. During this period LtGen Lebeya, as the Deputy National Commissioner, Crime Detection, oversaw *inter alia* CI. LtGen Mdluli was a Divisional Commissioner, CI, and as such he fell under the command of LtGen Lebeya. LtGen Lebeya had been involved in some of the initial investigations into LtGen Mdluli's criminal and departmental transgressions. Although LtGen Lebeya would have been the ideal person to oversee further investigations in respect of the allegations against LtGen Mdluli, I however decide to shield LtGen Lebeya from the investigation. I did so because I had been present at a meeting with the former President Zuma at his official residence in Pretoria, when he (former President Zuma) remarked that he kept hearing of "Lebeya, Lebeya, Lebeya, who is this Lebeya". I later informed LtGen Lebeya of the former Presidents remarks.

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12. As part of my briefing on this matter, I was advised that Major General Solly Lazarus ("MajGen Lazarus"), the Chief Financial Officer ("CFO") of the Secret Services Account ("SSA") of CI, had already been suspended and charged criminally for fraud and corruption.
13. I then decided to instruct LtGen Stander to appoint an outside person to assess the available evidence to determine whether it implicated LtGen Mdluli and then to advise me on the way forward. These events took place roughly towards the end of 2011. I attach marked "NM1" a copy of the report obtained by LtGen Stander pursuant to my instructions.
14. The author of the report concluded that disciplinary charges should be brought against LtGen Mdluli.
15. Pursuant to the aforesaid report, disciplinary charges were brought against LtGen Mdluli. I should emphasise that at that point in time, criminal charges had already been instituted against LtGen Mdluli and those investigations, which were being conducted by the DPCI, were already at an advanced stage.

**D. The refusal of the National Prosecuting Authority ("NPA") to institute criminal proceedings**

16. Advocate Laurence Mrwebi ("Advocate Mrwebi"), the Special Director in the Specialised Commercial Crime Unit ("SCCU"), a component within the NPA had written two internal memoranda instructing both the Director of Public Prosecutions North Gauteng as well as the Regional Head SCCU: Pretoria to

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withdraw the criminal charges against LtGen Mdluli on the fraud and corruption matters relating to the SSA as he insisted that the SAPS had no mandate to investigate crimes committed within CI relating to the SSA as this was the mandate of the Inspector General of Intelligence ("IGI"). I attach marked "NM2" and "NM3" copies of the memoranda, both dated 4 December 2011.

17. The first memorandum of 4 December 2011, which is titled "*CONSULTATIVE NOTE IN TERMS OF SECTION 24(3) OF THE NATIONAL PROSECUTING AUTHORITY ACT, 32 OF 1998 (NPA ACT) ON THE REPRESENTATIONS OF LT GENERAL MDLULI CASE NO 111/1137/2011*", is from Advocate Mrwebi to Advocate Mzinyathi, the Director of Public Prosecutions North Gauteng. A copy of the memorandum was also addressed to Advocate Glyniss Brytenbach, the Regional Head: SCCU, Pretoria. I repeat salient extracts of the memorandum:

**"INTRODUCTION**

1.

*As required by section 24(3) of the NPA Act I have consulted with the Director of Public Prosecutions (DPP) North Gauteng on the matter with the purpose of conveying my views on the matter. Essentially my views related to the process that was followed in dealing with the matter particularly in view of the fact that the matter fell squarely within the mandate of the Inspector-General in terms of the Intelligence Services Oversight Act, 40 of 1994. I noted that it is only the Inspector General who, by law, is authorised to have full access to the Crime Intelligence documents and information and thus who can give a complete view of*

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*the matter as the investigations can never be complete without access to such documents and information. In my view the process followed in this matter is possibly illegal as being in contravention of the said provisions of the Intelligence Services Oversight Act, 40 of 1994”.*

“18.

*Mdluli and Barnard are members of the Crime Intelligence Division of the South African Police Service which is part of the intelligence structures of the country and as such their conduct and activities are subject to the laws, regulations, policies and procedures governing the intelligence community. Of importance for the present purpose is the Intelligence Services Oversight Act, 40 of 1994 (the Act). The Act in section 7 thereof establishes the office of the Inspector-General and defines its functions.*

19.

*In terms of section 7(7) (cA) of the Act, the Inspector-General in relation to the Services has a function;*

*“to receive and investigate complaints from members of the public and members of the Services on alleged maladministration, abuse of power, transgressions of the Constitution, laws and policies referred to in paragraph (a), the commission of an offences referred to in Part 1 to 4, or section 17, 20 or 21 (in so far it relates to the aforementioned offences) of Chapter 2 of the Prevention and Combating of Corrupt Activities Act, 2004, and improper enrichment of any person through an act or omission of any member”.*

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*It will be noted that, the offences for which Mdluli is charged fall squarely within the mandate of the Inspector-General as quoted above.*

21.

*Naturally there were practical and policy considerations why the Inspector - General should be the one charged with investigation in circumstances of the case. These generally include considerations of State security as well as the secrecy of the nature of the work of the intelligence community. the need to preserve such secrecy and the need to ensure controlled access to their information and documents which the ordinary police cannot have.*

22.

*Clearly any investigator who has any clue about the working methods of the intelligence community must have realised that any investigation that had to do with procedures and policies of the intelligence community would not be complete unless there is full access to the necessary information and documentation in their possession. Only the Inspector-General would have such access. Any investigation of the kind as in the present case would be futile without the involvement of the Inspector-General, as the transactions which Mdluli is charged with can only be explained in terms of the internal applicable procedures, policies, processes and systems which the ordinary investigator has no access to. One may ask why the police failed to execute the search warrants.*

27.

*Accordingly, and based on the above. prosecution of the matter cannot continue. The investigator must advise these "certain members" of the*

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*Crime Intelligence to refer their complaint to the Inspector-General for consideration and any subsequent steps will be guided by what the Inspector-General advises."*

18. The second memorandum of 4 December 2011 titled "**DECISION REGARDING THE REPRESENTATIONS OF LT-GENERAL MDLUU CASE NO 111/137/1**", was from Advocate Mrwebi and was addressed to Advocate Glynnis Breytenbach in her capacity as the Regional Head: SSCU: Pretoria (which was copied to Advocate S Mzinyathi, Director of Public Prosecutions; North Gauteng). I repeat salient extracts of the memorandum below:

*"The abovementioned matter refers.*

*I refer to the attached consultative note in terms of section 24 (3) of the National Prosecuting Authority Act 32 of 1998 to the Director of Public Prosecutions, North Gauteng and which was copied to your office.*

*For reasons stated in the said note, the charges against Lt-General Mdluli and Colonel Barnard must be withdrawn immediately.*

*This office must be advised of the results of the proceedings for purposes*

#### **E. The role of the Inspector General of Intelligence ("IGI")**

19. Because the matter was related to CI and the covert environment, and because of the decision expressed by Advocate Mrwebi, I decided to write to the ("IGI"), Advocate Radebe, for her opinion on the matter. Although my file copy of the letter is undated and unsigned, I confirm that correctness of the contents and

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that I in fact signed and dated the original letter. I attach a copy of my letter marked "NM4".

20. I attached a copy of the entire criminal case docket to my letter and requested the IGI to make a finding in respect of the institution of disciplinary action against both MajGen Lazarus and LtGen Mdluli and, further, in respect of the institution of criminal charges against LtGen Mdluli. I purposely requested these decisions in light of the decisions on Advocate Mrwebi.

#### **F. The IGI opinion**

21. On 6 March 2012 the IGI reverted to me by means of a letter, to which an opinion was attached. Extracts from the opinion report are quoted *verbatim*, and have therefore not been corrected grammatically. I attach marked "NM5" a copy of the letter and the opinion of the IGI.
22. In her letter Advocate Radebe indicated that she was responding to my letter dated 22 February 2012. She is referring to the letter attached hereto as annexure "NM4".
23. Salient extracts from her opinion are as follows:

**"REPORT ON INTERNAL DISCIPLINARY CHARGES AGAINST  
LIEUTENANT GENERAL MDLULI AND MAJOR GENERAL  
LAZARUS"**

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### **"FACTUAL BACKGROUND**

*The Inspector-General (IGI) received a letter dated the 22 February 2012 from the Acting National Commissioner requesting an opinion on the contents of the arguments raised by the NPA in support of the withdrawal of the criminal charges against Lt Gen Mdluli and an opinion on the disciplinary charges leveled against Lt Gen Mdluli and Maj Gen Lazarus. The IGI requested documentation to enable the submission of the opinion which was delivered on the 29 February 2012.*

*A decision has been taken by the IGI that this report will be confined to the disciplinary charges in respect of the abovementioned officials and that the requested opinion relating to the criminal charges will follow at a later stage.*

### **MANDATE OF THE INSPECTOR-GENERAL OF INTELLIGENCE**

*The Inspector-General of Intelligence (IGI) is appointed under the provisions of the Constitution of the Republic of South Africa, 1996 and the Intelligence Services Oversight Act, 1994 (Act 40 of 1994) (hereinafter referred to as the Oversight Act).*

*The IGI has the oversight responsibility over the South African Intelligence Services which include the State Security Agency (domestic and foreign branches), the Intelligence Division of the South African Defence Force (DI), and the Crime Intelligence Division of the South African Police Services.*

*The scope of responsibilities of the IGI have been outlined in the*

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*Oversight Act and includes an integrated compliance-based monitoring responsibility and a proactive based review function, both of which are together seen as the core functions of the IGI. They serve to provide assurance to the Government and the people of SA that the intelligence services conduct themselves within the framework of the Constitution, the rule of law and due process. The assurance embraces in particular, probity and respect for human rights, and in general that the Services carry out their activities in an operationally effective manner in the interest of state security. As stated at the Stockholm International Symposium 'supervision is not only about legality in its strict sense. The balance between security and integrity must also take into account principles of good administrative decision making in democratic states, such as principles of proportionality, access to justice and fair procedures'. Hence in overseeing the activities of the intelligence services due regard must be placed on issues that involve conduct to ensure that such conduct is pursued with integrity and in an ethical manner. Intelligence oversight is directed at the lawful conduct of the Services. Whilst the IGI has the operational oversight mandate, the Auditor General of SA has the financial oversight mandate over the Services. This operational mandate does not include a criminal mandate and as such oversight is conducted in a manner to ensure that the services act within the parameters of the Constitution and conduct themselves in a manner that is*

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*beyond reproach.*

*The fundamental reason for the establishment and continued existence of the Office of the Inspector-General is to ensure that the security of the State is protected and information in the possession of the Services is handled in a manner that does not prejudice the interests of the State. The mandate of the IGI is set out in the Oversight Act which includes investigations of corruption. This is catered for by way of the complaints function allowing for the IGI to investigate complaints of corruption involving intelligence members. Such an enquiry is conducted from an oversight perspective and not one intended for purposes of a criminal investigation i.e. one that is court driven. Evidence obtained during such investigation remains the property of the IGI and cannot be handed over to other State entities. The investigation ordinarily culminates into a report containing findings and recommendation which may include a recommendation of criminal prosecution.*

*The OIGI was established to perform this oversight function over the Intelligence Services. Had this not been the intention of the legislature in establishing the OIGI then matters of this nature would squarely fall within the mandates of other Chapter 9 institutions.*

#### **PROCEDURAL ASPECTS**

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*"Turning to the matter at hand one has to trace the chronological order of the actions taken against Mdluli. In summary he was charged with a murder that occurred in 1999. During the investigation of this murder charge other information came to light which led to the registering of a docket Silverton CAS 155/07/2011 on charges of fraud, theft and corruption involving motor vehicles. Search warrants were obtained for 2 covert premises which were executed on more than one occasion during early September 2011. Documents were seized under this warrant and members of the Crime Intelligence Division were interviewed. The search warrants were intended to sustain a criminal prosecution of fraud but other alleged criminal acts were discovered.*

*Mdluli was arrested on the 21 September 2011 on charges of fraud, theft and corruption involving the motor vehicles and the case was adjourned to the 14 December 2011. On this day the charges were withdrawn. The murder matter was withdrawn on the 7 February 2012 however media reports as early as 1 February 2012 suggested that the charges were to be withdrawn and, on the 3 February 2012, disciplinary charges were instituted. The timing of the events becomes vital in our determination as it clearly suggests an ulterior motive and a concerted effort to ensure that Mdluli does not return to his position. This behaviour is tantamount to conduct that is inconsistent with the Constitution and as such must be invalid.*

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*This matter will be expanded on later in this report".*

*"However what is curious is the fact that many of the officials who provided affidavits are implicated in the charges against Mdluli yet to our knowledge, apart from Lazarus, none of the other officials have been charged internally. In respect of the appointments it is clear that those implicated were complicit in the process yet they remain free from internal processes. The question is why? Once again conduct comes into question for which the only conclusion that can be reached is that this too points to another attempt by the investigators to ensure that action is only directed at Mdluli to guarantee his non-return.*

*As far as fairness of the process is concerned, the Constitutional court has been decisive in ruling that fairness is tested from the inception of an investigation which if unfair could render any subsequent process ultra vires. Furthermore fairness is an integral component of Just Administrative Action enshrined as a constitutional right in section 33 of the Constitution. This has applicability here. Procedural fairness must exist in any administrative action such as a disciplinary matter as it is an intended consequence of materially and adversely affecting the rights of a person (section 3 of the Promotion of Administrative Justice Act 3 of 2000. The facts in this matter reveal procedural unfairness which is manifested through the conduct of the investigators. As such the institution of the disciplinary matter cannot be sustained as it is inconsistent with the Constitution.*

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*Insofar as Lazarus is concerned we hold the view that the disciplinary charges leveled at him complies with the internal regulatory framework of SAPS and thus can find no unlawful conduct or procedural unfairness".*

### **MERITS OF THE CHARGES**

*"In respect of Mdluli we will not deal with the individual charges as there is a clear splitting of charges and will confine our response to the alleged unauthorized overseas trips and the irregular appointments. However at the outset it must be borne in mind that we are unaware of the defence of Mdluli save for what it set out in his response to the disciplinary charges, a copy of which is at hand. In addition we have not interviewed him and will not advance a defence for him or assume the role of his legal representative. As such our response will address factors we are mandated to address as provided for in the Oversight Act. In respect of the trip to Singapore, we are aware that the Auditor-General (AG) queried certain expenses related to this trip, in particular the reason for the inclusion of Ms Lyons, a non employee of SAPS on the trip. It would also appear that the trip to China in which Mdluli was accompanied by his former wife, was queried by the AG. Management of SAPS responded and the AG accepted the response provided in respect of the purpose for the inclusion of Ms Lyons and the role she was to play in the*

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*Singapore trip. In addition the AG accepted the responses pertaining to the China Trip. This is a vital piece of evidence in dealing with these charges. It is the AG who has the final financial oversight role over the Intelligence Services and the Secret Services Account. Their mandate is unambiguously set out in the Oversight Act and the Public Audit Act wherein extensive powers relating to financial mismanagement are provided to this oversight body. We are therefore at pains to comprehend the rationale behind the decision to include these charges in the disciplinary matter against Mdluli subsequent to the findings of the AG. This inclusion is disturbing as it serves to undermine the office of the AG and tends to place their integrity into question.*

*The SAPS Secret Services Account: Policy and Delegation Document provides for delegation of power to the Divisional Commissioner. These powers are far reaching and include discretionary power. Express provision by way of section 53 provides for Divisional Commissioner to authorize the purchase of airplane tickets for international flights. Even more important are the provisions of section 71 which grants the Divisional Commissioner the power to approve and authorize expenditure not mentioned in the Delegation document. This is an extremely wide power which would include a vast range of activities and operations including overseas travel. So whilst it is alleged that Mdluli contravened the National Instruction 5/2005 by not obtaining approval in accordance with its prescripts, it can*

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*equally be argued that the delegation of powers vested in him the power to authorize expenditure related thereto.*

*If this argument is accepted then it may be said that he was authorized to approve of the trip to China and was equally authorised to include Lyons in the trip to Singapore as he held the view that she has the necessary skills for this undertaking. In addition we hold the version supplied by both Mdluli and Lazarus in their responses is reasonable and such should be accepted.*

*In respect of the appointments it is common cause that 250 posts were filled which included the family of Mdluli and his current wife. It is also common cause that the family members of Mdluli were already employed by SAPS and applied for the posts in line with the requisite precripts. Whilst mindful of the SAPS Employment Regulations, 2008 barring the favouring of relatives in work related activities, we hold the view that had there been only 4 posts advertised which were filled by the aforementioned members; the charges related thereto would hold some merit and could be sustained. However 4 amongst 250 is negligible and the motive behind for the inclusion of these charges must be questioned.*

*However we do hold the view that related charges on this issue of appointments can be out to Lazarus as he was responsible for the appointments”.*

#### **“FINDINGS**

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- *In respect of the charges in totality the conduct and motives of the investigators must be considered. As explained above the failure of successful prosecution on the criminal charges led to a concerted effort to institute disciplinary charges against Mdluli. The conduct itself is inconsistent with the Constitution as it is intended to deprive Mdluli of his constitutional right to fair administrative process. As such this conduct must be declared inconsistent with the Constitution and hence invalid. It is therefore our finding that the entire process of the institution of the disciplinary charges against Mdluli is ultra vires and must be declared null and void;*
- *Should this approach not be accepted we find that the version supplied by Mdluli in his response read together with the version of Lazarus in respect of the trips and the first charge of the appointments is reasonably possibly true which would render the disciplinary charges with little prospects of success;*
- *In respect of the Lazarus we find that the charges relating to the trips should be withdrawn based on the reasons advanced above. However all other charges contained in his charge sheet save for the one related to the appointment of the family of Mdluli must be instituted against Lazarus as he has a case to answer;*

- *As far as the position of Lazarus is concerned it is clear that in terms of paragraph of Chapter 1 of the SAPS Secret Services Account: Policy and Delegation Document the responsibility of the CFO (Lazarus) is to assist the accounting officer who is the National Commissioner. To hold any other position or to perform other duties and responsibilities is a violation of this policy document. We have found in our Certificate 2010 that Lazarus was designated the title of Head Operational Support with responsibilities of the role of CFO and Support to Covert Operations. The latter entailed operational duties. This is an untenable situation and cannot be allowed to continue.*

#### **RECOMMENDATIONS**

- *It recommended that the disciplinary matter against Mdluli be immediately withdrawn and he should be required to report for duty immediately;*
- *In respect of Lazarus we recommend that disciplinary charges proceed against him in respect of the following: rental of the safe house (charge 1) the trip to Mauritius (charge 2), domestic travel for the members of his family (charge 4), submission of a false statement (charge 5) and the alternative charge 7;*
- *It is further recommended that Lazarus be immediately*

*removed from his current positions and roles and be placed in a position where he has no dealings whatsoever with the Secret Service Account."*

24. During this period, I met with LtGen Mdluli. I informed him that I had written to the IGI and had received a response from her regarding the disciplinary matter against him but was awaiting her response regarding the criminal case against him. I gave the same advice to Minister Mthethwa.
25. I disagreed with the IGI's view that LtGen Mdluli should return to work. She had not yet read the criminal case docket or expressed an opinion thereon and I felt that she ought first to do so before he should be reinstated. I telephoned Advocate Radebe to inform her that I would not be lifting LtGen Mdluli's suspension until she had perused the criminal case docket, as this might influence her initial decision regarding the disciplinary matter against him. I was also aware that Advocate Jay Govender ("Advocate Govender") from the IGI was an experienced Advocate and a former prosecutor so I had faith that she would assist the IGI in making an informed decision on the status of the criminal case.
26. A few days later I received a call from Advocate Radebe imploring me to return the letter and the opinion she had given me regarding the disciplinary case against LtGen Mdluli. She explained that after reading the criminal case docket, she wished to alter her original decision on this matter. She acknowledged that the reasons supplied by her in her letter of 6 March 2012 (annexure "NM5"

hereto) conflicted with the findings she had come to after reading the criminal docket. She requested me to return the letter and the accompanying opinion to her office and that she, Advocate Govender and I could discuss the issue.

27. On 19 March 2012 I met with Advocate Radebe and Advocate Govender at the offices of the IGI. We discussed the matter. Advocate Radebe informed me that "they" had perused the criminal case docket. She remarked that the investigating officer had conducted a thorough investigation and that the case docket contained ample evidence to support criminal charges against LtGen Mdluli and others. She also expressed the view that the SAPS was competent to investigate crimes committed at CI and that applied particularly to the matter relating to the SSA.
28. I should point out that CI had appointed MajGen Mark Hankel ("**General Mark Hankel**"), who was from within the CI environment, to act as co-ordinator to ensure that only documentation required to conduct the criminal investigation was handed over to the investigating officer, Colonel Kobus Roelofse ("**Colonel Roelofse**"). Advocate Radebe noted that the appointment of General Mark Hankel as co-ordinator minimised the possibility of the compromise of CI operations and that the concern raised by Advocate Mrwebi in this regard was unfounded. Advocate Radebe then said that the NPA should continue with the criminal charges and that the SAPS should continue with implementing the disciplinary action against General Mdluli.

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29. During the meeting with Advocate I handed the previous letter dated 6 March 2012 to her. She took it and instructed Advocate Govender to draft an appropriate reply to my original request, to support her new findings. Advocate Govender left the room and went to her office where she drafted a letter. She returned to where we were seated and handed the new letter to Advocate Radebe who read through the letter and thereafter agreed with the contents and signed the letter.
30. The letter handed to me on 19 March 2012 by the IGI was headed: *"SILVERTON CAS 155/07/2011: INVESTIGATION BY THE DIRECTORATE FOR PRIORITY CRIME INVESTIGATION: LIEUTENANT GENERAL RN MDLULI: CRIME INTELLIGENCE DIVISION OF THE SOUTH AFRICAN POLICE SERVICE"*. I attach marked "NM6" a copy of this letter.
31. I repeat the salient portions of this letter:
1. *We refer to your letter of the 22 February 2012 wherein you requested an opinion on the reasons advanced by the National Prosecuting Authority for the withdrawal of the criminal charges against Lt General Mdluli.*
  2. *In response to the Memorandum of Adv Mrwabi of the 4 December 2011 we advise as follows:*
    - 2.1 *The Inspector- General of Intelligence (IGI) derives her mandate from the Constitution of the Republic of South Africa, 1996 and the Intelligence Services Oversight Act, 1994 (Act 40 of 1994)*

*which provides for the monitoring of the intelligence and counter-intelligence activities of the Intelligence Services;*

*2.2 Any investigation conducted by the Inspector-General is for the purposes of intelligence oversight which must result in a report containing findings and recommendations;*

*2.3 The mandate of the IGI does not extend to criminal investigations which are court driven and neither can IGI assist the police in conducting criminal investigations. The mandate of criminal investigations rests solely with the Police;*

*As such we are of the opinion that the reasons advanced by the NPA in support of the withdrawal of the criminal charges are inaccurate and legally flawed. We therefore recommend that this matter be referred back to the NPA for the institution of the criminal charges."*

32. Acting upon this letter from the IGI, I later telephoned LtGen Mdluli to inform him that I would continue with the criminal and department charges against him. I thereafter called LtGen Stander and informed her to proceed with the departmental charges, and informed LtGen Dramat to return the case docket to the NPA and request them to reinstitute the charges against LtGen Mdluli.
33. Approximately one week later I was travelling by road to KwaZulu Natal. In the vicinity of Villiers, I received a call on my mobile telephone from Advocate Radebe. She was distraught. She informed me that she had made "a wrong" decision in the opinion expressed by her in her letter of 19 March 2012 and she feared that in doing so it may cost her her career. She stated that she should

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not have suggested that LtGen Mdluli be charged and that she was "in trouble" for saying so. She implored me to return the letter dated 19 March 2012 to her as she had to withdraw her remarks. I stated that I could not do so as she had, together with Advocate Govender, read the docket and reached a decision and thereafter and in my presence instructed Advocate Govender to draft the letter. I noted that she had read the draft letter, agreed with its contents and had only then signed the letter before handing it to me. In these circumstances, I said, I was satisfied that her letter accurately expressed her opinion and that I was not prepared to return the letter to her.

34. I also informed Advocate Radebe that I had already sent the letter to LtGen Stander with instructions to proceed with the departmental charges and to LtGen Dramat with instructions to return the case docket to the NPA requesting that the charges be reinstated.

#### **G. Enlightening the NPA as to the decision of the IGI**

35. On 23 March 2012, LtGen Dramat addressed a letter to Advocate Nomgcobo Jiba, who was at the time the Acting National Director of Public Prosecutions. The letter was headed "*SILVERTON CAS 155/07/2011; INVESTIGATION BY THE DIRECTORATE FOR PRIORITY CRIME INVESTIGATION: LIEUTENANT GENERAL RN MDLULI; CRIME INTELLIGENCE DIVISION OF THE SOUTH AFRICA POLICE SERVICE*". The letter was copied to the Special Commercial Crimes Unit. I attach marked "NM7" a copy of LtGen Dramat's letter.

36. I repeat the salient portions of that letter:

- "A.1. With reference to the memorandum of Adv Mrwebi regarding the ongoing investigation by the Directorate for Priority Crime investigation (DPCI) into Silverton CAS 155/07/2011 concerning Lieutenant-General RN Mdluli, Division Crime Intelligence.*
- 2. Attached is the response received from the Office of the Inspector General of Intelligence and a copy of the criminal investigation docket, Silverton CAS 155/07/2011 for your decision".*

37. Advocate Mrwebi later responded to this letter in which he indicated that he had already taken a decision on this matter and that his decision was final. I attach a copy of this latter marked "NMS".

38. After receipt of Advocate Mrwebi's letter, LtGen Dramat informed me of the response of Advocate Mrwebi. We discussed the matter and neither of us was happy with Advocate Mrwebi's response. I accordingly telephoned Advocate Jiba to request that she personally respond to LtGen Dramat's letter as she was the Acting NDPP, and not Advocate Mrwebi. She explained that she was in China and that I should address all correspondence regarding the matter to Advocate Mrwebi.

39. On 23 April 2012, LtGen Dramat authored a further letter under the heading:  
*"SILVERTON CAS 155/07/2011: INVESTIGATION AGAINST LIEUTENANT*

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*GENERAL RN MDLULI* which he sent to Advocate Jiba. I attach a copy of this latter marked "NM9".

40. In the letter LtGen Dramat stated:

*"You will recall that I have submitted a request, dated 23 March 2012, with the relevant case docket to you, as addressee A, in your capacity as Acting Director of Public Prosecutions, for your decision. This was following the response from the Inspector General of Intelligence on the initial decision of the Special Director, Advocate Mwrebi, to have the charges against Lieutenant General Mdluli and Col Barnard withdrawn. Thereafter I received a response, again from Advocate Mwrebi, that the matter is finalized and that he abides by his decision. In the circumstances I will appreciate a decision on the matter by you, as the ultimate authority in respect of the consideration of a prosecution".*

41. There was no response from Advocate Jiba.

#### **H. Interference by Minister of Police**

42. A few days after my conversation with Advocate Radebe, I chaired the Management meeting at Wachthuis (Police Headquarters). In attendance were the Deputy National Commissioners. During the meeting, I was requested to take a call from Minister Mthethwa. Minister Mthethwa instructed me to immediately come to his residence in Waterkloof to meet with him. Minister Mthethwa did not give any reasons as to why I had to meet with him. I returned

to my meeting where I informed the members present that the call was from Minister Mthethwa who had requested that I immediately attend a meeting with him at his residence. I excused myself from the meeting and proceeded to Minister Mthethwa's residence at Waterkloof.

43. On my arrival at Minister Mthethwa's house, I noted that only he and the IGI, Advocate Radebe, were present. I was surprised to see the IGI there. Minister Mthethwa greeted me with these words, or similar, "*General, the IGI told me you gave instructions to the her to say that Mdluli must be charged and told her what to draft in the letter*". I was taken aback as this was in total contradiction to what had indeed transpired. I informed the Minister that I could not instruct the IGI to write a letter or what to put in her letter, as she heads an independent body that reports directly to Parliament. To my surprise, Advocate Radebe stated I had instructed her to write the letter and how the letter should be worded.

44. Since this was completely false and obviously so (nobody could honestly believe that I had somehow persuaded the IGI, an admitted advocate, assisted by another admitted advocate and experienced prosecutor, to express a legal opinion with which she did not agree) I started to become annoyed and suggested that the three of us go to the IGI's office to view the video footage on the surveillance cameras of the meeting between Advocate's Radebe, Advocate Govender and me. I assumed that, being the IGI, they would have surveillance cameras everywhere. I stated that any person viewing the video footage would see that Advocate Govender left the room alone and returned

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later with the letter which Advocate Radebe signed. A viewer of the footage would also note that during the period of Advocate Govender's absence Advocate Radebe and I had remained in the office where the meeting had been conducted and that I was not in a position to influence the drafting of the letter. I also suggested that if we considered Advocate Govender's computer, it would be found that the letter had been drafted by her on her computer.

45. Minister Mthethwa rebuffed my proposal and persisted with his view that since I had instructed the IGI to write the letter, the letter was flawed. Minister Mthethwa then told me that I had to uplift the suspension of LtGen Mdluli.
46. The conversation became heated and I reminded Minister Mthethwa that his role as Minister of Police was an executive role and that he could not interfere with administrative duties within the SAPS. I furthermore informed him that he did not have the authority to instruct me to uplift LtGen Mdluli's suspension. I told Minister Mthethwa that his instruction was illegal and that if he wanted me to uplift LtGen Mdluli's suspension, he should put it in writing.
47. He reiterated that by me telling the IGI to state in the letter that criminal and disciplinary charges should be instituted against LtGen Mdluli, the process was now flawed. I told Minister Mthethwa that if I had been appointed merely as a puppet, I was not prepared to continue in that post. He told me that I should go to former President Zuma who had appointed me and that I should tell him that.

48. The argument could not be resolved. I said that if the IGI were to return the first letter (dated 6 March 2012) together with her opinion reflecting her initial findings, I would return her second letter dated 19 March 2012. Minister Mthethwa told Advocate Radebe that she should then hand me back the first letter as requested and that LtGen Mdluli's suspension would then be uplifted.
49. Advocate Radebe and I then drove to the IGI offices. She retrieved the original letter of 6 March 2012. I observed that on that letter she had inscribed the words "*Copy for filing 06/03/2012*" in manuscript on the top right corner of both the letter and the opinion. This was proof to me that she had in fact retained the document and filed it in the IGI archives. It is apparent that she was comfortable with compiling a further letter (that of 12 March 2012) which contradicted the first letter (that of 6 March 2012) because at the time of compiling the second letter, she did not consider that she was compelled to do so and did not consider that she was in any way acting improperly.
50. I, in turn, returned the original of her letter dated 12 March 2012. I did, however, retain a copy of the letter of 12 March 2012 in the file in my office. It is a copy of that copy that I have attached to this affidavit.

**I. My address to the Deputy National Commissioners**

51. I was unhappy with the chain of events, and on my way back to the management meeting I called LtGen Stander and informed her to take the necessary steps to ensure the upliftment of LtGen Mdluli's suspension. I

returned to the Management meeting where I found the meeting still in progress.

52. I was still annoyed with what had transpired at the Minister's residence and I informed those present at the meeting that I had been instructed by Minister Mthethwa to uplift LtGen Mdluli's suspension. I knew that this action would cause serious harm to the image of the SAPS as an organisation charged with the responsibility of upholding and enforcing the law. I therefore directed that we should redraft the charges in order to suspend LtGen Mdluli again.

53. On 25 May 2012 I authored a letter to Messrs Maluleke Sereti Makume Malata Inc. who at that stage represented LtGen Mdluli. This letter was in response to their email dated 24 May 2012, wherein they claimed that LtGen Mdluli only became aware of his suspension through the media. I drew their attention to the fact that Lieutenant General Masemola had personally served the Notice of Intended Suspension on LtGen Mdluli on 15 May 2012 and confirmed that I had decided to suspend LtGen Mdluli with effect from 26 May 2012. On the same date I signed a Notice of Suspension in Terms of Regulation 13(1) of the South African Police Service Discipline Regulations, 2006, in respect of LtGen Mdluli. I attach marked "NM10" a copy of my letter. I also attach, marked "NM11", a copy of the Notice of Suspension dated 25 May 2013.

#### **J. Meeting with former President Jacob Zuma**

54. At the beginning of June and on my request, I met with former President Zuma where I related the chain of events with regards to the IGI, our subsequent

meeting at the Minister's residence and what had transpired during the meeting at Minister Mthethwa's house. I also informed the former President of the instruction of Minister Mthethwa to uplift LtGen Mdluli's suspension. The former President acknowledged my presentation but did not say anything further. I found his silence odd. I then told him that I was not prepared to work under these circumstances, and that he should instead replace me. Former President Zuma requested that I remain as the Acting National Commissioner for a few more weeks to enable him to appoint a suitable candidate. About one week later, Ms Rhiya Phiyega ("**General Phiyega**") was appointed as the National Commissioner of SAPS.

55. After meeting with former President Zuma and before General Phiyega was appointed, I called my Deputy National Commissioners to a meeting. The Chief Financial Officer ("**CFO**") LtGen Stefan Schutte ("**General Schutte**") was also present. I told them about my meeting with former President Zuma and that I had asked him to appoint someone to replace me. I also informed them that Minister Mthethwa was unhappy that I was working with Deputy National Commissioners who had been appointed by General Bheki Cele. I advised them that once the new National Commissioner was appointed she or he (at that stage I did not know who the President had in mind) would probably not want to work with them and would choose her or his own 'team'. I warned them that they should prepare to exit the SAPS in terms of Section 35 of the SAPS Act. That section reads as follows:

***"Discharge of members on account of redundancy, interest of Service or appointment to public office***

35. *The National Commissioner may, subject to the provisions of the Government Service Pension Act, 1973 (Act No. 57 of 1973), discharge a member -*

*(a) because of the abolition of his or her post, or the reduction in the numerical strength, the reorganisation or the readjustment of the Service;*

*(b) if, for reasons other than the unfitness or incapacity of such member, his or her discharge will promote efficiency or economy in the Service, or will otherwise be in the interest of the Service;*

*or*

*(c) if the President or a Premier appoints him or her in the public interest under any law to an office to which this Act or the Public Service Commission Act, 1984 (Act No. 65 of 1984), does not apply'.*

56. This section has been widely and notoriously utilised in the police to give golden handshakes to police officers who no longer fit into the plans of the National Commissioner, or where friends are to be promoted. The post would be declared "redundant", and since the person occupying the post no longer had a post, the incumbent would be retired, often at great cost to the state. The state would even settle the outstanding contributions of the incumbent with the Government Employees Pension Fund, up to retirement age. Once the former incumbent had been removed in this manner the post would be advertised. The

"new" post would then be given a different name and a slightly different job description. These "new" positions were simply the old positions, designed to provide credence to an unlawful retirement.

57. The National Commissioner is entitled to retire any police officer at any time, as there are no real control measures in place to inhibit his or her decision.
58. The irony is that the National Commissioner utilised section 35 of the SAPS Act as a mechanism to retire LtGen Mdluli and provide him with a golden handshake, as well. This was despite his involvement in numerous criminal activities, as outlined above. In fact, at the time of LtGen Mdluli's retirement, the High Court had already made an order setting aside the decision to withdraw the criminal charges against Lt General Mdluli.
59. Since I had no post to return to after my promotion to Acting National Commissioner, I asked LtGen Schutte to calculate what my retirement package would be if I would be forced to retire.

#### **K. Appointment of General Phiyega as National Commissioner of Police**

60. On 12 June 2012 General Phiyega was appointed as the National Commissioner by the former President Jacob Zuma. Shortly thereafter, true to my prediction, she proceeded to "got rid of" Deputy National Commissioners despite them all being top professionals within their fields of expertise. The fate of the Deputy National Commissioners during her term in office is detailed below:

- LtGen Godfrey Lebeya – was offered an unfair retirement package which he successfully challenged in court. He has since been reappointed as the National Head DPCI (the Hawks).
- LtGen Anwa Dramat – was subjected to suspension and eventually offered a Section 35 package. He has since retired.
- LtGen Fani Masemola – was moved to a lower authority post as the Provincial Commissioner Limpopo. After General Phiyega left he returned to his old post as a Deputy National Commissioner: Policing.
- LtGen Mgwenya – was moved to a lower authority post as the Head of Registry (SAPS Archives). After General Phiyega left she returned to a post of a Deputy National Commissioner and was appointed at Human Resource Management.
- LtGen Mofomme – suffered the same fate as LtGen Lebeya and was retired.
- LtGen Stander – she remained on her post but retired shortly thereafter.
- LtGen Schutte – he was removed from his post as CFO and replaced by LtGen Avhashoni Ramikosi (“LtGen Ramikosi”) an outside chartered accountant who had no work experience on public finance management or police background. LtGen Ramikosi has since been charged as one

of the masterminds behind the VBS corruption saga, and has resigned from the police.

61. Despite me suggesting to General Phiyega that a suitable candidate to oversee CI would be LtGen Masemola, General Phiyega refused to listen to reason and appointed MajGen Chris Ngcobo ("General Ngcobo") to one of the crucial divisions within the SAPS, as the Acting Divisional Commissioner at CI. This was despite the fact that MajGen Ngcobo was previously from the VIP Protection Unit and in my view, he had no, or limited operational experience within the covert environment. When I asked General Phiyega about this appointment she told me not to worry about it. MajGen Ngcobo was later discharged when it was established that he either did not have a Senior School Certificate, or had falsified one.
62. General Phiyega and MajGen Ngcobo later became embroiled in a conflict. When MajGen Ngcobo was suspended, General Phiyega appointed LtGen Bongzi Zulu ("General Zulu") to head CI. Once again this was an irrational decision since LtGen Zulu had never been a career policewoman, but was a former researcher with a Human Resource background. She had no operational experience in any capacity and no experience in the covert environment. My protestations against this appointment, were disregarded by General Phiyega.
63. After General Phiyega took office, I was not offered any post and after hanging around the office for several weeks, General Phiyega told me to go back to my home in KwaZulu Natal and that she would call for me when she needed me. I

did as I was told and for two years, at great cost to the State, I, with my vast experience and expertise, and being a former acting National Commissioner of the SAPS, remained at home. I was still a member of SAPS. I still received my monthly salary which included all benefits and salary increases, GEPF, medical, vehicle and housing allowances.

64. General Phiyega would contact me from time to time (usually two to three days per month) to attend meetings on her behalf. When doing so I would fly or drive to the place where I needed to discharge my duties. I would be accommodated in hotels and catered for by the state. Thereafter I would return to my home to await my next assignment.
65. Late In 2013 General Phiyega appointed me as Head of Facilities where I oversaw buildings construction, maintenance and procurement, this despite my vast operational experience and number of vacant operational post, I was overlooked for any of the senior positions that were in keeping with my experience.
66. On 14 October 2015 former President Zuma suspended General Phiyega . Subsequent to her suspension an investigation by a "reference group" appointed by police minister Nkosinathi Nhleko found General Phiyega to have committed perjury and ignoring internal processes when demoting, suspending and removing several senior officials.

*Adm*

#### L. My appearance before Parliament

67. On the 17<sup>th</sup>, 18<sup>th</sup> and 19<sup>th</sup> April 2012 the SAPS management appeared before the Portfolio Committee on Police at Parliament to table the Strategic Plan, Annual Performance Plan as well as the Budget for 2012/2013 financial year. The procedure demands that the Accounting officer (in this case myself as the SAPS Acting National Commissioner) has to undertake such briefings.
68. As part of the discussion regarding the performance targets for Detectives, I explained to the Committee that once a case has been registered and the matter had been fully investigated to obtain all relevant information to secure an arrest, the matter would be taken out of the police's hands and the NPA with its National Prosecuting Services would take over. From then onwards it is largely the responsibility of the courts to secure the convictions and sentencing of criminals. For various reasons well investigated cases can fail at court and criminals be acquitted, despite the evidence supporting elements of the crime and the charges being proven. It was, therefore, I explained, difficult for police to gauge performance, as performance was based on the conviction of an accused.
69. I concluded with the remarks, "*other powers decided on convictions, not just the SAPS*". Here I was referring to where the matters were taken out of the control of the police.

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70. When making these remarks I was also tempted to quote the example of LtGen Mdluli, but for some or other reason I refrained from doing so. Here I wanted to show how despite a criminal case being well investigated, and more than sufficient evidence obtained to ensure a conviction, one person at the NPA, Advocate Mrwebi, chose to ignore the evidence and for some obscure reason tried everything in his power, including the abuse of his position, to ensure that the criminal matter against LtGen Mdluli did not proceed. This despite the IGI giving assurance that the matter should proceed to trial.
71. The conduct of the IGI when dealing with the DPCI request for clarity on whether the SAPS could investigate CI and the Interpretation by Advocate Mrwebi of the NPA, was disturbing. This was exacerbated by the shenanigans associated with the IGI and her responses with an opinion to withdraw the charges against LtGen Mdluli, followed by her withdrawing this opinion and insisting that he be charged, only to shortly thereafter revert to her original opinion to withdraw the charges.
72. The involvement of the Minister of Police took the matter to a new level of interference and is a distinct example of elements within the law enforcement arena exerting undue influence to ensure that LtGen Mdluli did not then stand trial.
73. I attach marked "NM12" an extract taken from Hansard dated 17 April 2012 regarding my appearance before the Parliamentary Portfolio Committee. My quotation is on the 11<sup>th</sup> page of the document and I have highlighted it in yellow.

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**M. The Freedom Under Law ("FUL") court application**

74. I was also totally oblivious to what has transpired regarding the court action brought about by FUL in challenging the Mdluli re-appointment. During this period that this matter was in court, I was relaxing at home and had no idea what was transpiring. Although General Phiyega had my number, she never once contacted me to seek advice on how to answer the question directed to what made me decide to withdraw LtGen Mdluli's disciplinary proceedings and to uplift his suspension. Moreover, neither she, nor anyone else, ever requested an affidavit from me in this regard.
75. It was only when I received a request for information from the Judicial Commission of Inquiry into Allegations of State Capture, Corruption and Fraud in the Public Sector including Organs of State ("the Commission") dated 12 November 2019 did I first become aware of the FUL application on what I had meant in my address to the Portfolio Committee on 19 April 2012 and the related evidence placed before the High Court during the FUL application.
76. I have now had the opportunity to peruse the Judgement handed down by Judge JR Murphy in the FUL application under Case No: 26912/12. My attention has been drawn to the sub-heading, "The withdrawal of the disciplinary proceedings and the reinstatement of Mdluli".
77. On paragraph 209 of the judgement, the judge makes a reference to the answering affidavit that was made by General Phiyega in response to the averments of a founding affidavit when she said:

*"General Mkhwanazi was quoted out of context. As I understood and this is what he later clarified was that his response was in relation to the issue of the withdrawal of charges, which falls within the domain of the NPA, which invariably in his view affected the purpose of the continued suspension and disciplinary charges then. General Mkhwanazi never obtain instructions from above. His confirmatory affidavit will be obtained in this regard. Should time permit, I will ensure that the copy of Hansard being the minutes or the transcription of the parliamentary portfolio committee meetings is obtained and filed as a copy which will clarify the issue"*

78. I attach marked "NM13" copies of the relevant pages of the Judgement comprising pages 47,48,49,50 and 51.
79. My response to these findings has already been dealt with under the headings: My appearance before Parliament and General Phiyega's response to Parliament.
80. It must however be mentioned that paragraph 47 of General Phiyega's answering affidavit was false and amounts to perjury. She had never discussed this issue with me and had not advised me of the court proceedings. She clearly had no intention of obtaining a confirmatory affidavit from me and had no intention of doing so.

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81. On 18 July 2019, in response to a Request for Information received from the Commission, a report was prepared and signed off by Major General KC Moloko and LtGen Ntshiea. A copy of the report is attached marked "NM14". I confirm the correctness of the report where it relates to me.
82. Furthermore, it is noteworthy that despite the serious criminal and disciplinary charges facing LtGen Mdluli, he was allowed to delay both the criminal and disciplinary matters until he was ultimately offered a retirement package in terms of Section 35(b), and in doing so evaded his disciplinary hearing. Section 35(b) reads:

*"35. The National Commissioner may, subject to the provisions of the Government Service Pension Act, 1973 (Act No. 57 of 1973), discharge a member –*

*(b) if, for reasons other than the unfitness or incapacity of such member, his or her discharge will promote efficiency or economy in the Service, or will otherwise be in the interest of the Service;*

  
 \_\_\_\_\_  
**NHLANHILA SIBUSISO MKHWANAZI**

I certify that the deponent has acknowledged that he knows and understands the contents of this declaration, which was sworn to before me and the deponent's

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signature was placed thereon in my presence at Pretoria on this the 29<sup>th</sup> day of  
September 2020 at 29 h 14:10.



COMMISSIONER OF OATHS

MONNARUS JACOB DIRABAGAE

Full names

South African Police Service

Rank: WARRANT OFFICER

Address: 425 LEYDS STREET

GCHINDLER HOUSE

SUNNYSIDE

SOUTH AFRICAN POLICE SERVICE
DIVISION: OPERATIONAL RESPONSE SERVICES
2020 -09- 29
SUID-AFRIKAANSE POLISIEDIENS

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**ANNEXURE "NM1"**

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**REPORT IN TERMS OF REGULATION 12(1) OF THE SOUTH AFRICAN POLICE  
SERVICE DISCIPLINE REGULATIONS, 2006**

I am appointed in terms of Regulation 12(1) of the South African Police Service Discipline Regulations published under Government Gazette 28985 dated 3 July 2006 ("the Regulations") to conduct an investigation into allegations of misconduct on the part of Lieutenant General Richard Mdluli, the Divisional Commissioner: Crime Intelligence in the South African Police Service ("General Mdluli"). A disciplinary investigation has been conducted and various documentation has been gathered.

**1. Summary of Evidence Gathered**

**1.1 Allegation of mismanaging the finances of the state and prejudicing the administration, discipline and efficiency of the Crime Intelligence Department**

It is alleged that General Mdluli undertook a trip to China to visit his daughter without having obtained the necessary authority to do so under National Instruction 5 of 2005 and that state funds from the Secret Service Account ("SSA") in the amount of R42 741,00 were utilised to cover the costs of the flight.

**1.2 Allegation of mismanaging the finances of the state and contravening a Regulation or legal obligation**

It is alleged that General Mdluli whilst on an authorised trip to Singapore permitted circumstances whereby, amongst others, a Ms T Lyons, a non-employee of the South African Police Service and his current wife, was also on the trip with him. Her travel and that of the others whose travel to Singapore was unauthorised was in breach of National Instruction 5 of 2005 and the cost of their trip was funded from the SSA.

**1.3 Allegation of failing to comply with a Regulation and prejudicing the administration, discipline and efficiency of the Crime Intelligence Department**

It is alleged that during the appointment of approximately 250 employees during 2009 / 2010 in the covert intelligence environment General Mdluli

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authorised alternatively facilitated alternatively permitted the appointments to the South African Police Service of his daughter, former wife and son. Such conduct is a breach of the South African Police Service, Employment Regulations 2008.

**1.4 Allegations of giving false statements in the execution of his duties**

It is alleged that General Mdluli drafted and signed reports during the conduct of an authorised investigation into appointments at the Crime Intelligence Department wherein he intentionally misled the appointed investigating authority by claiming, amongst others, that his daughter and former wife had declined positions in the South African Police Service and that he had not been involved in the relevant recruitment and appointment process. Both these statements were to General Mdluli's knowledge, false and misleading.

Copies of flight details, claim authorisations, relevant reports and other documentation have been retrieved and will be used in support of the above allegations. Various witnesses will also corroborate the allegations.

**2. Recommendation**

Against the background of all the above and in terms of Regulation 12 of the Regulations it is recommended that the above allegations should be referred to the appointed employer representative with a view to charging General Mdluli with the relevant misconduct and initiating the requisite disciplinary enquiry under the Regulations.

  
Per: Mr Mangaliso Mshali  
Webber Wentzel  
JOHANNESBURG

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**ANNEXURE "NM2"**

*Annex 2*

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## Specialised Commercial Crime Unit



The National Prosecuting Authority of South Africa  
Nasionale Oproewingsagterheid van Suid-Afrika  
Die Nasionale Vervolgingsagterheid van Suid-Afrika

### HEAD OFFICE

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**CONFIDENTIAL**

### INTERNAL MEMORANDUM

**TO:** ADV S. MZINYATHI  
DIRECTOR OF PUBLIC PROSECUTIONS  
NORTH GAUTENG

**CC:** ADV GLYNISS BRYTENBACH  
THE REGIONAL HEAD: SCCU: PRETORIA

**FROM:** ADV LS MRWEBI  
SPECIAL DIRECTOR: SCCU

**DATE:** 04 DECEMBER 2011

**SUBJECT:** CONSULTATIVE NOTE IN TERMS OF SECTION  
24(3) OF THE NATIONAL PROSECUTING  
AUTHORITY ACT, 32 OF 1998 (NPA ACT) ON  
THE REPRESENTATIONS OF LT GENERAL  
MDLULI CASE NO 111/137/2011.

### INTRODUCTION

1.

As required by section 24(3) of the NPA Act I have consulted with the Director of Public Prosecutions (DPP) North Gauteng on the matter with the purpose of conveying my views on the matter. Essentially my views related to the process that was followed in dealing with the matter particularly in view of the fact that the

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



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matter fell squarely within the mandate of the Inspector-General in terms of the Intelligence Services Oversight Act, 40 of 1994. I noted that it is only the Inspector General who, by law, is authorised to have full access to the Crime Intelligence documents and information and thus who can give a complete view of the matter as the investigations can never be complete without access to such documents and information. In my view the process followed in this matter is possibly illegal as being in contravention of the said provisions of the Intelligence Services Oversight Act, 40 of 1994.

## 2.

Representations were received by the office of the Head: Specialised Commercial Crime Unit (SCCU) from the attorneys Messrs Maluleke, Seriti, Makume; Matfala Incorporated on behalf of Lt-General Mdluli (Mdluli). The representations are for the withdrawal of the criminal case against their client based on the grounds that the institution of an investigation and prosecution against him is an abuse of the criminal justice system; constitutes a gross abuse of power and authority and that their client will not receive a fair trial.

The purpose of this document therefore is to deal with and record a decision on the matter. It is the further aim that the document shall serve as a consultative document with the Director of Public Prosecutions, North Gauteng as required by section 24(3) of the NPA Act.

## BACKGROUND

## 3.

According to the affidavit of Lt-Colonel Peter Janse Viljoen (Viljoen); the investigator in the matter, he is part of a team that is investigating matters against Mdluli and other persons. The main case against Mdluli and these other person is a murder case under Voorslorus CAS 340/02/1999.

4.

According to Viljoen; after the arrest of Mdluli in connection with the abovementioned case, "certain members of the Crime Intelligence elected to provide the investigating team with information which alleged further criminal activity by Crime Intelligence personnel". The information provided; included allegations against Mdluli and a Colonel Barnard.

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The investigations into the matter commenced on 14 April 2011 based on the information provided by members of Crime Intelligence. On 1 August 2011 Adv Smith of the SCCU; Pretoria applied for a warrant for the arrest of Mdluli on the charges of Fraud/Theft. The application was authorised by the magistrate on 6 September 2011. Apparently the application for the arrest of Mdluli was based on the affidavit of Viljoen which outlines without much detail how Colonel Barnard entered into some transactions in connection with cars for Crime Intelligence. These transactions were apparently illegal and were the basis of the charges against Mdluli.

6.

On 21 September 2011 Mdluli was arrested and appeared at the SCCU court under case number 111/137/11 where he was released on bail and the case was postponed to 14 December 2011 for further investigations.

7.

After receipt of representations as aforesaid, on 21 November 2011 I directed correspondence to the Regional Head of SCCU, Pretoria to be provided with a report as well as the docket on the matter. No report and neither was the docket provided as requested instead I was provided with an unhelpful commentary by

Adv Smith on the contents of the representations themselves. The covering letter of the Regional Head was equally unhelpful as her comment was simply that the matter must proceed in court.

8.

Later on 28 November 2011 I wrote a further correspondence to the Regional Head of SCCU; Pretoria requesting a motivated report on the matter in order to enable me to meaningfully respond to the representations. The report was received on 4 December 2011.

#### **BASIS FOR THE REQUEST TO WITHDRAW THE CHARGES**

9.

The request to withdraw the charges is based firstly on the allegations of abuse of the criminal justice system. A number of instances to support this allegation are stated and witness statements are attached. The main thrust of the representations in this regard seems to be that the charges against Mdluli were brought for an ulterior motive to achieve an illegal result which was to ensure that Mdluli is dismissed from his position based on this case. It is alleged that there is no substance in both cases and that the motivation is to get rid of Mdluli from the police under the guise of criminal and administrative processes. Statements of witnesses are attached to support this contention. Reference is made to certain developments around the case such as arresting Mdluli for the purpose of investigation; peculiarities with regard to the warrant of arrest which indicate that the arrest was not really necessary, the involvement of the same persons in investigating the case against Mdluli instead of independent persons as well as the circumstances leading to the arrest of Mdluli where it took almost two months

to arrest him since the issue of the warrant of arrest something which, as alleged, indicates that there was no genuine need to arrest him.

10.

The second leg of the representations relates to allegations of possible unfairness of trial in the circumstances where it is clear that the police are trying to fabricate the evidence against Mdluli. This allegation seems to suggest that there is no evidence of any wrongdoing by Mdluli because the person responsible for entering into the transactions was Colonel Barnard and that if there was any criminality in the said transactions he would be the only one that may explain. It appears that it is alleged that on the basis of Viljoen's affidavit there is no evidence implicating Mdluli except for the conclusions drawn by Barnard that Mdluli and Barnard conspired. It is alleged that the arrest of Barnard was a tactical manoeuvre to pressurise him to implicate Mdluli.

#### THE PROSECUTOR'S REPORT AND DOCKET

11.

The prosecutor's report strictly speaking does not add any value to what is already contained in the representations. The focus of the analysis of the evidence and the charges relates to the short fall which it is alleged is the basis of the charges of fraud and corruption.

12.

The perusal of the docket also does not seem to have any further information for the purposes of this matter save for the information relating the transactions in question and other irrelevant documentation. Of note is the fact that in the docket

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the role of Lt -General Mdluli does not appear and this fact makes one wonder what the basis of his arrest was, despite the fact that the transactions appear to have been made to benefit him. Gert Ruelof Strydom of Leo Haese, Pretoria explains exactly how the transactions were negotiated between the sales person and Barnard. What also appears in the docket is the fact that there was loan agreement entered between Mdluli and one Jan Venter of Atlantis Nissan to the tune of R50 000.00.

#### ANALYSIS AND CONCLUSION

13.

The representations in the first part suggest that the investigation and prosecution of Mdluli in the matter is for an ulterior purpose. In this regard and without expressing any opinion whether this be true or not, I think our law is very clear in this regard as the courts have stated that the motive behind a prosecution is irrelevant and as such an improper or ulterior motive does not affect the prosecution against any person. Such prosecution will be wrongful, if in addition, there are no reasonable and probable grounds for such prosecution. I refer in this regard to the case of the NDPP v. Zuma -SCA 573/08- [Para.37-38].

14.

The second part/basis of the representations which relates to fairness of the trial is the one that seems to suggest that there were no reasonable and probable grounds for such prosecution against Mdluli. In my view this is the part that merits closer attention. Clearly from the affidavit of Viljoen which was used as the basis for the warrant of arrest as well as in the docket there is no evidence against Mdluli. The only thing one finds is the opinion expressed by Viljoen in his affidavit that; "The inference is irresistible that Barnard and Mdluli conspired

to use this money to cover Mdluli's debt. This in itself amounts to fraud and theft".

15.

Other than this unsubstantiated opinion of Viljoen there is no evidence that links Mdluli to the crime. This aspect calls into question how the magistrate must have been persuaded by the prosecutor to grant the application for the warrant to arrest of Mdluli in the first place. This, however, may be subject of a separate inquiry which I need not go into at this stage.

16.

The evidence in the docket as well as the report of the prosecutor do not seem to help in the matter either. This state of affairs leaves one with a number of questions about how both the investigator and the prosecution handled the matter. As matters stand, there was clearly no reasonable and probable ground for any prosecution in the matter particularly against Mdluli.

17.

However, because of the view I hold of the matter, I do not propose to traverse the merits of the case and the other questions any further. Whether there was evidence in the matter or not, is in my view, not important for my decision in the matter. The proposition which I allude to below, should alone and without any further ado, be dispositive of the matter.

18.

Mdluli and Barnard are members of the of the Crime Intelligence Division of the South African Police Service which is part of the intelligence structures of the

country and as such their conduct and activities are subject to the laws, regulations, policies and procedures governing the intelligence community. Of importance for the present purpose is the Intelligence Services Oversight Act, 40 of 1994 (the Act). The Act in section 7 thereof establishes the office of the Inspector-General and defines its functions.

19.

In terms of section 7(7) (cA) of the Act, the Inspector-General in relation to the Services has a function;

*"to receive and investigate complaints from members of the public and members of the Services on alleged maladministration, abuse of power, transgressions of the Constitution, laws and policies referred to in paragraph (a), the commission of an offences referred to in Part 1 to 4, or section 17, 20 or 21 (in so far as it relates to the aforementioned offences) of Chapter 2 of the Prevention and Combating of Corrupt Activities Act, 2004, and improper enrichment of any person through an act or omission of any member".*

20.

It will be noted that, the offences for which Mdluli is charged fall squarely within the mandate of the Inspector-General as quoted above.

21.

Naturally there were practical and policy considerations why the Inspector – General should be the one charged with investigation in circumstances of the case. These generally include considerations of State security as well as the

secretcy of the nature of the work of the intelligence community, the need to preserve such secretcy and the need to ensure controlled access to their information and documents which the ordinary police cannot have.

22.

Clearly any investigator who has any clue about the working methods of the intelligence community must have realised that any investigation that had to do with procedures and policies of the intelligence community would not be complete unless there is full access to the necessary information and documentation in their possession. Only the Inspector-General would have such access. Any investigation of the kind as in the present case would be futile without the involvement of the Inspector-General, as the transactions which Mdluli is charged with can only be explained in terms of the internal applicable procedures, policies, processes and systems which the ordinary investigator has no access to. One may ask why the police failed to execute the search warrants.

23.

The investigator and the prosecutor in this matter should have appreciated and realised this difficulty when police could not serve the search warrant, which according to the Regional Head was prepared after discussion with the National Director of Public Prosecutions. However, it appears they did not and neither did the Regional Head.

24.

The Act in section 8 (1) (f) provides that regulations regarding the procedure for the lodging and investigation of complaints shall be made by the Minister with the concurrence of the Joint Standing Committee on Intelligence.

25.

In effect what the investigator should have done on receipt of the information referred to in his affidavit where "certain members of the Crime Intelligence elected to provide the investigating team with information which alleged further criminal activity by Crime Intelligence personnel", was to refer these certain members to the Inspector-General who would have investigated the matter and advised if there was any reason to pursue criminal investigations, for example.

26.

I am afraid that, on the face of it, it appears that the manner the investigators went about dealing with this matter assisted by the members of the National Prosecuting Authority may possibly be in breach of the security legislation. However, as it appears that everybody concerned in this matter must have committed a bona fide error of law in this regard, it is not too late to remedy the situation by referring the matter to the Inspector-General in terms of section 7 of the Act.

27.

Accordingly, and based on the above, prosecution of the matter cannot continue. The investigator must advise these "certain members" of the Crime Intelligence to refer their complaint to the Inspector-General for consideration and any subsequent steps will be guided by what the Inspector-General advises.

28.

The prosecutor is accordingly instructed to withdraw the charges against both Lt-General Mdhluli and Colonel Barnard immediately.

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20.

The lawyers of Lt-General Mdluli will be advised accordingly.

Regards



ADVOCATE L.S. MRWEBI

SPECIAL DIRECTOR: COMMERCIAL CRIME UNIT

PRETORIA

DATE: 04 DECEMBER 2011

*Abm MS*

**ANNEXURE "NM3"**

*Ann MS*



For reasons stated in the said note, the charges against Lt-General Mdluli and Colonel Bamard must be withdrawn immediately.

This office must be advised of the results of the proceedings for purposes of monitoring.

Regards



ADVOCATE L.S. MKWESI  
SPECIAL DIRECTOR: COMMERCIAL CRIME UNIT  
PRETORIA  
DATE: 04 DECEMBER 2011

**ANNEXURE "NM4"**

Asm MS

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*Handwritten notes:* [Illegible]

**X94**

My residence: [Redacted]

11 Gen NS Mkhwanazi

[Redacted]

THE NATIONAL COMMISSION FOR HUMAN RIGHTS (NCHR)  
SECTION 1

Advocate FD Radebe  
Inspector General of Intelligence

Dear Advocate Radebe

**SILVERTON CAS 155/07/2011: INVESTIGATION BY THE DIRECTORATE FOR PRIORITY CRIME INVESTIGATION: LIEUTENANT GENERAL RN MDLULI; CRIME INTELLIGENCE DIVISION OF THE SOUTH AFRICAN POLICE SERVICE**

As you are aware, the Directorate for Priority Crime Investigation (DPCI) of the South African Police Service (SAPS) had been investigating Lieutenant General Mdluli and Colonel Barnard at the Crime Intelligence Division of the SAPS since July 2011 for alleged fraud and corruption

Briefings pertaining to the criminal investigation were made at the Joint Standing Committee on Intelligence and your own office was also briefed by senior officers of Crime Intelligence on 31 October 2011.

From the onset of the criminal investigation, attention was given to possible concerns which the intelligence community may have about the impact on, and the exposure of sources of intelligence, the risk of exposure of covert vehicles and premises and intelligence methodology

On 14 December 2011 the fraud and corruption charges against Lieutenant General Mdluli and his co-accused, Colonel Barnard, were provisionally withdrawn in the Specialised Commercial Crime Court, Pretoria, following representations

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made to the National Prosecuting Authority. It is understood that the Special Director who took the decision relating to the provisional withdrawal of the criminal matter against Lieutenant General Mdluli and Col Barnard, indicated that the matter can only be investigated by the Inspector General of Intelligence, and that the matter should be referred to the Inspector General of Intelligence for investigation. We are also cognizant of the fact that you have previously indicated that your Office does not perform criminal investigations, which are the constitutional mandate of the South African Police Service. A copy of the letter reflecting the decision of the Special Director relating to the withdrawal of the matter is attached for your information.

It must be mentioned that an investigation in respect of Major General Lazarus, which may raise the same concerns as in the Mdluli matter has also been finalized and it is proposed that we also engage on that matter in the same fashion as is proposed in respect of the Mdluli matter.

We are aware of, and respect your Office's viewpoint that your office cannot be involved in a criminal investigation. It is, however, important that you express yourself clearly on the contents on the arguments contained in the letter of the Special Director of Public Prosecutions, as it not only relate to the matters at hand, but also to how similar situations need to be dealt with in future.

Your urgent response to this request will be appreciated.

With kind regards.

**LIEUTENANT GENERAL  
ACTING NATIONAL COMMISSIONER: SOUTH AFRICAN POLICE SERVICE  
NS MKHWANAZI**

Date:

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NSM MF

**ANNEXURE "NMS"**

*10/27 M5*

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06/03/2012



intelligence **CONFIDENTIAL**  
Office of the Inspector-General of Intelligence  
REPUBLIC OF SOUTH AFRICA

PO Box 1175, MENLYN PARK, 0077 Bogare, Cnr Alterbury & Lois Street, MENLYN  
Tel (012) 357 0844/47, Fax (012) 357 0920

OIGI/IG10/1/2/5/1

6 March 2012

Lt Gen NS Mkhwanazi  
Acting National Commissioner: SAPS  
Private bag X92  
Pretoria

Fax: (REDACTED)

Dear Sir

**SILVERTON CAS 155/07/2011: INVESTIGATION BY THE DIRECTORATE FOR  
PRIORITY CRIME INVESTIGATION: LIEUTENANT GENERAL RN MDLULI: CRIME  
INTELLIGENCE DIVISION OF THE SOUTH AFRICAN POLICE SERVICE**

We refer to your letters of the 22 February 2012 and that of the 29 February 2012.

As per your request contained in the letters and a meeting, please find enclosed herein an opinion on the aforementioned matter.

I trust you find this in order and thank you.

Ambassador Adv FD Radebe  
Inspector-General of Intelligence

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06/02/2012

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**REPORT ON INTERNAL DISCIPLINARY CHARGES AGAINST  
LIEUTENANT GENERAL MDLULI AND MAJOR GENERAL LAZARUS**

**INTRODUCTION**

This report is based on a request by the Acting National Commissioner of Police to provide an opinion on matters relating to the reasons on which the NPA based its decision to withdraw the criminal charges against Lt Gen Mdluli and an opinion on the institution of disciplinary steps against Lt Gen Mdluli and Maj Gen Lazarus.

**FACTUAL BACKGROUND**

The Inspector -General (IGI) received a letter dated the 22 February 2012 from the Acting National Commissioner requesting an opinion on the contents of the arguments raised by the NPA in support of the withdrawal of the criminal charges against Lt Gen Mdluli and an opinion on the disciplinary charges leveled against Lt Gen Mdluli and Maj Gen Lazarus. The IGI requested documentation to enable the submission of the opinion which was delivered on the 29 February 2012.

A decision has been taken by the IGI that this report will be confined to the disciplinary charges in respect of the abovementioned officials and that the requested opinion relating to the criminal charges will follow at a later stage.

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**MANDATE OF THE INSPECTOR-GENERAL OF INTELLIGENCE**

The Inspector-General of Intelligence (IGI) is appointed under the provisions of the Constitution of the Republic of South Africa, 1996 and the Intelligence Services Oversight Act, 1994 (Act 40 of 1994) (hereinafter referred to as the Oversight Act).

The IGI has the oversight responsibility over the South African Intelligence Services which include the State Security Agency (domestic and foreign branches), the Intelligence Division of the South African Defence Force (DI), and the Crime Intelligence Division of the South African Police Services.

The scope of responsibilities of the IGI have been outlined in the Oversight Act and includes an integrated compliance-based monitoring responsibility and a proactive based review function, both of which are together seen as the core functions of the IGI. They serve to provide assurance to the Government and the people of SA that the intelligence services conduct themselves within the framework of the Constitution, the rule of law and due process. The assurance embraces in particular, probity and respect for human rights, and in general that the Services carry out their activities in an operationally effective manner in the interest of state security. As stated at the Stockholm International Symposium *'supervision is not only about legality in its strict sense. The balance between security and integrity must also take into account principles of good administrative decision making in democratic states, such as principles of proportionality, access to justice and fair procedures.'*<sup>1</sup> Hence in overseeing the activities of the intelligence services due regard must be placed on issues that involve conduct to ensure that such conduct is pursued with integrity and in an ethical manner.

<sup>1</sup> MS Gun Hellsvik, Former Minister for Justice and Member of the Swedish Commission on Security and Integrity Protection, Stockholm International Symposium on National Security and European Convention on Human Rights, Stockholm, 4-5 December 2008

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Intelligence oversight is directed at the lawful conduct of the Services. Whilst the IGI has the operational oversight mandate, the Auditor General of SA has the financial oversight mandate over the Services. This operational mandate does not include a criminal mandate and as such oversight is conducted in a manner to ensure that the services act within the parameters of the Constitution and conduct themselves in a manner that is beyond reproach.

The fundamental reason for the establishment and continued existence of the Office of the Inspector-General is to ensure that the security of the State is protected and information in the possession of the Services is handled in a manner that does not prejudice the interests of the State. The mandate of the IGI is set out in the Oversight Act which includes investigations of corruption. This is catered for by way of the complaints function allowing for the IGI to investigate complaints of corruption involving intelligence members. Such an enquiry is conducted from an oversight perspective and not one intended for purposes of a criminal investigation i.e. one that is court driven. Evidence obtained during such investigation remains the property of the IGI and cannot be handed over to other State entities. The investigation ordinarily culminates into a report containing findings and recommendation which may include a recommendation of criminal prosecution.

The OIGI was established to perform this oversight function over the Intelligence Services. Had this not been the intention of the legislature in establishing the OIGI then matters of this nature would squarely fall within the mandates of other Chapter 9 institutions.

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**PROCEDURAL ASPECTS**

We have perused the representations made on behalf of Mdluli and agree in part to those matters within our knowledge insofar as the interpretation of the regulatory framework is concerned but find ourselves unable to provide comment on or confirm issues of a factual nature and alleged political conspiracies. Equally we are unable to confirm issues raised in the representations of Mdluli that relate to the various procedures such as the suspensions and related processes. That said it does however become vital to consider the issues therein insofar as procedural matters are concerned as we hold the opinion that the representation cannot be ignored as it clearly has merit and could succeed as a rationally accepted defence in the disciplinary matter. However our approach rests on the conduct of those tasked with the institution of the disciplinary matter and whether such conduct adheres to constitutional principles and imperatives.

In South Africa the Constitution remains supreme wherein the protection and promotion of human rights is paramount. They feature in the Preamble with its stated intention of establishing 'a society based on democratic values, social justice and fundamental rights'. Through joining international conventions, South Africa has subjected itself to international controls designed to ensure that human rights are respected.

Against this backdrop the administration of justice finds its place. Justice is about protecting rights in a manner that is fair, moral and in conformity with prescribed and accepted principles. The administration of justice is the manner in which this is achieved i.e. conduct. Section 2 of the Constitution provides that '*this Constitution is the supreme law of the Republic; law or conduct inconsistent with it is invalid, and obligations imposed by it must be fulfilled*'.

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The question of conduct becomes fundamental to the issues at hand. Conduct may take many forms and is commonly understood as a person's behaviour or attitude that is translated into action. The lawfulness of conduct is just but one aspect, the ethical nature of conduct must be pursued in conformity with the spirit, legal and ethical framework of the Constitution, underpinned with integrity.

As recent as the 23 November 2011, Justice O'Regan in her Helen Suzman's Memorial lecture emphasized section 2 of the Constitution and stated *'Accordingly the Constitution sets out the parameters for the exercise of public (and to a lesser extent, private) power. No organ of state or arm of government has the power to act in a manner inconsistent with the Constitution.'*

As such conduct is paramount when considering this matter one has to test the conduct of those involved and to measure whether such conduct is constitutional. If the answer to this enquiry is in the negative then a finding must be reached that such conduct is unconstitutional and hence invalid, the resultant effect being that any actions following this unconstitutional conduct must be rendered null and void.

Turning to the matter at hand one has to trace the chronological order of the actions taken against Mdluli. In summary he was charged with a murder that occurred in 1999. During the investigation of this murder charge other information came to light which led to the registering of a docket Silverton CAS 155/07/2011 on charges of fraud, theft and corruption involving motor vehicles. Search warrants were obtained for 2 covert premises which were executed on more than one occasion during early September 2011. Documents were seized under this warrant and members of the Crime Intelligence Division were interviewed. The search warrants were intended to sustain a criminal prosecution of fraud but other alleged criminal acts were discovered.

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Mdluli was arrested on the 21 September 2011 on charges of fraud, theft and corruption involving the motor vehicles and the case was adjourned to the 14 December 2011. On this day the charges were withdrawn. The murder matter was withdrawn on the 7 February 2012 however media reports as early as 1 February 2012 suggested that the charges were to be withdrawn and on the 3 February 2012 disciplinary charges were instituted. The timing of the events becomes vital in our determination as it clearly suggests an ulterior motive and a concerted effort to ensure that Mdluli does not return to his position. This behaviour is tantamount to conduct that is inconsistent with the Constitution and as such must be invalid. This matter will be expanded on later in this report.

The disciplinary charges relate to two overseas trips and the appointment of persons related to Mdluli as under cover police agents. Despite the fact that there is a clear splitting of charges, a perusal of the charge sheet reveals a peculiar omission of charges for which Mdluli was criminally charged. Whilst it may be acknowledged that it would be hard pressed to include the murder charge in the disciplinary charges the same cannot be said for the charges of fraud pertaining to the motor vehicles. The reason for this conclusion is that the charges for which Mdluli is facing in the disciplinary matter has the underlying elements of fraud and corruption similar to the charges in the disciplinary yet they are visibly absent in the charge sheet in the disciplinary matter. Further support for this can be found in the evidence intended to be led in the disciplinary case. This evidence was uncovered during the investigation into the criminal matter of fraud and reveal continuing offences yet they have been omitted. This includes the affidavits of members within Crime Intelligence who have attested to the alleged fraudulent acts of Mdluli in relating not only to the motor vehicles but also the overseas trips. Even more surprising is that there appears to be no forthcoming reason why the matters in the disciplinary were not added to the criminal matter as additional charges.

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Nothing prevented this from happening. This unusual approach calls into question the conduct of those tasked with preferring charges against Mdluli, both in the criminal and the disciplinary matter.

Another issue worth consideration is the evidence obtained to sustain a successful disciplinary trial. It is clear that certain documentary evidence was obtained substantiated by numerous affidavits obtained from members of Crime Intelligence. However what is curious is the fact that many of the officials who provided affidavits are implicated in the charges against Mdluli yet to our knowledge, apart from Lazarus, none of the other officials have been charged internally. In respect of the appointments it is clear that those implicated were complicit in the process yet they remain free from internal processes. The question is why? Once again conduct comes into question for which the only conclusion that can be reached is that this too points to another attempt by the investigators to ensure that action is only directed at Mdluli to guarantee his non-return.

As far as fairness of the process is concerned, the Constitutional court has been decisive in ruling that fairness is tested from the inception of an investigation which if unfair could render any subsequent process *ultra vires*. Furthermore fairness is an integral component of Just Administrative Action enshrined as a constitutional right in section 33 of the Constitution. This has applicability here. Procedural fairness must exist in any administrative action such as a disciplinary matter as it is an intended consequence of materially and adversely affecting the rights of a person (section 3 of the Promotion of Administrative Justice Act 3 of 2000). The facts in this matter reveal procedural unfairness which is manifested through the conduct of the investigators. As such the institution of the disciplinary matter cannot be sustained as it is inconsistent with the Constitution.

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Insofar as Lazarus is concerned we hold the view that the disciplinary charges leveled at him complies with the internal regulatory framework of SAPS and thus can find no unlawful conduct or procedural unfairness.

**MERITS OF THE CHARGES**

It has been noted that the charges against Mdluli largely resemble some of the charges against Lazarus which the latter has responded to by way of written representations to the National Commissioner dated the 30 November 2011. Equally the legal representative of Mdluli has provided written representations to the charges dated the 19 February 2012.

We will deal with the charges on an individual basis. In respect of Mdluli we will not deal with the individual charges as there is a clear splitting of charges and will confine our response to the alleged unauthorized overseas trips and the irregular appointments. However at the outset it must be borne in mind that we are unaware of the defence of Mdluli save for what it set out in his response to the disciplinary charges, a copy of which is at hand. In addition we have not interviewed him and will not advance a defence for him or assume the role of his legal representative. As such our response will address factors we are mandated to address as provided for in the Oversight Act.

In respect of the trip to Singapore, we are aware that the Auditor-General (AG) queried certain expenses related to this trip, in particular the reason for the inclusion of Ms Lyons, a non employee of SAPS on the trip. It would also appear that the trip to China in which Mdluli was accompanied by his former wife, was queried by the AG. Management of SAPS responded and the AG accepted the response provided in respect of the purpose for the inclusion of Ms Lyons and the role she was to play in the Singapore trip. In addition the AG accepted the responses pertaining to the China Trip. This is a vital piece of evidence in

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dealing with these charges. It is the AG who has the final financial oversight role over the Intelligence Services and the Secret Services Account. Their mandate is unambiguously set out in the Oversight Act and the Public Audit Act wherein extensive powers relating to financial mismanagement are provided to this oversight body. We are therefore at pains to comprehend the rationale behind the decision to include these charges in the disciplinary matter against Mdluli subsequent to the findings of the AG. This inclusion is disturbing as it serves to undermine the office of the AG and tends to place their integrity into question.

The SAPS Secret Services Account: Policy and Delegation Document provides for delegation of power to the Divisional Commissioner. These powers are far reaching and include discretionary power. Express provision by way of section 53 provides for Divisional Commissioner to authorize the purchase of airplane tickets for international flights. Even more important are the provisions of section 71 which grants the Divisional Commissioner the power to approve and authorize expenditure not mentioned in the Delegation document. This is an extremely wide power which would include a vast range of activities and operations including overseas travel. So whilst it is alleged that Mdluli contravened the National Instruction 5/2005 by not obtaining approval in accordance with its prescripts, it can equally be argued that the delegation of powers vested in him the power to authorize expenditure related thereto.

If this argument is accepted then it may be said that he was authorized to approve of the trip to China and was equally authorised to include Lyons in the trip to Singapore as he held the view that she has the necessary skills for this undertaking. In addition we hold the version supplied by both Mdluli and Lazarus in their responses is reasonable and such should be accepted.

In respect of the appointments it is common cause that 250 posts were filled which included the family of Mdluli and his current wife. It is also common

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cause that the family members of Mdluli were already employed by SAPS and applied for the posts in line with the requisite prescripts. Whilst mindful of the SAPS Employment Regulations, 2008 barring the favouring of relatives in work related activities, we hold the view that had there been only 4 posts advertised which were filled by the aforementioned members; the charges related thereto would hold some merit and could be sustained. However 4 amongst 250 is negligible and the motive behind for the inclusion of these charges must be questioned.

However we do hold the view that related charges on this issue of appointments can be out to Lazarus as he was responsible for the appointments.

It is important to take cognizance of the fact that the exposure of covert operations and the expenditure related thereto approved by Intelligence officials mandated to do so, would lead to an untenable situation of the compromise of the legitimate covert operations and would render SA susceptible to Foreign Intelligence Services.

<b>FINDINGS</b>
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- In respect of the charges in totality the conduct and motives of the investigators must be considered. As explained above the failure of successful prosecution on the criminal charges led to a concerted effort to institute disciplinary charges against Mdluli. The conduct itself is inconsistent with the Constitution as it is intended to deprive Mdluli of his constitutional right to fair administrative process. As such this conduct must be declared inconsistent with the Constitution and hence invalid. It is therefore our finding that the entire process of the institution of the disciplinary charges against Mdluli is *ultra vires* and must be declared null and void;

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- Should this approach not be accepted we find that the version supplied by Mdluli in his response read together with the version of Lazarus in respect of the trips and the first charge of the appointments is reasonably possibly true which would render the disciplinary charges with little prospects of success;
- In respect of the Lazarus we find that the charges relating to the trips should be withdrawn based on the reasons advanced above. However all other charges contained in his charge sheet save for the one related to the appointment of the family of Mdluli must be instituted against Lazarus as he has a case to answer;
- As far as the position of Lazarus is concerned it is clear that in terms of paragraph of Chapter 1 of the SAPS Secret Services Account: Policy and Delegation Document the responsibility of the CFO (Lazarus) is to assist the accounting officer who is the National Commissioner. To hold any other position or to perform other duties and responsibilities is a violation of this policy document. We have found in our Certificate 2010 that Lazarus was designated the title of Head Operational Support with responsibilities of the role of CFO and Support to Covert Operations. The latter entailed operational duties. This is an untenable situation and cannot be allowed to continue.

**RECOMMENDATIONS**

- It recommended that the disciplinary matter against Mdluli be immediately withdrawn and he should be required to report for duty immediately;

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- In respect of Lazarus we recommend that disciplinary charges proceed against him in respect of the following: rental of the safe house (charge 1) the trip to Mauritius (charge 2), domestic travel for the members of his family(charge 4), submission of a false statement (charge 5) and the alternative charge 7;
- It is further recommended that Lazarus be Immediately removed from his current positions and roles and be placed in a position where he has no dealings whatsoever with the Secret Service Account.

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**ANNEXURE "NM6"**

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# intelligence

Office of the Inspector-General of Intelligence  
REPUBLIC OF SOUTH AFRICA

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Tel (012) 367 0844/47, Fax: (012) 367 0920

OIG/IG10/12/5/1

19 March 2012

Lt Gen NS Mkhwanazi  
Acting National Commissioner: SAPS  
Private bag X92  
Pretoria

Fax: [REDACTED]

Dear Sir

## SILVERTON CAS 155/07/2011: INVESTIGATION BY THE DIRECTORATE FOR PRIORITY CRIME INVESTIGATION: LIEUTENANT GENERAL RN MDLULI: CRIME INTELLIGENCE DIVISION OF THE SOUTH AFRICAN POLICE SERVICE

- 1 We refer to your letter of the 22 February 2012 wherein you requested an opinion on the reasons advanced by the National Prosecuting Authority for the withdrawal of the criminal charges against Lt General Mdluli
2. In response to the Memorandum of Adv Mrwabi of the 4 December 2011 we advise as follows:
  - 2.1 The Inspector- General of Intelligence (IGI) derives her mandate from the Constitution of the Republic of South Africa, 1996 and the Intelligence Services Oversight Act, 1994 (Act 40 of 1994) which provides for the monitoring of the intelligence and counter- intelligence activities of the Intelligence Services,
  - 2.2 Any investigation conducted by the Inspector-General is for the purposes of intelligence oversight which must result in a report containing findings and recommendations;
  - 2.3 The mandate of the IGI does not extend to criminal investigations which are court driven and neither can IGI assist the police in conducting criminal investigations. The mandate of criminal investigations rests solely with the Police;

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Inqubo Lomkosi Jikelele: Iqiniso/umazibane      Kancinci ya Mkhawazi zomgqali we buqili      Nkosi ya Mkhawazi Jikelele we buqili      Inqubo Lomkosi Jikelele: Iqiniso/umazibane  
 Inspektor- general van nediyenswaardigheid      I ofisi yomkhawazi omkhawazi wezobuqili      Ufs ya khinqaloluli Khabarenci we bafowazi      Ofsa ya buqili  
 Izibonakisi ma Vhucwadi      Ofsi ya Mkhawazi      Inqubo ye buqili      I Ofisi yomkhawazi      Inqubo      I khinqaloluli/ukhinqaloluli      Inqubo ye buqili

*Rem MS*

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As such we are the opinion the reasons advanced by the NPA in support of the withdrawal of the criminal charges are inaccurate and legally flawed. We therefore recommend that this matter be referred back to the NPA for the institution of the criminal charges.

I trust you find this in order and thank you.



**Ambassador Adv FD Radebe**  
**Inspector-General of Intelligence**

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Adv M3

**ANNEXURE "NM7"**

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111114  
Lieutenant General A Dramat

A. Advocate Jiba  
Acting National Director of Public Prosecutions  
23 estlake Avenue  
SILVERTON

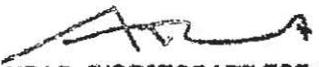
B. Special Commercial Crimes Unit  
NATIONAL PROSECUTING AUTHORITY  
GAUTENG NORTH

**SILVERTON CAS 155/07/2011: INVESTIGATION BY THE DIRECTORATE FOR PRIORITY CRIME INVESTIGATION: LIEUTENANT GENERAL RN MDLULI: CRIME INTELLIGENCE DIVISION OF THE SOUTH AFRICA POLICE SERVICE**

- A.1. With reference to the memorandum of Adv Mrwebi regarding the ongoing investigation by the Directorate for Priority Crime Investigation(DPCI) into Silverton CAS 155/07/2011 concerning Lieutenant-General RN Mdluli, Division Crime Intelligence.
- 2. Attached is the response received from the Office of the Inspector General of Intelligence and a copy of the criminal investigation docket, Silverton CAS 155/07/2011 for your decision.

B.1 Copy for your information.

Kind regards,

  
 LIEUTENANT GENERAL  
 HEAD: DIRECTORATE FOR PRIORITY CRIME INVESTIGATION  
 DEPUTY NATIONAL COMMISSIONER: SOUTH AFRICAN POLICE SERVICE  
 A DRAMAT

Date 2012-03-23

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**ANNEXURE "NM8"**

1

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Specialised Commercial  
Crime Unit



HEAD OFFICE

Ref: 10718/12-2011

To: [Redacted]  
File: [Redacted]

Victims: [Redacted]  
Range: [Redacted]  
129 [Redacted]  
Whereof: [Redacted]  
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TO: LT GENERAL SHIRAZ  
HEAD DIRECTORATE OF PROSECUTIONS  
INVESTIGATION

CC: ADV GENERAL TIEBACH  
DIRECTOR GENERAL  
INVESTIGATION  
SECTION OF PUBLIC PROSECUTIONS  
NORTH WITBANK

FROM: [Redacted]  
DEPUTY DIRECTOR (CCU)

DATE: 20 MARCH 2012

SUBJECT: INVESTIGATION RE: 10718/12 INVESTIGATIONS  
SECTION OF GENERAL INVESTIGATION

You are urged to advise March 2012 and the attachment  
transmitted in the above letter.

I am sure you will be satisfied with the progress of  
the investigation and the results of the investigation.  
I am sure you will be satisfied with the progress of  
the investigation and the results of the investigation.

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

[Handwritten signatures]

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remind that the NPA is an independent institution and procedural decisions are its sole prerogative.

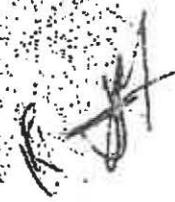
The view of the IG, following your solicitation of her opinion on the NPA decision on the matter, based on a document which the police or anybody else were not even legally entitled to possess, is for your consumption and does not affect the decision taken on the matter.

The NPA took a principled and considered decision on this matter without fear favour or prejudice, as it is required to do in terms of the law. That decision stands and this matter is closed.

Doclet SILVERTON CAS 155072011 is returned herewith.

Regards

  
 ADVOCATE L.S. MAWENI  
 SPECIAL DIRECTOR, COMMERCIAL CRIME UNIT  
 DATE: 20 MARCH 2012

  
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**ANNEXURE "NM9"**

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NPA



South African Police Service Suid-Afrikaanse Polisie diens

Private Bag 784  
Privaatsak

Fax No: [REDACTED]

Faks No:

Your reference/My verwysing:  
My reference/My verwysing: CAS 155/07/2011  
Enquiries/Navrae: Lt Gen A Dramat  
Tel: [REDACTED]

THE NATIONAL COMMISSIONER  
DIE NATIONALE KOMMISSARIS  
PRETORIA  
0001

Advocate N Jiba  
Acting National Director of Public Prosecutions  
Victoria and Griffiths  
Mxenge Building  
SILVERTON  
0001

Dear Advocate Jiba

SILVERTON CAS 155/07/2011: INVESTIGATION AGAINST  
LIEUTENANT GENERAL RN MDLULI

You will recall that I have submitted a request, dated 23 March 2012, with the relevant case docket to you, as addressee A, in your capacity as Acting Director of Public Prosecutions, for your decision. This was following the response from the Inspector General of Intelligence on the initial decision of the Special Director, Advocate Mwrebi, to have the charges against Lieutenant General Mdiuli and Col Barnard withdrawn.

Thereafter I received a response, again from Advocate Mwrebi, that the matter is finalized and that he abides by his decision. In the circumstances I will appreciate a decision on the matter by you, as the ultimate authority in respect of the consideration of a prosecution.

With kind regards.

  
LIEUTENANT GENERAL  
HEAD: DIRECTORATE FOR PRIORITY CRIME INVESTIGATION: SOUTH  
AFRICAN POLICE SERVICE  
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Date: 2012 - 04 - 23

 S.  
23/04/2012  
@ 14H 30

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**ANNEXURE "NM10"**

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Lt Gen Mkhwanazi  
[REDACTED]

Messrs Maluleke Seriti Makume Matlala Inc  
P.O. Box 133  
GERMISTON  
1400

Per telefax: [REDACTED]  
For attention: Mr Motloung

**RE: YOUR CLIENT: LIEUTENANT GENERAL MDLULI**

Your e-mail dated 24 May 2012 refers.

This office finds it extremely strange that your client is not aware of the Notice of Intention to suspend him and "it has come to his attention through media reports."

It is hereby placed on record that Lieutenant General Masemola personally served your client with the Notice of Intended Suspension on 2012-05-15 at approximately 11:00. See copy of Return of Service attached.

The fact that your client is currently on sick leave does not deter from the fact that he had the opportunity to make representations on the intended suspension. This office is aware of the fact that your client participated in other official activities whilst on sick leave and therefore it is accepted that he could have attended to the matter at hand as well.

The seven day period that your client had to submit representations lapsed on 22 May 2012. In the light of the above I have decided to suspend your client with effect from 26 May 2012. Copy of Notice attached. The original will be served on your client.

Kindly inform your client accordingly.

Yours faithfully

  
[REDACTED]  
ACTING NATIONAL COMMISSIONER: SOUTH AFRICAN POLICE SERVICE  
NS MKHWANAZI

LIEUTENANT GENERAL

SOUTH AFRICAN POLICE SERVICE

Date: 2012 5 25

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**ANNEXURE "NM11"**

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SOUTH AFRICAN POLICE SERVICE

**NOTICE OF SUSPENSION IN TERMS OF REGULATION 13(1) OF THE SOUTH AFRICAN POLICE SERVICE DISCIPLINE REGULATIONS, 2006**

To: Persal No [REDACTED] Rank Lieutenant General Name RN Mdluli

1. The Notice of Intended Suspension dated 13 May 2012 and served on you on 15 May 2012 refers.
2. Take note that after due consideration of all the relevant facts and circumstances as well as the fact that no representation was received from you within the prescribed time-period, I have decided to suspend you.
3. You are suspended in accordance with the provisions of Regulation 13(1) of the SAPS Disciplinary Regulations, 2006, promulgated in accordance with Section 24(1) of the South African Police Service Act No. 68 of 1995, as from 26 May 2012 on the following grounds:
  - 3.1 New information brought to light at the initial sitting of the inquest investigation into the murder of Abel Oupa Tefo Ramokgibi and the attempted murder of Alice Mananan during 1998/9 has revealed new alleged instances of your having contravened Regulations 20(a), (f) and (q) of the Discipline Regulations, 2006, by failing to comply with, or contravening an Act, Regulation or legal obligation; prejudicing the administration, discipline or efficiency of the South African Police Service and contravening prescribed code of conduct of the South African Police Service;
  - 3.2 New alleged instances of your having contravened Regulation 20(b) of the Discipline Regulations, 2006, by wilfully or negligently mismanaging the finances of the state through improper utilisation of the Secret Service Account have come to light; and
  - 3.3 Additional and new information on previously advised alleged instances of your having contravened Regulation 20(b) of the Discipline Regulations, 2006, by wilfully or negligently mismanaging the finances of the state through improper utilisation of the Secret Service Account has also come to light.
4. Take note that the above suspension in terms of Regulation 13(1) will be with full remuneration and is precautionary of nature.
5. During your suspension the powers and authority vested in you as an employee shall be held in abeyance, but you shall continue to be subject to the discipline of the Service including the obligation to accept service of all documents issued in terms of these Regulations
6. You are prohibited from entering any official premises of the SA Police Service without prior authorisation of the Acting National Commissioner or the Deputy National Commissioner: Operational Services.
7. Your residential address for purposes of service of documents in this regard is required. In the event of any change you must inform the Acting National Commissioner or the Deputy National Commissioner: Operational Services immediately and supply your new address.

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- 8. Take note that you are obliged to hand in your official firearm and appointment certificate upon receipt of this notice.
- 9. You must hand all keys providing access to official buildings, places, property, vehicles as well as official documents, equipment, radios, cellphones to the Acting National Commissioner or the Deputy National Commissioner: Operational Services.



**LIEUTENANT GENERAL  
ACTING NATIONAL COMMISSIONER: SOUTH AFRICAN POLICE SERVICE  
NS MKHWANAZI**

DATE: 2012-5-25

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**ANNEXURE "NM12"**

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## **SAPS on its 2012 Strategic Plan: Detectives**

**Police**

**Date of Meeting:**

19 Apr 2012

**Chairperson:**

Ms L Chikunga (ANC)

**Documents handed out:**

**Analysis of the 2012/13 Strategic Plan and Budget of the Department of Police: Vote 25**

**Audio recording of the meeting:**

**PC Police: South African Police Service (SAPS) on their Strategic Plan and Budget for 2012/13: Detectives**

**Summary:**

Members were informed that the Detective Services in the South African Police Services had been allocated R13.2 billion for the 2012/13 financial year. The four sub-programmes were crime investigation, which was the major component, the Criminal Records Centre, forensic laboratories and specialised programmes. Funds had also been allocated for the revamp of the Criminal Justice System. Officers presented the budget allocation to the different sub-programmes, strategic and operational priorities, performance indicators and targets for 2012/13.

The South African Police Services reported that operational priorities included enhanced collection of evidence at crime sites. The processing of exhibits at Crime Scene Laboratories would be fast-tracked. Criminal history and related information would be provided. Results of Trial would be updated. The wanted database would be updated and purified. The Criminal Record Centre and crime scene management would be capacitated. Investigative psychology support would be provided. There would be compliance with elements of the Explosives Act.

The South African Police Services presented a table of budgeted expenditure under the Criminal Justice System. R1.1 billion was allocated for integrated technology for

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use at Forensic Science Laboratories and Criminal Record Centre. R542 million had been apportioned for Forensic Science Laboratories and Criminal Record Centre. An allocation of R300 million for compensation had been shifted to general expenses under the detectives programme for goods and services. R800 million had been allocated for additional personnel, of which R253 million was for Forensic Science Laboratories and R547 million for Criminal Record Centre.

Members questioned under-spending in this Programme. Concerns raised included the assertion that some new recruits were forced to become detectives. More assurance was needed on efforts to combat stock-theft as it had a devastating effect on farmers. The detection rates were unacceptably low, especially for crimes against women and children. The appropriateness of training for detectives and detective commanders was questioned.

Members discussed career path options with Police management. Allowances were seen as one incentive to retain detectives in the service, but the lack of a full career path often led detectives to furthering their career in other branches. Members questioned the administration of SAPS13 evidence stores, and asked what impact this had on investigations. Detectives had a high workload. Members wanted to know if this was a reason for the high number of dockets referred back to detectives by the courts.

Members were told that staff numbers would be reduced due to an instruction from National Treasury. The matter was discussed at length. Members were concerned about wasteful expenditure by the Police in general. Members were also concerned with the practice of allowing members under suspicion of serious misconduct and corruption to go on early pension with a huge payout. They were assured that while departmental action might have been finalised, criminal investigations were still pending against a number of such people.

Members, despite the concerns raised, had a more positive opinion on the Police budget than after the presentations made in the previous two days.

Minutes:

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The Chairperson welcomed the delegation from the South African Police Services (SAPS). The Detective service in the South African Police Service (SAPS) was of special concern to Members and the whole day had been allocated to this Programme.

#### **Presentation by SAPS: Detectives**

Lt-Gen Stefan Schutte, Divisional Commissioner (DC): Finance and Administration, SAPS, said that Programme 3 was Detective Services. The estimated expenditure for the 2012/13 financial year (FY) was R13.2 billion. There were four sub-programmes. Crime investigations would be allocated 65% and the Criminal Record Centre (CRC) would be allocated 11%. The Forensic Society Laboratory (FSL) sub-programme would receive 14%, and Specialised Programmes would take 10%. The Criminal Justice System (CJS) revamp made specific allocations for Crime Investigations (R300 million), FSLs (R225 million) and CRC (R317 million).

Lt-Gen Godfrey Lebeya, Deputy National Commissioner (DNC), SAPS, presented the priorities, performance indicators and targets in the sub-programme Crime Investigations. In all cases, the target was determined against the background of the 2010/11 baseline and estimate for 2011/12. The first priority was effective detection and investigation of serious crimes, contact related crimes, crimes against women and children, property related crimes and crimes dependent on Police action for detection. The target for the detection rate of serious crimes was to increase by 2% to 55%. The number of court ready case dockets would be increased by 3% to 36.84%. The conviction rate for serious crimes would increase by 0.30% to 88.50%.

Gen Lebeya said that in terms of contact crimes, the detection rate would be maintained at 60%. The percentage of court ready case documents would be increased by 2% to 37.24%. The number of convictions would be increased by 1% to 75.34%.

Gen Lebeya presented the targets in relation to trio crimes. The detection rate would be increased by 5% to 23%. The number of court ready dockets would be increased by 3% to 43.74%. The conviction rate would be increased by 0.5% to 71.02%.

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Gen Lebeya told Members that the next set of targets related to serious crimes against women above the age of 18. Such crimes were murder and attempted murder, all sexual offences, common assault and assault with intention to do grievous bodily harm (GBH). The detection rate would be increased by 0.5% to 72.05%. The number of court ready dockets would be increased by 2% to 39.85%. The conviction rate would be increased by 0.5% to 73.51%

Gen Lebeya said that the final set of targets related to the same offences committed against women under the age of eighteen. The detection rate would be maintained at 77.42%. The number of court ready dockets would be increased by 1% to 25.66%. The conviction rate would be increased by 0.50% to 70.54%.

Gen Lebeya said that development capabilities would be enhanced by the review of the manuals for the Detective Commander's Learning Programme (DCLP) and Resolving of Crime (ROC) course. Assessment criteria had been developed for learners. The Family, Children and Sexual Offences (FCS) Learning Programme had been aligned with legislation. Detective Commanders at certain stations were being trained in commercial crime investigation.

Gen Lebeya reported that performance in respect of the targets would be monitored, and interventions would be made at poorly performing stations. The wanted person's database would be purified. There would be a focus on tracing known suspects.

Gen Lebeya informed the meeting that a crime scene investigation manual had been compiled and circulated. The crime investigation manual was being finalised. Detective court case officers would be strengthened in their task of preparing dockets to go to court. Detective service centres would be rolled out. Quarterly performance reviews would be held with provincial heads to assess performance. Investigation of cases would be linked with DNA links and IBIS hits.

Gen Lebeya said that capacity would be strengthened with a focus on FCS and stock theft units. The FCS units would be made functional by being re-established while their recruitment and mandate would be reviewed. Stock theft units had been

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re-aligned geographically and new units had been established. Detectives were returning to the detective service from other SAPS branches. Recruitment was being intensified. The activities and successes of these units was being publicised. There was a special focus on emerging farmers on issues such as legislation and branding. Cross-border operations would be conducted in conjunction with neighbouring countries.

Gen Lebeya stated that cross-border operations would be conducted in conjunction with SARPCCO members to take action regarding stolen vehicles and combating illegal trade in drugs and weapons. Stolen vehicles would be recovered and repatriated. Criminal groups would be identified. The Section Cross Border Operations would gather intelligence in order to prevent stolen vehicles from crossing the border.

Gen Lebeya noted that the capacity of the Crime Stop initiative would be increased to handle the information reported on the crime line. More use would be made of the media to publicise suspects. There would be an enhanced capability at provincial level to deal with investigation of case dockets.

Maj-Gen Charles Johnson, SAPS Detective Service, said that the first strategic priority in the sub-programme Specialised Investigations was specialised investigation of serious organised crime, commercial crime and corruption. The first performance indicator was the percentage of case-ready dockets for fraud and corruption for individuals within the JCPS cluster. This had been a new indicator in 2011/12. The target would be to increase the baseline performance in 2011/12 by 3%. The target for detection rate for serious commercial crime-related charges would be 50%. The target for court-ready case dockets for serious commercial crime-related charges would be 30%. The percentage of registered serious organised crime project investigations was targeted to be 31% of successfully registered projects.

Gen Johnson said that the second priority was the investigation of serious commercial crime-related cases where government officials are involved in procurement fraud and corruption-related cases. There were three targets related to

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this priority. Firstly, 50 would be investigated. Secondly, there would be 25 court ready cases. Thirdly, assets to the value of R125 million would be restrained or seized.

Gen Johnson said that in order to prevent, combat and investigate national priority offences, a Priority Crime Management Centre (PCMC) would be established in each province. A threat-based investigative approach would be followed. Investigative teams would be multi-disciplinary. Investigation would be on a project basis. Priority crimes on which the focus would fall included illegal mining, rhino poaching, narcotics, illegal cigarettes, non-ferrous metals, serious violent crime, banking offences such as skimming, human trafficking and vehicle related offences.

Gen Johnson said that investigation into commercial crimes would be assisted by collaboration with partners such as the South African Banking Risk Information Centre (SABRIC) and the mobile networks to fast-track Section 205 subpoenas. Multi-disciplinary task teams would be formed. The SAPS was lobbying for dedicated courts and prosecutors.

Gen Johnson told Members that money laundering and financial links would be investigated. Financial and Asset Forfeiture Investigation (FAFI) would be enhanced at both national and provincial level. Multi-disciplinary task teams would be formed. There would be better collaboration with companies rendering cash-in-transit services. A strategy to deal with commercial crime would be introduced.

Gen Johnson outlined measures to enhance the fight against organised crime. Multi-disciplinary task teams would be formed. The PCMC would enhance a threat-based investigative approach. Inter-departmental collaboration was needed. Organised crime units would be capacitated with special knowledge in precious metals and diamonds. SAPS would work closely with commodity champions. Specialist training would be provided. A National Instruction would be developed for project management. Units needed to be instilled with a project investigation culture. The organised crime course would be reviewed. Second hand goods dealers would be investigated.

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Gen Johnson said that the CAS would be modified in order to isolate corruption cases within the JCPS cluster. The SAPS Anti-Corruption Plan would be implemented at the Directorate of Priority Crime Investigation (DPCI). Whistle blower channels would be publicised. Integrity management would be practices. Identified risks would be prioritised in a high risk environment.

Gen Johnson said that a cyber crime capability would be established. SAPS would participate in the National Banking Crime Task Team (NBCCTT). Co-operation between investigating teams would be enhanced. A hi-tech response team would be established to deal with skimming at automatic teller machines (ATM). There would be a focus on international links.

Gen Vineshkumar Moonoo, DC: Detective Service, SAPS, led the presentation on the CRC sub-programme. The only strategic property under this sub-programme was improving the procedures for updating the records of offenders. The performance indicator was the percentage of original previous conviction reports for formally charged individuals generated within twenty days. The target was 82%.

Gen Moonoo said that operational priorities included enhanced collection of evidence at crime sites. The processing of exhibits at Crime Scene Laboratories (CSL) would be fast-tracked. Criminal history and related information would be provided. Results of Trial (ROT) would be updated. The wanted database would be updated and purified. Criminal records and crime scene management (CSM) services would be standardised. CRC and CSM would be capacitated. Investigative psychology support would be provided. There would be compliance with elements of the Explosives Act.

Gen Moonoo said that there was one strategic priority under the sub-programme Forensics Laboratories. This was improving the collection and processing of crime scene evidence. The performance indicator was the percentage of exhibits processed within 28 working days. The target was 92%.

Gen Moonoo said that the operational priorities were the processing and utilisation of forensic evidence. Forensic laboratories would be capacitated. Forensic services

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would be standardised. A victim identification centre would be established to identify missing persons and unidentified remains.

Gen Moonoo said that forensic processes would be aligned to ISO standards. Forensic databases would be established. Technical management expertise would be provided, including equipment. All analysts, examiners and other staff would be competent in their duties. Strategic directions would be provided in terms of accreditation of forensic laboratories. Forensic awareness would be created both inside and outside the forensic community.

Gen Moonoo said that the objectives of the CJS revamp were ensuring the forensic human resource (HR) capacity. Support would be given to the criminal individual and judicial process through effective CSM. Reliable and timely forensic findings should be made. Business performance should be improved at accredited laboratories. Systems would be modernised. Forensic awareness would be created.

Gen Moonoo presented a table of budgeted expenditure under the CJS. R1.1 billion was allocated for integrated technology (IT) for use at FSL and CRC. R542 million had been apportioned for FSL and CRC. An allocation of R300 million for compensation had been shifted to general expenses under the detectives programme for goods and services. R800 million had been allocated for additional personnel, of which R253 million was for FSL and R547 million for CRC.

### ***Discussion***

The Chairperson noted that there had been significant under-spending in this Programme in the recent past.

Ms M Molebatsi (ANC) asked how detectives were selected. She had encountered some who had been forced into the role and did not want to do the job. She wanted to know who decided on when detectives would attend training and asked if there were backlogs at the forensic laboratories.

Ms D Kohler-Barnard (DA) said that stock theft was devastating to farmers in the border areas. Emerging farmers were being bankrupted but there did not seem to be

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serious attention to this form of crime. She asked if there was any co-ordination with the Air Wing. The forensic laboratories had huge backlogs. It took a huge amount of time to process blood samples and this compromised investigations. After former National Commissioner (NC) Jackie Selebi had closed the specialised units for crimes against children, the rate of this kind of crime had soared while the conviction rate plummeted. The detection rates for these crimes were unacceptably low. When visiting stations, some had detection and conviction rates in single digits. The training was inadequate or non-existent. It was a smokescreen to claim there was a high number of detectives when many had no training. This compromised the detection rate.

Mr G Lekgetho (ANC) asked for details of detective training.

Ms P Mocumi (ANC) asked about the standard of equipment supplied to detectives.

Ms A van Wyk (ANC) thanked the Generals for publishing the detection and conviction rates. It would encourage the public if targets were set and reached. It showed that there could be detailed targets rather than delete them because it was difficult to measure achievements. She wanted to know how many detectives were needed, and what the level was training. Success in the fight against crime was often linked to the quality of leadership given by the branch managers. She asked why the figures for crimes against women and children were so low. She understood the difficulty in obtaining evidence.

Ms van Wyk said that the lack of a career path was a problem. She doubted that any newly qualified recruits considered this. One could not force a person to be a detective. She commended the quarterly reviews of the targets. Early intervention was needed throughout the SAPS. There was a lot of talk about enhancing systems, but it was not explained how this would be achieved.

Ms van Wyk needed more detail regarding the family violence units. Corruption within SAPS was present, especially in the supply chain management (SCM) environment. She asked why targets had been left unadjusted for some indicators. She asked about the SAPS13 stores and how the issue would be addressed. It

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might be necessary to move these stores to a different environment. Many of those in charge did not realise the importance of the evidence being stored there. One person had recently been arrested in relation to the disappearance of evidence. It was worrisome that the importance of the stores was not realised. She granted that there had been some improvement. Drug stashes were kept in the stores for months or years whereas they should be disposed of within 48 hours. Conflicting entries were found in the register. She was concerned that confiscated and recovered stolen firearms disappeared from the stores and found their way back onto the streets. She asked what was being done to address the problem.

Ms van Wyk asked if SAPS had held discussions with the Department of Justice and Constitutional Development (DoJCD) about the processing of blood samples. The security of samples in storage was questionable. There seemed to be a lack of understanding of the document distribution system at some stations. Commanders did not seem to understand how to share the case load between the detectives. Another factor here was the different qualification levels between detectives. She asked why the fingerprint legislation had been passed. It had been a laborious process. Detectives did not know that fingerprints could be drawn from the databases of the Department of Home Affairs (DHA), eNatis and other sources. She had seen 80 suspects being eliminated in an hour as the DHA database proved they were deceased.

Mr V Ndlovu (IFP) asked how long detectives stayed with a case. He asked about the control of stolen goods. He referred to the case of the magistrate who had driven a stolen vehicle for three months. In addition, he asked how many detectives had been convicted for engaging in criminal acts. Thereafter, he asked how many dockets were allocated to each detective. There were high stress levels. Many cases were dismissed because of incomplete investigation.

Ms Kohler-Barnard said that the DoJCD had returned a high number of dockets to SAPS because they were incomplete. That would make nonsense of the figures supplied to Members. The number ran into hundreds of thousands.

The Chairperson was aware that in 2011 a question had been asked about the ELA.

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A report had been tabled. She asked what the way forward would be. Members were told that closed circuit security cameras were to be installed in forensic laboratories. There had been cases of irregular expenditure. Equipment had been procured at outrageously inflated prices. She wanted to know about the training of detectives. A situation had been allowed where new recruits had been allocated to the detective service. More staff would be recruited after the changes to the Criminal Procedures Act. She asked if there was accommodation for extra staff.

Ms Kohler-Barnard asked if the target rates for detection and conviction rates differed between the provinces. She had been advised that there was a difference.

Ms van Wyk said detectives were lost. At some point, if they wanted to advance their career, they would become station commanders or staff officers and would have to leave the detective branch. She asked if there was any way of reorganising the rank structure within the branch.

Gen Nhlanhla Mkhwanazi, Acting NC, SAPS, said one had to consider if promotion was merely to increase salary. A number of detectives might not be promoted. SAPS was discussing allowances for detectives as an incentive. It did happen that a docket was returned from the court due to inadequate evidence. Other powers decided on convictions, not just SAPS.

Ms van Wyk said that out-of-the-box thinking was needed on the question of detectives. A flat or straight structure might be better than the current pyramid structure. Promotion should be available within the branch. Allowances would not retain detectives. They needed to be able to grow financially within the branch.

Gen Schutte said that 81% of the funds allocated for CJS had been spent. There was some money allocated for recruitment.

Ms Kohler-Barnard had been told that the intake in January 2013 would be the last, and that vacated posts would not be filled. However, there was an allocation of R800 million. She could not understand this.

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The Chairperson asked if National Treasury (NT) had made the decision on the curtailment of funding. There were so many challenges to address.

Gen Schutte said that about 5 000 SAPS members resigned or left the service for other reasons annually. The cut implied that there would still be the opportunity to appoint 1 200 recruits. There would thus still be a reduction. The cut was an instruction from NT. R300 million could be transferred to detectives and the criminal justice administration (CJA) branch. The R800 million would require further assessment.

Ms van Wyk asked if the pattern of recruiting below the attrition rate would continue in the future.

The Chairperson said that a new Act had to be implemented. This would change the strategic priorities. She disagreed completely with the route being taken to redistribute the allocations. Plans had been put forward to utilise funds but were being changed in the middle of the year.

Gen Mkhwanazi said the decision of NT would lead to enormous challenges. There would be ongoing negotiations with NT. The impact would be felt in the SAPS plans and everyday operations.

Ms Kohler-Barnard said that NT could not determine the SAPS priorities. It was outrageous that NT was denying SAPS the opportunity to recruit the experts it needed to implement the new legislation that Parliament had worked long and hard to implement. The Committee needed to call NT to explain themselves. The SAPS was being hamstrung by an autocratic decision.

Lt-Gen JK Phahlane, SAPS Forensic Services, said that the numbers put forward were what SAPS had to work with. There had been an increased volume of samples being sent to the forensic laboratories, which were already overstretched. There was a limit to the amount of overtime worked. A lot of money had been invested in training, but already forensic experts were leaving due to the working conditions. He had planned to hire more experts, but had been told this would no longer be possible

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because of the budget cut.

The Chairperson said that forensic services must have the correct capacity.

Gen Moonoo said that a team had been put together. A proposal would be tabled as to how the skills of detectives could be retained. Various issues were under scrutiny, including career paths and incentives. The team would look at what needed to be done. It had been argued that the organisational structure used in the Visible Policing programme was not appropriate to the detective branch. The team would finalise its recommendations by July 2012.

Gen Moonoo said that some detectives had accepted posts outside the branch. A project had been put in place to encourage some of them to return to the detective branch. At the same time they did not want to paralyse the Visible Policing programme as some of the former detectives were good station commanders. There was a strategy to increase detection rates. Detection was one of the ten pillars in the fight against crime. Publication of lists of wanted persons would assist in tracing suspects. The lower courts had returned 47% of case documents. Court Case Officers had been placed at the courts to ensure that any shortcomings in the dockets could be addressed early. Dockets should be ready at least two days before the trial. Within 48 hours of arrest a suspect had to appear in court. It was not possible that a docket could be finalised before the first appearance. This was why cases in the lower courts were often postponed, and the dockets returned to the detective for further investigation.

The Chairperson thanked him for his comprehensive response. Some of the issues had been raised at a previous meeting, and it was pleasing to see that the SAPS had taken the recommendations made forward.

Gen Johnson said it was true that some recruits were directed to detective training. Most were reluctant to become detectives. Recruits now went through psychometric tests to determine their aptitude. There was a reluctance due to the perceived limited career path. Becoming a detective should be a matter of choice. There was a rural strategy in place with stock theft as a priority. The Air Wing was called in when

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needed and he was not aware of any cases when it had not been able to assist. The conviction rate for FCS was above 73% for victims above eighteen years of age, and 70% for those below eighteen. There were 176 clusters and there was a specialist unit in each. There were over 2 000 members involved in FCS. SAPS had held numerous meetings with the Department of Health (DoH) on the use of laboratories. To prevent cases being withdrawn on the first appearance, a decision had been made that the first appearance on drunken driving charge would be within six months of arrest. Blood analysis had to be complete by then.

Gen Johnson said that 1 700 trained detectives were involved with FCS. The plan was to train 250 in the current FY with a backlog of 178. This last number might increase as capacity increased. Units with a lower workload might be able to redirect some of their resources to assist. He listed a number of courses that were planned which related to investigation and organised crime. Detectives were also trained at station level. Courses were also planned for interview techniques.

Gen Johnson said there were approximately 21 000 detectives at station level, excluding specialist units. SAPS had trained 17 000 detectives. This number only referred to those that had received training beyond the two basic courses. The ideal number was 26 000. SAPS had trained over a thousand station and branch commanders. This included specialist unit commanders. SAPS planned to train 305 commanders in the 2012/13 FY.

Ms van Wyk asked if detectives were being promoted to command positions without the necessary training.

Gen Johnson said this was true. The policy did not mandate training. Some could be very good investigators but poor commanders. At a meeting the previous week, it had been decided that his office would nominate the course attendees rather than provincial commissioners. This would also apply to general detective training. His office would compile a database and study performance to guide their decisions.

Ms van Wyk welcomed the information given. It was generally a fault in SAPS that persons were appointed without qualifications.

Alm MJ

Mr Ndlovu asked if persons were being appointed without qualification.

Gen Mkhwanazi said that appointments at senior level were done by committees who looked at more than qualifications. Once appointments were made, the curriculum vitae (CV) was not included with the notification. Management had to accept that the committee had chosen the best person for the job and had the required skills.

Ms van Wyk concluded that there was no policy in this regard. This should be corrected.

Gen Johnson said that the capacity of SCS had been increased, as had the number of stock theft units. There were plans to boost the resources of these specialist units and the detective branch in general. He could use the R300 million.

Ms van Wyk had sympathy for both SAPS and NT. There was wasteful expenditure within SAPS. The Department was reported to have excessive expenditure on entertainment. Any wasteful expenditure was unacceptable. Parliament had told SAPS not to take increases for granted. Many other Departments also had pressing needs for more finance. The money should be used where it was best needed. There was a limit to the available funds. Her sympathy was running thin. SAPS must not waste money. Her comments were not specifically addressed to the detectives. Building programmes and inefficient SCM had eroded resources over the years.

The Chairperson said that the plan must talk to the budget. The Committee had been misled in the past. The internal distribution of the SAPS budget could be reconsidered. The Department had presented an implementation plan for the new Act.

Gen Phahlane said that a report had been requested on emergency spending. This had been completed. It had been acknowledged in October 2011. The investigation had been concluded. The report had requested the two systems in question. At that point, the components of the Marshall system could not be traced. The person

ABM mJ

responsible for the dismantling of the Marshall system had been identified.

The Chairperson asked why there had been no criminal case opened. There had been wrongdoing in the process.

Gen Phahlane said that the removal of the Brigadier accused had been to prevent further embarrassment. The equipment procured before had never been used. Part of the study was into criminal charges.

The Chairperson said that criminal charges had to be laid where appropriate without fear of favour. Corruption had to be challenged. There were continuous suspicions. More needed to be uncovered.

Mr Ndlovu wanted to know when Members could see the docket.

Ms van Wyk asked how it was possible that criminal acts could happen on SAPS facilities. Members had seen boxes of equipment standing idle. There were clear indications of corruption but no charges had been laid. The Minister of Finance had declared that persons guilty of corruption should go to jail. Corrupt members were retired in terms of Section 35 with a golden handshake or transferred, but there were no criminal prosecutions. The SAPS had the authority to act. She was experiencing a lack of will to act. She asked if it was a case that investigating one person would open up a whole network of wrongdoing. If SAPS did not want to lay charges then the Committee should be empowered to do so. An officer just a year older than her had gone on early retirement with a huge payout. Members knew that this person was corrupt. Nothing was done to stop this situation. As a final insult such persons were then rehired as consultants at considerable cost.

Mr Ndlovu asked where the problem laid. He asked if people were scared to lay charges because of who else might be implicated. If the policemen were breaking the law, he asked how SAPS could be repositioned to show its commitment to upholding the law. Selective prosecution could not be done on a racial basis. The reasons for not laying charges had to be made public. Parliament and SAPS should work together and not create a divide between themselves.

ABM MS

Ms Kohler-Barnard asked about the Section 35 provisions. In the previous year some 20 retirements had been granted. More than half of these persons were under suspicion of criminal activity. The person who approved the package for such dubious individuals may well be equally liable. Even if convicted of an offence subsequently, the pension could not be reclaimed. She asked who was investigating.

Gen Mkhwanazi said that any case involving more than a certain amount would be referred to the Hawks. There was possible corruption in the IT environment. It had been reported to him that there had been serious over-expenditure in this field. He had opened a case. There was an instruction to internal audit to investigate the irregular procurement of equipment for the 2010 World Cup, as had been raised the previous day. There had been a lot of expenditure at the time but an investigation was needed. This enquiry should be concluded within a month.

Gen Anwa Dramat, DNC, SAPS, said that all allegations of corruption were registered. Not all cases were reported. There was a process. Allegations made in the media would also be investigated. There was a process of prioritisation. These investigations were time-consuming. Factors in deciding which agency would investigate depended on the amount involved and the number of people under suspicion.

Mr Ndlovu wanted more assurance. A person had resigned but was under suspicion. He asked how this could be allowed. The name had been mentioned during the meeting. He wanted assurance of what immediate action would be taken.

Gen Dramat said that cases involving the Section 35 members were being investigated. If there was any evidence of criminal activity then that person would be arrested.

Gen Mkhwanazi stressed that not all of the Section 35 members were suspected of crime.

Ms van Wyk asked if the Minister had insisted on the enforcement of Section 35.

ABM MS

Gen Mkhwanazi confirmed what Ms van Wyk had said.

Gen Dramat said that there had been enquiries already into the activities of SAPS members.

Gen Phahlane said that a number of other issues in the procurement field needed to be investigated. The dismissal of a member was simply the end of a Departmental process and would not have any influence on criminal investigations. While the dismissal had been finalised in 2010 the criminal matter was still under investigation.

The Chairperson reminded Gen Phahlane that SAPS had a mission to prevent crime.

Gen Phahlane said that there was engagement with the DoH. This would assist in reducing backlogs. The ability to assist would be influenced by capacity. In the 2010/11 FY, there had been 226 000 items submitted. This number had increased by 27% to 331 000 items. As of 1 April 2011 the backlog was 16 200. A year later, despite the increased number of items, the backlog had decreased by 37% to 11 000. There were problems with the chemistry and human biology departments. The backlog had decreased there to 769 in April 2011. It had gone down in the second quarter, but had increased again in the third quarter. A new system of allocating cases had been introduced. The current target was now to process items within 28 days. The Western Cape laboratory was still reporting on the 35 day period. This had to be purified to be in line with the new reporting system. When the new database system was introduced a number of analysts had to be withdrawn. The current laboratories could not cope with the increased number of exhibits. More experts were needed. The current backlog was 4 000. Operations were more focused on the supplier. This led to huge amounts of narcotics coming for testing at once. Good progress was being made.

Ms Kohler-Barnard asked if there was a policy document for serial rapists. Links were made between cases due to DNA analysis. She felt that rape victims were the last to be considered.

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Gen Phahlane said that there was a joint task between DNA and psychological analysis to investigate serial rape cases. A task team was more appropriate to investigate such cases. Co-ordinators had been trained as part of a sustainable approach.

The meeting was adjourned while Members attended a workshop.

Gen Phahlane said a procedure was in process to procure consumables. This was on the point of validation. Once a contract for the supply of consumables was awarded the validation process could be started. The system would be implemented at the Pretoria office. If performance was satisfactory it would be extended to other laboratories. The validation report would be forwarded to the Committee. Once SCM had signed the contract a full roll-out could take place. Research and Development was not included in the first phase.

Maj-Gen Adeline Shezi, SAPS Forensic Services, said procedures would be the same. They wanted to see that the system was working properly before the final roll-out.

Gen Phahlane said that the Genetic Sample Processing System (GSPS) would be phased out. It was too costly to maintain. It was reaching the end of its useful lifespan. It was installed in 2005. Implementation costs had been R79 million, but the total cost to date was R158 million. There was a heavy dependence on consultants. There had been some internal training. There had been a focus on training and development of members. Part of the reason for backlogs was that analysts had been used to increase performance. 3078 members had been trained. R1.8 million had been spent on training in all areas, including newly recruited analysts. They came with the required qualifications but did need some institutional training.

Gen Phahlane said that current capacity should allow for the initial implementing of the fingerprint legislation as from 1 August. It was mandatory for fingerprints to be taken for Schedule 1 offences and optional for Schedule 2. Their system was not totally integrated with those of other Departments, but there was an exchange of

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information. Several thousand suspects had been identified as a result of this information. The eNatis system could be accessed. The National Instruction on the expectation of members should be signed off by the end of May.

Ms van Wyk said that it had never been the intention to have full integration of the respective databases. There was a human rights issue.

Gen Phahlane said that SAPS had full custody over criminal records. Compliance with the Fingerprint Act should be achieved by August. Forensic services continued to do verification.

Gen Shezi said that the division was setting itself up to comply with the Accreditation Act of 2007. It was compulsory for forensic laboratories to be accredited. SAPS had succeeded in all tests in which it had participated. The members were competent. A quality management component had been introduced. Priority areas had been identified. The same questions were asked when cases went to court. It was a massive exercise to accredit 68 laboratories in the country. The issue had arisen from a case heard in Ramsgate in 2011 where the Judge had called the result of the forensic tests into doubt because of a lack of accreditation. There was a project under way to ensure that forensic results would be acceptable in court. She could not give a confidence level.

The Chairperson was still not sure how close the SAPS laboratories were to being accredited.

Gen Phahlane said with confidence that the SAPS facilities were 50% of the way to achieving accreditation. There was once again a centralised structure. This was one step towards accreditation as there would be standardised procedures. The product was now independent of the line functions. Forensics was now a stand alone component. With the centralised system there was shielding from certain influences. The issue of accommodation had been tabled at a forum meeting. A fully fledged laboratory was needed in Gauteng.

The Chairperson asked for a written response on what the criteria were for

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accreditation, and where the SAPS laboratories were in the process.

Ms van Wyk wanted a time estimate to reach compliance.

Gen Phahlane would respond at later meeting. He had taken note on the comments on cannabis. The policy for destruction was noted. It was not necessary to conduct tests except in isolated cases. Cannabis could generally be destroyed once it had been recorded. Security would be compromised if drugs were stored in volume. He hoped to update the Committee at a later date.

Ms van Wyk asked what the current policy was regarding cannabis. There seemed to be different policies between the provinces and even between stations. There were sometimes large amounts in the SAPS13 stores.

Gen Shezi said that in most cases cannabis was destroyed once the weight had been recorded. A small sample should be kept while the case proceeded. The weight was different depending on whether it was wet or dry at the time of measurement.

Gen Phahlane concurred on the issue of closed circuit cameras. This had not happened yet as he relied solely on correct procurement procedures. The tender had not yet been published. The estimated cost to cover all environments was R41 million. Cameras had been installed in critical areas at the facility at Silverton. Some cameras had been installed at a facility in the Eastern Cape where the facility was shared with DPW. There had been a break-in there. Some cameras were also installed in KZN.

Ms Kohler-Barnard asked if the forensic services had a cordial relationship with DPW.

The Chairperson asked how much confiscated narcotics had been lost. In some cases drugs had been found in waste bins.

Gen Phahlane said that the Eastern Cape facility was on the fifth and sixth floors of

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the DPW building. This had necessitated the installation of cameras. Former reservists were used to perform guard duties. Security guards were being phased out. He assured the Chairperson that she would no longer find drugs in the dustbins. The forensic service had been reprimanded by the Directorate of Public Prosecutions (DPP). It had taken action where evidence was available. Lifestyle audits had been conducted.

Gen Phahlane said that he was seeing problems with the Property Control and Exhibit Management (PCAM) system. The positive rate was increasing as was the identification rate due to some of the sophisticated equipment. Members had been trained in the use of equipment. Some ground still had to be covered. Positive identification rate had improved by about 30%. There was an 83% improvement in identifying fingerprints. There was a 44% increase in palm print identification. Positive shoe print investigations had improved by 33%. The results were available. There was not such a marked improvement with PCAM.

The Chairperson would have fired the person who had decided to go ahead with PCAM.

Gen Johnson said that there was a system for even distribution of dockets. There were three groupings at stations: serious, economic and general crimes. A court room took over all cases that were already fully investigated. Higher numbers of documents were allocated there, but no further investigation was required and it was mainly a question of preparing witnesses for the trial.

Gen Johnson said that a docket should stay with the same investigator until the case was finalised. Re-allocation only took place where an investigator left the service or was due to be absent for a minimum of seven days. Dockets should not be left on a detective's desk while he was away on leave or course.

Gen Johnson said that the CAS system was linked to the system which tracked stolen goods. This should happen immediately. All available information should be circulated immediately. The main reason for the magistrate's stolen car going undetected for so long was that although the details were circulated immediately, a

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false number plate had been put on the car.

Gen Johnson said that 20 detectives had been prosecuted for drug dealing. As at 4 October 2010, there was an average of 80 dockets per investigating where the ideal should be 45. Each province might have a different detection rate. Targets were set on the basis of prior performance. This meant that there would be different targets at national, provincial and station level.

Gen Johnson said that every effort was being made to provide all stations with computers so that they could link to the CAS. Wireless technology would be used where landlines had inadequate data transfer rates.

Gen Dramat said that where targets were static there would be some improvement expected in later years. SAPS did investigate any cases reported of corruption through whatever means had been used to distribute the information.

Ms van Wyk repeated her question on SAPS13 stores. This was an administration issue, but she wanted to know how this affected the work of detectives. A properly run store was the exception rather than the rule. There was one, in an area with a very high housebreaking rate, which could not account for 87 confiscated firearms. The situation was a mess. A lot was said about detectives losing dockets, but more needed to be said about lost and compromised evidence. Samples were not sent to the forensic laboratories nor were firearms sent for ballistic testing.

Gen Mkhwanazi said it was the responsibility of the station commander to safeguard evidence in the stores. Inspections would be held. Commanders might lose their jobs if there was not proper control at stations under their leadership. Loss of evidence did affect detectives, and there had even been cases where a two week search was needed to locate an item.

Ms van Wyk appreciated the commitment to inspections. It was disturbing that there was no improvement when faults were reported.

Gen Phahlane gave figures for firearms testing. Some 82 000 had been tested in

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recent years.

The Chairperson closed the discussion on detectives. However, there will still some outstanding issues.

Ms van Wyk asked why there was such a high percentage of cases being closed undetected.

Gen Mkhwanazi said that the procedure was to draw up a plan, cost it, and then request the budget. The Committee would not instruct the SAPS to change any element of the plan. Police officers were not lawmakers. Therefore SAPS would not tell the Committee on how to do its work. Police were expected to carry out a number of roles. SAPS faced challenges and needed help from the Committee to achieve its objectives. Violent protests resulted in injury and damage to property. These could be over service delivery or an unpopular church leader. He appreciated the comments made by Members. The SAPS would continue to work towards a peaceful society. Some useful suggestions had been made and would be taken to heart. The inputs Members made as a result of their visits to SAPS stations were valuable.

The Chairperson said that the President had met all station commanders in the Pretoria area in September 2009. Public servants were at the coalface of service delivery. The name of the Department of Safety and Security had been changed to Department of Police to emphasise the role of SAPS. Non-performance should be punished. It was the first appearance for the Acting NC. She thanked him for the leadership he had displayed. The Committee had expected a presentation on what had been agreed to in 2011. On some programmes there was no relationship with what had been agreed at that meeting. Members were dismayed at the way the issue of promotions had been handled. This issue had still not been discussed and the feeling was that some officers were not capable of performing the management positions they occupied. She did not understand how the SAPS management could produce a document that did not present targets in certain crucial areas. Some aspects, such as the victim support centres, had been legislated but SAPS was not in compliance. SAPS would be given time to consider the outcomes of the meeting. Some aspects of legislation were not being implemented at station level. The

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Committee could not condone the transfer of funding as ordered by NT. She could only hope that money allocated for the building programme would be spent properly. Human resources should not be reduced. Force levels should not be reduced. The crime intelligence programme was dysfunctional, especially at station level. Mismanagement was the reason. The Committee would follow up on this matter.

The Chairperson thanked the Provincial Commissioners for their presence. It was these men and women that always cooperated when challenging situations arose. It was important that they had attended this meeting, even if they had made no inputs.

The Chairperson encouraged the Acting NC not to be office bound. It was important to get out and visit SAPS personnel at ground level. She had come to the day's meeting disillusioned but had been encouraged by the quality of the presentation on the detective service. There were targets that did not appear in the Annual Performance Plan. These should be included in an addendum. Written answers should be submitted by 26 April 2012. This information was needed for the Committee to compile its report. The debate in the National Assembly would be on 9 May 2012. SAPS needed to say what it had done, what it was doing, and what it would do in the future. She thanked Members for their contributions. The work done by the researchers assisted the Members in preparing for the meeting.

Ms van Wyk thanked the Chairperson for the way she had chaired the meeting. Members were given the space they needed to ask questions.

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**ANNEXURE "NM13"**

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**THE SUPREME COURT OF APPEAL OF SOUTH AFRICA  
JUDGMENT**

**REPORTABLE  
Case No: 67/2014**

In the matter between:

**NATIONAL DIRECTOR OF PUBLIC  
PROSECUTIONS**

**FIRST APPELLANT**

**THE HEAD: SPECIALISED COMMERCIAL  
CRIME UNIT**

**SECOND APPELLANT**

**THE NATIONAL COMMISSIONER: SOUTH  
AFRICAN POLICE SERVICE  
RICHARD NAGGIE MDLULI**

**THIRD RESPONDENT  
FOURTH APPELLANT**

v

**FREEDOM UNDER LAW**

**RESPONDENT**

**Neutral citation:** *National Director of Public Prosecutions v Freedom Under Law*  
(67/14) [2014] ZASCA 58 (17 April 2014).

**Coram:** Mthiyane DP, Navsa, Brand, Ponnann et Maya JJA

**Heard:** 1 April 2014

**Delivered:** 17 April 2014

**Summary:** Review application – decisions to withdraw criminal charges by National Prosecuting Authority – reviewable on principle of legality not under the Promotion of Administrative Justice Act 3 of 2000 – decisions by Commissioner of Police to terminate disciplinary proceedings and lift suspension of member – reviewed and set aside under s 6 of PAJA – not competent for the high court to issue mandatory interdicts to compel prosecution and disciplinary charges.

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## ORDER

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**On appeal from:** North Gauteng High Court, Pretoria (Murphy J sitting as court of first instance):

1 The appeal succeeds only to the extent that paragraphs (b), (e) and (f) of the order of the court a quo are set aside

2 The orders in paragraphs (a), (c), (d), (g) and (h) of the order by the court a quo are confirmed but re-numbered in accordance with the changes necessitated by the setting aside of the orders in paragraph 1.

3 It is recorded that the following undertaking has been furnished on behalf of the first respondent:

(a) To decide which of the criminal charges of murder and related crimes that were withdrawn on 2 February 2012, are to be reinstated and to make his decision known to the respondent within 2 months of this order.

(b) To provide reasons to the respondent within the same period as to why he decided not to reinstate some – if any – of those charges.

4. There shall be no order as to costs in respect of the appeal.

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## JUDGMENT

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**Brand JA (Mthiyane DP, Navsa, Ponnan et Maya JJA concurring):**

[1] This is an appeal against an order of the high court granted at the behest of the respondent. In substance the order reviewed and set aside four decisions taken by or on behalf of the first three appellants in favour of the fourth appellant and directed the first three respondents to reinstate criminal prosecutions and disciplinary proceedings against him. The appeal is with the leave of the court a quo. More precise details of the order appealed against will appear from the exposition of the background that follows. I find it convenient to start that exposition by presentation of the parties.

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[47] The Commissioner's next technical objection was that the impugned decision had become moot. The factual basis advanced for the contention was that, shortly after the application had been launched, disciplinary charges were again initiated against Mdluli – which charges are currently pending – and that he was again suspended from office, which suspension is still in force. It is common cause, however, that the new disciplinary charges do not pertain to the murder and 17 related charges. Nor do they correspond with the fraud and corruption charges that were withdrawn by Mrwebi. In this light I can find no merit in the mootness argument. The fact that disciplinary proceedings had been instituted on charges A and B obviously does not render moot the challenge of a decision to terminate disciplinary proceedings on charges Y and Z.

#### **Review of a decision to terminate disciplinary proceeding**

[48] The Commissioner's powers to institute disciplinary charges and to suspend members of the police derive from regulations published under the South African Police Services Act 68 of 1995. These powers can be traced back to s 207(2) of the Constitution which requires the Commissioner to manage and exercise control over the SAPS. These powers are clearly public powers. That is why they were promulgated by law and not merely encapsulated in a contract between the parties. The Commissioner took the decision to institute disciplinary proceedings against Mdluli and to suspend him pursuant to these powers. When he decided to reverse those decisions, he did so in the exercise of the same public powers. It follows that the latter decisions constituted administrative action, reviewable under the provisions of PAJA.

[49] As the factual basis for the challenge of these decisions, FUL relied in its founding affidavit on a statement by the then Acting Commissioner, Lieutenant-General Mkhwanazi, in Parliament that he was instructed by authorities 'beyond' him to withdraw disciplinary charges and reinstate Mdluli in his office. FUL added that in doing so Mkhwanazi had failed to make an independent decision which

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rendered his actions reviewable. Though Mkhwanazi filed an answering affidavit in the interim interdict proceedings in part A of the notice of motion, he did not deal with these allegations. In the answering affidavit filed in part B, the present Commissioner, General Phiyega, said the following in response to these allegations by FUL.

'General Mkhwanazi was quoted out of context. As I understood and this is what he later clarified was that his response was in relation to the issue of the withdrawal of charges, which falls within the domain of the NPA, which invariably in his view affected the purpose of the continued suspension and disciplinary charges then. General Mkhwanazi never received any instructions from above. His confirmatory affidavit will be obtained in this regard. Should time permit, I will ensure that the copy of the Hansard being the minutes or the transcription of the parliamentary portfolio committee meetings is obtained and filed as a copy which will clarify the issue.'

[50] But despite these undertakings, no confirmatory affidavit was filed by Mkhwanazi nor was a copy of Hansard provided. In argument before the court a quo, the Commissioner's representatives again undertook to file an affidavit by Mkhwanazi, but this undertaking was later withdrawn (para 213 of the judgment a quo). In the premises the court a quo held (para 214) that the Commissioner's explanation was untenable and stood to be rejected. I do not believe this finding can be faulted. Moreover, after all is said and done, neither Mkhwanazi nor Phiyega gave any reasons for the impugned decision. The inevitable conclusion is thus that the decisions were either dictated to Mkhwanazi or were taken for no reason at all. In either event they fall to be set aside under s 6 of PAJA. This means that the appeal against the court a quo's order to that effect cannot be sustained.

#### **Appropriate remedy**

[51] What remains are issues concerning the appropriate remedy. As we know, the court a quo did not limit itself to the setting aside of the impugned decisions. In

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**ANNEXURE "NM14"**

*NBM MJ*



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

12 November 2019

Tracking number: [REDACTED]

To: Lieutenant General Nhlanhla Lucky Mkhwanazi  
Divisional Commissioner: Operational Response Services  
South African Police Services  
Pretoria

E-mail: [REDACTED]

Dear Lieutenant General Mkhwanazi

**Re: REQUEST FOR INFORMATION REQUIRED FOR PURPOSES OF THE JUDICIAL  
COMMISSION OF INQUIRY INTO STATE CAPTURE, CORRUPTION AND FRAUD**

1. Our investigation in respect of the above Commission refers.
2. The Commission's investigations into allegations of state of capture, corruption and fraud involving several public entities and other organs of State pursuant to the Commission's Terms of Reference remains ongoing.
3. It has come to the attention of the Commission that additional information and/or evidence that is relevant to the Commission's investigation into state capture,

corruption and fraud is in the possession and/or under the control of the South African Police Services ("SAPS")

4. This information/evidence is listed in Annexure "A" ("the information").
5. The Commission urgently requires access to the information in electronic format. The Commission accordingly requests access to all the information within one calendar week from the date of receipt of this letter.
6. In order for the Commission to discharge its mandate without any limitations, it is hereby placed on record that none of the reports, supporting information or evidence in the possession of the SAPS be withheld, tampered with or destroyed prior to handover to the Commission.
7. It is understood that some of the information may be confidential. To this end, the Commission assures you that it will protect its confidentiality during the process of conducting its investigations. You are required to submit the requested documents to the Commission as follows:
  - 7.1. All printed documentation should be as far as possible A4. Any colour photographs should be scanned onto A4 at 600dpi to ensure that we can easily feed them into a bulk scanner or easily print them again later.
  - 7.2. All documents in digital form must be submitted in pre-OCR'ed PDF format as far as possible, that is, PDFs where the text can be selected and highlighted. If your scans are not of this type, kindly arrange such prior to submitting them.
  - 7.3. It is preferable that you do not submit Word or Excel or similar documents unless they are primary evidence, as these can be tampered with. This is particularly true of affidavits.
  - 7.4. All PDFs and other documents, including spreadsheets and word processing documents, in any format (e.g. Word, Excel), must be password-protected, unless they are on a locked drive. No emailed submissions should be sent with attachments unless the files are password protected.

- 7.5. All Flash Disks submitted must have "Bitlocker" turned on and a password created. Bitlocker can be accessed on a Windows computer by right-clicking the drive icon and choosing "turn on bitlocker". Please make sure you write the password down. If you are using an Apple Mac, use Filevault. If you are using Linux, you can use Veracrypt. Please ensure that you provide the password to SCC with your submission.
- 7.6. Flash disks must be in a separate sealed envelope attached to any paper versions of the submission. The password must not be in the same envelope, as if the envelope is lost, the password will give anyone access to the files.
- 7.7. If your paper submission is identical to the flash disk files, there is no need to submit paper printouts. If your paper version differs from the flash disk, kindly ensure that you scan all the paper versions and include them on a flash disk as well, named clearly, as per whether they are annexures, affidavits, etc.
- 7.8. All emailed documents must be password protected. The password must be sent by another means, e.g. Whatsapp, SMS, Telegram, Signal, or via a voice call. The email must be sent to [evidence@commissionsc.org.za](mailto:evidence@commissionsc.org.za). Please call the commission at (010) 214-0651 to confirm receipt.
- 7.9. Faxed submissions are not accepted.
- 7.10. Posted submissions are not accepted.
- 7.11. CDROMs and DVDs are not accepted as they cannot be secured.
- 7.12. Couriered submissions are only accepted if they are in sealed containers and the submission arrives in a form which has not been tampered with. Ideally tamper-proof bags should be used.
- 7.13. If you are unable to send a flash disk, but a file is too large to send as an email attachment, kindly use one of the many cloud service providers such as Dropbox, WeTransfer, GoogleDrive, etc., to share the file. However, it is imperative that if you do this that you send the email link to only one recipient at SCC, and remind the recipient that the submission must be captured by the document archiving team as a first step.

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7.14 Furthermore, all files sent via Cloud services **MUST** be password protected before you upload them, and the password again must be sent separately, e.g. via WhatsApp, SMS, Telegram, Signal, or via a voice call.

8. Kindly provide the information to:

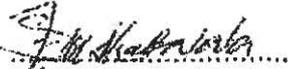
Lionel Groenewald: [REDACTED]

Alan Nixon: [REDACTED]

Frank Dulton: [REDACTED]

9. I address this letter to you on the direction and authority of the Chairperson of the Commission.

Yours sincerely



**Ms Brigitte Shabalala**  
**ACTING SECRETARY**

**Judicial Commission of Inquiry into Allegations of State Capture, Corruption,  
and Fraud in the Public Sector including Organs of State.**

## ANNEXURE "A"

## LIST OF INFORMATION:

1. A copy of the judgment handed down by the Supreme Court of Appeal on 17 April 2014 in the matter of *National Director of Public Prosecutions and Others v Freedom Under Law 2014 (4) SA 298 (SCA)* [the Judgment] is attached hereto marked annexure A1. Your attention is drawn to paragraphs 3, 46 and 48 to 50. For your ease of reference, these paragraphs are extracted below.

[3] *The third appellant is the National Commissioner of the South African Police Service (the Commissioner). During the time period relevant to these proceedings that position was occupied first by General Bheki Cele, thereafter by Lieutenant General Nthlanhla Mkhwenazi, in an acting capacity and finally by General Mangwashi Victoria Phiyega. The fourth appellant, who took centre stage in these proceedings, is Lieutenant General Richard Mdluli (Mdluli) who held the office of National Divisional Commissioner: Crime Intelligence in the South African Police Service (SAPS), a position also described as Head of Crime Intelligence, since 1 July 2009."*

***"Jurisdiction of the high court to review the decision to terminate disciplinary proceedings***

[46] *This brings me to the decisions by the Commissioner of Police, to terminate the disciplinary proceedings against Mdluli and then to reinstate him to his position on 27 March 2012. Not unlike the NDPP, the Commissioner's response to FUL's challenge to these decisions focused mainly on technical objections, rather than to defend the decisions on their merits. The first technical objection was that the high court lacked jurisdiction to review the impugned decisions by virtue of s 157 of the Labour Relations Act 66 of 1995. The court a quo found this argument fundamentally misconceived (para 227) and I agree with this finding. The argument rests on the premise that this is a labour dispute, which it is not. It is not a dispute solely between employer and employee. The mere fact that the remedy sought may impact on the relationship between Mdluli and his employer does not make it a labour dispute. It remains an application for administrative law review in the public interest, which is patently subject to the jurisdiction of the high court."*

***"Review of a decision to terminate disciplinary proceeding***

[48] *The Commissioner's powers to institute disciplinary charges and to suspend members of the police derive from regulations published under the South African Police Services Act 68 of 1995. These powers can be traced back to*

s 207(2) of the Constitution which requires the Commissioner to manage and exercise control over the SAPS. These powers are clearly public powers. That is why they were promulgated by law and not merely encapsulated in a contract between the parties. The Commissioner took the decision to institute disciplinary proceedings against Mdluli and to suspend him pursuant to these powers. When he decided to reverse those decisions, he did so in the exercise of the same public powers. It follows that the latter decisions constituted administrative action, reviewable under the provisions of PAJA.

[49] As the factual basis for the challenge of these decisions, FUL relied in its founding affidavit on a statement by the then Acting Commissioner, Lieutenant-General Mkhwanazi, in Parliament that he was instructed by authorities 'beyond' him to withdraw disciplinary charges and reinstate Mdluli in his office. FUL added that in doing so Mkhwanazi had failed to make an independent decision which rendered his actions reviewable. Though Mkhwanazi filed an answering affidavit in the interim interdict proceedings in part A of the notice of motion, he did not deal with these allegations. In the answering affidavit filed in part B, the present Commissioner, General Phiyega, said the following in response to these allegations by FUL.

*'General Mkhwanazi was quoted out of context. As I understood and this is what he later clarified was that his response was in relation to the issue of the withdrawal of charges, which falls within the domain of the NPA, which invariably in his view affected the purpose of the continued suspension and disciplinary charges then. General Mkhwanazi never received any instructions from above. His confirmatory affidavit will be obtained in this regard. Should time permit, I will ensure that the copy of the Hansard being the minutes or the transcription of the parliamentary portfolio committee meetings is obtained and filed as a copy which will clarify the issue.'*

[50] But despite these undertakings, no confirmatory affidavit was filed by Mkhwanazi nor was a copy of Hansard provided. In argument before the court a quo, the Commissioner's representatives again undertook to file an affidavit by Mkhwanazi, but this undertaking was later withdrawn (para 213 of the judgment a quo). In the premises the court a quo held (para 214) that the Commissioner's explanation was untenable and stood to be rejected. I do not believe this finding can be faulted. Moreover, after all is said and done, neither Mkhwanazi nor Phiyega gave any reasons for the impugned decision.

*The inevitable conclusion is thus that the decisions were either dictated to Mkhwanazi or were taken for no reason at all. In either event they fail to be set aside under s 6 of PAJA. This means that the appeal against the court a quo's order to that effect cannot be sustained."*

**Paragraph 46 of the Judgment**

2. What were the reasons behind your decision to terminate the disciplinary proceedings against General Richard Mdluli and then to reinstate him to his position on 27 March 2012?

**Re: Paragraph 49 of the Judgment**

3. Did you in fact say in Parliament that you were instructed by authorities 'beyond' you to withdraw the disciplinary charges and reinstate General Richard Mdluli in his office?
- 3.1. If so, please elaborate as to (a) who the 'authorities beyond' you were; (b) the circumstances under which you were given such instructions; and (c) please provide us with a copy of any documents in support of such instruction.
4. Did you provide the confirmatory or any other affidavit that the then Commissioner, General Phiyega, undertook to obtain from you? If so, please supply the Commission with a copy thereof.
5. Was a copy of the relevant Hansard being the minutes or the transcription of the Parliamentary Portfolio Committee meetings ever obtained? If so, please supply the Commission with a copy thereof?

**Extract from the Portfolio Committee minutes**

6. The following is an extract from the Portfolio Committee minutes:

*"Regarding other issues and allegations against Gen Mdluli, I want to put it on record that, the portfolio committee on police did receive a briefing on the matter, from acting national commissioner, on the 17th of April 2012. Members of the portfolio committee were given an opportunity to ask questions, which the acting national commissioner responded to clearly".*

- 6.1 Do you have a copy of the briefing which you prepared for the Portfolio Committee on Police on the 17th of April 2012? If so, you are requested to please make it available to the Commission.

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## INFORMATION NOTE

To: Deputy National Commissioner: Human Resource Management

### DEPARTMENTAL HEARING: DEPARTMENTAL HEARING OF LIEUTENANT GENERAL RN MDLULI AND MAJOR GENERAL S LAZARUS BOTH CRIME INTELLIGENCE: ZONDO COMMISSION

#### 1. PURPOSE

- 1.1. The purpose of this information note is to furnish the Divisional Commissioner: Legal and Policy Services with information pertaining to Lieutenant General RN Mdluli and Major General S Lazarus as requested by the chairperson of the State Capture Commission Chief Justice Raymond Zondo. It must be noted that the information was received from Brigadier Odendaal who dealt with the matter at that time.

#### 2. BACKGROUND

- 2.1. The Chairperson of the State Capture Commission requested to be provided with the information on whether disciplinary steps were instituted against the above mentioned senior officers following allegations of corruption presented in the Commission.
- 2.2. The information regarding the above senior managers' disciplinary hearings was obtained from Legal Services and is outlined as follows:
- 2.2.1. Lieutenant General Mdluli - Lieutenant General Mdluli was initially suspended by the (former) National Commissioner BH Cele on 29 April 2011 in relation to the murder of Oupa Ramogibe. The NPA requested the SAPS not to pursue with the departmental hearing relating to the murder charges as it will negatively impact on the criminal trial.

On 20 September 2011 Lieutenant General Mdluli appeared before the Specialized Commercial Crimes Court, Pretoria on charges relating to the purchase of official vehicles for Crime Intelligence and the trade-in of

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**DEPARTMENTAL HEARING: DEPARTMENTAL HEARING OF LIEUTENANT GENERAL RN MDLULI AND MAJOR GENERAL S LAZARUS BOTH CRIME INTELLIGENCE: ZONDO COMMISSION**

Lieutenant General Mdluli's private vehicle for which he received trading assistance (i.e. a discount for the official vehicles was channelled to the private trade-in transaction).

Based on the new allegations of fraud, Lieutenant General Mdluli was served with a new Notice of Suspension dated 6 December 2011 by the (then) Acting National Commissioner, Lieutenant General Mkhwanazi.

Mr Mtshali, an external investigator was appointed to conduct a departmental investigation. A Notice to appear (including a charge sheet) was prepared and served on Lieutenant General Mdluli's lawyer. The hearing could not proceed due to the fact that Lieutenant General Mdluli's legal representative indicated that his client is in the process of making representations to various offices and is awaiting the outcome of same.

During February 2012 the (then) Acting National Commissioner, Lieutenant General Mkhwanazi wrote a letter to the Inspector-General of Intelligence, requesting an opinion on the withdrawal of the criminal charges against Lieutenant General Mdluli as well as the institution of disciplinary steps against Lieutenant General Mdluli.

On 6 March 2012 a report was received from the Inspector-General in which it was recommended that the disciplinary charges against Lieutenant General Mdluli be withdrawn and that he should be required to report for duty immediately.

Based on the above advice, the Acting National Commissioner uplifted the suspension of Lieutenant General Mdluli and he resumed duties on 31 March 2012. On 4 April 2012 the departmental charges were withdrawn.

On 13 May 2012 the (then) Acting National Commissioner issued Lieutenant General Mdluli with a new notice of intended suspension.

During late May 2012 Freedom Under Law brought an Urgent Application for an interdict to prevent the Minister and the National Commissioner from assigning any policing functions and duties to Lieutenant General Mdluli and the latter from performing any policing functions and duties as a senior police member, pending the Review Application against the decisions by the NDPP and SCCU to withdraw the criminal charges against him and the decision by the National Commissioner to withdraw the disciplinary charges against him and reinstate him and compel the NDPP and SCCU to reinstate the criminal

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**DEPARTMENTAL HEARING: DEPARTMENTAL HEARING OF LIEUTENANT GENERAL RN MDLULI AND MAJOR GENERAL S LAZARUS BOTH CRIME INTELLIGENCE: ZONDO COMMISSION**

charges and the National Commissioner to reinstate disciplinary proceedings against Lieutenant General Mdluli.

The interdict was granted and on 23 September 2013 the Court set aside the decisions of the NDPP and SCCU as well as that of the then Acting National Commissioner, which meant that the NDPP and SCCU had to reinstate the criminal charges against Lieutenant General Mdluli and the National Commissioner had to reinstate the disciplinary charges against him that were withdrawn.

This order was appealed against and on 01 April 2014 the appeal was argued in the Supreme Court of Appeal and on 17 April 2014 judgment was handed down and the Supreme Court of Appeal confirmed the decision of the High Court.

A hearing was scheduled for 2 July 2012, at which hearing Lieutenant General Mdluli's legal representative requested a postponement, based on the fact that his client has made an application for legal assistance from the State for the departmental hearing to the National Commissioner, General Phiyega, and that decision is still being awaited.

General Phiyega turned down the request for state funding and Lieutenant General Mdluli's legal representative was accordingly advised on 23 October 2012.

On 23 November 2012 certain documents required as evidence in the departmental hearing were de-classified by General Phiyega.

It was anticipated to set the hearing down for early in 2013, but late December 2012 the chairperson of the hearing, Advocate Tip SC informed SAPS that he can no longer fulfil that role due to his involvement in the Marikana Commission of Inquiry.

General Phiyega was requested to appoint a new chairperson early in January 2013 but unfortunately no such appointment was effected up until her suspension from office during October 2015. She did however indicate during this preceding period that she is in the process of appointing a new investigator from State Security and she will appoint a chairperson from the ranks of a director-general in the public service. No such appointments were however effected.

After the appointment of Lieutenant General Phahlane as Acting National Commissioner the matter was internally discussed on various occasions and on 11 April 2016 Lieutenant General Phahlane appointed Advocate T Motau

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**DEPARTMENTAL HEARING: DEPARTMENTAL HEARING OF LIEUTENANT GENERAL RN MDLULI AND MAJOR GENERAL S LAZARUS BOTH CRIME INTELLIGENCE: ZONDO COMMISSION**

SC as chairperson of the hearing and Advocate Mokhari SC as employer representative.

The functionaries were briefed through the office of the State Attorney. A consultation was arranged with Advocate Mokhari SC and he was presented with a dossier on the matter. He indicated that he will study the history of the matter and will revert to SAPS.

On 22 July 2016 Advocate Mokhari SC delivered a Memorandum in which he advised that SAPS should not proceed with the charges against Lieutenant General Mdluli because of the legal impediments of undue delay and other factors.

He further advised that Lieutenant General Mdluli should not return to work but rather retire in terms of section 45(2) of the South African Police Service

Act, 1995, alternatively he should be discharged in terms of the provisions of section 35(b) of the South African Police Service Act, 1995, on grounds of incompatibility and in the interest of the Service.

Section 45(2) of the South African Police Service Act, 1995 provides that a member who has reached the age of 50 may at any time before reaching the age of 60 give written notice to the Minister of his wish to retire from the Service and shall be allowed to so retire if sufficient reasons exist and if it is in the Service's interest.

Section 35(b) of the South African Police Service Act, 1995 provides that the National Commissioner may discharge a member for reasons other than unfitness or incapacity of such member if the discharge will promote efficiency or economy in the Service, or will otherwise be in the interest of the Service.

The (then) Acting National Commissioner, Lieutenant General Phahtane decided not to accept the advice of Advocate Mokhari SC and requested Legal Services to approach the State Attorney to appoint a new Employer Representative and terminate the brief of Advocate Mokhari SC.

Advocate Maenetje SC was appointed as Employer Representative on 2016-10-27. Advocate Maenetje SC subsequently submitted a memorandum, also advising SAPS not to proceed against Lieutenant General Mdluli, due to the time delay.

SAPS Management took a decision to proceed with the institution of disciplinary steps, regardless of the opinion. Advocate Maenetje SC was requested to proceed to draw up the Notice to Appear at a disciplinary

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**DEPARTMENTAL HEARING: DEPARTMENTAL HEARING OF  
LIEUTENANT GENERAL RN MDLULI AND MAJOR GENERAL S  
LAZARUS BOTH CRIME INTELLIGENCE: ZONDO COMMISSION**

hearing, taking cognisance of the ruling in the disciplinary matter of Major General Lazarus.

The Notice to Appear as well as the charge sheet have been drafted and served on Lieutenant General Mdluli's lawyer on 2017-07-13.

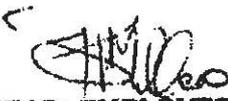
The departmental hearing was supposed to commence on 25 July 2017.

Lt General Mdluli was however retired from the Service on the basis of operational requirements in terms Section 35 of the South African Police Service Act, 1995 (Act 68 of 1995) during April 2017. The unsigned report obtained from Legal and Policy Services which was previously prepared for the Minister of Police is attached as per **Annexure A**.

- 2.2.2. **Major General Solly Lazarus** – The Disciplinary hearing against Maj General S Lazarus commenced on the 27<sup>th</sup> of July 2012 after several postponement and points *in limine* the hearing resumed and took place on 25<sup>th</sup> and 26<sup>th</sup> of October 2012, and further during November and December 2012 was postponed again until the 6<sup>th</sup> of February 2013 and evidence was concluded on the 5<sup>th</sup> of July 2013.

On the 5<sup>th</sup> of December 2013 Major General Lazarus was found guilty on allegations of financial misconduct on his part in so far as he made available to Lt General Nchwe an Audi Q7 for her use, funded with monies paid from or derived from the Secret Service Account or the UTE account.

On the 25<sup>th</sup> of April 2014 the Chairprson of the Disciplinary Hearing, namely, PJ Pretorius SC imposed the sanction of dismissal against Major General S Lazarus. The complete report in this regard is attached as **Annexure B**



**MAJOR GENERAL  
HEAD: EMPLOYEE RELATIONS AND LIFE CYCLE MANAGEMENT  
KC MOLOKO**

Date: 2019-07-10

*Abm MJ*

**DEPARTMENTAL HEARING: DEPARTMENTAL HEARING OF LIEUTENANT  
GENERAL RN MDLULI AND MAJOR GENERAL S LAZARUS BOTH CRIME  
INTELLIGENCE: ZONDO COMMISSION**

Comments:



**LIEUTENANT GENERAL  
DIVISIONAL COMMISSIONER: PERSONNEL MANAGEMENT  
LNTSHIEA**

Date: 2019:07:18

Comments:

**LIEUTENANT GENERAL  
DIVISIONAL COMMISSIONER: LEGAL AND POLICY SERVICES  
A KHAN  
Date:**

*Rem Mj*

**“ANNEXURE MK 23”**



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**To:** **The Minister of Police**  
Office of the Minister  
Telkom Towers N-Block  
Proes Street, Pretoria

MINISTRY OF

20 JUN 2022

PRETORIA  
POLICE

per hand

**From:** **Executive Head**  
Office of the City Manager  
City of Johannesburg  
Civil Boulevard  
Braamfontein, Johannesburg

**Copy:** **Speaker of Council**

per email

**Date:** **20 June 2022**

**URGENT REQUEST FOR THE MINISTER OF POLICE TO INTERVENE ON THE FAILURE TO DISCLOSE EVIDENCE OF FRAUD AND CORRUPTION WHICH INVOLVES R3.5M OF UNLAWFUL BENEFIT AND R580M IRREGULAR EXPENDITURE TO THE CITY OF JOBURG MUNICIPAL COUNCIL AND SOUTH AFRICAN POLICE SERVICE (SAPS)**

Dear Minister of Police,

1. My name is **Mesuli Mlandu**. I am the Complainant in this matter. I am employed as the Executive Director in the City Manager's Office of the City of Johannesburg.
2. I request an intervention of the Minister on the concealment from the Council and HAWKS of evidence of fraud and corruption which involves the employment of Mr S Sibiya, the Head of Department for Group Forensic and Investigation Services (HOD of GFIS), in receiving a R3.5 million of unlawful gratification and causing R580 million of irregular expenditure.
3. It is urgent because I am advised that Mr Sibiya may soon be taking up a senior position at the South African Police Services (SAPS) as from 01 July 2022 and thus escape being held accountable. I can also confirm that the then Acting City Manager, Mr F Brink, first reported this matter to the Gauteng MEC for Local Government, and the MEC did not intervene.
4. In the mean-time evidence of fraud and corruption came to light, and I reported same to the Speaker as recorded hereunder:
  - 4.1 On 13 June 2022, I submitted the attached report in **annexure A** to the Speaker which contained the documentary evidence of fraud and corruption.



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- 4.2 On 15 June 2022, I briefly met the Speaker of Council in the morning and I requested him to report the said evidence to the Council and the HAWKS.
- 4.3 On even date, I sent the attached email in **annexure B** to his Office, and again, I implored him to report such evidence to the Council and the HAWKS.
- 4.4 Notably, he did not report such evidence to the HAWKS, and will also not be reporting it to the Council and is excluded from its agenda of 22 June 2022.
5. This request is urgent because without the said evidence having been placed before Council, the Council will not be able to comply with s32 (2) and s32 (7) of the MFMA which requires the institution of civil proceedings and recover public funds lost on acts of fraud and corruption, and criminal charges against the perpetrators.
6. **Therefore, to assist Council with these legal obligations, I request the Minister to urgently intervene and cause the evidence in the attached report to be tabled before Council.** Also, considering that Mr Sibiyi is still a City employee until he takes up employment with SAPS from 01 July 2022, the Minister of COGTA will be notified of this matter.
7. Finally, I copy the Speaker of Council herein for his noting. Should the Minister need further details regarding this matter, my contacts are  or .

Regards

  
20/06/2022

**MESULI MLANDU**

**EXECUTIVE DIRECTOR**

**CITY MANAGER'S OFFICE**



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**TO: SPEAKER  
MUNICIPAL COUNCIL  
BRAAMFONTEIN OFFICE  
CITY OF JOHANNESBURG**

**AND TO: PUBLIC PROTECTOR  
OFFICE OF PUBLIC PROTECTOR  
NATIONAL OFFICE, PRETORIA  
C/O GAUTENG PROVINCE OFFICE**

*Thasilla Feejis  
PA to SPEAKER  
13 June 2022  
[Signature]*

A REPORT REGARDING THE FAILURE BY THE MUNICIPAL COUNCIL TO ACT ON *PRIMA FACIE* EVIDENCE OF FRAUD, CORRUPTION AND MALADMINISTRATION IN MR SIBIYA'S EMPLOYMENT OF WHICH INVOLVES R3.5M OF UNLAWFUL BENEFIT AND R580M OF IRREGULAR EXPENDITURE, AND ITS FAILURE TO PROTECT WITNESSES AND WHISTLEBLOWERS WHO ARE BEING SUBJECTED TO A NINE POINT PLAN OF ROGUE, COVERT AND CLADENSTINE ACTIVITIES BY MR SIBIYA

**A. THE LOCUS STANDI AND INTEREST OF THE COMPLAINANTS REGARDING THE DISCLOSURES MADE TO CLLR MASHABA, CLLR NGOBENI AND CLLR PHALATSE**

1. We the undersigned, Mesuli Mlandu and Anele Kwababa ("First and Second Complainants") act in terms of paragraph 13 of the Code of Conduct for Staff, which empowers us to bring this matter to the attention of the Speaker of Council as a matter of the last resort.
2. The First Complainant is employed in the capacity of Executive Head in the City Manager's Office and the Second Complainant is employed in the capacity of Group Head: Human Capital Management at Group Corporate and Shared Services (GCSS). It is in these capacities, we came across information regarding Mr Sibiya's employment which required to be reported to relevant authorities.

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3. On and around August and September 2019, the First Complainant reported to the Executive Mayor, Cllr Mashaba that Mr. Sibiyi seems to lack basic competencies as the Head of Department (HOD). It appears that when Mr. Sibiyi realised the First Complainant was exposing his lack of credentials, he launched a rogue, covert and clandestine operation to find dirt against the First Complainant in the Eastern Cape. This illegality was reported to Cllr Mashaba and in the email in annexure "FA1" he directed the then City Manager, Dr N Lukhwareni to cause Mr. Sibiyi to account for this practice.
4. In response, Mr. Sibiyi submitted a report where he lied and claimed that the First Complainant was not vetted prior his appointment not knowing that Cllr Mashaba always had the Vetting Report of the First Complainant and it had been submitted to the MEC of Local Government (Mr. L Maine). The First Complainant submitted a complaint to Cllr Mashaba as reflected in annexure "FA2". Upon receipt, Cllr Mashaba assigned Cllr Ngobeni to deal with Mr. Sibiyi, of which nothing materialized from such directive because they were removed from government few weeks later.
5. The First Complainant then reported the above rogue, covert and clandestine activities of Mr. Sibiyi to the Office of the Inspector General of Intelligence (OIGI) on 23 March 2020. When it appeared that the threat from his illegal activities have subsided, the First Complainant withdrew his complaint from the OIGI on 28 May 2021 as reflected in the letter which is attached as annexure "FA3". Such withdrawal proved to have been a mistake because under the administration of the Executive Mayor Cllr Phalatse, it became clear that Mr. Sibiyi was going to back to his old ways of doing things.
6. In the intervening period after Cllr Mashaba had vacated Office, the First Complainant had come across information which indicated that Mr. Sibiyi was unlawfully employed as Head of Department (HOD) because no recruitment and appointment processes were undertaken by Council as required in s30 (5) (c) of the Municipal Structures Act and s56 of the Municipal Systems Act. It would be on and around 24 January 2022 that the First Complainant reported to Cllr M Phalatse. The meeting resolved that this matter would be look at in due course once her Office had been provided with further evidence.
7. As the resolution of the above matter was still pending, it happened that on and around February and March 2022, we would be assigned by the then Acting City Manager (Mr. F Brink) to gather information on the alleged unlawful conversion of the 130 employees from contract to permanent and

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compile a report which was later tabled before the Municipal Council. Also, when the 130 employees were litigating against the City, Mr. Brink further assigned us to gather information to assist the City's case, and the First Complainant was assigned to depose of affidavits in all Court proceedings.

8. It was under this assignment, that we came across *inter alia* some documentary evidence which also proved that Mr. Sibiyi was converted from a position of Unit Head (Director) to a Head of Department (Executive Director) without following recruitment and appointment processes in terms of s30 (5) (c) of the Municipal Structures Act and s56 of the Municipal Systems Act. In essence, this information supported the disclosure I had made to the Executive Mayor on 24 January 2022.
9. We notified Mr. Brink regarding this information and he immediately directed us to disclose same to the lawyers of the Municipality (Tshiqi Zebediela Attorneys), who were already appointed to investigate the irregular and unlawful conversion of the 130 employee. It is common cause that other whistleblowers also provided information on the unlawful procurement of intelligence gathering equipment which was also included in the commissioning of the Document Review Report.
10. It appears the submission of the above Report to the Executive Mayor and Speaker of Council attracted the same rogue, covert and clandestine activities from Mr. Sibiyi and some of his loyalists which as reflected in annexure FA2, I had previously reported to Cllr Herman Mashaba, and Cllr Ngobeni. The First Complainant reported this matter to Cllr Phalatse and copied Cllr Ngobeni as reflected in annexure "FA4" and "FA5". It was Cllr Ngobeni who expressed lack of authority and advised that Cllr Phalatse and Mr. Brink should deal with this matter as reflected in annexure "FA6". Needless to say that to date, nothing has materialized following the said email correspondence.
11. In light of the above, the complainants have a standing in this matter as whistleblowers in terms of the provisions of the Protected Disclosures Act. Furthermore, as the evidence below *prima facie* demonstrates that fraud, corruption and criminality was committed in his employment resulting in the Public Protector laying criminal charges, and with the anticipation that further criminal charges may still be laid by the Municipal Council and/or its Councillors in terms of s32 (7) of the Municipal Finance Management Act and s34 (1) of the Prevention and Combatting of Corrupt Activities Act, it follows that the complainants have a standing as witnesses in terms of the Criminal Procedure Act.

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**B. THE FAILURE BY THE MUNICIPAL COUNCIL AND COUNCILLORS TO ACT ON THE EVIDENCE IN THE DOCUMENT REVIEW REPORT OF FRAUD, CORRUPTION, MALADMINISTRATION AND FINANCIAL PREJUDICE IN MR SIBIYA'S EMPLOYMENT**

12. We have noted from the Court papers of Mr. Sibiyi which made the contents of the Document Review Report that the Municipal Council was not informed that the documents that are attached in the said Report, *prima facie* also confirm that alleged acts of fraud, corruption and maladministration were committed against Council, which prejudiced the City with a payment of an estimated R3.5 million unlawful benefit and incurring R580 million of irregular expenditure from Mr. Sibiyi's employment. What is disturbing is that, while it was known from the competency assessment report in annexure "FA7" that Mr. Sibiyi was unsuited for the appointment, the above acts of illegality were committed to fulfil an unlawful promise which in terms of the last sentence of paragraph three (3), on page one (1) of the report in annexure 'FA11' below, was made to him when he was appointed as a Director, that he would be made a Head of GFIS. We now turn to record such acts of illegality briefly as follows:

**12.1 Fraud**

It is noted that in the report in annexure "FA8" on the new structure of GFIS which was approved by the Municipal Council on 26 April 2017, facts were misrepresented regarding the recruitment process for the position of HOD of GFIS by stating at paragraph 3 (7), that such recruitment process was completed. This was false because the job description in annexure "FA9" for the position of HOD of GFIS was approved by the former City Manager (Dr N Lukhwareni) on 28 July 2017 and the grading report in annexure "FA10" for this position was approved on 05 September 2017. As a result, no recruitment and appointment processes were followed as required by s30 (5) (c) of the Municipal Structures Act and s56 of the Municipal Systems Act. Instead, it is clear from the report in annexure "FA11" that Mr. Sibiyi moved to occupy the position of HOD of GFIS retrospectively from 01 July 2017 on false basis that the grading report in annexure 'FA10' was a 'regrading' of his Director position. Accordingly, those involved made themselves liable on charge of fraud.

**12.2 Corruption**

It is also noted in paragraph 5 of the report in annexure 'FA8' which was submitted to the Municipal Council on 26 April 2017, that it was never disclosed under legal implications that s30 (5) (c) of

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the Municipal Structures Act and s57 (1 & 6) of the Municipal Systems Act were implicated, which required that the appointment of HOD of GFIS like all other HODs of stand-alone departments would have to be made by the Municipal Council and on a fixed-term contract (FTC). Also, it is noted at paragraph 6 of the same report, that the Municipal Council may have been blind-sided by the fact that the grading results and remuneration details of the Head of GFIS were never disclosed in the said paragraph. Similarly, no report was ever submitted for Municipal Council's approval which would have disclosed his appointment and conditions of service as an HOD as required by legislation, following the approval of the grading report in annexure 'FA10' on 05 September 2017. Accordingly, those involved made themselves liable on charge of corruption.

### ***12.3 Maladministration***

Also, it is noted that prior to the new organizational structure which would have established GFIS as a stand-alone department being approved by the Municipal Council on 26 April 2017, the former City Manager (Dr Lukhwareni) on 08 March 2017 approved the letter in annexure "FA12" and gave delegations to Mr. Sibiyi in the capacity of HOD of GFIS, prior to the establishment of the department being approved by the Municipal Council. Notably, these delegations were never approved by the Municipal Council as required by s 59 (4) of the Municipal Systems Act. In actual fact, Dr Lukhwareni was delegating powers to Mr. Sibiyi that he himself did not have, and therefore no delegations could have resulted from his letter. This is because it is only the MPAC in terms of s32 of the MFMA, Audit Committee in terms of s166 (2) (d) of the MFMA, Disciplinary Board in terms of s 171 (4) of the MFMA and Municipal Council in terms of the Disciplinary Regulations and Council Committee in terms of Item 14 of Schedule 1 to the MSA, which have investigative powers. Accordingly, the investigative operations, activities and reports of Mr. Sibiyi are unlawful, and as such, him and those involved made themselves liable for causing maladministration.

### ***12.4 Financial prejudice (R3.5 mil unlawful benefit & R580 mil of irregular expenditure)***

As a result, in the absence of any Municipal Council approved resolution on the recruitment and appointment of Mr. Sibiyi as the HOD of GFIS, it follows that his employment constituted an unlawful gratification and the estimated R3.5 million he would have earned from the Municipality

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as a consequence of such unlawful gratification constituted an unlawful benefit, which he ought not to have received. Similarly, in the absence of any empowering provision which grants Dr Lukhwireni investigative powers and/or Municipal Council approved resolution authorizing the delegation of investigative powers of the MPAC, Audit Committee, Disciplinary Board, Municipal Council to Dr Lukhwireni and subsequently to Mr. Sibiyi, it follows that the estimated R580 million expenditure incurred on authorization by Mr. Sibiyi in his unlawful investigative operations and activities constituted an irregular expenditure as defined in national legislation. Accordingly, him and those involved made themselves liable for an administrative offence of financial misconduct and criminal offence of deliberately causing irregular expenditure.

13. Considering that the above illegality was committed against the Municipal Council, it follows that its Councillors must comply with section 34 (1) of the of the Prevention and Combatting of Corrupt Activities Act (PRECCA) which states as follows, *"Any person who holds a position of authority and who knows or ought reasonably have known or suspected that any other person has committed an offence under Part 1, 2, 3 or 4, or section 20 or 21 of the (in so far as it relates to the aforementioned offences) of Chapter 2; or the offence of theft, fraud, extortion, forgery or uttering a forged document, involving an amount of R100 000 or more, must report such knowledge or suspicion or cause such knowledge to be reported to any police of official"*. Equally, in the event they fail to comply with section they are likely to attract criminal charges in terms of section 34 (2) of PRECCA similarly to the former Premier of Free State who is currently facing prosecution for a similar contravention.

**C. THE FAILURE BY THE MUNICIPAL COUNCIL TO PROTECT WHISTLEBLOWERS AND WITNESSES FROM AN IMPLEMENTATION OF MR. SIBIYA'S NINE-POINT PLAN WHICH CONTAINS ROGUE, COVERT AND CLADENSTINE ACTIVITIES**

14. As stated above, the disclosures we made to Cllr Phalatse, Mr. Brink and Tshiqi Zebediela Attorneys have attracted the same rogue, covert and clandestine activities of Mr. Sibiyi on the complainants. In particular, we have been made aware that a Nine-Point Plan (NPP) has been hatched for Mr. Sibiyi to repeat the very conduct which was frowned upon by Cllr Mashaba and Cllr Ngobeni. We now turn to record of the contents of this plan as briefly as follows:

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**13.1 Point 1: Coaching of anonymous whistleblowers to make false allegations about the Office of the Executive about the Complainant and some MMC/s will sanction GFIS to investigate such false allegations without authorization by the Municipal Council**

This conduct involves coaching an anonymous whistleblower to use a google mail account and report false allegations about the professional relationship of the Complainants which they shared when they were working in Ekurhuleni Municipality as supervisor and subordinate in a personal in nature. This will be done to create a fertile ground for a false narrative that the First Complainant has exercised undue pressure to have the Second Complainant employed first as Director Organizational Development and Group Head: Human Capital Management. These false allegations shall not be presented to the Municipal Council as required by Regulation 5 of the Disciplinary Regulations. Instead, they would be presented to some Councillor/s who will then sanction GFIS to investigate the Complainants, and an investigation report with adverse findings will be termed a preliminary report. It shall be tabled before the Municipal Council so that it does not appear that the First Complainant was investigated unlawfully using the same unlawful approach that was employed in investigating Mr. Briak and Mr. Msimang without the Municipal Council authorization as required by the Disciplinary Regulations. Further details and evidence regarding this conduct will be presented during consultation with the Public Protector.

**13.2 Point 2: Exclusion from the investigations process the Executives and MMC for Corporate Services who were panel members during the shortlisting and interview processes to prevent them from disputing the false allegations against the Complainants**

This conduct involves creating a false impression that the entire shortlisting and interview panel which composed of an MMC for Corporate Services and four Senior Executives were influenced by the First Complainant to shortlist and recommended for appointment the Second Complainant. This will be realized by excluding from the purported investigation such MMC and Executives so that the evidence which would have disputed and disproved the alleged influence would not be considered before the so-called 'preliminary investigation report' is concluded. The only evidence that will be considered would be from the junior officials of Corporate Services who were providing an administrative support to the shortlisting and interview panel whose would have been coached

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to give false evidence of how the First Complainant exerted the so-called influence to the MMC and Senior Executives. The details regarding this conduct and names of those officials will be presented by the Public Protector during the consultation process.

**13.3 Point 3: Procurement of disgruntled junior officials and SAMWU Shop stewards who would have either lost grievance cases, disciplined and/or dismissed by the Complainants to be witnesses and give false character evidence about the Complainants**

This conduct involves the procurement of support of some junior officials who would have an axe to grind with the Complainants to stand as witnesses and give false character evidence of alleged various acts of victimization at the hands of the Complainants. Key amongst are officials who had lodged spurious and unfounded grievances against the Second Complainant which were all dismissed by the chairperson of the grievance hearing. Additional to this list are shop stewards of SAMWU who were dismissed at the instance of the First Complainant around September and October 2019 and were brought back through a back-door and without following dispute resolution mechanisms. It is expected that these Shop stewards will use hard earned subscriptions of SAMWU members and misrepresent themselves to the poor worker as acting under the banner of SAMWU and exposing corruption in the City Manager's Office. In return, one of those shop stewards who had gone on national television to make false and spurious claims regarding the Complainants and insulted the administrative and political leadership of the City will be pardoned. The details and evidence regarding this matter will also be provided to the Public Protector during consultation.

**13.4 Point 4: Turning officials who were found guilty of misconduct and recommended for disciplinary by GFIS investigations in the Diesel tender and Security Insourcing project into witnesses against the Complainants in return for such reports to be abandoned**

This conduct involves abandoning the implementation of GFIS investigation reports in the diesel tender and security insourcing project which had made findings and recommendations in respect of certain officials to be disciplined. These officials will then be used as witnesses and give false character evidence regarding the First Complainant in particular and would subsequently have their reports withdrawn on technical grounds and/or may be given lighter sentences provided they assist. Secondly, these officials will be collecting every document that would have been signed by the

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First Complaint and identify contents that could be used to formulate findings of improper conduct which will be used as evidence against him in support of the planned character assassination. These officials will also coach staff members in the City Manager's Office to file spurious complaints and grievances against the First Complainant and a similar approach will be used at Corporate Services in respect of the Second Complainant. Thirdly every correspondence that is of interest and which may assist in painting the Complainants black will be leaked to the same anonymous whistleblower who uses various google mail account to report the Complainants. The evidence regarding this conduct will also be shared with the Public Protector during our consultations.

**13.5 Point 5: Misrepresentation of the disclosure forms signed by First Complainant so as to create a false impression that the First Complainant wanted to conceal knowing the Second Complainant and cast aspersion on the character of the First Complainant**

This conduct involves misrepresenting a disclosure form which was signed by the First Complainant during the beginning of the shortlisting and indicating a "NO" because he had nothing to declare without knowing who the applicants were, and later changed his declaration to "YES" once the name of the Second Complainant appeared during the shortlisting process as evidence of misconduct against the First Complainant. Also the disclosures form signed by the First Complainant during the interviews indicating that he worked with the Second Complainant in the supervisory-subordinate relationship will be presented as falling short of the standard of disclosure needed. The allegation will be Complainants once as OD Practitioners for the Western Cape Government early in 2002, and it will not be mentioned that the First Complainant was an OD consultant for the Department of Social Development, and the Second Complainant was an OD consultant for the Department of Education but employed centrally in the Premier Office. This will serve to create a false impression that the complainants would have an old close working relationship while they failed to declared in the so-called 'preliminary investigation report'. Further details and evidence in this regard same will be shared with the Public Protector during the consultation processes

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**13.6 Point 6: Harvesting irrelevant facts from the Curriculum Vitae (CVs) of the Complainants to manufacture a narrative that the Complainant misrepresented themselves when they were applying for various positions in the City of Johannesburg**

This conduct involved creating a false claim that the First Complainant did not disclose his unfair and unlawful dismissal by the Ekurhuleni Municipality in his application. To support this false narrative it will not be mentioned in the so-called 'preliminary investigation report' that the First Complainant had nothing to declare because his dismissal was formally removed from the official records of the Municipality through a settlement agreement with was entered into by parties and made an order of the Court. Further, it will not be mentioned such removal was endorsed by the Public Protector at paragraph 2.2.3 of her Report marked ISBN 978-1-928507-23-9. This conduct also involves harvesting from the CV of the Second Complainant and indication that she acted as the board member of some authority, and in the so-called 'preliminary investigation report' it will not be mentioned that such information was not a requirement for the position she applied and would not have had any bearing on the decision of the shortlisting and interview panels. Secondly, it will not be mentioned and during the investigation process she will not be interviewed to ascertain in what form and capacity she would have been such a board member. Further details regarding this conduct and the legal status of the settlement agreement and board membership of the Complainants will be provided to the Public Protector during the consultation processes.

**13.7 Point 7: Manufacturing a qualifying criteria which was not used by the Shortlisting and Interview Panels to misrepresent and understate the qualifications and experience of the Second Complainant as if she did not meet the minimum requirements in the advert**

This conduct involves misrepresenting the advertisement for the position of Group Head for Human Capital Management which required a Bachelors Degree in *inter alia* any career related qualification (NQF Level 7) as excluding the Bachelors Degree in Social Sciences in which she majored in Organizational Psychology. The so-called 'preliminary investigation report' shall state that she did not have the correct qualification, and it will not be mentioned that the reference in the advert to "any other career related qualification" allowed the Shortlisting and Interview Panel to exercise its discretion because naming conventions of qualifications are not the same across all

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universities. Also it will not be mentioned the so-called 'preliminary investigation report' that for two and a half years' experience of the Second Complainant was employed at Director Level in the City Manager's Office of the Ekurhuleni Municipality as an independent contractor responsible for implementing the Institutional Review and GDS Review processes. Further this 'report' will understate her work experience in other senior roles elsewhere and find she did not have the required experience to mount a finding that she did not meet the qualifying criteria. The details regarding this matter shall also be disclosed during the consultation with the Public Protector.

**13.8 Point 8: Staging denials by official of Corporate Services that he voluntarily approved the salary increase of the Director in the City Manager's Office and appointments of the Second Complainant and claim they did so under duress by the First Complainant**

This conduct involves misrepresenting the grievance hearing ruling in favor of the Director in the City Manager's Office which directed the City to adjust her salary and also give her a 24 months back pay and denial by a senior official of Corporate Service that they implemented the said grievance outcome at the instance of former Acting HOD of GCSS, Mr. Ruda. In the so-called 'preliminary investigation report' it will be deliberately misrepresented as if she received such increase as form of favor from the First Complaint. Secondly, some senior officials who would have entered into salary negotiations and approved the appointments of the Second Complainant will be coached to deny that they voluntarily signed various reports which recommended the appointment of the Second Complainant for the Director: Organisational Development and Group Head: Human Capital Management positions, and the so-called 'preliminary investigation report' will falsely claim that they did so under duress from the First Complainant. These false claims will be supported by other members of the management of GCSS who were either not shortlisted and/or may not have been recommended from the interviews for various reason by the interview panel. Further details regarding this matter shall be presented the Public Protector during the investigation processes.

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**13.9 Point 9: Withholding the invoices of Tshiqi Zebediela Attorneys and invalidation of the findings in its Document Review Report through another report from Moodie and Robertson Attorneys which would make positive findings in favor of Mr. Sibiyi**

This conduct involves, the withholding of the payment of invoices of Tshiqi Zebediela Attorneys for the Document Review Report which exposed various acts of illegality in respect of Mr. Sibiyi's employment and intelligence gathering operations and will be investigated by GFIS in order to find grounds not to pay them. The findings and recommendations in the said Report will be invalidated by a report which would have been prepared by Moodie and Robertson Attorneys and would have made favorable findings regarding Mr. Sibiyi's alleged improper and unlawful conduct. It appears from the questions that were received from Moodie and Robertson Attorneys that they are hunting down whistleblowers who would have found and exposed the Competency Assessment Report that found Mr. Sibiyi was unsuited for his substantive position. Furthermore, it appears that these attorneys were appointed to make findings against the First Complainant on various unfounded allegations and also issue counter legal opinions to those that were issued by a Senior Counsel and two junior counsels supporting the manner in which the Document Review Report was compiled by Tshiqi Zebediela Attorneys and was processed and defended by Mr. Brink. These details regarding this matter will be shared with the Public Protector during our consultations.

15. As aforesaid, it does not appear that the Municipal Council was notified of the above Nine-Point Plan on the implementation of rogue, covert and clandestine activities of Mr. Sibiyi. Consequently, it did not provide the necessary protection to whistleblowers and witnesses as required by section 3 of the Protected Disclosures Act, which states as follows, "*no employee may be subjected to any occupational detriment by his or her employer on account, or partly on account, of having made a protected disclosure*". We must hasten to state that the Speaker of Council as the authority who is also assigned in terms of paragraph 13 of the Code of Conduct for Staff to receive disclosures and complaints from employees, has a heightened responsibility to ensure that whistleblowers and witnesses who are assisting the City to deal with the scourge of fraud, corruption and maladministration are protected by the Municipal Council. This is because failure to do so will expose the Municipality to costly litigation and wastage of public funds which he may be held personally liable.

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**D. THE LEGAL OBLIGATIONS OF THE SPEAKER OF COUNCIL WHICH HE IS REQUIRED TO FULFILL IN INTERVENING ON THE ABOVE ACTS OF ILLEGALITY WHICH FOLLOWED FROM MR. SIBIYA'S UNLAWFUL EMPLOYMENT AND NINE-POINT PLAN**

16. In respect of the submitted evidence of fraud, corruption and maladministration which caused the City to pay a R3.5 million of unlawful salary benefit to Mr. Sibiya and incur R580 million of irregular expenditure, the Speaker of Council is requested that he must cause:

16.1 the Municipal Public Accounts Committee (MPAC) to determine the extent of such financial prejudice suffered by the Municipality in respect of the above conduct and institute proceedings to recover from the perpetrators as required by section 32 (2) of the MFMA.

16.2 the Municipal Council to institute criminal proceedings and report the perpetrators and beneficiaries of the above acts of illegality to the Directorate for Priority Crime Investigation (HAWKS) as required by section 32 (7) of the MFMA.

16.3 In the event that there are challenges in convening the Municipal Council to institute such criminal proceedings, the Speaker of Council shall fulfil his statutory obligations in terms of section 34 (1) of PRECCAA and report the above acts of illegality to the HAWKS.

17. In respect of the submitted evidence of the execution on the Nine-Point Plan of rogue, covert and clandestine activities of Mr. Sibiya and his loyalist, the Speaker of Council is requested that he must personally and/or the Municipal Council must acts as follows:

17.1 Provide immediate protection in terms of section 3 of the Protected Disclosure Act, by ensuring that the Complainants are not victimised.

17.2 Refer any purported report and/or evidence that would have been produced as result of such activities to the Public Protector to be investigated for their lawfulness.

17.3 Consider any report from such activities and dismiss any allegations or purported against the Complainants in terms of Regulation 5 (3) (b) of the Disciplinary Regulations.

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18. In respect of the constitutional obligations of the Municipal Council of assisting and protecting the investigation of the Public Protector, the Speaker of Council is requested that he must personally and/or the Municipal Council must cause the following:

18.1 That a special committee of councillors be established in terms of paragraph 14 (1) of the Code of Conduct for Councillors and investigate if any of the councillors were in any way involved in the above acts of illegality.

18.2 That upon conclusion of its investigation, the Municipal Council should submit its report for further consideration to the MEC for Local Government and provide any evidence it may have gathered to the Public Protector.

18.3 That the investigation of the Document Review Report by Moodie and Robertson Attorneys be put in abeyance, until the matters in the said report and the evidence contained herein is presented before the Municipal Council and investigated by the Public Protector.

19. Accordingly the copy of this report has been filed with the Office of the Public Protector for its investigation. We trust that the Speaker of Council would comply with his obligations as requested above. In the event that the Speaker of Council shall require to engage the Complainants, we are willing to engage with the Speaker of Council regarding the above matter. However we wish to request that the agenda of such meeting and parties that shall be present in the said meeting be communicated to us on email 24 hours in advance and copy of such invitation be provided to the Public Protector's Office so that they are kept on the loop regarding the developments on this matter.

Kind regards,

  
13/06/2022  
NKSULI MLANDU  
EXECUTIVE DIRECTOR  
CITY MANAGER'S OFFICE  


  
13/06/2022  
ANELE KWABABA  
GROUP HEAD: HCM  
GCSS  




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## ANNEXURES

<b>FA 1</b>	<b>Email from Cllr Mashaba</b>	<b>16</b>
<b>FA 2</b>	<b>Complaint to Cllr Mashaba</b>	<b>17 - 39</b>
<b>FA 3</b>	<b>Letter from Inspector General of Intelligence</b>	<b>40</b>
<b>FA 4</b>	<b>Complaint to Cllr Phalatse and Cllr Ngobeni</b>	<b>41</b>
<b>FA 5</b>	<b>Complaint to Cllr Phalatse and Cllr Ngobeni</b>	<b>42</b>
<b>FA 6</b>	<b>Response to the complaint by Cllr Ngobeni</b>	<b>43</b>
<b>FA 7</b>	<b>Competency Assessment Report of Mr. Sibiyi</b>	<b>44 - 56</b>
<b>FA 8</b>	<b>Report to the Council for establishment of GFIS</b>	<b>57 - 63</b>
<b>FA 9</b>	<b>Job Description for the position of Head of GFIS</b>	<b>64 - 75</b>
<b>FA 10</b>	<b>Grading Results for the position of Head of GFIS</b>	<b>76 - 80</b>
<b>FA 11</b>	<b>Report which unlawfully gratified Mr. Sibiyi with a position of Head of GFIS</b>	<b>81 - 87</b>
<b>FA 12</b>	<b>Letter of delegations of Mr. Sibiyi as Head of GFIS</b>	<b>88 - 101</b>

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M**Mesuli Mlandu**

**From:** Herman Mashaba  
**Sent:** Tuesday, 01 October 2019 07:43  
**To:** Mesuli Mlandu  
**Cc:** Ndivhoniswanl Lukhwareni; Funzela Ngobeni; Floyd W. Brink; Michael Beaumont  
**Subject:** Re: CONFIRMED REPORT REGARDING THE COVERT OPERATION OF GFIS OFFICIALS

Dear City Manager

Mesuli's has concerning reference.

Kindly get General Sibiya to account to these claims and provide you with an official Report behind this practice.

Kindly treat matter as urgent and to revert to Mesuli with the way forward as soon as possible. I would also like to get the final Report to close the matter as agreed in our recent engagements.

Your cooperation much appreciated.

Regards  
 Herman

Sent from my iPad

On 01 Oct 2019, at 05:21, Mesuli Mlandu <MesuliM@joburg.org.za> wrote:

Dear EM,

The report filed with your Office on 16 September 2019 regarding the above matter and subsequent meeting we had to discuss same on 18 September 2019 refers. Kindly be advised that pursuant to the said meeting the following covert activities of Mr Vis and Mr Moyane from GFIS were subsequently confirmed:

- they visited my previous employer Buffalo City Municipality using false identities regarding who they are, where they were coming from and their mandate;
- they visited this Municipality without the knowledge of its senior management which at the time was not in office, as it was attending a strategic session at Cintsa; and
- they used the same *modus operandi* when they visited my other previous Provincial Treasury and hence their activities could not be accounted for its senior management.

Noting that these officials seem to have unduly clothed themselves with intelligence powers and acted as under-cover operatives without any authorization by your Office, State Security Agency (SSA) and South African Police Services (SAPS), kindly be advised that I am extremely concerned that their covert activities may have exposed me and my family into serious risks. Therefore for this reason, I requested the City Manager to cause these officials to submit affidavits and account fully for their activities. These affidavits will assist me and my family to asses our risk exposure and decided on mitigation measures. In the meantime, and while waiting such affidavits, kindly find attached herewith the copy my letter to the City Manager and I will further advise your Office of developments in this regard.

Kind regards,  
 Mr M Mlandu  
 Executive Head  
 City Manager's Office  
 City of Johannesburg

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**TO: MR H MASHABA  
EXECUTIVE MAYOR**

**FROM: MR M MLANDU  
EXECUTIVE HEAD  
CITY MANAGER'S OFFICE**

**COPY: CITY MANAGER  
CHIEF OPERATIONS OFFICER  
MMCs FOR FINANCE  
MMC CORPORATE SERVICES**



14 October 2019

**A CONFIRMATORY REPORT REGARDING CLANDESTINE, ILLEGAL AND ROGUE OPERATIONS BY THE HEAD OF CITY'S GROUP FORENSIC SERVICES (GFIS) AND URGENT REQUEST FOR YOUR OFFICE TO CAUSE THE COUNCIL, MINISTER OF POLICE & MINISTER OF STATE SECURITY TO TAKE AN APPROPRIATE ACTION**

1. This confirmatory report is submitted to your Office in terms of paragraph 13 of the Code of Conduct for Staff Members. It is submitted pursuant to the report which was submitted by Mr Shadrack Sibiya in response to the above-mentioned allegations. Needless to say that his concocted report is a sham if regard is had to the following:
  - 1.1 on 30 July 2019, the Executive Mayor signed and submitted the attached report to the MEC for Local Government in Gauteng which is exhibit MM1. It is noted that in paragraph h (i) on page 5 of this report, the Executive Mayor attached as annexure "H2", the screening and vetting report of the Executive Head: City Manager's Office which was compiled by the Group Forensic and Investigations Services (GFIS) and is attached hereto as exhibit MM2.
  - 1.2 on 16 September 2019, the Executive Head: City Manager's Office submitted the attached report marked hereto exhibit MM3 and reported to the Executive Mayor that he suspected that some officials of GFIS may have subjected him and his family to "*suspected clandestine, illegal and rogue under-cover operations*". It is noted that the Executive Mayor in the attached email marked exhibit MM4 directed the City Manager to cause Mr Sibiya as the Head of GFIS to respond and account fully for the said alleged conduct; and

Page 1 of 2



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- 1.3 notably on 09 October 2019, Mr Sibiya submitted the report which is attached as exhibit MM5 and claimed in paragraph 4 that he instructed his officials to travel to the Eastern Cape and conduct a pre-employment vetting which was never conducted for the Executive Head: City Manager's Office. With the pre-employment vetting report of the Executive Head in exhibit MM1 rendering his claims spurious, it follows that Mr Sibiya concocted his report for the purpose of concealing from the City's political and executive leadership the details of his Eastern Cape purported vetting exercise.
- 2. Having regard to the fact that pre-employment vetting of the Executive Head exist and is on the mayoral submission to the MEC, it follows that Mr Sibiya's purported vetting activities in the Eastern Cape as recorded in his mischievous report were "illegal, clandestine, rogue" and were undertaken only to cause harm to my person and family. Thus for this reason, your Office is urgently requested that it should act as follows:
  - 2.1 submit a report regarding this matter to the Council and further request the Council as my official employer to offer the employee which blew the whistle, myself and my family full and proper protection from the risks and threats that has arisen and/or likely to arise from Mr Sibiya's rogue activities and networks;
  - 2.2 notify the Minister of State Security that Mr Sibiya undertook a rogue and illegal post-employment security vetting without my consent through Form Z204 and proper authorization by the City of Johannesburg. Further, to request the Minister to investigate Mr Sibiya for possible breaches and abuse of vetting protocols; and
  - 2.3 notify the Minister of Police that Mr Sibiya's instructed City Officials to conduct an under- cover operation in Buffalo City Municipality (BCM) without the knowledge of authorities of that municipality. Further to request the Minister to investigate Mr Sibiya for possible breaches and abuse of crime intelligence protocols.
- 3. Noting the urgency of this matter, kindly advise me in writing and preferably by close of business Wednesday 16 of October 2019 if the above request is acceptable to your Office. Your support in this regard will be highly appreciated.

  
 \_\_\_\_\_  
 MR. M. M. M. M. M.  
 EXECUTIVE HEAD  
 CITY MANAGER'S OFFICE

14/10/19  
 DATE:

MM1



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Metropolitan Centre, 358 Leveton Street, Braamfontein

P O Box 1049, Johannesburg, 2000

Tel: [REDACTED]

To : Hon. L. Maile, MEC for Co-operative Governance, Traditional Affairs and Human Settlements

Cc : Dr. N. Lukhwareni, City Manager: City of Johannesburg

Date : 29 July 2019

Subject: Request for Information on Appointments of Senior Managers

Dear MEC Maile,

Please find attached the City of Johannesburg Metropolitan Municipality's comprehensive response to your letter dated 08 July 2019.

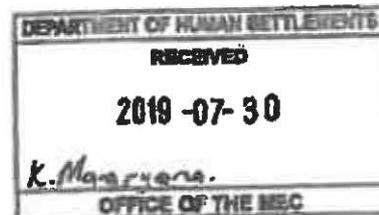
Kind regards,

Tony Taverna-Turisan  
 Director: Legal Services  
 Private Office of the Executive Mayor  
 City of Joburg

Received on 29 July 2019

Khabonina Mampyana.

Designation: Receptionist





## CITY OF JOHANNESBURG

Metropolitan Centre, 155 Loveday Street, Johannesburg  
 P O Box 1049, Johannesburg, 2000  
 Tel: XXXXXXXXXX

To: Hon. L. Mole, MEC Human Settlements, Urban Planning and COGTA  
 Co: Dr. N. Lukhwareni, City Manager, City of Johannesburg  
 Date: 29 July 2019  
 Subject: Request for information on appointment of senior managers.

Dear MEC Mole,

Your letter dated 8 July 2019, received on the 10<sup>th</sup> of July 2019 by my Office, refers.

The order of the response is the same as that of your letter for ease of reference save for a few generic items that will be addressed first.

### GENERIC ISSUES

In items Bi, Ci, Di, Ei, Fi, Gi, Hi, Ii and Ji you request the Council resolutions approving shortlisted candidates. The process of Council approval of shortlisted candidates is dealt with when Council considers and approves the appointment reports. The shortlisted candidates are therefore reflected in that report and on approval of the recommendation Council inherently approves the shortlist. The specific positions will be dealt with below relating to this generic matter.

In items Bii, Cv, Dii and Eii you request the Council resolution on the change of panel members. In all the instances it was in the period when the MMC for Corporate and Shared Services was attending to her baby who was in ICU. In all instances the change of the panel was reflected in the appointment report and the Council inherently approved the changes to the Panel when approving the appointments. The specific positions will be dealt with below relating to this generic matter.

### APPOINTMENT REPORTS NOVEMBER 2016 TO SEPTEMBER 2017

- A. Report on the appointment of Municipal Manager (November 2016)
- i. Application for a waiver on the remuneration package.

Attached as Annexure A1 is the letter from my Office to the MEC dated 28 November 2017 dealing with the matter of the the waiver.

- B. Report on the Appointment of Group Head: Group Risk and Assurance Services (July 2017)
- i. *Municipal council resolution approving the shortlisted candidates*
- Item 25 paragraph 4 in Annexure B1 reflects the shortlisted candidates as per the decision of the Municipal Council on 28 May 2017.

- Annexure B2 reflects the minutes of the Municipal Council on 28 May 2017.
- ii. Council resolution on the change of the panel members during the interviews
- Item 24 Recommendation 3 in Annexure B3 reflects the decision of the Municipal Council on the commencement of the recruitment process and the panel members.
  - Item 25 paragraph 4 in Annexure B1 reflects the actual panel members as per the report of the Municipal Council on 28 May 2017.
- C. Report on the Appointment of Executive Director: Health (July 2017)**
- i. Municipal council resolution approving the shortlisted candidates
- Item 3 paragraph 4 in Annexure C1 reflects the shortlisted candidates as per the decision of the Municipal Council on 25 May 2017.
- ii. Screening report and outcomes thereof
- Annexure C2 reflects the outcomes dated 10 July 2017
- iii. Copy of the actual competency assessment results
- Annexure C3 reflects the outcomes dated 18 May 2017
- iv. Scoring of each panel member
- Annexure C4 reflects the scoring of each panel member
- v. Council resolution on the change of panel members during the interviews
- Item 26 Recommendation 4 in Annexure C5 reflects the decision of the Municipal Council on the commencement of the recruitment process and the panel members.
  - Item 8 paragraph 4 in Annexure C1 reflects the actual panel members as per the report of the Municipal Council on 25 May 2017.
- D. Report on the Appointment of Executive Group Head: Legal and Contracts (July 2017)**
- i. Municipal council resolution approving the shortlisted candidates
- Paragraph 4(3) in Annexure D1 reflects the shortlisted candidates as per the decision of the Municipal Council on 29 June 2017.
- ii. Council resolution on the change of the panel members during the interviews
- Item 24 Recommendation 2 in Annexure C1 reflects the decision of the Municipal Council on the commencement of the recruitment process and the panel members.
  - Paragraph 4(4) in Annexure D1 reflects the actual panel members as per the report of the Municipal Council on 29 June 2017.

**E. Report on the Appointments of the Executive Director: Economic Development and Executive Director: Community Development (September 2017)**

- I. *Municipal council resolution approving the shortlisted candidates*
  - The letter attached as Annexure E1 from my Office to the MEC dated 30 January 2018 reflects the omission of the shortlisted candidates from the report to Council and requesting condonation from the MEC.
  - Paragraph 4 in Annexure E2 reflects the shortlisted candidates as per the decision of the Municipal Council on 28 May 2017 for the position of Executive Director: Community Development.
- II. Council resolution on the change of the panel members during the interviews
  - Item 24 Recommendation 5 in Annexure B3 reflects the decision of the Municipal Council on the commencement of the recruitment process and the panel members for the position of Executive Director: Economic Development.
  - The letter attached as Annexure E1 from my Office to the MEC dated 30 January 2018 reflects the reasons for the change of panel members and requesting condonation from the MEC.
  - Item 25 Recommendation 6 in Annexure C5 reflects the decision of the Municipal Council on the commencement of the recruitment process and the panel members for the position of Executive Director: Economic Development.
  - Paragraph 4 in Annexure E2 reflects the actual panel members as per the report of the Municipal Council on 28 May 2017 for the position of Executive Director: Community Development

**APPOINTMENT REPORTS DECEMBER 2018**

**F. Reports on the Appointments of Group Chief Financial Officer and Chief Operations Officer**

- I. Screening report and outcomes thereof
  - Annexure F1 reflects the vetting report dated 15 August 2018 of the Chief Financial Officer.
  - Annexure F2 reflects the vetting report dated 19 June 2018 of the Chief Operations Officer.
- II. Municipal council resolution approving the shortlisted candidates
  - Item 1(f) paragraph 4(2) in Annexure F3 reflects the shortlisted candidates as per the decision of the Municipal Council on 31 October 2018 for the position of Chief Financial Officer.
  - Item 1(f) paragraph 4(3) in Annexure F4 reflects the shortlisted candidates as per the decision of the Municipal Council on 21/22 June 2018 for the position of Chief Operations Officer.
- III. Minutes of the shortlisting panel

- Minutes of the shortlisting panel is attached as Annexure F5 for the position of Group Chief Financial Officer.
  - Minutes of the shortlisting panel are attached as Annexures F7 for the position of Group Operations Officer
- iv. Minutes of the interviews
- Minutes of the interviews is attached as Annexure F8 for the position of Group Chief Financial Officer.
  - Minutes of the interviews is attached as Annexures F8 for the position of Group Chief Operations Officer
- v. The recommendation of the selection panel submitted to the municipal council
- Item 25 Recommendation 5 in Annexure C5 reflects the decision of the Municipal Council on the commencement of the recruitment process and the panel members.
  - Item 1(f) paragraph 4(4) in Annexure F4 reflects the actual panel members as per the report of the Municipal Council on 21/22 June 2018.
- G. Report on the Appointment of Executive Director: Group Corporate and Shared Services
- i. Screening report and outcomes thereof
- Annexure G1 reflects the vetting report dated 17 July 2018 of the Executive Director: Group Corporate and Shared Services
- ii. Municipal council resolution approving the shortlisted candidates
- Item 1(f) paragraph 4(3) in Annexure G2 reflects the shortlisted candidates as per the decision of the Municipal Council on 4 September 2018 for the position of Executive Director: Group Corporate and Shared Services.
- iii. Minutes of the shortlisting panel
- iv. Minutes of the shortlisting panel is attached as Annexure G3.
- v. Minutes of interviews
- Minutes of the interviews is attached as Annexure G4.
- v. The recommendation of the selection panel submitted to the municipal council
- Item 1(a) Recommendation 3 in Annexure G5 reflects the decision of the Municipal Council on the commencement of the recruitment process and the panel members.
  - Item 1(f) paragraph 4(4) in Annexure G2 reflects the actual panel members as per the report of the Municipal Council on 4 September 2018.

- H. Reports on the Appointment of Executive Director: Development Planning and Executive Director: Office of the City Manager
- I. The screening report and outcomes
    - Annexure H1 reflects the vetting report dated 30 August 2017 of the Executive Director: Development Planning.
    - Annexure H2 reflects the vetting report dated 8 June 2018 of the Executive Head: Office of the City Manager.
  - II. Council resolution approving shortlisted candidates
    - Item 1 paragraph 4(3) in Annexure H3 reflects the shortlisted candidates as per the decision of the Municipal Council on 31 January 2018 for the position of Executive Director: Development Planning.
    - Item 1(c) paragraph 4(2) in Annexure H4 reflects the shortlisted candidates as per the decision of the Municipal Council on 31 October 2018 for the position of Executive Head: Office of the City Manager.
  - III. Minutes of the shortlisting panel
    - Minutes of the shortlisting panel is attached as Annexure H5 for the position of Executive Director: Development Planning.
    - Minutes of the shortlisting panel are attached as Annexures H6 for the position of Executive Head: Office of the City Manager.
  - IV. Minutes of interviews
    - Minutes of the interviews is attached as Annexure H7 for the position of Executive Director: Development Planning.
    - Minutes of the Interviews is attached as Annexures H8 for the position of Executive Head: Office of the City Manager.
  - V. The recommendation of the selection panel submitted to the municipal council
    - Item 2 Recommendation 4 in Annexure H8 reflects the decision of the Municipal Council on the commencement of the recruitment process and the panel members for the position of Executive Director: Development Planning.
    - Item 25 Recommendation 3 in Annexure C5 reflects the decision of the Municipal Council on the commencement of the recruitment process and the panel members for the Executive Head: Office of the City Manager.
    - Item 1 paragraph 4(4) in Annexure H3 reflects the actual panel members as per the report of the Municipal Council on 31 January 2018 for the position of Executive Director Development Planning.
    - Item 1(c) paragraph 4(3) in Annexure H4 reflects the actual panel members as per the report of the Municipal Council on 31 October 2018 for the position of Executive Head: Office of the City Manager.
  - I. Reports on the Appointment of Executive Director: Development Planning and Executive Head: Office of the City Manager

- i. The screening report and outcomes – already dealt in H i. above.
- ii. Council resolution approving shortlisted candidates – already dealt in H ii. above.
- iii. Minutes of the shortlisting panel – already dealt in H iii. above.
- iv. Minutes of interviews – already dealt in H iv. above.
- v. The recommendation of the selection panel submitted to the municipal council – already dealt in H v. above.
- vi. Written confirmation of the successful candidate that the recommended candidate does not hold political office.
  - The confirmation of not being a political office bearer is attached as Annexure H1 for the position of Executive Director: Development Planning.
  - The confirmation of not being a political office bearer is attached as Annexure H2 for the position of Executive Head: Office of the City Manager.

**J. Report on the Appointment of the Group Head: Group Governance**

- i. The screening report and outcomes
  - Annexure J1 reflects the vetting report dated 29 July 2019 of the Group Head: Governance.
- ii. Council resolution approving shortlisted candidates
  - Item 1(b) paragraph 4(2) in Annexure J2 reflects the shortlisted candidates as per the decision of the Municipal Council on 28/29 November 2018.
- iii. Minutes of the shortlisting panel.
 

Minutes of the shortlisting panel is attached as Annexure J3.
- iv. Minutes of interviews
  - Minutes of the interviews is attached as Annexure J4.
- v. The recommendation of the selection panel submitted to the municipal council.
  - Item 2 Recommendation 6 in Annexure H9 reflects the decision of the Municipal Council on the commencement of the recruitment process and the panel members.
  - Item 1(b) paragraph 4(3) in Annexure J2 reflects the shortlisted candidates as per the decision of the Municipal Council on 28/29 November 2018.
- vi. Written confirmation of the successful candidate that the recommended candidate does not hold political office.
  - The confirmation of not being a political office bearer is attached as Annexure J5.
- vii. Letter of appointment

- The letter of appointment is attached as Annexure JB.

#### **STATUS ON VACANT POSITIONS**

##### **I. Secretary to Council**

- We are still awaiting the waiver approval from your Office.
- Currently Ms. Indralohini Govender is acting.

##### **II. Executive Head: Social Development**

- Advertised on 18 November 2018.
- Interviews held on 8 February 2019.
- Item to presented at next Council.
- Tinashe Mushayanyama is currently acting.

##### **III. Executive Director: Environment and Infrastructure Services**

- Advertised on 24 October 2018.
- Interviews held on 20 November 2018.
- Council approved the report 13/14 June 2019.
- Currently negotiating terms and conditions.
- Suleman Shualb is acting.

##### **IV. Executive Director: Public Safety**

- The City is currently reviewing the structure of the Department.
- David Tembe is acting.

##### **V. Group Head: Communications and Marketing**

- Advertised on 24 October 2018.
- Interviews held on 13 March 2019.
- Council approved the report 13/14 June 2019.
- Currently negotiating terms and conditions.
- Ms. Georgina Lefifi is acting.

Yours sincerely,

*Herman Mashaba*

**Cllr Herman Mashaba  
Executive Mayor  
City of Johannesburg**

H 2 MM2

**CONFIDENTIAL**



a world class African city

City of Johannesburg  
Group Forensic and Investigative Services  
Minimum Information Security Standards

Sagol Building,  
48 Amstel Street  
Braamfontein  
Johannesburg

PO Box 30757  
Braamfontein  
South Africa

Tel: 011 551 2000

[www.joburg.org.za](http://www.joburg.org.za)

**INTERNAL MEMORANDUM**

To Deputy Director  
Ms Lauren Jonas  
From Director Mr Ian Woodman  
Date 08 June 2018

**EMPLOYMENT VETTING REPORT: MR. MESULI MLANDU, ID 7802116639086  
POST: CHIEF OPERATIONS OFFICER**

**1. BACKGROUND**

1.1 Minimum Information Security Standard Services received a request from City of Joburg Human Resource to conduct an employment vetting for candidate, Mr. Mesuli Mlandu for the position of Chief Operations Officer.

**2. PURPOSE AND OBJECTIVES OF OUR VETTING REPORT**

2.1 The purpose of this report is supply relevant information to Commissioner, Mr Shadrack Sibiyi Group Forensic and Investigation (GFIS) Services, Mr. Ian Woodman, Director Forensic Investigation Management and Ms. Lauren Jonas, Manager CoJ Human Resource.

2.2 The primary objective of our profiling process was to independently and objectively verify the information provided by the candidate to City of Joburg Human Resource.

2.3 This report is not a court document, and has been prepared solely for the purpose of candidate vetting. It is to be used solely as a discussion and Management decision making document and should not be used for any other purpose. No part of this report may be quoted, referred to or disclosed, in whole or in part, other than to competent authorities in terms of due legal requirements, without our prior written consent.

**CONFIDENTIAL**

EMPLOYMENT VETTING REPORT: MR MESULI MLANDU, [REDACTED] POST: CHIEF OPERATIONS OFFICER

**3. SCOPE, APPROACH AND PROCEDURES PERFORMED**

3.1 Our mandate was limited to the profiling of the candidate that was shortlisted for the position by City Of Joburg Human Resources.

3.2 The nature of our vetting, as per City of Joburg Human Resources request is to conduct the following background checks;

3.2.1 - Identity Background check,

3.2.2 - Criminal Background check,

3.2.3 - Qualification checks

**4. Methodology**

4.1 We conducted identity verification through the Department of Home Affairs, and Criminal background and Qualifications on the Fides System,

**5. Findings****5.1 MESULI MLANDU ([REDACTED])**

5.1.1 We have established that Mr. Mesuli Mlandu does not have any previous convictions or pending cases against him. He did however, disclose voluntarily that he was once fined to an amount of R300 for assault in 1995. The information received as per the SAP 69 report indicates that there were no illicit activities identified on the candidates' fingerprints which were forwarded to the Local Criminal Record Centre for verification purposes.

5.1.3 The University of Stellenbosch verified that a Bachelor of Philosophy qualification was awarded to Mr. Mesuli Mlandu in year 2012.

**6. CONCLUSIONS**

6.1 According to the identity verification, the candidate is a South African National, and has a valid South African identity document issued to him by Department of Home Affairs.

6.2 In terms of the criminal record check, Mr. Mesuli Mlandu has no previous conviction or pending cases against him.

6.3 All qualifications presented by the candidate were verified through SACQA and confirmed by the different academic institutions and schools to be valid.

CONFIDENTIAL

EMPLOYMENT VETTING REPORT: MR MESULI MLANDU, [REDACTED] POST: CHIEF OPERATIONS OFFICER

6.4 Based on the findings above there is no negative information detected that might influence the candidates employment application.



DIRECTOR: J WOODMAN  
FORENSIC INVESTIGATION MANAGEMENT  
GROUP FORENSIC INVESTIGATION SERVICES  
DATE: 2013-06-03

CONFIDENTIAL

MM3



City of Johannesburg  
Office of the City Manager

2<sup>nd</sup> Floor CCW  
Metropolitan Centre  
156 Civic Boulevard  
Braamfontein

PO Box 1049  
Johannesburg  
South Africa  
2000

Tel [REDACTED]  
Fax [REDACTED]  
www.joburg.org.za

**TO: MR H MASHABA  
EXECUTIVE MAYOR  
EXECUTIVE MAYOR'S OFFICE**

**FROM: MR M MLANDU  
EXECUTIVE HEAD  
CITY MANAGER'S OFFICE**



**COPY: CITY MANAGER  
HEAD OF LEGAL SERVICES  
MMC FOR CORPORATE SERVICES**

16 September 2019

**A REPORT REGARDING SUSPECTED CLANDESTINE, ILLEGAL AND ROGUE OPERATIONS BY OFFICIALS OF THE CITY'S GROUP FORENSIC SERVICES (GFIS)**

1. This report is submitted to your Office on urgent basis in terms of paragraph 13 of the Code of Conduct of Staff, which is instructive regarding this matter.
2. It is reported to your Office that some officials from GFIS may have engaged themselves in covert operations if regard is had to the following:
  - 2.1 on the basis of good authority I was informed that Mr Ben Moyane and Samuel Vis from GFIS were authorize to travel to the Eastern Cape to conduct a purported security vetting with my previous employer (Provincial Treasury). I was informed that these officials arrived there on Wednesday 11 September 2019 and were reported to be in Bisho/King William's Town on Thursday 12 September 2019 and were to return back on Friday 13 of September.
  - 2.2 it must be noted that such purported vetting exercise was in all material respects illegal, in that, it had not received my authorization and consent in terms of Z204 Form and further, that such vetting exercise should have been undertaken by the State Security Agency (SSA). Notably in this instance, none of these legal requirements have been complied with and in actual Mr Moyane had indicated to me that he would organize a briefing meeting with me on how to complete the Z204 Form.

MM 30



City of Johannesburg  
Office of the City Manager

2<sup>nd</sup> Floor CCW  
Metropolitan Centre  
158 Civic Boulevard  
Braamfontein

PO Box 1048  
Johannesburg  
South Africa  
2000

Tel [REDACTED]  
Fax [REDACTED]  
www.joburg.org.za

- 2.3 further, it must be noted that such purported vetting exercise must have been illegal and rogue in every respect, in that in annexure "A", the Chief Director for Corporate Services in the Eastern Cape Provincial Treasury, stated that as the executive responsible for vetting matters, she was never contacted by said employees and she has no record of their entry into her Head Offices.
3. Having noted that their activities were not undertaken with my previous employer, it follows that these officials were authorize to engage in some clandestine investigation and disregard the directive of the Executive Mayor and City Manager which was to the effect that GFIS should not investigate senior executives without Council approval. Thus, for this reason, I hereby request the following activities be investigated:
- 3.1 the delegated powers and/or authorizing provisions in legislation which empowers GFIS to conduct covert operations which ordinarily ought to have been undertaken by State Security Agency (SAA).
  - 3.2 the circumstances which resulted to the said officials being instructed to conduct these covert operations and any such similar instructions which may have been previously executed against other senior executives; and
  - 3.3 the extent of such covert operations which may have been executed into my personal affairs and/or the affairs of other senior executives, including determination of the purpose and utilization of any gathered information.
4. Further noting that generally such clandestine operations are strictly coded to escape scrutiny, and same, may pose an immediate threat to my person, career and family, I request the Head of Legal Services be authorized to urgently appoint a competent service provider on intelligence matters and/or request the State Security Agency to conduct the above requested investigation. And further, while such investigation is undertaken, I request that the City Manager be authorized to place the said officials and the person who instructed them in precautionary suspension pending the outcome of the investigation.

  
\_\_\_\_\_  
MR. MLANDU  
EXECUTIVE HEAD  
CITY MANAGER'S OFFICE  
CITY OF JOHANNESBURG

16/09/2019  
DATE:

"A"

**Mesuli Mlandu**

**From:** Nomvelwano Madikiza <[REDACTED]>  
**Sent:** Friday, 13 September 2019 09:15  
**To:** Mesuli Mlandu  
**Cc:** Herman Mashaba; Ndivhoniswani Lukhwareni; Michael Beaumont; Dr Ntombi Valencia Khumalo; Mafoane Isaac Mogashoa; Donea Cloete-Page; Dorcas Pillay  
**Subject:** RE: PURPORTED SECURITY VETTING BY OFFICIALS OF THE CITY OF JOHANNESBURG

Good morning Mr Mlandu

In response to your enquiry kindly be advised as follows:

- (a) As the Head of Corporate Services I was not contacted by anyone requesting to conduct vetting. Security Management officials are also not aware about this.
- (b) According to our records the names, Ben Moyane and Samuel Vis do not appear in the register of visitors who entered the building yesterday
- (c) According to our records and to my knowledge there is no outstanding matter between yourself and the department

I have copied the Office of the HOD (Ms Pillay) and my supervisor, DDG: Corporate Management (Ms Cloete-Page) for future reference.

Kind Regards.

Nomvelwano Madikiza

Chief Director: HR & Facilities Management

TEL: [REDACTED] • CELL: [REDACTED] • FAX: [REDACTED]  
 EMAIL: [REDACTED]



**From:** Mesuli Mlandu <[REDACTED]>  
**Sent:** Friday, 13 September 2019 08:21  
**To:** Nomvelwano Madikiza <[REDACTED]>  
**Cc:** Herman Mashaba <[REDACTED]>; Ndivhoniswani Lukhwareni <[REDACTED]>; Michael Beaumont <[REDACTED]>; Dr Ntombi Valencia Khumalo <[REDACTED]>; Mafoane Isaac Mogashoa <[REDACTED]>  
**Subject:** PURPORTED SECURITY VETTING BY OFFICIALS OF THE CITY OF JOHANNESBURG



www.joburg.org.za



Dear Madam,

1. The above matter refers.
2. Kindly take note I was advised that yesterday officials of the City of Johannesburg by names of Ben Moyane and Samuel Vis may have visited your Office to conduct a purported security vetting regarding my employment with Provincial Treasury. Kindly be advised that such vetting has not been authorized by myself in terms of Z204 FORM of the State Security Agency (SSA) as required by legislation. Noting that such unlawful purported vetting is likely to bring your institution into serious disrepute, and as the Chief Director for Corporate Service in Provincial Treasury who is responsible for references regarding the vetting of current and previous employees, kindly confirm the following:
  - a) were you ever contacted by these officials requesting to conduct a vetting,
  - b) are you aware of any immediate record of their entry in your Head Offices;
  - c) is there any outstanding matters of concern regarding my record of employment with Provincial Treasury.
3. Further noting the legal implications of the conduct of these officials, kindly take note in this email, I have copied the offices of the Executive Mayor, City Manager, MMC for Corporate Services and Head of Legal Service in the City of Johannesburg for their record and immediate noting. Further, to ensure that there is complete transparency regarding this enquiry, kindly copy the same Office in your response. Further be kind to copy the offices of Head of Department and MEC for Finance in your response. Your urgent and immediate response will be highly appreciated.

**Kind regards,  
Mr M Mlandu  
Executive Director  
Office of the City Manager  
City of Johannesburg**

#### **Disclaimer**

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MM4

**Mesuli Mlandu**

**From:** Herman Mashaba  
**Sent:** Tuesday, 01 October 2019 07:43  
**To:** Mesuli Mlandu  
**Cc:** Ndivhoniswani Lukhwareni; Funzela Ngobeni; Floyd W. Brink; Michael Beaumont  
**Subject:** Re: CONFIRMED REPORT REGARDING THE COVERT OPERATION OF GFIS OFFICIALS

Dear City Manager

Mesuli's has concerning reference.

Kindly get General Sibiyi to account to these claims and provide you with an official Report behind this practice.

Kindly treat matter as urgent and to revert to Mesuli with the way forward as soon as possible. I would also like to get the final Report to close the matter as agreed in our recent engagements.

Your cooperation much appreciated.

Regards  
 Herman

Sent from my iPad

On 01 Oct 2019, at 05:21, Mesuli Mlandu <[REDACTED]> wrote:

Dear EM,

The report filed with your Office on 16 September 2019 regarding the above matter and subsequent meeting we had to discuss same on 18 September 2019 refers. Kindly be advised that pursuant to the said meeting the following covert activities of Mr Vis and Mr Moyane from GFIS were subsequently confirmed:

- they visited my previous employer Buffalo City Municipality using false identities regarding who they are, where they were coming from and their mandate;
- they visited this Municipality without the knowledge of its senior management which at the time was not in office, as it was attending a strategic session at Clintsa; and
- they used the same *modus operandi* when they visited my other previous Provincial Treasury and hence their activities could not be accounted for its senior management.

Noting that these officials seem to have unduly clothed themselves with intelligence powers and acted as under-cover operatives without any authorization by your Office, State Security Agency (SSA) and South African Police Services (SAPS), kindly be advised that I am extremely concerned that their covert activities may have exposed me and my family into serious risks. Therefore for this reason, I requested the City Manager to cause these officials to submit affidavits and account fully for their activities. These affidavits will assist me and my family to assess our risk exposure and decided on mitigation measures. In the meantime, and while waiting such affidavits, kindly find attached herewith the copy my letter to the City Manager and I will further advise your Office of developments in this regard.

Kind regards,  
 Mr M Mlandu  
 Executive Head  
 City Manager's Office  
 City of Johannesburg

MME

**GROUP FORENSIC AND INVESTIGATION SERVICE  
OFFICE OF THE CITY MANAGER**

2019-10-09

**FEEDBACK REPORT REGARDING SUSPECTED CLANDESTINE, LEGAL AND ROGUE OPERATIONS BY OFFICIALS OF THE CITY'S GROUP FORENSIC AND INVESTIGATION SERVICES**

**1. STRATEGIC THRUST**

Create an honest and transparent City that fights corruption.

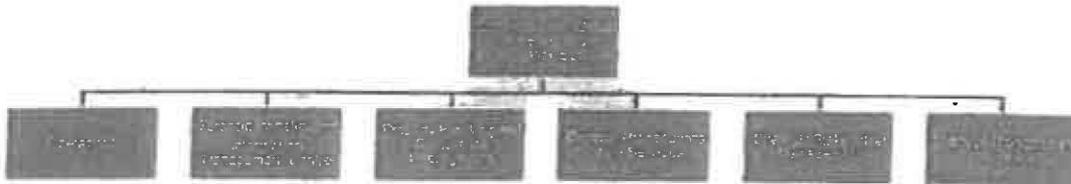
**2. PURPOSE**

The aim of this report is to respond to the allegations levelled against Group Forensic and Investigation Services (GFIS) regarding suspected clandestine, illegal and rogue operations by officials of GFIS.

**3. MANDATE, STRUCTURE AND RESPONSIBILITIES**

In terms of the approved structure, GFIS comprises of six directorates, headed by Commissioner Shadrack Sibiya who reports functionally to the Group Audit Committee (GAC) and administratively to the City Manager in accordance with the approved delegations. The core functions of the Commissioner is to prevent, combat, investigate and resolve cases of theft, fraud, corruption and maladministration including cybercrime and property hijacking.

The six Directorates are stipulated below in the organogram:



The functional responsibilities of each unit is detailed in the table below:

Business Unit	Summary of Core Business
Operations	<ul style="list-style-type: none"> <li>Lead, direct and manage the provision of efficient the prevention forensic investigations by supporting development and effective implementation of strategies and response plans to prevent, combat, investigate and resolve all cases related to fraud and corruption, theft of city assets, illegal connections and maladministration.</li> </ul>
Forensic Information Management	<ul style="list-style-type: none"> <li>Lead, direct and manage the provision of efficient forensic information management centre which will assist in response plans to prevent, combat, investigate and resolve all cases mentioned above by:               <ul style="list-style-type: none"> <li>&gt; Manage a database of all investigations</li> <li>&gt; Manage an anti-fraud and corruption hotline centre</li> <li>&gt; <u>Rolling out Minimum Information Security Standards programme</u></li> <li>&gt; Manage a functional War Room (cybercrime, data analytics, data imaging).</li> </ul> </li> </ul>

**GROUP FORENSIC AND INVESTIGATION SERVICE**

**OFFICE OF THE CITY MANAGER**

**2019-10-09**

Business Unit	Summary of Core Business
Strategic Management Services	<ul style="list-style-type: none"> <li>• Provide strategic planning and performance management, finance management, human resource management, risk management and administrative support as well as transversal business solutions to enable the Forensic Services Commissioner to effectively and efficiently deliver on his/her mandate.</li> <li>• Strategically lead, direct and control the provision of an effective strategic support services by developing and implementing the Strategies, Policies, Frameworks, Standards, Systems and Processes</li> </ul>
Strategic Stakeholder Management	<ul style="list-style-type: none"> <li>• Engage and promote sound relationships with key stakeholder society in order to enable the Forensic Services Commissioner to effectively and efficiently deliver on mandate</li> </ul>
Criminal Prosecution Legal Services	<ul style="list-style-type: none"> <li>• Provide assistance and advice to the department on reported cases to ensure success in prosecutions. Advise affected departments on development of sound and implementable recommendations following finalisation of cases. The director must further mentor and train user departments on spotting potential problems and provide strategies on how to obviate same.</li> <li>• Strategically lead, direct and control the provision of an effective Criminal Prosecutions legal by developing and implementing the Strategies, Policies, Frameworks, Standards, Systems and Processes</li> </ul>
Hijacked Properties	<ul style="list-style-type: none"> <li>• Lead, directs and manage the investigation into property crimes and shun lending towards reduction of hijacked properties including taking legal action against the perpetrators.</li> <li>• To manage and operationalise systems and processes in addressing the hijacked properties.</li> </ul>

The Forensic Investigation Information Management Centre includes a MISS function that is responsible to roll out the Minimum Information Security Standards (MISS) programme City Wide and to conduct pre-employment screening and vetting including the vetting of existing staff.

Pre-employment screening and vetting is recommended as part of effective fraud risk management and a corner stone for prevention and detection of fraud and corruption (See *Municipal Integrity Management Framework, Annexure A*). This has also been highlighted as a good corporate governance measure to maintain the integrity of an organisation through its staff complement. According to Section 15 (4) of the Local Government: Regulations on Appointment and Conditions of Employment of Senior Managers, 2013 (See, *Annexure B*) it is a requirement that all Senior Managers at Local Government level, who handle classified information to undergo vetting in terms of the MISS process.

The MISS function which includes pre-employment screening and vetting has been delegated to GFIS by the State Security Agency (SSA). This function assists the SSA to implement counter measures at CoJ against potential hostile activities including crime risks. Therefore, vetting is a defensive counter measure which is used to identify possible threats and to determine security competency. There are two phases of vetting. First phase of the vetting process is to conduct pre-employment screening which assesses potential candidate prior to appointment in order to mitigate the potential risk. The second phase is to coordinate the security clearances through SSA to determine security competence attached to a specific position. Further to this delegation, officials of

**GROUP FORENSIC AND INVESTIGATION SERVICE****OFFICE OF THE CITY MANAGER****2019-10-09**

GFIS working in the MISS unit have been appointed to the Gauteng Security Manager's Forum as Executive Committee members (See *Letters of Appointment from SSA, Annexure C*)

The following legislation also apply and support the implementation of the MISS programme:

- **Municipal Systems Act of 2000, Regulations on the appointment and conditions of Senior Managers Section 15 (1)** which place a legal obligation that the screening of shortlisted candidates must take place within 21 days of the finalisation of shortlisting. This is to verify
  - a) Conducting the necessary reference checks,
  - b) Contacting a candidate current or previous employer, and
  - c) Determining the validity of the candidate's qualification,
  - d) Verifying whether a candidate has been dismissed previously for misconduct or poor performance by another employer.
  
- **Municipal Integrity Framework, 2015** which indicates that the appointments of senior managers must comply with the minimum competency requirements as set out in the Regulations on appointment and conditions of employment of senior managers' (Municipal System Act: Regulations on appointment and conditions of employment of senior managers – Annexure B). The framework further outlines that Pre-employment screening should be conducted for all new appointments to verify:
  - a) Qualifications,
  - b) Previous employment,
  - c) Disciplinary record,
  - d) Criminal record,
  - e) Credit record, and
  - f) Any outstanding investigations or disciplinary matters at previous employers.

**4. SALIENT FACTS**

GFIS as per Section 15 (4) of the Local Government: Regulations on Appointment and Conditions of Employment of Senior Managers, 2013 (See *Annexure B*) as well as a request received from the Office of the City Manager whereby he instructed all level 2 Executives reporting directly to him including Executives in an acting capacity to complete vetting forms (See *E-mails, Annexure D*), conducted vetting exercises on various Executives who report directly to the City Manager. This exercise started in the financial year 17/18 and continued to the current financial year. The City Manager also instructed the Executives to comply with the vetting process and Executives that were non-compliant, had their salaries stopped until they complied.

The latest Executives and other officials that have been vetted include the CoJ's CFO, Chief of Police: JMPD and Mr Mlandu.

All Executives mentioned above have completed their vetting forms (Z204) besides Mr Mlandu. Mr Mlandu is aware of the vetting process as he has been security cleared to the level of secret before, however the certification expired in 2012. Mr Mlandu's level of seniority and access to classified information requires the necessary security clearance and vetting to the level of top secret.

On the 13<sup>th</sup> of September 2019, GFIS conducted a vetting exercise on Acting Group Executive Director: Group Corporate and Shared Services (GCSS), Mr. Mesuli Mlandu. Prior to this acting

**GROUP FORENSIC AND INVESTIGATION SERVICE****OFFICE OF THE CITY MANAGER**

2019-10-09

appointment Mr Mlandu was Executive Head in the Office of the City Manager. Both appointments are senior appointments that warranted vetting.

GFIS established that during the appointment process of Mr. Mlandu for the position of Executive Head to the Office of the City Manager he was not subjected to the Internal CoJ vetting process or the vetting process conducted by the SSA.

As Mr Mlandu was not vetted prior to his appointment or whilst employed as Executive Head in the Office of the City Manager, it is expected of GFIS to conduct and complete the vetting process in conjunction with the SSA on Mr Mlandu in compliance with the request from the City Manager and section 15 (4) of the Regulations on Appointment and Conditions of Employment of Senior Managers, 2013 (See Annexure B).

The methodology used for the vetting process is not confined to telephonic enquiries and vetting system database searches, but also includes Internet searches and physical field visits to peruse records of previous employment of every person appointed for any position.

The travel undertaken by two GFIS Officials on the 18<sup>th</sup> of September 2019, was an official trip undertaken for the furtherance of the CoJ's priority number 4.5 *"Create an honest and transparent City that fights corruption"*. The trip was authorised by the Commissioner of GFIS as per the delegation in clause 13.2.4 of the Standard Operating Procedure: Travel and Subsistence to approve domestic travel for "official travel" amounting to R75, 000.00 (Annexure E)

## 5. CONCLUSION

- 5.1 The allegation that the vetting exercise conducted by GFIS was a clandestine investigation conducted under the guise of vetting is regrettably un-true. The trip to the Eastern Cape was official with all relevant parties informed of the trip. All necessary approvals for the trip was obtained as per the CoJ's policies and processes. It must be noted after permission was obtained for the trip an official from GFIS leaked the information to Mr Mlandu and provided him with misinformation. This leaking of information compromised the security of the CoJ Officials working in the Eastern Cape.
- 5.2 The facts above clearly articulate the reasoning for the vetting as well as the authority to conduct such an exercise.
- 5.3 The vetting exercise was not malicious and at no stage sought to compromise Mr Mlandu's safety, that of his family and integrity. The main objective of GFIS is to protect the safety and security of the CoJ and its employees and not to compromise same.
- 5.4 The allegation that the relevant GFIS officials misrepresented themselves at Buffalo and did not identify themselves is not true as the person that was engaged furnished the officials with the contact details of the HoD for Corporate Services, who is the only person that could have provided the necessary information required and this could only be achieved if the person who was engaged was comfortable with the officials approach.
- 5.5 The allegation that GFIS Officials visited a Treasury Office regarding Mr Mlandu is untrue and Mr Mlandu remains misinformed.

**GROUP FORENSIC AND INVESTIGATION SERVICE****OFFICE OF THE CITY MANAGER****2019-10-09****FEEDBACK REPORT REGARDING SUSPECTED CLANDESTINE, LEGAL AND ROGUE OPERATIONS BY OFFICIALS OF THE CITY'S GROUP FORENSIC AND INVESTIGATION SERVICES**

5.6 It is also important to note that this exercise was not an investigation but a vetting exercise, had it been an investigation then officials from Operations would have been asked to address the issue, in this case the officials were trained vetting officers and part of the SSA's Provincial Security Forum.



Commissioner Shadlock Sibiyi  
Group Forensic and Investigation Service

FA3



**intelligence**

Office of the Inspector-General of Intelligence  
REPUBLIC OF SOUTH AFRICA

PO-Box 1175, MENLYN Pretoria, 00177. Bopane, Cnr Abantwa & Loto Street, MENLYN  
Tel: (011) 811-1111, Fax: (011) 811-1111

OIG/IG10(IG60)6/1/14/6  
DIR: 007 10887

20 July 2021

Per E-Mail Address: [REDACTED]

Dear Mr MLANDU

**Re: Notice of Withdrawal of Complaint from the Inspector-General of Intelligence**

1. The above subject matter refers.
2. This serves to inform you that your complaint received on 23 March 2020 will be cancelled subsequent to e-mail correspondence received from yourself on 28 May 2021, wherein you indicated that you would like to withdraw your complaint as you no longer view the matter as threatening.
3. Thank you for approaching the Office of the Inspector-General of Intelligence for assistance.

Yours sincerely

**Dr. Si Dikwe**  
**INSPECTOR-GENERAL OF INTELLIGENCE**



Information disclosed under this notice is confidential and should be handled accordingly. It is not to be disseminated to the public or other officials of the State. It is to be destroyed when it is no longer required. It is to be kept in a secure place. It is to be used only for the purposes for which it was disclosed. It is to be destroyed when it is no longer required. It is to be kept in a secure place. It is to be used only for the purposes for which it was disclosed.

FA4

**Mesuli Mlandu**

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**From:** Mesuli Mlandu  
**Sent:** Tuesday, 19 April 2022 20:26  
**To:** Mpho Phalatse; Funzela Ngobeni  
**Cc:** Mike Moriarty; Thando Tshabalala  
**Subject:** REPORT ON THREAT TO MY PERSONAL SECURITY: PERSISTING ROUGUE, ILLEGAL AND CLADENSTINE OPERATIONS OF MR SIBIYA  
**Attachments:** CONFIRMATORY REPORT TO MAYOR MASHABA.pdf

Dear EM,

I attach the same report I had submitted in Oct 2019 to Mayor Mashaba in respect of the above conduct by Mr Sibiya.

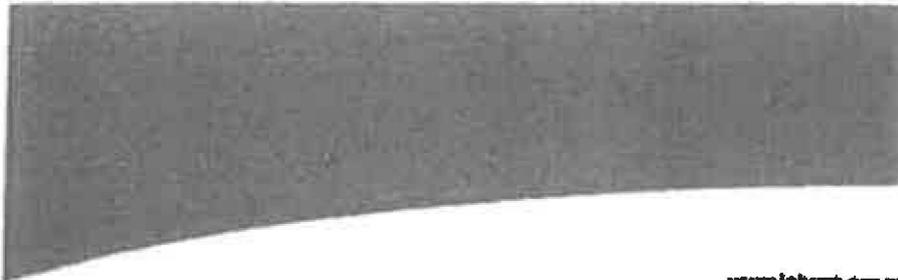
This is because I have reliably informed that the same conduct which I complained about in this report is being repeated.

As a result I have requested MMC Ngobeni to speak to Mr Sibiya because he dealt with this conduct when it first occurred.

Thus, I copy MMC Ngobeni on this email, to manage the risk of the contents of the attached report being leaked prematurely.

Be rest assured, I am willing be investigated in needs be, but I will not be subjected to rogue, illegal and clandestine activities.

Kind regards,



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 @CityofJoburgZA  
 CityofJohannesburg

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FR5

**Mesuli Mlandu**

**From:** Mesuli Mlandu  
**Sent:** Thursday, 21 April 2022 08:20  
**To:** Mpho Phalatse; Fuzela Ngobeni  
**Cc:** Mike Moriarty; Thando Tshabalala  
**Subject:** NOTICE IN TERMS OF REGULATION 5 (3) OF THE REGULATIONS REGARDING MR SIBIYA'S MANUFACTURED ALLEGATIONS AND UNLAWFUL INVESTIGATIVE CONDUCT  
**Attachments:** ANNEXURE A - DISCLOSURE FORMS.pdf; ANNEXURE B-DISCLOSURE FORMS.pdf

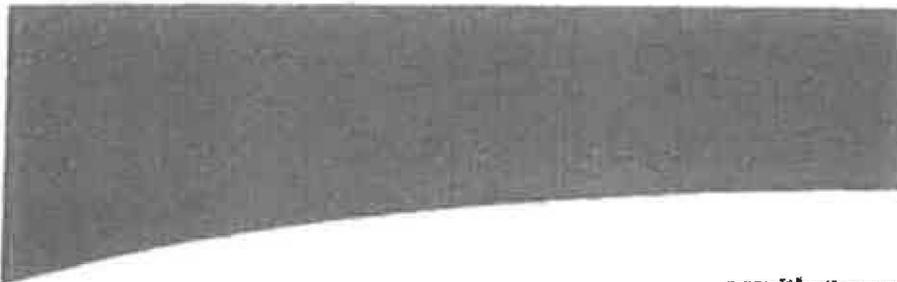
Dear Cllr Phalatse and Ngobeni,

Further to my previous email dated 19 April 2022, it is prudent that I bring the above matter and details below to your immediate attention and consideration.

1. On and around March 2020 I submitted various records to Mr Sibiya which settled various spurious and vexatious allegations which were being made as follows:
  - 1.1 Regarding the allegations that I did not have matric certificate and I have also failed to complete some course, I provided copies of my results to Mr Sibiya.
  - 1.2 Regarding the allegations that I did not disclose my cousin is employed at GCSS, I gave Mr Sibiya full access to my personal information and found nothing.
2. Having failed to find Ms Kwababa as my cousin, I've learnt he decided to manufacture an allegation that I didn't disclose I worked with her during her second interview.
3. Regrettably, his manufactured allegation is also unfounded and mischievous, the disclosure forms are attached marked annexure A & B in respect of both interviews.

Consequently, you are advised his conduct above is conduct and investigation are unlawful without authorisation by the Council as required by the Regulations.

Kind regards,



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 @CityofJoburgZA  
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FA6

**Mesuli Mlandu**

**From:** Funzela Ngobeni <[REDACTED]>  
**Sent:** Thursday, 21 April 2022 10:14  
**To:** Mesuli Mlandu; Mpho Phalatse; Floyd W. Brink  
**Cc:** Mike Moriarty; Thando Tshabalala  
**Subject:** RE: NOTICE IN TERMS OF REGULATION 5 (3) OF THE REGULATIONS REGARDING MR SIBIYA'S MANUFACTURED ALLEGATIONS AND UNLAWFUL INVESTIGATIVE CONDUCT

**Attachments:** REPORT ON THREAT TO MY PERSONAL SECURITY: PERSISTING ROUGUE, ILLEGAL AND CLADENSTINE OPERATIONS OF MR SIBIYA



www.joburg.org.za



Dear EM and ACM,

The below matter has reference and attached has reference.

I can confirm that Mesuli contacted me and asked that I speak to General Sibiya about his concerns. You will appreciate that I have no direct or indirect authority over GFIS, and therefore unable to speak to General Sibiya about the alleged investigations.

I therefore leave this matter in both your capable hands.

Regards,



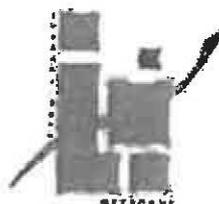
a world class African city

**Funzi Ngobeni**  
 Member of the Mayoral Committee  
 Transport Department  
 75 Helen Joseph street  
 Cnr. Harrison street  
 Johannesburg  
 2001

Mobility made easy



a world class African city



FA 7

THEASSESSMENT  TOOLBOX

**Assessment Report**

**City of Joburg**

Shadrack Sibiya

Unit Head: Group Security &  
Investigations

22 November 2016

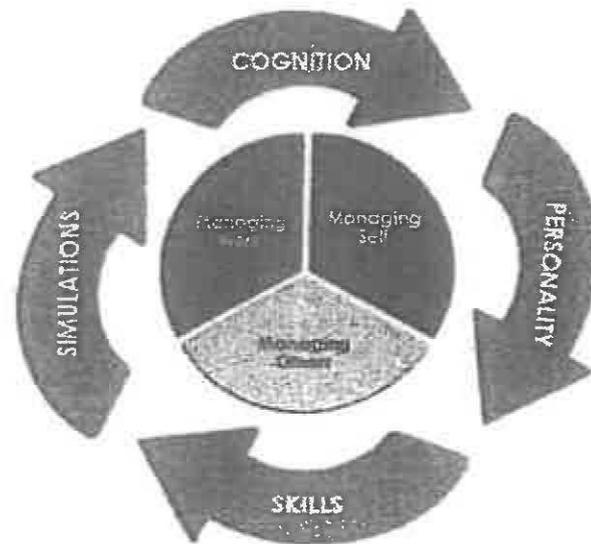
**Strictly Private and Confidential -**

*Kindly note that, in compliance with the ethical code for Psychologists, this is a confidential report, the contents of which are for the information of only the assessee and relevant management within City of Joburg. The purpose of this report is to give input to assist the client with selection and/or development decisions and excludes criminal checks, technical skills checks, reference checks and credit checks.*

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## Index to report

*The Assessment Toolbox conducts competency-based assessments. This means that we use various tools in order to establish whether an individual is suitable in order to perform in a Unit Head: Group Security & Investigations position. Our assessments are holistically focused and consider how the various elements, such as cognition, intrapersonal and interpersonal orientation, combine and relate to each other to provide information on the individual's likely behaviour in the work environment.*



**Best practice suggests that reports should not be shared with the individual before he has received verbal feedback from The Assessment Toolbox.**

**If, at any stage, more guidance is needed in order to make sense of the information outlined in the report, please contact a representative from The Assessment Toolbox.**

## Assessment Matrix

The table below provides an outline of the different competencies that are critical for success in a Unit Head: Group Security and Investigations position. We also provide information on the different tools we use to assess these competencies, including how many times a specific competency is being assessed. Please note that there is a direct correlation between an increase in validity of an assessment and an increase in the number of times a specific competency is being assessed – in other words, an assessment is more accurate if we assess each competency more than once.

Competencies	CPP	Personality	Skills
Strategic Planning/Thinking			
Analytical Thinking and Problem Solving			
Critical Judgement and Decision Making			
Planning and Organising			
Verbal Reasoning			
Numerical Reasoning			
<b>Managing SELF</b>			
Resilience (ability to work under pressure)			
Initiative and Goal Orientation			
Adherence to Processes and Procedures			
<b>Managing OTHERS</b>			
Leadership and People Management Skills			
Relationship and Stakeholder Management			

### Capability assessment

#### • Cognitive Process Profile

The CPP is a sophisticated computerised assessment instrument that measures thinking processes and styles. This tool consists of 8 items but is not timed – most people complete it in approximately 2.5 hours. It measures the way people think when solving problems and the extent to which they are comfortable with complexity in the world of work – this is represented on a continuum with pure operational at the one end and pure strategic on the other. It is very useful when assessing individuals for senior and specialist positions due to the increased need to deal with complexity at these levels. It is one of the only tools that reliably assesses an individual's ability to deal with the uncertainty that results from a move away from the operational work environment towards the strategic domain.

Using simulation exercises, an individual is monitored on approximately 10 000 measuring points which are interpreted interactively to indicate:

- The intellectual style the person will adopt in response to new and unfamiliar information
- The degree of complexity they are comfortable engaging in within the work environment
- Strengths and development areas in terms of thinking processes
- Learning potential
- Additional observations related to each unique profile

### Personality Questionnaires (Self-Report)

- **15FQ+**

This is a well-researched and tried and tested tool that consists of 200 questions which provides an indication of an individual's preferences in relation to 16 different personality constructs. Research suggests that the more questions are asked to assess a particular construct, the higher the validity of the tool. In-depth analysis of the individual profile enables us to predict the behaviour the individual is likely to display in the work environment.

When using the results, our trained assessors consider the impact the different preferences have on each other, thereby performing an integrated analysis, rather than merely stating what the individual enjoys or dislikes. This enables us to assess competencies, such as resilience, influencing, people management, for example. The way in which the questions are asked in this questionnaire makes it difficult for the individual to know exactly what is being asked – this means that it is much more challenging for the individual to try and give socially desirable answers or to try and make themselves appear in a more positive light. Completing the questionnaire takes between 30 and 45 minutes.

### Skills exercise

- **Critical Reasoning Test Battery**

The Critical Reasoning Test Battery assesses critical reasoning ability.

- o The Verbal Critical Reasoning test assesses the ability to understand semi-technical reports and draw accurate logical conclusions from such written information. This test consists of 8 passages of text and total of 40 questions. The time limit for the test is 15 minutes. It can form a key assessment device for all managerial and professional jobs which require reliable interpretation of written reports and appropriate decision making.
- o The Numerical Critical Reasoning assessment measures the ability to understand and critically evaluate numerical information presented in tables, and accurately use this information in a logical way. There are 6 tables of information and a total of 25 questions – individuals have a maximum of 25 minutes in which to complete this test. It can form a key assessment device for all managerial and technical positions which require a detailed understanding of financial, numerical and statistical data.

## Overview of Problem Solving Results

### Cognitive Process Profile

The Cognitive Process Profile (CPP) presents complexity in the world of work on a continuum with pure operational at the one end and pure strategic on the other. As one moves away from the operational work environment towards the strategic domain, uncertainty increases. With this, structure reduces and chaos increases, also the need for a long term orientation becomes important and the focus shifts more towards possibilities rather than practicalities.

The individual's capacity for decision-making becomes increasingly more important in unfamiliar and more complex environments - we also refer to this as the individual's capability. The CPP describes the work environment where the individual currently applies his judgement as well as the work environment where he has the potential to apply judgement, but is constrained by certain cognitive, emotional and meta-awareness factors. It also provides information on what the factors are that is either constraining or facilitating judgement.

### Preferred Problem Solving Style

When Shadrack was busy with the CPP, a number of reactions towards the new and unfamiliar environment were elicited. These do not refer to effectiveness, but is an indication of frequency. It describes the specific style Shadrack is likely to adopt if he is confronted with new / unfamiliar or unstructured tasks. These styles provide more information on what will facilitate or constrain Shadrack's use of his judgement within a familiar environment.

<p><b>TRIAL-AND-ERROR</b></p> 	<p>The <b>TRIAL-AND-ERROR</b> style tends to be utilised by someone who:</p> <ul style="list-style-type: none"> <li>• Has a vague and unsystematic approach to problem solving</li> <li>• Tends not to plan or monitor information processing approach</li> <li>• May show an undirected action approach</li> <li>• Not likely to be focussed on the task or goal</li> <li>• May lack self-awareness, motivation or flexibility</li> <li>• Likely to prefer structured and familiar information or environments</li> <li>• May not systematically analyse, structure or reason about issues</li> </ul>
<p><b>EXPLORATIVE</b></p> 	<p>The <b>EXPLORATIVE</b> style tends to be utilised by someone who:</p> <ul style="list-style-type: none"> <li>• Tends to investigate issues</li> <li>• Thoroughly explores different types of information</li> <li>• Checks information carefully and precisely</li> <li>• Tries to understand the task requirements</li> <li>• Focuses on finding information relevant to the problem</li> <li>• May get confused by over-exploring and checking too much</li> <li>• May repeatedly explore the same information without moving forward</li> </ul>
<p><b>REACTIVE</b></p> 	<p>The <b>REACTIVE</b> style tends to be utilised by someone who:</p> <ul style="list-style-type: none"> <li>• Likely to work quickly, but inaccurately</li> <li>• May be impulsive or show quick closure</li> <li>• May respond emotionally rather than rationally</li> <li>• May not identify or focus on the most relevant aspects of a problem</li> <li>• May not spend sufficient time on complex cognitive challenges</li> <li>• Could lack motivation</li> <li>• Likely to be sensitive and / or experience performance anxiety</li> <li>• May find it difficult to deal with unfamiliar cognitive challenges</li> </ul>

**Levels of Work**

The manner in which individuals process information to solve problems is measured and expressed in terms of 5 work environments. The report shows the work environment to which Shadrack's cognitive skills and preferences in terms of structure is currently best suited, and may also indicate a potential work environment should specific development areas be addressed. Below is an outline of the 5 levels of work. The level required for success in this position is highlighted in blue. The individual's results in terms of their current and potential level of work are also outlined below:

DESCRIPTION OF THE 5 LEVELS OF WORK REQUIRED FOR ROLE IS HIGHLIGHTED	CURRENT LEVEL	POTENTIAL LEVEL
<p><b>LEVEL 1 - PURELY OPERATIONAL</b></p> <ul style="list-style-type: none"> <li>prefer direct involvement with practical, clearly-structured operating tasks that have obvious and clear rules for success - for example, answering the phone and taking a customer's order correctly.</li> <li>deal with routine tasks in a familiar environment that have clear linear procedures, using their knowledge to complete the task - for example, following a step-by-step software program to re-order stock items.</li> <li>like the information they work with to be tangible and definite (with no ambiguity), and they deal with problems one by one as they emerge, usually by coming up with practical solutions.</li> <li>Examples of roles are customer service, retail, clerical and administrative staff (depending on their position) and those who do routine jobs like working on a production line, maintaining equipment, etc.</li> </ul>	<p>SHADRACK CURRENTLY FUNCTIONING AT THIS LEVEL</p>	
<p><b>LEVEL 2 - TECHNICAL SPECIALIST</b></p> <ul style="list-style-type: none"> <li>follow clear, linear procedures to diagnose and solve problems that are not always obvious.</li> <li>use their existing knowledge and experience together with theoretical knowledge to interpret information (such as symptoms), and asking either/or questions to help them decide how to solve the problem.</li> <li>are often first-line managers, dealing with people face-to-face and supervising those who perform direct operating tasks.</li> <li>Examples of roles reflecting the Diagnostic work environment are lab technicians, shop managers, emergency service staff, interior designers, food technologists, or traffic controllers, dentists, sales staff, teachers and most other technical or supervisory positions.</li> </ul>		<p>SHADRACK SHOWS THE POTENTIAL TO OPERATE AT THIS LEVEL</p>
<p><b>LEVEL 3 - TACTICAL STRATEGY</b></p> <ul style="list-style-type: none"> <li>work with whole operating systems - particularly with the interaction between tangible infra-system components. They tend to plan, structure, measure, control and put information together in order to achieve a pre-determined goal.</li> <li>tend to evaluate systems and practices, make practical decisions about operational efficiencies, benchmarking and plan how resources can best be deployed. Have contingency plans in place.</li> <li>and best practice solutions to problems and optimize use of human, material and financial resources.</li> <li>middle and senior managers often work within the Tactical / Operational work environment, as do team professionals and specialists in certain industries. General management also reflects a tactical focus. Other examples of roles are doctors, lawyers, company secretaries, financial advisers, project managers, chief engineers and operational or business unit</li> </ul>		
<p><b>LEVEL 4 - PARALLEL PROCESSING</b></p> <ul style="list-style-type: none"> <li>work both within, and across, relatively complex operating systems, e.g. co-ordinating the activities of several business units in a large organisation</li> <li>tend to focus on both broad strategy (programmes with timescales of 3 - 5 years) as well as abstract intangible issues - theories, models, viability of projects / programmes and come up with creative, integrated, and abstract conceptual solutions</li> <li>plan and implement business solutions, balancing and juggling resources between different projects and programmes</li> <li>Examples of roles are software architects, business analysts, and senior, professional and specialist positions within an organisation.</li> </ul>		
<p><b>LEVEL 5 - PURE STRATEGY</b></p> <ul style="list-style-type: none"> <li>seek new relationships between previously unrelated concepts, shaping and formulating new rules, systems and knowledge fields in the process.</li> <li>requires the ability to cope with macro-issues, chaos, emerging patterns and philosophical leverage.</li> <li>information dealt with is normally highly abstract and complex, such as philosophical concepts, emerging patterns in a chaotic environment, paradigms and visions of universal trends, long-term strategies, holistic systems, uncertain and ambiguous realities and unstable contexts.</li> <li>Examples of purely strategic work can be found amongst certain entrepreneurial initiatives, thought leadership, political and economic forecasting, and roles such as chairpersons and directors of national and multi-national companies.</li> </ul>		

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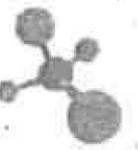
Category	Shadrack's Result
Level of intellectual functioning	Shadrack currently shows a relatively low level of cognitive skill. Shadrack's performance may have been affected by factors related to education, motivation, a recent physical or emotional trauma or anxiety, exhaustion or preoccupation.
Level of learning potential This provides information on the extent to which the individual will capitalise on training and development and the extent to which they show potential to develop in their career	Shadrack shows an average level of learning potential.

**Preferred Level of Complexity at which Shadrack will work:**

*"Unit of Information" refers to the various levels of complexity at which an individual comfortably works, and which she tends to revert to most of the time. It should not be equated with IQ, seeing that a person's preferred "unit(s) of information" reflects a complex combination of factors such as capability, emotional confidence, intuitive inclination, and learning experiences.*

*Normally, we are unaware of the Units of Information we prefer working with. When challenged to work at a level of complexity different (higher or lower) from the preferred unit of information, a person may experience difficulties – this is often referred to as not "being in flow". Some individuals can, however, comfortably fluctuate between two or even three different levels of complexity. It is very important to note that the preference to work at a particular level of complexity has a lot to do with emotional and motivational components such as one's need for certainty and security, interest, and emotional involvement. Those who are involved with work that they feel passionate about, tend to optimise their natural capacity in this regard.*

Shadrack's preferred units of information are listed below:

<p><b>Separate Elements</b></p> 	<p>Delivering quality of services and products</p> <ul style="list-style-type: none"> <li>• single, separate elements in a highly structured environment</li> <li>• a somewhat fragmented, detailed approach</li> <li>• at times, a focus on irrelevant / decontextualised information</li> <li>• a preference for tangible and concrete information</li> </ul>
<p><b>Relationships and linear causality</b></p> 	<p>Solving Technical Problems</p> <ul style="list-style-type: none"> <li>• Linear sequences/causality</li> <li>• Either-or tree structures</li> <li>• Categorisation of symptoms for purposes of diagnosis</li> <li>• a tangible focus</li> <li>• a preference for a thorough knowledge base or previous experience</li> </ul>

**Skills/ Ability exercise**

**Numerical Critical Reasoning**

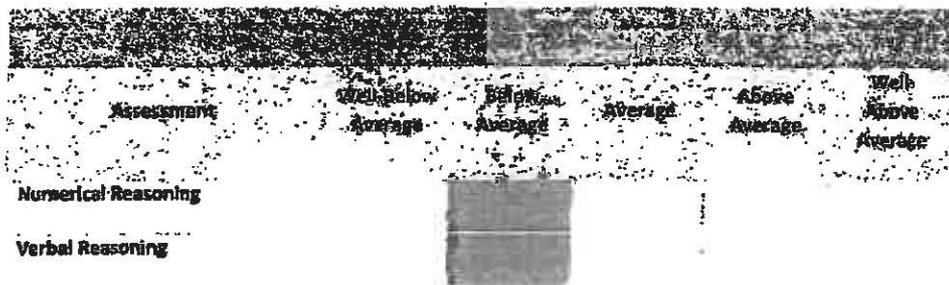
The Numerical Critical Reasoning Test assesses a person's ability to use numerical information which is presented in a tabular form in a logical and rational way. The test consists of items which assess the candidate's understanding of a variety of types of tables of numerical information. These include tables of such information as share prices, economic indicators (e.g. exchange rates, rates of inflation, departmental budgets etc.) In order to assess their understanding of this information the test taker is required to identify trends and patterns in the data and perform simple numerical transformations and estimations based on a selection of the appropriate information in each table.

Shadrack's performance on the numerical component of this test places him in the 'below average' range when compared to other SA General Population 2010 respondents. This suggests that Shadrack will not be as efficient as many graduate calibre personnel at interpreting numerical information which is presented in tabular form. In addition, he may have some difficulty in accurately drawing logical conclusions and inferences from such sets of data. While he should be able to cope with the demands of many jobs which require dealing with numerical information and making decisions on the basis of such data, he will not be as efficient as most graduate calibre staff in this area.

**Verbal Critical Reasoning**

The Verbal Critical Reasoning test assesses a person's ability to critically evaluate complex verbal arguments. Consisting of items which involve drawing logical conclusions and inferences from passages of text, this test measures the ability to correctly understand complicated written arguments and accurately perceive the consequences and corollaries of these arguments. While this test is a measure of reasoning ability rather than educational achievement, a person's score on this test will nonetheless be sensitive to educational achievement.

Compared to the population of SA General Population 2010 respondents Shadrack's performance on the verbal component of this test places him within the 'below average' range. His performance on this test suggests that his ability to critically evaluate complex written arguments is not as strong as that of most graduate calibre staff. While he is likely to experience few problems in understanding most reports and written explanations and instruction he may have some difficulty fully appreciating the subtle shades of meaning and complex logic which underlie many textual arguments. Less able than many SA General Population 2010 respondents to accurately deduce the logical consequences of a given argument, he may have some difficulty clearly and succinctly explaining particularly complex ideas to others.



## Executive Summary

### Suitability to competencies

Based on his results, Shadrack's overall match to the competencies could be summarised in the table below. This is an oversimplification of the results and, as such, should only be used as an indication and discussion point. It is very difficult to reduce the complexity of an individual's personality orientation into something like a poor or strong match to a competency.

Selection Criteria Competencies	Degree of Match		
	Poor Match	Sound Match	Strong Match
<b>Managing WORK</b>			
Strategic Planning/Thinking	X+		
Analytical Thinking and Problem Solving		X-	
Critical Judgement and Decision Making		X-	
Planning and Organising		X-	
Verbal Reasoning	X-		
Numerical Reasoning	X-		
<b>Managing SELF</b>			
Resilience (ability to work under pressure)		X-	
Initiative and Goal Orientation			X+
Adherence to Processes and Procedures		X-	
<b>Managing OTHERS</b>			
Leadership and People Management Skills		X	
Relationship and Stakeholder Management		X-	

### Capability and Decision-Making Ability

Please note that on the day of assessment Shadrack presented as quite anxious with the process and his CPP profile suggests that his performance may have been affected by factors related to motivation, interest, attention or an expectation of failure. While this should receive some attention when considering his assessment results, the report has to focus on his demonstrated capacity, skills and preferences on the day of the assessment which then informs the overall conclusion reached based on his assessment results.

From Shadrack's CPP results, it is clear that he will approach solving new and unfamiliar problems by applying a less systematic, vague and unplanned methodology, preferring speed and/or closure over accuracy. While he demonstrated a tendency to carefully investigate and gather information in order to obtain certainty and understanding, his excessive gathering of information combined with a less structured approach suggest that he may become overwhelmed by complex information, overloading his memory and causing him to take action prior to reaching accurate conclusions. As such, while his cautious and investigative approach may be of benefit in a role that requires an attention to detail, the combination of his trial-and-error, reactive and explorative problem-solving styles may constrain his capacity for judgement in an unfamiliar environment. Shadrack may be most effective working in a structured work environment.

Shadrack's current level of capability shows that he is comfortable operating at the Operational level of work. On this level, the person prefers direct involvement with

practical, clearly structured operating tasks that have clear guidelines. They prefer to deal with routine tasks that have clear linear procedures, and may use their knowledge to complete a task. Given the necessary knowledge and experience, Shadrack shows the potential to become comfortable operating in a Technical Specialist level of work. This level is associated with following linear procedures to diagnose and solve problems that are not always obvious. This is often achieved through combining existing experience with theoretical knowledge to interpret information.

In order to meet the intellectual capability requirements of the role, Shadrack needs to operate comfortably at a Tactical Strategy level of work. At this level, individuals consider whole operating systems, balancing resources and implementing processes to ensure that the system operates efficiently and in alignment with the overarching organisational strategy. The focus is on implementing shorter term solutions that pave the way for longer term goal achievement. Based on his results, it is clear that he does not meet the requirements of the role in this regard. Please note that in order to facilitate optimal functioning and performance in a role, it is ideal for there to be certain aspects of the role that the individual finds challenging and certain aspects that they can do more comfortably. It is not ideal to appoint people in positions that are significantly beyond their current capability – i.e. appointing a very high-level individual in a role that only requires an operational focus may also facilitate poor performance.

Shadrack's performance on the critical verbal and numerical reasoning assessments leaves room for improvement. In terms of his numerical reasoning performance, while he worked quickly, he did not consistently maintain a focus on the accuracy of his responses. As such, when confronted with complex numerical data, he may take longer to draw appropriate conclusions and inferences from it. Further to this, his below average performance on the verbal component of the assessment implies that his ability to critically evaluate complex written arguments may not be as strong as most others in the selected norm group.

#### **Approach to Managing Self**

Shadrack's results suggest that he has the capacity to manage stress and pressure in the following manner:

- Even though acute or prolonged pressure could take its toll on him, his behaviour seems unlikely to be overly influenced by his emotions. As a result, he should generally present as relatively consistent in his day-to-day moods and attitudes towards situations. People who demonstrate similar levels of emotional stability mostly tend to persevere when confronted with challenging situations and environments.
- His levels of "nervous energy" seem to be very high. This is typically energy created in order to combat the nervousness experienced by the fear of failing, or facing challenges. High levels of nervous energy often create a very strong sense of urgency with a need to get things done as quickly as possible. These people may come across as somewhat impatient, with a focus on doing things quickly.
- Shadrack seems to have a fair level of confidence in his own abilities. He is likely to believe in himself and seems somewhat less inclined to worry about past performance. This should enable him to approach new situations, being less affected by a need to prove himself at all costs. He may, as a result, be slightly less concerned when making mistakes.
- Overall, this seems to suggest that Shadrack's capacity to cope with and manage stress and pressure in the work environment appears to require some attention. While he can generally be expected to demonstrate a level of emotional stability and a fairly self-assured demeanour, his presented level of tense-driven energy may impact negatively on his work performance. Shadrack

may focus on doing things quickly but, at the same time come across as impatient with a low frustration tolerance.

#### Approach to Managing Work

Considering Shadrack's profile, his approach to work is likely to be characterised by the following:

- Displaying a preference for working in a less structured manner, Shadrack is likely to display a fair tendency for going about his duties as he sees fit, adopting a slightly more expedient and flexible work approach. Adding to this, his results also suggest that he may at times question authority and that he may need to understand these rules and regulations, rather than blindly following it.
- While he may display an openness to change and unconventional work methods, Shadrack will most likely be at ease concentrating on one piece of work for extended periods of time and as such, prefer to prepare in advance for new situations or changes.
- In general, Shadrack does not present as an overly dominant individual; however, he may have a fairly assertive and self-assured interpersonal style. As such, he will most likely present as a somewhat strong-willed individual who will feel sufficiently comfortable taking initiative in social situations and providing others with direction.
- Preferring to break with traditional methods in order to discover new ways of performing work, Shadrack will most likely present as critical in his thinking style and focus on tasks. Although he may be open to change and innovation, his cautious nature suggests that he will first want to determine the suitability of ideas and limit unnecessary risks before accepting proposed changes.
- Given his performance on the CPP, his critical and experimental stance is likely to be most visible and effective within well-structured and familiar work environments where he has to focus on tangible, concrete issues and can rely on his gained knowledge and experience when solving problems.

#### Approach to Managing Others

Considering Shadrack's profile, his approach to interacting with people is likely to be characterised by the:

- While his profile suggests a slight preference for introversion, Shadrack can be expected to have the needed social confidence and self-assuredness to liaise with stakeholders across different levels within and outside an organisation. This said, he does not have a need to be the centre of attention on a continuous basis, wanting some time to follow through on tasks individually and he may also tend to keep a fair emotional and professional distance between himself and others.
- With his tendency to be clear and frank in his communications, he may be comfortable expressing his true feelings and opinions even if these should be unpopular or cause confrontation. Furthermore, he will most likely be comfortable to ask others' advice but at the same time be fairly at ease with making the ultimate decision and defending these if needed. With his open and direct communication style there may be some risk of coming across as abrupt and he may benefit from adopting slightly more tactful and diplomatic approach in some situations related the role of Unit Head.
- Inclined to keep a fair focus on the task at hand and maintaining the needed professional boundaries, Shadrack may focus somewhat more on fact than feeling when making decisions.
- If seems that he should generally be willing to give others the benefit of the doubt, but that he will easily put his guard up if he perceives that someone might be attempting to take shortcuts or to take advantage of him.

- Shadrack will most likely present with a lot of drive and energy, demonstrating a low tolerance with those processes or people that do not share the same sense of urgency. Although this approach may assist him in getting things done, he may quickly become impatient with subordinates or colleagues that slow him down and others may find his interaction style somewhat abrasive at times.

In summary, Shadrack presents as a tense driven individual, who may express a sense of urgency and flexibility in his approach to work. He can be expected to apply himself best within a familiar and structured work environment where he is the expert. Under such conditions he will most likely be critical of current work processes and solutions and focus on generating improved work methods, but at the same time apply a serious approach to avoid unnecessary risk. Although open to asking team support and advice, he may mostly maintain ultimate decision-making authority and be direct and straightforward in his communication style, defending his views and opinions when needed. According to his preferences, he may have a need for privacy, but demonstrate the needed confidence to interact with various individual while maintaining the needed impersonal attitude. In addition, given his slightly stronger focus on task requirements, he should mostly maintain a focus on fact when making decisions, not allowing the underlying emotional aspect to impact his actions. In general, Shadrack should maintain control over his emotions; however he may demonstrate a low frustration tolerance and find it difficult to relax after a difficult day at work.

Shadrack's results show a slightly under-developed match to the requirements of the Unit Head: Group Security & Investigations position. The key and pertinent points in terms of his areas of strength and possible development areas are outlined below:

#### Areas of Strength

- Within familiar, well-structured work environments, where he can involve himself in tangible and practical issues, Shadrack can be expected to adopt a rather critical and flexible focus on current work methods and procedures. Being open to change, he will most likely have a preference to question the status quo and identify new, different or more efficient approaches; however at the same time, he may apply caution in his manner in order to limit possible and unnecessary risks.
- Fairly assertive and straightforward in his manner, Shadrack will mostly not shy away from arguing his point of view and he may not be too concerned with blending with the cultural mainstream or the majority decision. His open communication style will ensure others know exactly where they stand with him. Further to this, Shadrack should not shy away from an argument or debate and as such can be expected to address conflict and difficult situations.
- In addition to the above, Shadrack presents as fairly inclined to maintain a professional distance in relationships and to mostly focus on the facts of a situation, rather than over-concern himself with the individuals involved. His preferences imply that he can be expected to remain rather impartial and detached when having to make decisions.
- Shadrack displays a high level of nervous energy which suggests that he may express a sense of urgency in many situations and if managed appropriately it can be a positive force in developing and maintaining motivation. While his tense-driven nature is likely to have some drawbacks, in work environments that put a high priority on getting things done, it may be of benefit.

#### Recommendations for Development

- His cognitive profile suggests that, currently, Shadrack may be more comfortable in an operational environment where he can capitalise on his knowledge and experience in performing hands-on tasks, focusing on tangible issues within a structured environment and where clear guidelines are available. Although he can be expected to be comfortable with operational matters pertaining to his role, he may at present experience some discomfort when dealing with ambiguity and complexity associated with more strategic functioning. In addition, when in less familiar environments, where he is not the expert, his tendency to apply an unsystematic, unplanned and reactive approach to novel information may constrain his capacity for judgement and result in taking action prior to obtaining accurate conclusions.
- Shadrack presents a preference to work quickly and he may at times be inclined to adopt a fairly expedient and informal approach to tasks. In addition, his performance on the CPP suggests that when confronted with novel information, he may tend to adopt a less planned and structured approach. This may cause him unnecessary stress in complex environments and overload his short-term memory. Given the above, he may need to be somewhat more mindful of set plans and processes and will most likely benefit from adopting a slightly more organised and structured approach.
- Less positive consequences of his tense driven energy may be the tendency to feel pressured and easily frustrated by obstacles or setbacks. Such tendencies may undermine his work performance in demanding or stressful environments. Furthermore, because of his presented driven nature and low frustration tolerance, he may be impatient with people or situations that slow him down and at times say or do things that he later regrets. Others may not always respond positively to his impatient interaction style and at the same time Shadrack may have some difficulty relaxing at the end of a demanding day.
- Shadrack's forthright and direct communication style may be experienced as being verbally blunt or tactless and at times he may need to guard against wanting to win a debate for the sake of winning. While his interaction and communication style is likely to be of benefit on occasion, there are likely to be some situations where he may need to refrain from causing unnecessary conflict or arguments. As such, he may benefit from applying more tact and diplomacy when the situation demands it.
- His performance on the timed Critical and Numerical Reasoning assessments leave room for improvement. His below average results suggest that he may have some difficulty in accurately drawing logical conclusions and inferences from complex sets of numerical data or written arguments, especially when under time pressure.

#### Overall Recommendation

Based on an integrated, holistic assessment of all the results, it is clear that Shadrack shows the following match to the requirements of the role of Unit Head, Group Security & Investigations.

POOR MATCH	MEETS REQUIREMENTS	EXCEEDS REQUIREMENTS
X		

Please contact me should you want to discuss any aspect of this report.

Lize Murray (nee Gilmore)  
The Assessment Toolbox  
November 2016

FAB

**Item A3 GROUP FORENSIC AND INVESTIGATION SERVICES -  
STRUCTURAL PLACEMENT OF THE FUNCTION**

*Following the debate, Councillor Tau (ANC) indicated that the ANC would like to be recused from the meeting until after an illegal decision has been taken by those who will remain in the meeting, and would rejoin the meeting after that.*

*At this point the ANC recused itself from the Chamber.*

*The Speaker indicated that the councillor present in the Chamber at this point are 136 and there is quorum.*

**RESOLVED**

That the Office of Forensics and Investigations be established as a separate Organisational Unit reporting administratively to the City Manager and functionally to the Group Audit Committee.

(GROUP LEGAL AND CONTRACTS)  
(Christo Marais)  
(Tel. [REDACTED])

APPROVED AT  
CITY OF JOHANNESBURG COUNCIL  
26 APR 2017  
SIGNATURE: [REDACTED]

COJ : MAYORAL COMMITTEE 2017-03-22

**GROUP LEGAL AND CONTRACTS****RESUBMISSION****3 GROUP FORENSIC AND INVESTIGATION SERVICES – STRUCTURAL PLACEMENT OF THE FUNCTION****1 STRATEGIC THRUST**

Well Governed and Managed City.

**2 OBJECTIVE**

The objective of this report is to request the approval of the placement of the structure of the Group Forensic and Investigations Unit.

**3 BACKGROUND****(1) Introduction**

This report deals with Group Forensic and Investigation Services (Annexure A) and elevates the Unit to be independent reporting functionally to the Group Audit Committee and administratively to the City Manager.

The naming of the function is that of Group Forensic and Investigation and was previously named Group Security and Investigations.

The newly proposed Forensic and Investigations Unit structure is designed adopting a *sui generis* approach which means a unit of its own character/ type or kind. For this reason it is referred to as the Office of Forensics and Investigations instead of a Branch or Department.

Note that this report only deals with the high level design of the Office and the design of the levels from the 3<sup>rd</sup> reporting level and lower in the City is dealt with through the delegations of the Executive Mayor. Also structural amendments reports on the Group Risk and Assurance Services Branch and Group Internal Audit Branch will be dealt with through the Institutional Review process to happen in due course and the delegations of the Executive Mayor and are not dealt with in this report.

**(2) Delegated authority to approve the Structure**

Due to the *sui generis* nature of this Office, the delegation to the Executive Mayor is not used to approve the special character of this structure but it is presented to the Council for approval.

COJ : MAYORAL COMMITTEE 2017-03-22

**GROUP LEGAL AND CONTRACTS****RESUBMISSION****(3) Mandate and Service Delivery Priorities**

The Corruption Watch (2015 p 17) research revealed that 50% of corruption crimes are committed in the Gauteng Province. Like many organisations, the City face a variety of issues, ranging from fraud, corruption, disputes with third parties, transactions which may contravene various laws and regulations, cyber-crime, loss of confidential information, "black holes" in financial records and possible ghost employees on the payroll. When plagued with these problems, the City requires a strong and bold Unit with the right capacity to help in recouping losses, litigation support or criminally prosecuting fraudsters.

The mandate of Forensic and Investigation Services is to facilitate the prevention, detection and investigation of economic crimes more particularly corruption, solely responsible for all aspects of security and resilience of the City regardless of the kind of threat. The Function includes the following responsibilities:

- Forensic Investigation and Data Analytics
- Fraud and Corruption
- Cyber Crime
- Minimum Information Security Standards (MISS)
- All Municipal Finance Management Act (MFMA) related matters
- Hijacked Buildings

The mandate is further driven by the declaration that corruption is public enemy no. 1. The report creates the necessary structural capacity to enable the City to deal with this "public enemy no.1" and priority "Good Clean Governance with a focus on eliminating corruption".

**(4) How the Proposed Staff Establishment Addresses the Service Delivery Priorities**

Given that the mandate of the Forensic and Investigation Services is to prevent, detect and investigate the malpractices, irregularities and offences relating to problems stated in paragraph 3.3 of this report; the further elevation to being an independent Office provides evidence of the City's commitment of ensuring clean governance and promotion of ethics.

This is done in fulfilment of the promulgated legislations such as the Municipal Finance Management Act 56 of 2003 (MFMA), the Prevention and Combating of Corrupt Activities Act 12 of 2004 and the Protected Disclosures Act 26 of 2000 as follows:

- Promoting the principles of good corporate governance.
- Improving financial management and management of policies and practices within the City.

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COJ : MAYORAL COMMITTEE 2017-03-22

**GROUP LEGAL AND CONTRACTS**

**RESUBMISSION**

- Showing those who seek to defraud the City that such action is unacceptable and will not be tolerated.
- Deterring potential and corrupt individuals/ businesses.
- Improving access to mechanisms for reporting wrong doing and protection of whistle-blowers.

Initially a proposal was made regarding the reporting and location of this function. The proposal was to allow the function to report to the Office of the Ombudsman which is charged with representing the interests of the public by investigating and addressing complaints reported by individual citizens. Whereas the Office of Forensic and Investigations is charged with duties mainly to facilitate the prevention, detection and investigation of economic crimes more particularly corruption committed internally. Therefore, the two functions are distinct from one another in terms of their focus hence the separation approach was opted resulting in a *sui generis* character design of the Office of Forensics and Investigations.

**(5) Summary of the Proposed Changes**

**Material changes proposed:**

- (a) An approach in the organisational design of the *sui generis* character, supports the view that 'the rank never retires, the officer does. Therefore, the designation of the Head of Department (HOD) is different from those used in the City. Possible designations are Commissioner or General. Research conducted with other metros and municipalities pose difficulty in designing the independent nature of this function. Thus, the benchmarking research exercise comparing mainly with the New York City Department of Investigations is that it is led by a Commissioner. The view however in this instance is that the rank should not formally be used but rather the term Head of the Office of Forensics and Investigations.
- (b) The Head of the Office of Forensics and Investigations has a span of control of six (6) direct reports.
- (c) The Office of Forensic and Investigations will report administratively to the City Manager and will be accountable to the Group Audit Committee.
- (d) The position of Head Forensics and Investigations does not report functionally to the City Manager which means that the requirements of Section 56 of the Municipal Systems Act No 32 of 2000 do not apply to this position.
- (e) Note that due to the removing of this function from the GRAS and Internal Audit functions, the respective job profiles (descriptions) of the positions leading and managing those functions has been amended as required.

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**GROUP LEGAL AND CONTRACTS****RESUBMISSION****(6) Staff Establishment and Human Resources Implications**

The detailed design of the structure is based on a new approach in the City and the structure will continue to be refined and aligned with the needs in the City. The levels, designations and grading will also be adjusted over time as the structure has had chance to mature. The existing thirteen (13) staff with their positions has been moved from the existing GRAS structure and the recruitment to fill vacant positions is dealt with through the normal recruitment processes of the City.

**(7) Project Plan**

- The recruitment of the Head of Forensic and Investigations has been finalised.
- A phased approach will be followed in filling the critical positions in the Office to allow the sourcing of funds from different avenues such as current funding available in the operating budget and possible sourcing of funds from the seating of the Strategic Appointments Panel. It is envisaged the filling of all positions could take up to three (3) years by placing a few positions per year until the structure is fully funded.

**(8) Change and Stakeholder Management**

The changes to the structure will be managed and communicated through the various communication channels of the City to stakeholders and staff members concerned.

Also the relevant budgets and financial transfers to this Office needs to be concluded.

Good practice is that this type of function is accommodated in its own location/ building whereby mingling of staff with staff of other Units is minimized to ensure the independence and integrity of the function is maintained.

**(9) Job Descriptions, Job Evaluation, Duties, Functions, Competency Requirements and Responsibilities**

Job descriptions of positions are continuously reviewed and aligned to duties, skills and competencies required for the effectiveness of the Office and weighting such positions utilizing the CoJ Job Evaluation Committee where necessary.

**4 POLICY IMPLICATIONS**

The proposed detailed structure is in line with the CoJ Organisational Design principles and policies.

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**GROUP LEGAL AND CONTRACTS**

**RESUBMISSION**

**5 LEGAL AND CONSTITUTIONAL IMPLICATIONS**

This Report and the proposed Staff Establishment is in accordance with the requirements set out in Municipal Systems Act 32 of 2000 and its Regulations read with the City's policies and System of Delegations.

All the relevant legislation and policy requirements were complied with during this process and the Principles of the CoJ Organisational Design were applied.

**6 FINANCIAL IMPLICATIONS**

The cost of the proposed structure is estimated to be R59,817,275.52 per annum once fully capacitated. Roll-out cost will however be done in accordance with the funding in phases as is made available by the City.

Designation	No. of Posts	Remuneration (Total Cost)	Monthly cost	Annual for all level posts
Head Forensics and Investigations	1		<i>1TB No Allocation by John</i>	
Director	5	R74,863.56	R374,317.80	R4,491,813.60

The amounts of some of the investigations that the Office will deal with is more than the cost required to fully capacitate the Office and is expected to provide a return of much more than its annual costs.

Currently the City uses twelve (12) Service Providers to provide services relating to forensics and investigations at an approximate cost of R130 million per annum. This Office will replace the external service providers in most instances hence probable saving for the City in this regard. The progress reports provided by this Office will reflect the actual income/ prevention of loss against the cost of the Office.

**7 ECONOMIC IMPLICATIONS**

A study conducted by the Association of Certified Fraud Examiners (ACFE) revealed a finding that a cost of fraud to organisations worldwide is an estimated 5% of their annual revenues. If applied to the 2015 estimated Gross World Product, this translates to a potential projected global fraud loss of about 54-trillion.

With this said, the City needs to be able to independently and objectively prevent, deter and investigate issues such as fraud, corruption and bribery, and to quantify possible losses.

**8 RISK AND MITIGATING FACTORS**

The Department would not be able to fulfil its role appropriately without the necessary staffing capacity and expertise.

3. City of Johannesburg Council 2017-03-30 2017-04-26

COJ : MAYORAL COMMITTEE 2017-03-22

**GROUP LEGAL AND CONTRACTS**

**RESUBMISSION**

**IT IS RECOMMENDED**

**That the Office of Forensics and Investigations be established as a separate Organisational Unit reporting administratively to the City Manager and functionally to the Group Audit Committee.**

**(GROUP LEGAL AND CONTRACTS)**

**(Christo Marais)**

**(Tel. [REDACTED])**

**(tc)**

**THE NEXT ITEM FOLLOWS THE ANNEXURE TO THIS ITEM**

FA9

28 July

"Annexure A"

**JOB PROFILE**

**SECTION A: JOB TITLE AND INFORMATION SECTION**

1. Municipality	City of Johannesburg Metropolitan Municipality
2. Post Title	Commissioner: Group Forensic and Investigations Services
3. Number of Posts	1
4. Job Grade	
5. Date Grade Authorized	
6. Post Identification No.	
7. Name of Incumbent(s) and Gender-Numbers	Shabek Sibya
Department	Office of the City Manager
Division or Section	Group Forensic and Investigations Services (G-FIS)
Branch or Sub-Section	
Job Title	Post Identification No.
City Manager (Administrative reporting line)	
Group Asset Committee (Functional reporting line)	
Immediate subordinates	
Job Title(s)	Post Identification No. (s)
Director: Operations	
Director: Information Management Centre	
Director: Strategic Management Services	
Director: Strategic Stakeholder Management Services	
Director: Criminal Prosecution Legal Services	
Director: Property Hoarding Investigations	

**CITY OF JOHANNESBURG  
GROUP HUMAN CAPITAL  
JOB EVALUATION & GRADING**

**RECEIVED**  
P.O. BOX 1049 JOHANNESBURG  
TEL. 011-300-0000

*Handwritten mark*

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## SECTION 5: JOB PURPOSE, DUTIES AND RESPONSIBILITIES OF THE POST

### **As Commissioner: GFIS**

The position of Commissioner: GFIS will be responsible for leading prevention, detection, investigation and resolution of all fraud, corruption, theft and maladministration matters within the City. He provides leadership on COJ security initiatives, securing COJ physical and digital security.

The Commissioner: Group Forensic and Investigations Services will strategically lead, direct and control the provision of an effective and efficient Group Forensic and Investigations Service by developing and implementing the Strategies, Policies, Frameworks, Standards, Systems and Processes to ensure that:

- The City has adequate strategies and plans to combat fraud, corruption, theft and maladministration
- Timely development and review of security plans and their integral components, including but not limited to, contingency or crisis response plans, standard operating procedures and emergency communications as per requirements of COJ security policies and procedures
- Timely development and review of Security Risk Assessments (SRA), Minimum Information Security Standards (MISS), and other relevant requirements of COJ security policies and procedures.
- Proactive developing and implementing risk mitigation initiatives which include addressing employee safety, corruption, financial fraud, and other risks facing COJ.
- Provide training and develop standards work related to investigations requirements and best practices.
- Allegations of financial irregularity, fraud and corruption are promptly investigated as appropriate including liaison with law enforcement authorities as necessary.

### **Internal Environment**

The position of Commissioner: GFIS exist for the purpose of good governance.

- The CoJ will look towards the GFIS Department for direction, guidance and specialist advice regarding Forensic and Investigation Services functions and practices, including risk management policy and approach, compliance and standards.
- The Commissioner will report administratively to the City Manager and to the shall execute functions in accordance with the job profile and delegated authority; and shall be required to interact with the Head of Departments and Municipal Entities on function priorities and to ensure consistency of information flow.
- The Commissioner may be required from time to time to interact with the Executive Mayor, City Manager, MMCs, the Group Audit Committee (GAC) and the other independent oversight committees to ensure consistency of information flow.
- The Commissioner will be fully accountable for the quality, integrity and validity of the advice provided and delegated responsibilities, and will require the authority to determine day-to-day function priorities, allocating duties and decisions relating to the compliance and quality of the work assigned.
- The position is fully accountable for the management of the Department assigned and provides leadership, direction and motivation, ensuring that staff members work collaboratively and effectively.

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**External Environment**

- The Commissioner may be required to interface with a broad range of external stakeholders, including politicians at the Mayoral Committee level, Sub-Mayoral Committees such as Section 79 Committees etc., chapter nine institutions, other spheres of government, external service providers, professional bodies and other stakeholders.
- The Commissioner has a key role to play in leading the coordination of integrated and uniform Forensic and Investigations functions, standards and practices across the Group.
- The Commissioner will need to provide an authoritative source of standards and advice for internal and external stakeholders and senior management, ensuring high level GFIS direction and guidance.

**Accountability**

The Commissioner: GFIS therefore reports to the City Manager which delegation authority is in terms of the MFMA.

The Commissioner GFIS reports functionally to the Group Audit Committee (GAC), and this involves the the Group Audit Committee:

- Approves the anti-fraud and corruption prevention strategy plan.
- Receives communication from GFIS on performance relating to investigations conducted, outcomes of these investigations, and recommended remedial actions as may be applicable
- Receives management responses on appropriate enquiries the Committee may make including instances, if any, of inappropriate limitations of scope in investigations.
- Receives communication from municipal entities on investigations that may / will have been carried out by the municipal entities.
- The Commissioner must also cultivate and maintain functioning reporting lines to the GAC in respect of the anti-fraud and anti-corruption strategies; trend analysis and any other matters of significant risk exposure.

1.1.	<ul style="list-style-type: none"> <li>• Strategically integrate Forensic and Investigation Services throughout the City</li> <li>• Develop and lead the GFIS in a professional manner to ensure that it is effective and commands a high standard of respect both internally and externally.</li> <li>• Develop GFIS charter that defines the purpose, authority and responsibility of the Department's activity.</li> <li>• Develop Group Strategy, Policy and Standards for GFIS throughout the City and ensure uniform and integrated implementation of Forensic and Investigation services.</li> <li>• Strategize to provide independent and objective assurance to Council that the CoJ is a well governed and sustainable organisation.</li> <li>• Represent GFIS at meetings, briefings, working groups etc. both internally and externally as appropriate.</li> <li>• To ensure that GFIS develops and maintains a high standard of customer service and responsiveness in accordance with Council objectives and targets; that high standards of staff conduct and integrity are maintained; and that appropriate development and training needs are identified in this respect as necessary.</li> </ul>	Ongoing
1.2.	<p><b>FORWARD PLANNING</b></p> <ul style="list-style-type: none"> <li>• Complete strategic long term GFIS strategies and plans having due regard to the legislative requirement, City's service delivery agenda and priority programmes.</li> <li>• Develop core administration annual GFIS annual plan ensuring maximum coverage of the significant risk exposures and alignment to combined assurance/ second level of defence, for consideration by the Head of Department, adoption by Client Management and approval by the delegated Council Committee(s)</li> <li>• Develop strategies and processes for oversight over municipal entities' development of annual GFIS plans.</li> <li>• Contribute to the strategic management of GFIS.</li> </ul>	Ongoing

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1.3.	<p><b>STRATEGY IMPLEMENTATION</b></p> <ul style="list-style-type: none"> <li>• Oversee the development and ensure implementation of an annual Forensic Services Plan which include assurance on City's service delivery agenda &amp; priority programmes.</li> <li>• Develop and implement communication strategies, reporting frameworks and report formats including dashboards . .</li> <li>• Develop and promote Forensic and Investigation Services to existing and potential customers by developing awareness and understanding of their activities and objectives to ensure positive image to customers and entire City.</li> <li>• Effective management of Forensic and Investigation Services by identifying Forensic Services assignments, oversight and monitoring of budget approvals, evaluating reports and reporting findings to relevant bodies;</li> <li>• To conduct any reviews, reporting or tasks requested by City Manager, GDD, relevant delegated Council Committees such as Group Audit Committee, MPAC and Senior Management, ensuring that such investigations and reporting maintain the highest levels of independence and objectivity .</li> <li>• Creating, developing, implementing and maintaining the City anti-fraud and corruption strategy.</li> </ul>	Ongoing
2.1	<p><b>GROUP STRATEGIES FOR ANTI-FRAUD &amp; ANTI-CORRUPTION</b></p>	
	<ul style="list-style-type: none"> <li>• Develop and monitor implementation of the City's anti-fraud and anti-corruption strategies</li> <li>• Ensure Delegation of roles, responsibilities and accountability for fraud and corruption strategies.</li> <li>• Advice on management accountabilities for the prevention and management of fraud and corruption; and therefore the design and implementation of appropriate systems of internal control</li> <li>• Monitor compliance and ensure protection of employees in accordance with the whistleblowing legislation</li> </ul>	Ongoing
2.2	<p><b>GROUP FORENSIC AUDITS</b></p>	
	<ul style="list-style-type: none"> <li>• Develop and monitor implementation of the City's</li> <li>• Conduct forensic audits ensuring reliability and completeness of supporting audit evidence</li> <li>• Perform like city's audits in accordance with the applicable legislation</li> </ul>	Ongoing
2.3	<p><b>GROUP FRAUD &amp; CORRUPTION FORENSIC INVESTIGATIONS</b></p>	
	<ul style="list-style-type: none"> <li>• Develop and monitor implementation of the City's Fraud Investigation Policy and Fraud prevention plans</li> <li>• Conduct pro-active and re-active fraud investigations</li> <li>• Ensure capacity for surveillance and co-operation with the relevant law enforcement agencies</li> <li>• White collar crime investigations</li> <li>• Economic crime investigations</li> <li>• MFSA</li> <li>• Theft of City Assets</li> <li>• Fraud and corruption investigations</li> <li>• Special projects investigations</li> <li>• Hijacked properties investigations</li> <li>• Cybercrime investigations</li> <li>• Investigations of irregular conduct by CoJ officials including metro police</li> </ul>	Ongoing

2.4	<b>DATA ANALYTICS</b>	
	<ul style="list-style-type: none"> <li>• Conduct analysis of electronic data for exceptions, irregular transactions</li> <li>• Quantification of fraud and corruption incidents and financial impact on the CoJ</li> <li>• Data mining for trends and mapping</li> <li>• Review internal audit, compliance monitoring and risk monitoring outcomes for irregularities that may require further investigations</li> <li>• Ensure capacity and reliability of processes for data mining</li> <li>• Acquisition and maintenance of data analytical tools, and ensure implementation</li> </ul>	Ongoing
2.5	<b>MANAGEMENT OF YIP-OFFICE ANONYMOUS - FRAUD HOTLINE</b>	
	<ul style="list-style-type: none"> <li>• Conduct analysis of nature of incidents reported</li> <li>• Advise management on the trends of incidents reported and ensure mitigation actions are developed and implemented</li> <li>• Co-ordinate investigations of incidents reported through the fraud hotline</li> </ul>	Ongoing
2.6	<b>MONITOR IMPLEMENTATION OF FORENSIC RECOMMENDATIONS</b>	
	<ul style="list-style-type: none"> <li>• Advise management on action plans and/or legal recourse available to the City as applicable</li> <li>• Ensure criminal and/or civil proceedings are taken to safeguard the interest of the City</li> <li>• Follow-up on disciplinary actions taken as appropriate</li> <li>• Co-ordinate investigations of incidents reported through the fraud hotline</li> </ul>	Ongoing
2.7	<b>MINIMIZE INFORMATION SECURITY STANDARDS</b>	
	<ul style="list-style-type: none"> <li>• Co-ordinate and monitor the implementation of the City's Policy and framework for Minimum Information Security Standards</li> <li>• Develop a framework and guidelines, as well as mechanisms with relevant government bodies for security checks (vetting of senior officials and any other strategic key positions)</li> </ul>	Ongoing
2.8	<b>ROLE IN COORDINATED &amp; INTEGRATED ASSURANCE VALUE CHAIN</b>	
	<ul style="list-style-type: none"> <li>• Collaboration with all group assurance functions in accordance with assurance mapping and assurance process value chain</li> <li>• Timorous communication of identified fraud risk areas and mapping of City-wide Key Risk Indicators and, in collaboration with Group Compliance, Group Risk, and Group Internal Audit (Performance section), alignment of Key Risk Indicators (KRIs) to Key Performance Indicators (KPIs)</li> <li>• Assess the Municipality's combined assurance activities and assigned levels of assurance to significant risks by GFS</li> <li>• Assess reliance on the expertise of Group Internal Audit unit in their independent and detailed evaluation of systems of internal controls and reports and internal audit outputs and outcomes</li> <li>• Risk monitoring and profiling - Internal Assurance providers (within GRAS)</li> </ul>	Ongoing

2.6	<b>COMMUNICATION</b>	
	<ul style="list-style-type: none"> <li>• Report to the Executive Director, City Manager, relevant delegated Council Committees such as Group Audit Committee, Mayoral Committee, Auditor General, and Senior Management on findings and recommendations so that they can determine the appropriate corrective action;</li> <li>• Report Department performance progress (at GFIS management meeting) against the agreed RSBP targets including the annual Forensic and Investigations plan.</li> </ul>	Ongoing
2.7	<b>GENERAL MANAGEMENT OPERATIONS</b>	
	<ul style="list-style-type: none"> <li>• Manage the preparation, monitoring and control of the annual budget of the Department to ensure value for money and cost effective service delivery;</li> <li>• Define the Department's service level requirements with external and internal suppliers;</li> <li>• Manage effective Corporate Governance and performance;</li> <li>• Ensure that effective risk management through the implementation of sound controls and good corporate governance principles.</li> </ul>	Ongoing
	<ul style="list-style-type: none"> <li>• Promote a high performance culture within the GFIS through:             <ul style="list-style-type: none"> <li>• Managing and overseeing team performance through performance planning, coaching and performance appraisals.</li> <li>• Holding direct reports accountable for managing and developing their assignments to ensure the department's goals are achieved and customers satisfied.</li> <li>• Providing ongoing feedback to the team to ensure they develop the skills and competencies required for effective planning and individual professional and personal career growth.</li> <li>• Motivating and inspire the team by providing them with the information and tools they need to do their jobs well and meet customer expectations</li> <li>• Dealing with performance issues, discipline as necessary and address poor standards, ensuring department targets and customer satisfaction is not compromised.</li> <li>• Employment Equity                 <ul style="list-style-type: none"> <li>• Continuous development and training</li> </ul> </li> </ul> </li> <li>• Lead and direct staff within the GFIS so that they are able to achieve the objectives set for them</li> <li>• Manage the head count, recruiting and deploying resources as required, to ensure the department budget is balanced and the right mix of skills and strengths are being leveraged as effectively as possible.</li> </ul>	Ongoing
4.	<b>FINANCIAL MANAGEMENT</b>	
	<ul style="list-style-type: none"> <li>• Plan, monitor and control the department's annual operating budget so that spending is in line with Council requirements.</li> <li>• Ensure the optimization of value obtained from Investments in Forensic Services projects</li> <li>• Update asset register</li> <li>• Source EEE/ S/M/E suppliers and monitor procurement spent</li> <li>• Implement best practice examples for functional effectiveness and efficiencies</li> </ul>	Ongoing

1.	The incumbent is required to recommend policy, standards and strategy to Council through the relevant delegated Council Committees such as Group Audit Committee and then ensure implementation and monitoring within approved time frames and budgets. This includes development of City-wide Forensic and Investigations methodology.
2.	The incumbent is required to operate within policies and procedures of the City and Council.
3.	Assess the resource requirements necessary to deliver on the Group Forensic Services strategy and create implementation plan.
4.	Timing and scheduling of GPIS projects.
5.	Sign-off final GPIS reports for distribution to management and quarterly report to the applicable delegated committee such as Group Audit Committee and Mayor.
6.	Recruitment of staff in the GPIS in accordance with approved delegation of authority.
7.	The position authorises expenditure according to the delegation of authority
8.	The position takes decisions in terms of the Delegations of Authority which are binding on the City. Includes delegations of authority to security and investigations staff.
9.	The position may represent the City in the negotiation of large contracts and has the authority to bind the city within the delegation framework

1.	Reporting to the MOE boards on forensic and investigations based on best practice and methodologies
2.	Building the required relationships with Heads of Departments, MOEs and other Forensic Services throughout the group to ensure an integration of the Forensic Services discipline and approach.
3.	Providing a Centre of Excellence in terms of all Forensic Services for the Group.
4.	Meeting business requirements within budgetary constraints
5.	Development of policies and strategies that make an impact on improving service delivery and add value to the city
6.	Adapting to organisational changes and ensuring flexibility of Forensic Services coverage as key risks emerge or risk profiles change.

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## SECTION G: JOB SPECIFICATION

Qualification	<ul style="list-style-type: none"> <li>• An advance university degree (master's degree or equivalent) in policing</li> <li>• A first level university degree in combination with qualifying experience may be accepted in lieu of the advanced university degree</li> <li>• CFE <del>qualification will be an advantage</del></li> </ul>
Reasons for essential Qualification	<ul style="list-style-type: none"> <li>• To ensure integrated Forensic and investigations services strategy, planning and management within the Group</li> <li>• Understand national and international Forensic and investigations services II principles and standards</li> <li>• Business Acumen and Financial Management</li> <li>• <del>Relevant Legislation</del></li> </ul>
Experience	<ul style="list-style-type: none"> <li>• A candidate must have at least 15 years' experience in forensic and investigations successfully.</li> <li>• A minimum of ten years of progressively responsible experience in security risk management in government, police, military, public or private sector context. Of these, at least 5 years of command or leadership experience, including contingency planning and crisis management, is required</li> <li>• A minimum of 7 years' experience at senior management in complex financial crime investigations or closely related field is required</li> <li>• Proven success at operating at senior management level, including the management of experienced and professionally qualified staff.</li> <li>• Demonstrated ability to manage large engagements, supervise / motivate staff, and prioritise projects</li> </ul>

<p><b>Technical knowledge and skills (Competencies)</b></p>	<ul style="list-style-type: none"> <li>• Comprehensive knowledge of local government Forensic and Investigations services and Investigations practice and procedures including all legislation and regulations relevant to the work of Group Security and Investigations.</li> <li>• Sound knowledge and successful practical operation of interview techniques, fraud investigations, etc.</li> <li>• Ability to provide relevant management information on the performance of GFIS e.g. KPI and trends.</li> <li>• Sound knowledge of principles and professional standards for the practice of Security and Investigations;</li> <li>• A knowledge of Forensic and Investigations services and Investigations procedures, including planning, techniques, test and sampling methods involved in conducting Security and Investigations;</li> <li>• An ability to maintain current knowledge of developments related to matters of interest to Forensic and Investigations services and Investigations, particularly legislation changes and developments as they affect the Group, and how Security and Investigations techniques and practices;</li> <li>• Excellent oral and written communication, interpersonal, negotiation and liaison skills and the ability to work in partnership with senior officials and manage relationships with internal and external stakeholders;</li> <li>• Ability to engage and support others to contribute to Forensic and Investigations services and Investigations frameworks, processes and systems;</li> <li>• Sound knowledge of data analysis and evaluation, and the ability to translate data into accessible reports for diverse audiences;</li> <li>• Sound understanding of applying public administration principles and implementing contemporary management practices, particularly as they relate to Security and Investigations functions;</li> <li>• Principles and practices of administration and personnel management;</li> <li>• Principles and practices of project management;</li> <li>• Principles and practices of municipal budget preparation and administration.</li> <li>• Principles of supervision, training and performance evaluation.</li> <li>• Maintain strong professional and positive demeanour !</li> <li>• Computer literacy.</li> </ul>
<p><b>Key Competencies</b></p>	<ol style="list-style-type: none"> <li>1. <b>Financial Management</b> <ul style="list-style-type: none"> <li>• Understands market and economic factors affecting the strategic plan</li> <li>• Effective allocation of resources</li> <li>• Implementation of budgeting processes and accountabilitys</li> <li>• Measuring the value of city investments in Forensic and Investigations services and Investigations (ROI)</li> </ul> </li> <li>2. <b>Customer Focus and Service</b> <ul style="list-style-type: none"> <li>• Leverages customer knowledge and insight</li> <li>• Establishes customer-oriented performance strategic goals</li> <li>• Plans for and adapts to changing customer relationships</li> <li>• Understands the needs, drivers, and constraints of stakeholders</li> </ul> </li> <li>3. <b>Developing Talent</b> <ul style="list-style-type: none"> <li>• Coaches, mentors, and guides development of employees</li> <li>• Plans for the development and deployment of talent in the organization</li> <li>• Supports development of talent throughout organization</li> </ul> </li> </ol>

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<b>Key Competencies</b>	<b>4. Business Acumen</b> <ul style="list-style-type: none"> <li>• Seasoned business manager with an in-depth knowledge and understanding of the city's business</li> <li>• Justifies resource requirements to internal and external stakeholders</li> <li>• Works with direct reports to find the right priorities to achieve strategic goals</li> <li>• Allocates and manages human, financial, and material resources effectively</li> <li>• Constantly reviews costs of doing business and adjusts as appropriate</li> </ul>
	<b>6. National and International Best Practice Knowledge</b> <ul style="list-style-type: none"> <li>• Legislative and regulatory framework applicable to CoJ</li> <li>• Industry best practice and current trends</li> <li>• Project Management methodologies</li> <li>• National, Provincial and Local authority operations.</li> <li>• International Security and Investigations Standards</li> <li>• Generally Recognized Accounting Practices</li> <li>• National Treasury Regulations applicable to local government-</li> </ul>
	<b>11. Building Alliances</b> <ul style="list-style-type: none"> <li>• Represents the city's position effectively to stakeholders</li> <li>• Understands the organization's impact on stakeholders</li> <li>• Forges networks, alliances, and other business relationships</li> <li>• Builds and maintains external stakeholder trust and confidence</li> </ul>
<b>Personality Profile</b>	<ul style="list-style-type: none"> <li>• A strategic and global thinker on business issues, able to provide leadership and direction on business and all Security and investigations matters locally, nationally and globally;</li> <li>• Able to effectively advise the Council on business and other strategic matters, and provide decision making support on complex Forensic and investigations services and investigations matters - under pressure of deadlines.</li> <li>• A decisive personality, but capable of being flexible when needed.</li> <li>• A person with a high degree of reliability and integrity.</li> <li>• Emotionally mature and controlled</li> <li>• Strategic Perspective;</li> <li>• Interface management skills;</li> <li>• Excellent communication skills;</li> <li>• Emotional intelligence;</li> <li>• Cognitive Capacity;</li> <li>• High Ethical Standards;</li> <li>• Leadership and people management skills;</li> <li>• Strong interpersonal skills;</li> <li>• Goal orientation;</li> <li>• Change management;</li> <li>• Resource management;</li> <li>• Attention to detail;</li> <li>• Networking skills;</li> <li>• Financial management;</li> <li>• Integrity;</li> <li>• Adherence to policies and regulations.</li> </ul>

1.	Ability to work with political representatives, Oversight Committee members, Boards and senior management of the City and Municipal Entities and work under high level of stressful conditions
2.	Sound Judgment and high decision-making ability
3.	Ability to manage strategic behaviors including but not limited to: managing change, managing people, managing resources, managing interfaces, achieving results, managing relationships and managing self as a leader.
4.	Ability to manage multi-disciplinary teams, and handle multi-tasking while ensuring maintenance of high quality outputs

1.	Proven experience and ability to interpret and understand complex business, process, IS issues and the completion of effective Group Security and investigations strategy and/or plans
2.	Must have a license to drive a motor vehicle.
3.	People management experience and skills
4.	Must be able to work extended hours and be on standby.
5.	No criminal record - fraud, theft, corruption or other white collar crime

**SECTION D : APPROVAL OF JOB DESCRIPTION**

We the undersigned confirm that we have examined on the content contained in the job description and hereby confirm that we consider that the information contained is a correct reflection of the content of the post and its content.

TITLE	NAME	SERVICE NO	SIGNATURE	DATE
Commissioner, Group Personnel and Investigation Services (GTIS)	Michael Stoye		<i>[Signature]</i>	24/7/2017
Immediate Supervisor City Manager	Dr. Nathaniel Lewis (Lathwell)		<i>[Signature]</i>	28/7/17

FAJO



a world class African city

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Department of Group Human Capital Management

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**MEMORANDUM**

**TO :** Lauren Jonas  
HR Manager

**FROM :** Piet Venter  
Acting Assistant Director: Grading

**Date :** 5 September 2017

**GRADING OF POSITIONS: TASK SYSTEM**

I herewith advise of the grading results of the under mentioned positions:

Designation	Department	Task Results	Level
Commissioner	Group Forensics and Investigation Services	T21/115	Executive Director

R1.4 M P/A

Piet Venter  
Acting Assistant Director: Grading

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Job	Title
HC/2HB/OCN/MC002	Commissioner Group Forensics and Investigations Services

**Evaluation Details**

Session Number	55654
Session Name	Session (2017/09/05) - Commissioner Group Forensics and Investigations Services Evaluation
Company	City Of Johannesburg Metropolitan
Committee / Attendees	
Notes	
Create / Modified Dates	9/5/2017 1:38:13 PM 9/5/2017 2:05:06 PM
Created / Modified By	Piet Venter Piet Venter

**Evaluation Results**

Grade	21 / E3
Skill Level	V - Strategic Skills
Final Points	115
Points Range	112 - 115

**COMPLEXITY**

Which option best describes the level of complexity involved/experienced in the job?			37-39
Guidance	What time scale is involved in management decisions or plans?	Top level guidance is available for the drafting of medium term plans for a major function, may involve some long term planning.	38
Task Volumes	What volume of tasks/decisions are involved?	A variety of complex tasks/decisions regarding the effective implementation of major functional plans.	37
Interaction	How important is it for the job holder to positively interact with other people/activities?	Interacts and co-ordinates with most strategically important areas of the business.	39

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**KNOWLEDGE**

<b>What amount of know-how is required within the job to allow the incumbent to cope competently with the tasks involved?</b>			<b>37-39</b>
<b>Experience / Training</b>	What cumulative length of training/experience relevant to the job is required to achieve competence?	Less than seventeen years.	37
<b>Abilities</b>	What degree and number of strategically important areas of business are involved?	Ability to apply in-depth knowledge of a major function/discipline and other major functions and able to understand their critical interrelationships in respect of the organisation.	38
<b>Judgement</b>	Which option best describes the latitude allowed to the incumbent on the use of judgement?	Judgement is high because of the in-depth understanding across major functional areas and aspects of the business environment.	39

**INFLUENCE**

<b>To what extent does the job holder influence other people or activities?</b>			<b>17-18</b>
<b>Other People</b>	Does the job holder have any influence on other people?	Interacts and influences people within a major function and some other functional areas.	18
<b>Supervision / Advice</b>	Does the job holder have to supervise, provide advice or guidance to others?	Provides advice and guidance to others within a major function, impacting other functions and impacting a substantial portion of the organisation.	18
<b>Int / Ext Contacts</b>	Select the option which best describes the level of influence exercised, either internal or external, by the incumbent.	Contacts others to impart major functional knowledge, with regular external contacts.	18

**PRESSURE**

<b>What level of pressure/stress is inherent within the job? Can be either mental, physical or both.</b>			<b>19-20</b>
<b>Deadlines</b>	Is the job holder subject to time stress?	Immediate action required to deal with highly critical cross functional / discipline and organisational issues.	20
<b>Flow of Work</b>	Is workflow subject to unforeseen incidents/issues where it is imperative to take immediate action?	Interruptions and attention continually divided between own and organisational issues.	20
<b>Uncertainty</b>	Is there a degree of uncertainty in the outcome of decisions taken?	High organisational risk and uncertainty involved at the business environment level.	20

**CONGLOMERATE**

<b>Which option best describes this position when thinking of a Conglomerate?</b>			<b>0-4</b>
<b>Conglomerate</b>	Not a member of top decision making body.	A support function/discipline.	0

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<b>GROUP RELATED</b>			
<b>Which option best describes this position when thinking Group Related?</b>			<b>0-3</b>
<b>Group Related</b>	<b>Not a member of top decision making body.</b>	<b>A support function/discipline.</b>	<b>0</b>
<b>SINGLE UNIT</b>			
<b>Which option best describes this position when thinking Single Unit?</b>			<b>0-2</b>
<b>Single Unit</b>	<b>Not a member of top decision making body.</b>	<b>A major function/discipline.</b>	<b>1</b>

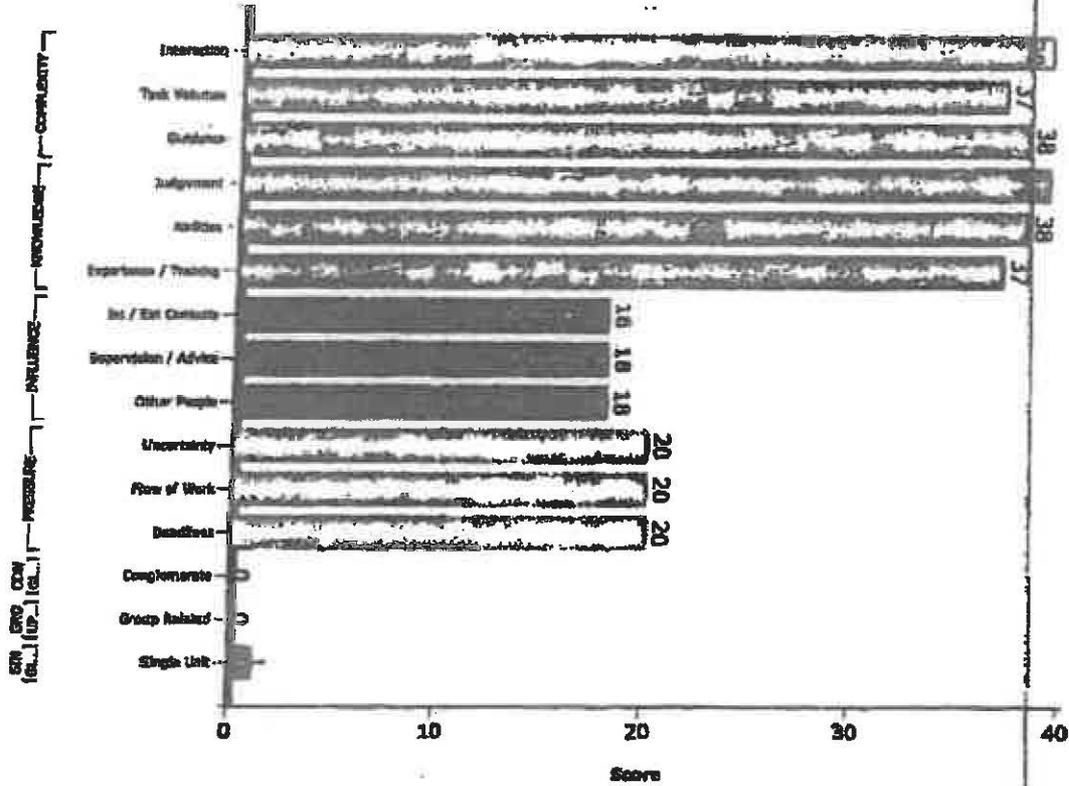
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Factor & Sub Factor Evaluation Scores



Consultant Group Processes and Knowledge/Power Services Group (2017/09/02) - Consultant Group Processes and Knowledge/Power Services Position



Points : 115 Range: 112 - 118

Grade: 21 Skill Level: V - Strategic Skills

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FALL

CITY MANAGER

GROUP CORPORATE AND SHARED SERVICES

**REQUEST FOR APPROVAL TO IMPLEMENT THE  
RE-GRADING OF THE COMMISSIONER: GROUP  
FORENSIC AND INVESTIGATION SERVICES POSITION**

**1 STRATEGIC THRUST**

The City identified nine (9) Priority Areas that the SDBIP, IDP and budget aim to achieve. The applicable priorities for this Report is:

Priority 3: Create a culture of enhanced service delivery with pride.

Priority 5: Create an honest and transparent City that fights corruption.

**2 OBJECTIVE**

The purpose of the report is to request approval to implement the regrading results of the Commissioner: Group Forensic and Investigation Services position.

**3 BACKGROUND**

When the new dispensation took up Office after the Local Government Elections in August 2016 it established strategic thrust outcomes and priorities. Outcome 5 is specified as "An honest, transparent and responsive local government that prides itself on service excellence". Part of the Executive Mayor's 10 point plan and the reasoning behind a corrupt free City, was the need for reinforcing the Security and Investigations Unit within GRAS. Due to the urgency of the matter, the position was immediately advertised within the Group Risk and Assurance Services (GRAS) Unit following the necessary recruitment processes but with the intention to revisit the placement and grading of the position specifically relating to the expectation that the position would develop to its full extent as the function matures.

General Shadrack Sibya was appointed on 9 September 2016. Subsequently the function of Forensics and Investigations' Services was restructured in various reports i.e. 04 November 2016 and 11 April 2017 and a report to Council on 26 April 2017 establishing the function to be independent reporting functionally to the Group Audit Committee and administratively to the City Manager. The naming of the function was changed to Group Forensic and Investigation Services (GFIS) from that of Group Security and Investigations. The Forensic and Investigations Unit structure was designed by adopting a *sui generis* approach which means a unit of its own character/ type or kind. For this reason it is referred to as the Office of Forensics and Investigations instead of a Branch or Department.

The Unit has five (5) different directorates reporting to it in the design approved on 11 January 2017. A further need arose to include a directorate specifically dealing with hijacked buildings. On 11 April 2017, the Executive Mayor approved the incorporation of the Property Hijacked buildings into GFIS and the Office has now grown to 21 positions.

After the establishment of GFIS, a noticeable difference is seen in fraud and corruption matters and the current value of matters under investigation is approximately R15 billion.

The employee has requested that the promises made to him at his appointment being that the regrading of the position will be revisited is now concluded. In approaching the request various logical steps for assessment is followed.

R.2M Shadrack Sibya



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## CITY MANAGER

## GROUP CORPORATE AND SHARED SERVICES

**5. ASSESSMENT OF THE PROCESS**

To assess the process there are six elements that need to be considered:

- What are the applicable legal, policy frameworks and best practices and where they followed?
- Was there an approved job description?
- Does the structure provide for the position?
- Was there an approved job evaluation or job grading done?
- Is there an approved salary key-scale?

**5.1 Applicable legal and policy frameworks**

The relevant legal and policy frameworks discussed below are:

- The Local Government Regulations on Appointment and Conditions of Appointment of Senior Managers
- Council delegated authority to the Executive Mayor to deal with structures.
- Job Evaluation Policy.
- Remuneration Policy
- The Upper Limit on Remuneration for Municipal Managers and Managers reporting directly to Municipal Managers

The Local Government Regulations on Appointment and Conditions of Appointment of Senior Managers promulgated in the Government Gazette on 17 January 2017 provides the processes to be followed in terms of a staff establishment. Regulation 4(4) to 4(8) is reflected below:

- (4) *The staff establishment must provide for-*
- (a) *Permanent posts; and*
  - (b) *Fixed term posts.*
- (5) *In the case of fixed term posts, the municipal manager must have due regard to the following:*
- (a) *the financial implications of such post to the municipality;*
  - (b) *any existing contractual obligations of the incumbent manager and the financial implications thereof on the budget of the municipality;*
  - (c) *the need of the municipality to retain institutional memory and scarce skills, and to promote stability and continuity within the municipality and the sustainability of the municipality.*
- (6) *The municipal manager must, within 14 days of finalizing the staff establishment, submit the staff establishment, a detailed report and recommendations on the staff establishment to the municipal council for approval.*
- (7) *The report contemplated in subregulation (6) must outline the process followed in developing the staff establishment, which must include –*
- (a) *a summary of the mandate and service delivery priorities of the municipality and how the proposed staff establishment addresses these;*
  - (b) *a summary of the proposed posts that are envisaged to –*
    - (i) *materially change*
    - (ii) *change to a limited or non-material degree;*
    - (iii) *be abolished; and*
    - (iv) *not be affected by the changes;*
  - (c) *a motivation of the proposed changes, including an analysis of the strengths, weaknesses and limitations of the current staff establishment;*

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- (d) Job descriptions, duties, functions, competency requirements and responsibilities according to which one or more posts of the same grade are established, including the grading or relative size and value of a job;
- (e) details of the financial implications of the changes including, but not limited to, the outcomes of job evaluation processes, remuneration costs for senior managers, costs for relocation, new facilities and equipment, if any;
- (f) non-financial implications of the changes, including the impact on existing staff, key stakeholders and other processes within the municipality;
- (g) a project plan that specifies the timeframes within which the implementation is envisaged to take place; and
- (h) the stakeholders and change management requirements.
- (B) The municipal council must at its next meeting following receipt of the staff establishment, approve the staff establishment, with or without amendments, as proposed by the municipal manager.

The Council has delegated authority to the Executive Mayor to deal with structures as follows:

At a meeting of the Mayoral Committee held on 24 April 2012 it was resolved to recommend:

*"That the Council delegates the authority in terms of section 59 of the Municipal Systems Act to approve levels 3 and below of the staff establishment developed by the City Manager in terms of section 66 of the Municipal Systems Act, to the Executive Mayor, subject to a policy framework."*

At a meeting of the Mayoral Committee held 21<sup>st</sup> June 2012 it was resolved:

*"That the Council delegated the approval of the staff establishment to the Executive Mayor, this power was to be exercised together with the Mayoral Committee as a power designated in terms of section 60(3) of the Municipal Structure Act"*

The first policy is the approved Job Evaluation Policy approved by Council on 12 December 2008. For purposes of this report Clauses 7.1, 7.2.2 and 7.2.3 of that policy is reflected below:

#### 7.1 THE DEVELOPMENT AND MAINTENANCE OF JOB DESCRIPTIONS

- 7.1.1 *It is the responsibility of Management to develop and update a job description in collaboration with his/her employee in accordance with the guidelines and format(s) developed by the Human Resources Shared Services (HRSS)*
- 7.1.2 *In developing job descriptions, the Management must ensure that individual jobs link to the strategic objectives of the CoJ and are aligned to the CoJ's approved organisational structure.*
- 7.1.3 *It is the prerogative of the Management to design the work responsibilities to ensure that the objectives of the CoJ are met. This should be done in consultation with the employee before finalising the job description and every effort should be made to gain agreement from the employee.*

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- 7.1.4 Both the jobholder and Management must be involved in finalising the job description and there must be mutual agreement on the content thereof.
- 7.1.5 The prescribed Job Description Format must include job content (job details, purpose and key performance responsibilities) and job specification, skill, experience and knowledge".
- 7.2.2 **INITIATING THE JOB EVALUATION PROCESS**
- 7.2.2.1 It is mandatory for job evaluations to be performed in the following instances:
- a. Before a post for any newly defined job is filled
  - b. Before filling any vacant post unless the specific job has been evaluated previously
- 7.2.2.2 In addition to the mandatory evaluations, jobs may also be evaluated emanating from requests from one of the following role-players, Management/ Individual employee
- 7.2.2.3 Requests for the evaluation of jobs should in all cases be directed to the Job Evaluation Manager.
- 7.2.2.4 Before the Job Evaluation Committee is requested to perform a mandatory evaluation, the Head of Department must confirm that the relevant post is required to meet the Co.'s objectives and that sufficient funds are available for filling the post;
- 7.2.2.5 With regard to requests from individual employees and management for evaluations, the following applies:
- a. An employee should have the right to request that his/her job be evaluated
  - b. A request should not be denied without good reason - there might be cases where it could be justified not to comply with requests for evaluations
  - c. It must be pointed out to employees that the evaluation of a job could result in its upgrading or downgrading or remaining the same.
  - d. As a general guideline, once an existing post has been evaluated, at least two (2) years should expire before it is evaluated again unless there is clear evidence that the job contents of a post have changed to such an extent that an evaluation could lead to a regrading of the post.
  - e. The requests by individual employees should be in writing indicating the reasons for the request to the line manager for approval.
  - f. Requests should be submitted to the Job Evaluation Unit through the Head of their Department (at least on Director level) and in consultation with Human Resources Field Services.
  - g. The Head of the Department should indicate whether he/she supports the request for an evaluation.
  - h. Requests should be in the prescribed Job Evaluation Form (Refer to Annexure A and B for more details), submitted via the Head of the relevant Unit
  - i. All requests for evaluations should be fully motivated and possible reasons could include:
    - i a significant change in the contents of a job and
    - ii similar jobs (or more or less the same job) are graded/ evaluated at different levels.
- 7.2.2.6 The Head of Department is required to respond to job evaluation requests within thirty (30) days

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7.2.2.7 *If a request is refused the employee has the right to pursue the matter further through the grievance process.*

7.2.3 **THE IMPLEMENTATION OF JOB EVALUATION RESULTS**

7.2.3.1 *Job evaluation should ideally be conducted and finalised within sixty (60) days of the application having been approved by the Head of Department*

7.2.3.2 *The results of the job evaluation are to be implemented on the first day of the month following the sixty (60) day period.*

7.2.3.3 *In the event the job evaluation results are not finalised within the prescribed sixty (60) day period, the implementation date should be retrospective with reference to the above (6.2.3.2).*

7.2.3.4 *The job evaluation results shall be implemented unless any party concerned lodges a dispute to the Appeal Committee*

7.2.3.5 *The job evaluation results shall be presented in a correlation table that compares different job evaluation system approved in the City.*

The second policy is the approved Remuneration Policy approved by Council on 12 December 2008. For purposes of this report Clause 6.9 of that policy is reflected below:

6.9 *The grading and determining of salary scales*

*The approved job evaluation systems will be used for the grading of positions in the CoJ.*

6.9.1 **THE GRADING AND DETERMINATION OF SALARY SCALES OF POSITIONS OCCUPIED IN THE NON-SALGBC EMPLOYEES**

6.9.1.1 *The salary scale for non-SALGBC employees shall be developed using the median total-cost-to-company package figures taken from Government and Parastatals Salary Survey Information commissioned by SALGA or the CoJ on a four (4) year basis.*

6.9.1.2 *Based on market salary information, the CoJ shall develop the salary scales that suits its needs and requirements.*

6.9.1.3 *A ten percent (10%) spread between the salary midpoint and salary maximum and between the salary midpoint and salary maximum shall be used.*

6.9.1.4 *The salary midpoint of a grade shows the pay level that should be applied to an employee who is performing at a fully competent level.*

6.9.1.5 *The pay range for that grade is reflected in the ten percent (10%) spread above or below the midpoint.*

6.9.1.6 *An employee's salary should be positioned within the pay range of the applicable grade as a result of value (job weight) and contribution of the position to the City.*

6.9.1.7 *Salaries on appointment are to be made at either one of the three points of the salary scales, no salary/pay offers may be made in between the three (3) points. Deviations of salary/pay offers from the three points of the salary scale should be accompanied by a motivation for authorisation by the approved delegated authority.*

6.9.1.8 *Only in exceptional circumstances should employees be appointed above the salary midpoint and this must be authorised by the Mayoral Committee*

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- 6.9.1.9 *When an employee is appointed to a higher grade, he/she should receive an increase that moves his/her salary to at least the minimum of the new grade. The increase must not situate the employee higher than the salary midpoint for the grade. Deviations of salary/pay offers from the three points of the salary scale should be accompanied by a motivation for authorisation by the approved delegated authority.*
- 6.9.1.10 *In cases where employees are earning below the minimum for their grade their salaries should be revised and brought in line with the applicable salary band/ grade."*

**5.2 Job description**

The job description dated 28 July 2017 and signed by the City Manager and the incumbent is attached as Annexure A.

**5.3 Structure**

The approved structure report of Group Forensic and Investigation Services dated 11 April 2017 is attached as Annexure B with its relevant attachments.

**5.4 Job Evaluation**

The job evaluation outcome dated 05 September 2017 is attached as Annexure C. The outcome of the grading result is TASK 21. The table below reflected in the report approved by the Mayoral Committee on 21 July 2016 equates the TASK grade of 21 to level 2B.

<b>CURRENT COJ SALARY LEVELS</b>	<b>TASK LEVELS</b>	<b>HAY POINTS</b>	<b>Designation</b>
2C	20	951 – 1200	EXECUTIVE HEAD / GROUP HEAD
2B	21	1200 – 1600	EXECUTIVE DIRECTOR
2A	22	1601-1800	GROUP EXECUTIVE DIRECTOR
	23	1801—2140	
	24	2140-2550	

**5.5 Salary Key-scale**

The Upper Limit on Remuneration for Municipal Managers and Managers reporting directly to Municipal Managers was promulgated by the Minister of CoGTA on 4 July 2016. A report was approved by the Mayoral Committee on 21 July 2016 reflecting the remuneration scales of the City for levels 2A, 2B and 2C with effect from 1 July 2016 based on the scales promulgated by the Minister.

Regarding of positions is a principle in the City and the Commissioner: Group Forensic and Investigation Services is not an exception to the norm. The City's grading policy allows for employees to request for positions to be regraded.

The diagram below shows the decision of the Mayoral Committee in line with the Notice 381 published by the Minister.

*nd*

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2A
R2330600 R2576203 R2819905
2B
R1841095 2085798 2330498
2C
R1361890 R1596393 R1841084
Notice 381
R 1841095 R2330500 R2819905

**6 CLOSING REMARKS**

From the above and the attachments it is important to note that the position of Commissioner: Group Forensic and Investigation Services is a permanent position. The salary scales for a permanent position that is on level 2B is kept in line with total package of fixed term contract/ Section 56 positions so that discrepancies in salary levels of such senior positions are prevented.

It is therefore proposed that the job grade of TASK 21 and subsequent salary level of 2B be approved as per the requirements of legislation, policy and good practice and that the amended remuneration be implemented with effect from 01 October 2017 i.e. the first day of the month following the date of the grading.

**7 POLICY IMPLICATIONS**

The necessary Group Human Capital Management Processes were followed and was in compliance with all City policies. The relevant policies are discussed in the report above.

**8 LEGAL IMPLICATIONS**

The requirements in terms of structuring as reflected in The Local Government Regulations on Appointment and Conditions of Appointment of Senior Managers promulgated in the Government Gazette on 17 January 2017 are followed.

The principles of Section 186(2)(a) of the Labour Relations Act, Act 66 of 1995 in that an employee has an *ex lege* right not to be treated unfairly in relation to promotion, demotion, training and the provision of benefits has been endorsed by the Courts. The interpretation of the term "benefit" includes a right, entitlement, advantage or privilege to which the employee is entitled in terms of policy or practice.

**9 FINANCIAL IMPLICATIONS**

The incumbent's current remuneration is R 1,279,116. The proposed remuneration is R1, 841,095. The difference is therefore R 561,979 per annum.

**10 COMMUNICATION IMPLICATIONS**

None

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**DELEGATION AND SUB-DELEGATION OF POWERS, DUTIES, FUNCTIONS AND RESPONSIBILITIES IN TERMS OF THE LOCAL GOVERNMENT: MUNICIPAL SYSTEMS ACT, 2000 BY THE ACCOUNTING OFFICER OF THE CITY OF JOHANNESBURG METROPOLITAN MUNICIPALITY TO THE GROUP HEAD : GROUP FORENSIC INVESTIGATION SERVICES**

By virtue of the authority vested in me by Section 59 of the Municipal Systems Act, No. 32 of 2000, I, Dr. N. Lukhwareni, in my capacity as the Accounting Officer of the City of Johannesburg Metropolitan Municipality, hereby delegate and sub-delegate the powers, duties, functions and responsibilities to the Group Head: Forensic Investigation Services.

  
07/08/17  
ACCOUNTING OFFICER

DATE: .....

I, Shadrack Sibuya in my capacity as Group Head: Forensic Investigation Services of the City of Johannesburg Metropolitan Municipality hereby accepts the delegations and sub-delegations as attached.

  
GROUP HEAD, FORENSIC INVESTIGATION SERVICES

DATE: .....08/03/2017.....



REGULATION FRAMEWORK FOR MUNICIPALITIES  
 POWERS & FUNCTIONS ASSIGNED TO THE GROUP HEADS FOR FORENSIC INVESTIGATION SERVICES

DERIVED / INCIDENTAL POWERS	POWER/DUTY CONFERRED	APPLICABLE CONDITIONS	RESPONSIBILITY		
<b>ASSISTANCE TO EXECUTIVE MAYOR</b>					
1.1	To exercise all such powers and to perform all such duties within the functional control of the Group Forensic Investigation Services Department as may be necessary or expeditiously required by the City Manager to assist the Executive Mayor to comply with his/ her responsibilities in respect of the powers and functions reserved for decision by the Council, as set out in Part A of the delegations to the Executive Mayor.		CM	CM	GH:FS
1.2	To exercise all such powers and to perform all such duties within the functional control of the Group Forensic Investigation Services Department as may be necessary or expeditiously required by the City Manager to assist the Executive Mayor to comply with his/ her responsibilities in respect of the powers and functions assigned to the Executive Mayor by legislation, as set out in Part B of the delegations to the Executive Mayor.		CM	CM	GH:FS
1.3	To exercise all such powers and to perform all such duties within the functional control of the Group Forensic Investigation Services Department as may be necessary or expeditiously required by the City Manager to assist the Executive Mayor to comply with his/ her responsibilities in respect of the powers for final determination by the Executive Mayor, as set out in Part C of the delegations to the Executive Mayor.		CM	CM	GH:FI
<b>ASSISTANCE TO CITY MANAGER</b>					
1	A delegatee must exercise all such powers and to perform all such duties delegated within the functional control of the Department as may be necessary, expeditiously or required by the City Manager to assist the City Manager to comply with his/her responsibilities as Accounting Officer of Council.		CM	CM	GH:FS
<b>GROUP FUNCTIONS</b>					
Group Heads, subject to Council Policy Frameworks and any applicable legislation, may for purposes of alignment and consistency throughout the City and its ME's:					
1.1	Develop policy frameworks, standards and guidelines relating to Group Functions		CM	CM	GH:FS
1.2	Exercise such powers, functions and duties relating to the Group Functions within policy frameworks, standards and guidelines approved by Council		CM	CM	GH:FS
1.3	Monitor through reporting the implementation of policy frameworks, standards and guidelines; and		CM	CM	GH:FS
1.4	Support where required the implementation of policy frameworks, standards and guidelines.		CM	CM	GH:FS
<b>FORENSIC</b>					
4.1	To provide an independent, objective forensic and consulting services to Council, the Executive Mayor, Members of the Mayoral Committee, its committees and/or the City Manager and assist in achieving their broad objectives by bringing a systematic, disciplined approach to evaluate and improve the effectiveness of forensic management, control and governance processes.		CM	CM	GH:FS
4.2	To furnish Council, the Executive Mayor and/or the City Manager with analyses, appraisals, recommendations, counsel and information concerning the forensic activities reviewed.		CM	CM	GH:FS
4.3	To ensure the effective operation of the established internal forensic control systems, credible processes for feedback on forensic management and objective confirmation that Council, the Executive Mayor and/ or the City Manager receive the right quality of forensic investigative information.		CM	CM	GH:FS
4.4	To co-ordinate with other internal and external providers of forensic services in order to ensure proper coverage of investigative controls, and to minimise duplication of effort.		CM	CM	GH:FS
4.5	To prepare a Group forensic-based plan for each financial year;		CM	CM	GH:FS

*[Handwritten signatures and initials]*  
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4.6	To advise the accounting officer and report to the Group Risk and Compliance Committee / Group Audit Committee on the implementation of the Group forensic plan and matters relating to-	CM	CM	GH:FS
a	Internal forensic controls;			
b	forensic procedures and practices;			
c	forensic management;			
d	loss control;			
e	compliance with the MPPSA, International Forensic Standards; and			
f	compliance with any other legislation applicable to the Council.			
4.7	To perform such other duties as may be assigned to it by the Accounting Officer	CM	CM	GH:FS
4.8	To, if necessary, assist with the outsourcing of the internal forensic services function if the Council or ME requires the developing of its internal capacity and the Council or the board of directors of the entity has approved such outsourcing.	CM	CM	GH:FS
4.9	To develop and implement mechanisms, systems and processes for forensic services, as part of its Group internal forensic processes.	CM	CM	GH:FS
4.10	To design, implement, control and monitor the process of forensic services and integrating it with the day-to-day activities of the Council and ME's.	CM	CM	GH:FS
4.11	To ensure that generally accepted forensic investigative management frameworks, models and internal controls, are embedded in operations and processes.	CM	CM	GH:FS
4.12	To assist Council, the Executive Mayor, Members of the Mayoral Committee, the City Manager and Management through consultation and facilitation in identifying, evaluating and assessing significant organisational risks to objectives, and by providing independent forensic services as to the adequacy and effectiveness of related internal controls and the forensic management process.	CM	CM	GH:FS
<b>5 AUTHORITY</b>				
5.1	To obtain the necessary assistance of officials in Council and ME's where it performs forensic services, as well as other specialised services from within or outside the Council, subject to the Supply Chain Management Policy of the Council.	CM	CM	GH:FS
5.2	To have, for purposes of forensic services, unrestricted access at any time to all records, personnel, property and operations of the Council and ME's.	CM	CM	GH:FS
5.3	To allocate resources, set frequencies, select subjects, determine scope of work and apply the necessary techniques required to accomplish forensic services objectives.	CM	CM	GH:FS
5.4	To have full and free access to the Group Risk and Compliance Committee and the Audit Committee	CM	CM	GH:FS
5.5	To act on any action recommended by the Group Risk and Compliance Committee and Audit Committee to be taken on the outcome of findings of the work of the office of the Group Head: Forensic Investigation Services.	CM	CM	GH:FS
<b>6 CONTROL</b>				
6.1	To assist the ME's and Council Departments to maintain subject to evaluation effective controls, provided that such controls should encompass:	CM	CM	GH:FS
6.2	the information systems environment;	CM	CM	GH:FS
6.3	the efficiency and effectiveness of operations;	CM	CM	GH:FS
6.4	the safeguarding of assets and	CM	CM	GH:FS
6.5	compliance with laws, regulations and controls	CM	CM	GH:FS
	by evaluating those controls to determine their efficacy and effectiveness and by developing recommendations for enhancement or improvement.	CM	CM	GH:FS
<b>7 GOVERNANCE</b>				
	To assist the ME's and Council Departments to achieve the goals of Council by evaluating and recommending improvements to the process through which:	CM	CM	GH:FS
7.1	goals and values are established and communicated;	CM	CM	GH:FS
7.2	the accomplishment of goals is monitored;	CM	CM	GH:FS
7.3	accountability is ensured; and	CM	CM	GH:FS
7.4	corporate values are preserved.	CM	CM	GH:FS
8	<b>MUNICIPAL FINANCE MANAGEMENT ACT, 2003 AND MUNICIPAL PLANNING AND PERFORMANCE MANAGEMENT REGULATIONS, 2001</b>			

	To exercise all powers, functions and duties contained in sections 165 and 166 of the Local Government Municipal Finance Management Act, 2003 and Regulation 14 of the Local Government's Municipal Planning and Performance Management Regulations, 2003 as well as any other functions and powers assigned in terms of the said Act and regulations, relevant to the functions of the Group Head: <i>Personnel Services</i> .	CM	CM	GH:FS
9	<b>THE INSTITUTION AND INVESTIGATION OF CRIMINAL AND/OR CIVIL PROCEEDINGS</b>			
	The institution and investigation of criminal and/or civil proceedings against officials of Council or ME's and/or to make a recommendation that such criminal and/or civil proceeding be so instituted.	CM	CM	GH:FS
10	<b>ADDITIONAL DELEGATIONS</b>			
	The delegations contained herein, must be read in conjunction with the powers, functions and duties delegated: by the City Manager to the relevant officials in terms of the Local Government's Municipal Finance Management Act No. 56 of 2003	CM	CM	GH:FS
11	<b>SUB-DELEGATION</b>			
11.1	To sub-delegate, to an official in writing, subject to the provisions of all applicable legislation, any power, function and duty.	CM	CM	GH:FS
11.2	To authorise an official referred to in the above paragraph, to sub-delegate any or all powers, functions and duties which have been delegated to such official, or any person acting for such official, to any other official in his/her section, or any person acting in the position of such official, provided that any such power, function or duty shall only be exercised or performed on the written instructions of the official referred to in the above paragraph, which instructions such official may in his/her discretion at any time issue, amend or withdraw.	CM	CM	GH:FS

DEVELOPMENT / MUNICIPAL POWER PROGRAM	POWER/DUTY EXERCISED	APPLICABLE CONDITIONS	RESPONSIBILITY		
A	<b>TYRANICAL AND FUNCTIONAL</b>				
1	<b>EXERCISE OF DELEGATED AUTHORITY</b>				
1.1	To exercise all powers, functions and duties contemplated in all relevant legislation and Council Policies applicable, necessary or expedient for the administration and implementation of legislation.		CM	CM	GH:FS
1.2	To designate, authorise or appoint officials already in the service of the Municipality where this is required or permitted by or under any National or Provincial legislation, or by-law or regulation made thereunder, where such appointment is required in connection with the performance of the duties of such official and involves no additional expenditure as far as the Municipality is concerned.		CM	CM	GH:FS
1.3	To exercise and perform all such powers, functions and duties as may be necessary in terms of the Conditions of Service.		CM	CM	GH:FS
1.4	The Managers directly accountable to the Municipal Manager have subject to applicable legislation the authority to sub-delegate any statutory power, function and duty conferred upon them to senior staff members.		CM	CM	GH:FS
1.5	The Managers directly accountable to the Municipal Manager has the delegated authority to amend, vary or revoke any sub-delegated power to a delegatee, provided that such amendment or variation may not confer more power to a delegatee as was originally delegated by Council.		CM	CM	GH:FS
2	<b>DEVELOPMENT AND MANAGEMENT OF COUNCIL POLICIES AND STRATEGIES</b>				
2.1	To develop, manage and formulate policies and strategies for submission to the Municipal Manager and approval by the Council.		CM	CM	GH:FS
2.2	To implement the Council's approved policies, frameworks and strategies.		CM	CM	GH:FS
2.3	To determine uniform guidelines, criteria and requirements for the functioning of their Department.		CM	CM	GH:FS

*[Handwritten signature]*

2.4	To review and recommend to the Municipal Manager, the amendment of any existing policies, frameworks and strategies for approval by Council.	CM	CM	GH:FS
<b>II STRATEGIC COMMITMENT</b>				
	To ensure that the City and all MEs are aligned to the strategic framework of the City and to take all steps within the framework of National and Provincial legislation, to ensure the City's plans and programmes are implemented.	CM	CM	GH:FS
<b>4 FUNCTIONAL POWER AND DUTIES</b>				
4.1	To exercise and perform all such powers, functions and duties as may be necessary within the functional control of the Department to achieve the objectives of Council, subject to applicable legislation and Council Policies.	CM	CM	GH:FS
4.2	The Departmental Head must exercise leadership and assume full management and responsibility for the Department's services and activities which include the following:	CM	CM	GH:FS
4.2.1	To plan and supervise the functional work areas within the Department of Forensic Services as may be established by the City;	CM	CM	GH:FS
4.2.2	To coordinate assigned activities with other departments and outside agencies;	CM	CM	GH:FS
4.2.3	To plan and manage multiple projects and highly complex and technical initiatives;	CM	CM	GH:FS
4.2.4	To monitor departmental operations, to identify and evaluate the effectiveness of operations, identify problems and oversee the implementation of solutions.	CM	CM	GH:FS
4.2.5	To work closely with key stakeholders to identify key crime and safety issues and trends; analyse/assess possible responses and commit the tasking of resources appropriately.	CM	CM	GH:FS
4.2.6	To provide effective advice to the Departmental Heads regarding services, projects, programs, financial management and resource management.	CM	CM	GH:FS
4.2.7	To establish, within the City's policies:	CM	CM	GH:FS
4.2.7.1	appropriate service and staffing levels;	CM	CM	GH:FS
4.2.7.2	monitor and evaluate the efficiency and effectiveness of service delivery methods and procedures; and	CM	CM	GH:FS
4.2.7.3	allocate resources accordingly.	CM	CM	GH:FS
4.2.8	To assess and monitor work load, administrative and support systems, and internal reporting relationships;	CM	CM	GH:FS
4.2.9	To identify opportunities for improvement and direct and implement changes, both internal and external.	CM	CM	GH:FS
<b>III STAFF MATTERS</b>				
<b>1 APPOINTMENT OF STAFF AND RELATED MATTERS</b>				
1.1	To appoint, subject to the Supply Chain Management Policy of the Council, suitable personnel agencies (for advertising, sourcing and assessment of candidates where necessary) and to enter into contracts with the relevant agencies on such terms and conditions as the Group Corporate and Shared Services Department in consultation with the Group Legal and Contracts Department may deem necessary to protect the Council's interests, and to pay the costs in connection therewith, subject to budgetary provisions.	CM	CM	GH:FS
1.2	To authorise the advertising and filling of vacant positions on the approved staff establishment.	CM	CM	GH:FS
1.3	To negotiate and finalise, subject to any applicable legislation, the appointing salaries of such officials, date of appointment and notice period provided that this power shall be within the provisions of the remuneration policy and approved remuneration scales of the City.	CM	CM	GH:FS
1.4	To appoint applicants and/or staff, in vacant funded positions within the approved staff establishment of the City in a permanent, temporary or casual capacity or on the basis of a special or fixed term contract, as may be required from time to time.	CM	CM	GH:FS
1.5	To promote staff on the fourth reporting level and below within the approved staff establishment of the City. To negotiate and finalise, subject to any applicable legislation, the salaries offered when promoted of such officials, as well as date of promotion.	CM	CM	GH:FS
1.6	To determine and adjust employees' salaries within the approved salary scales of the applicable post provided that such adjustment shall not be above the acceptable performance point (APP) (i.e. midpoint) however, should such adjustment be higher than the APP, the Municipal Manager's approval is required.	CM	CM	GH:FS
1.7	To approve the costs related to interviews of job applicants which may include:	CM	CM	GH:FS

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1.7.1	To cover the travelling costs to the Interview for job applicants outside the jurisdiction of the Eastern Province	CM	CM	GH:FS
1.7.2	To cover the removal costs (excluding insurance premiums and/or storage fees) of newly appointed staff residing outside the jurisdictional area of the Eastern Province	CM	CM	GH:FS
1.7.3	To cover temporary accommodation costs for a period not longer than 3 (three) months to newly appointed staff residing outside the jurisdictional area of the Eastern Province	CM	CM	GH:FS
1.7.4	To enter into agreements with newly appointed staff to whom such costs have been paid, in terms whereof such staff member concerned agrees to work for the Municipality for a stipulated period prior to departure and	CM	CM	GH:FS
1.7.5	To claim all monies paid to such staff member should the employee breach the agreement referred to in paragraph 1.7.4 above	CM	CM	GH:FS
1.8	To recommend for approval to the Municipal Manager, the remuneration of a job applicant and/or employee on a higher salary notch than the acceptable performance point (APP) (i.e. midpoint) as provided for in the applicable remuneration scales.	CM	CM	GH:FS
1.9	To enter into and sign employment contracts.	CM	CM	GH:FS
1.10	To authorise voluntary reversions to lower grades.	CM	CM	GH:FS
1.11	To award, the probationary period of an official who has not rendered satisfactory services, provided that such extended probationary period does not exceed 3 (six) months.	CM	CM	GH:FS
1.12	To request Group Corporate and Shared Services Department for the grading of a post of an employee within the Municipality's grading structure.	CM	CM	GH:FS
1.13	To maintain and manage the approved departmental staff establishments and further develop and suggest amendments in consultation with Group Corporate and Shared Services Department for consideration by the Municipal Manager.	CM	CM	GH:FS
<b>2 ACTING APPOINTMENTS AND ALLOWANCE</b>				
2.1	To appoint in writing an official to act as Head of Department for a period not more than 3 (three) months where such post is vacant or the incumbent of such post is absent or is for any reason unable to carry out his/her functions, and such official shall, while so acting, have all the functions, duties, powers and authorities attached to the post concerned, subject to applicable legislation.	CM	CM	GH:FS
2.2	To appoint in writing an official to act in any post for a period not more than 3 (three) months, where such post is vacant or the incumbent of such post is absent or is for any reason unable to carry out his/her functions, and such official shall, while so acting, have all the functions, duties, powers and authorities attached to the post concerned.	CM	CM	GH:FS
2.3	To authorise acting allowances, subject to Council Policy, to employees who are required to act in the place of employees who are absent, on leave or on duty, or who are required temporarily to fill vacant posts, on grades higher than their own.	CM	CM	GH:FS
2.4	To approve an allowance and the engagement of senior officials as may be required from time to time to perform urgent additional, necessary or emergency work.	CM	CM	GH:FS
2.5	To require an employee to temporarily perform duties, other than those normally assigned to him/her, which are compatible with his/her grade and post.	CM	CM	GH:FS
<b>3 ALLOWANCE AND REFUNDS</b>				
3.1	To authorise refunds of subsistence and travelling costs incurred by officials in the course of their duties at the scale as provided for in the Travel and Subsistence Policy of the Council.	CM	CM	GH:FS
3.2	To authorise refunds of any telephones, cellphone and 3G modem costs incurred by officials in the course of their duties during travel.	CM	CM	GH:FS
3.3	To authorise, determine and/or vary, where necessary, any allowance provided for in the Council's Conditions of Service, or in terms of any other provision applicable to the Municipality's employees.	CM	CM	GH:FS
3.4	To approve applications for night work allowance.	CM	CM	GH:FS
3.5	To issue or provide an allowance relating to protective clothing and equipment to any employee.	CM	CM	GH:FS
<b>4 LOCOMOTION ALLOWANCE SCHEME</b>				
	To exercise all the functions, powers and duties relating to any locomotion allowance scheme as envisaged in the Conditions of Services of the Council.	CM	CM	GH:FS
<b>5 HOUSING MATTERS</b>				

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	To approve, in accordance with Council policy, an application by an employee for the payment of a housing subsidy in respect of a dwelling unit.	CM	CM	GH:FS
<b>6</b>	<b>LETTING OF LIVING ACCOMMODATION TO EMPLOYEES</b>			
	To enter into contracts for the letting of living accommodation to employees of the Municipality, subject to any applicable legislation or policy of the Council.	CM	CM	GH:FS
<b>7</b>	<b>OVERTIME AND STANDBY DUTIES</b>			
<b>7.1</b>	To authorize the payment of overtime and/or time off in lieu of overtime payment.	CM	CM	GH:FS
<b>7.2</b>	To determine the class of employees not entitled to overtime pay and, in exceptional cases, authorize any payment of overtime notwithstanding the class of employee entitled thereto.	CM	CM	GH:FS
<b>7.3</b>	To approve the performance of standby duties and where applicable, the payment of a standby allowance.	CM	CM	GH:FS
<b>7.4</b>	The official concerned agreed to execute the work outside the normal scope and hours of his or her employment.	CM	CM	GH:FS
<b>8</b>	<b>LEAVE AND TIME OFF</b>			
<b>8.1</b>	To approve leave applications, including applications for unpaid leave and special leave.	CM	CM	GH:FS
<b>8.2</b>	To approve applications to carry forward leave.	CM	CM	GH:FS
<b>8.3</b>	To instruct an employee to hand in a medical certificate for any absence, due to illness, of 3 (three) working days or less subject to applicable legislation.	CM	CM	GH:FS
<b>8.4</b>	To compel an employee who is so indisposed that he or she cannot perform his or her duties properly, to take sick leave or special leave.	CM	CM	GH:FS
<b>8.5</b>	To refer an employee to a recognized medical practitioner for a prognosis and diagnosis in cases where there is a history of regular absences due to ill health.	CM	CM	GH:FS
<b>8.6</b>	To cancel, interrupt or postpone the leave of an employee, subject to the Conditions of Service of the Council.	CM	CM	GH:FS
<b>8.7</b>	To accept the explanation of an employee who has absented himself or herself from duty without permission.	CM	CM	GH:FS
<b>8.8</b>	To grant sick leave to an employee instead of annual leave.	CM	CM	GH:FS
<b>8.9</b>	To approve, academic or practical examinations in respect of which special leave may be granted to employees.	CM	CM	GH:FS
<b>8.1</b>	To approve the resumption of duty by an employee before leave granted to him/her has expired.	CM	CM	GH:FS
<b>9</b>	<b>RENDERING OF PAID WORK OUTSIDE OF MUNICIPAL SERVICES</b>			
	To grant, subject to Council policy, special consent to an employee for the rendering of or agreeing to render paid work outside of municipal service and on such conditions as Head of Department deems fit, provide that the Municipal Manager is informed on a quarterly basis of the exercise of this authority.	CM	CM	GH:FS
<b>10</b>	<b>RECOMMEND AND TRANSFER OF STAFF</b>			
	To second or transfer employees within the City (between departments) or to MEC's (between City and MEC) subject to applicable policy.	CM	CM	GH:FS
<b>11</b>	<b>DISCIPLINARY ACTION</b>			
	Subject to Council Policy and procedures:			
<b>11.1</b>	authorize investigations into allegations of misconduct.	CM	CM	GH:FS
<b>11.2</b>	authorize the institution of disciplinary procedures.	CM	CM	GH:FS
<b>11.3</b>	appoint a chairperson of a disciplinary hearing and to authorize such person to make an appropriate finding and to impose a sanction.	CM	CM	GH:FS
<b>11.4</b>	authorize the suspension of an employee pending the finalisation of disciplinary action.	CM	CM	GH:FS
<b>12</b>	<b>DISPUTES AND GRIEVANCES</b>			
	Subject to Council Policy and procedures:			
<b>12.1</b>	authorize investigations into disputes and grievances.	CM	CM	GH:FS
<b>12.2</b>	settle disputes in concurrence with the Group Corporate and Shared Services Department, involving cases of misconduct, incapacity, poor performance, ill health, injuries, or an outcome of a grievance lodged by an employee.	CM	CM	GH:FS
<b>13</b>	<b>ORGANISATIONAL INVESTIGATIONS</b>			
	To investigate and/or cause to be investigated, in consultation with the Group Audit and Assurance Services Department, for any functional or any other reasons, the functions, powers, duties or work of a Department and / or an official.	CM	CM	GH:FS
<b>14</b>	<b>FORENSIC INVESTIGATIONS</b>			

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14.1	To authorise forensic investigations, in consultation with the Group Assurance and Audit Services Department, in relation to any alleged fraud, corruption or criminal activity, maladministration and/or negligence on the part of any employee (this does not include managers directly accountable to the Municipal Manager without the approval of the Municipal Manager); any agent, contractor, supplier or service provider to the City.	CM	CM	GH:FS
14.2	To pursue, facilitate and/or represent the Municipality in respect of any appropriate disciplinary, criminal, civil and/or related proceedings flowing from any forensic investigation.	CM	CM	GH:FS
14.3	In the performance of any of his/her functions, whether performed personally or via one or more forensic services employees or contractors.	CM	CM	GH:FS
14.3.1	Subject to any relevant legislation, have access to all immovable property, premises, movable property, including motor vehicles, owned by, under the control of and/or managed by the Municipality.	CM	CM	GH:FS
14.3.2	Subject to any relevant legislation, have access to, to copy and/or to take any register, file, document, account, minute and/or other records, whether physical or electronic, of the Municipality and/or any such register, file, document and/or record which may be maintained by any employee, in relation to the performance of his/her official functions.	CM	CM	GH:FS
14.3.3	To have access and to be able to question any employee, whether permanent or temporary, as to his/her official activities and, if necessary, summons any employee, agent, contractor, supplier and/or service provider in such regard; and	CM	CM	GH:FS
14.3.4	To issue appropriate executive instructions to any employee, agent, contractor, supplier and/or service provider in respect of any forensic services activity.	CM	CM	GH:FS
15	<b>COMPULSORY MEDICAL EXAMINATION</b>			
15.1	To, subject to the provisions of any applicable legislation, including the Basic Conditions of Employment Act and/or Employment Equity Act, instruct an employee to submit himself/herself to an examination by a registered medical practitioner appointed by the Municipality, if that employee is for medical reasons unfit to properly execute his/her duties and fails or refuses to consult such medical practitioner regarding such medical unfitness.	CM	CM	GH:FS
15.2	To make a request to a pension fund of which an employee is a member, subject to the Conditions of Service of the Council and the rules of the relevant pension fund, for a medical council examination of that employee, where the employee's health has deteriorated to such an extent that he/she is unable to fulfill the duties assigned to his/her post.	CM	CM	GH:FS
16	<b>DEFERMENT OF SERVICE OF PENSIONERS</b>			
16.1	To retain, subject to the provisions of the Conditions of Service of the Council the services of a member of the Municipality's staff when he/she attains the pensionable age as provided for in the rules of the pension fund to which he or she belongs, on a yearly basis or such lesser time period as may be agreed upon between the parties.	CM	CM	GH:FS
16.2	To enter into a contract of employment with a retired staff member (post retirement contract).	CM	CM	GH:FS
16.3	To authorise the extension of retirement age subject to the relevant pension fund rules.	CM	CM	GH:FS
17	<b>RESIGNATIONS AND RETIREMENT</b>			
17.1	To accept a written notice/letter of resignation and the retraction thereof including those cases where less than the prescribed notice period has been given.	CM	CM	GH:FS
17.2	To authorise retirement, on the grounds of ill health.	CM	CM	GH:FS
18	<b>TERMINATION OF EMPLOYMENT</b>			
	To terminate on due notice and process, the employment of any person employed whether such person is employed in a permanent, temporary or casual capacity or on the basis of a special or fixed term contract, subject to the provisions of the relevant Contract of Employment with such person, if any, and/or any applicable legislation.	CM	CM	GH:FS
19	<b>CERTIFICATES OF SERVICE</b>			
	To request the Group Corporate and Shared Services Department to issue certificates of service in terms of the Conditions of Service of the Council.	CM	CM	GH:FS
20	<b>TRAINING COURSES</b>			

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20.1	To authorize the attendance of officials of training courses and where necessary, to authorize the accompanying expenditures pertaining thereto, including the payment of course fees: Provided that-	CM	CM	GH:FS
20.1.1	provision made in the annual budget for such expenses is not exceeded; and	CM	CM	GH:FS
20.1.2	such attendance shall be regarded as official service for the purpose of special leave.	CM	CM	GH:FS
20.2	To approve the travel, accommodation and any other costs and allowances associated to attend such training course, subject to the provisions of the Travel and Subsistence Policy of the Council,	CM	CM	GH:FS
20.3	To approve, in consultation with the Group Corporate and Shared Services Department, of training courses which are particularly designed for the benefit of employees of the Department and the Municipality.	CM	CM	GH:FS
21	<b>TRAINING SCHEMES</b>			
	To approve training schemes consistent with an approved workplace skills plan, where applicable, which are particularly designed for and would be to the benefit of employees and the Municipality.	CM	CM	GH:FS
22	<b>SKILLS PLAN</b>			
22.1	To develop, ensure and regulate the implementation of the workplace skills plan; and	CM	CM	GH:FS
22.2	To ensure the development and implementation of the City's diversity management strategy and related employment equity plan.	CM	CM	GH:FS
23	<b>SUBSIDIZED EDUCATION</b>			
	To exercise all the functions, powers and duties relating to subsidized education as envisaged in the Council's Conditions of Service, including the approval of payment of study fees and the entering into of all necessary agreements with employees in respect thereof.	CM	CM	GH:FS
24	<b>APPROVAL OF STUDY TOURS, CONFERENCES, CONGRESS, SYMPOSIUM AND MEETINGS (INTERNATIONAL, DOMESTIC AND IN NEIGHBOURING COUNTRIES)</b>			
24.1	To approve the attendance of any official as well as persons seconded to the services of the City and any other relevant persons deemed necessary, of international, domestic and neighboring countries study tours, conferences, congresses, symposia and meetings, or any such events, where necessary, to authorize the accompanying expenditures pertaining thereto: Provided that-	CM	CM	GH:FS
24.1.1	the provision made in the annual budget for such expenses is not exceeded;	CM	CM	GH:FS
24.1.2	such attendance shall be regarded as attending to official Council business for the purpose of special leave.	CM	CM	GH:FS
24.2	To approve the travel associated by such study tours, including accommodation costs and travelling and subsistence allowances, in accordance with the provisions of the Travel and Subsistence Policy of the Council.	CM	CM	GH:FS
24.3	To submit, upon their return, a report to the Municipal Manager on the outcome of the study tour concerned.	CM	CM	GH:FS
	Provided that in the case of any such events undertaken by the Municipal Manager, the required approvals for the attendance thereof and associated travel shall be approved by the Executive Mayor.	CM	CM	GH:FS
25	<b>MEMBERSHIP FEES OF OFFICIALS PAYABLE TO PROFESSIONAL BODIES</b>			
25.1	To approve membership and authorize the payment of membership fees of the Municipality and/or officials payable to professional bodies, where-	CM	CM	GH:FS
25.1.1	it is a legislative requirement to belong to such professional body in order to carry out the profession or trade of such official,	CM	CM	GH:FS
25.1.2	it is a requirement of Council to belong to such professional body, or	CM	CM	GH:FS
25.1.3	it is deemed in the interest of the Council to belong to such professional body, subject to customary provisions.	CM	CM	GH:FS
C	<b>GENERAL MATTERS</b>			
1	<b>APPROVAL OF BEEHIVES, BREAKAWAYS, WORKSHOPS, TEAM BUILDING EXERCISES AND SIMILAR EVENTS</b>			

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	To approve Leagues, breakaways, workshops, team building exercises and similar events and the costs associated therewith, provided that adequate provision has been made in the annual budget for such expenditure and subject to Supply Chain Management Policy.	CM	CM	GH:FS
<b>3</b>	<b>PERFORMANCE MANAGEMENT SYSTEM</b>			
<b>2.1</b>	To implement a performance management system that is:	CM	CM	GH:FS
<b>2.1.1</b>	commensurate with the Municipality's resources;	CM	CM	GH:FS
<b>2.1.2</b>	best suited to the Municipality's circumstances; and	CM	CM	GH:FS
<b>2.1.3</b>	in line with priorities, objectives, indicators and targets contained in the Municipality's integrated development plan for approval by the Council.	CM	CM	GH:FS
<b>2.2</b>	To ensure that the performance management system sets appropriate key indicators as a yardstick for measuring performance and sets measurable performance targets for the Department.	CM	CM	GH:FS
<b>2.3</b>	To monitor, review and to report on the performance management system.	CM	CM	GH:FS
<b>3</b>	<b>APPROVAL OF PERFORMANCE MANAGEMENT REWARDS</b>			
	To approve any applicable rewards to which employees might become entitled to in terms of the performance management policy and system established by the Council.	CM	CM	GH:FS
<b>4</b>	<b>CELLPHONES AND 3G MODEMS</b>			
<b>4.1</b>	To authorise the issue of cellphones, sim cards, dual sim cards and 3G modems, to officials in terms of any applicable Council policy and to enter into any necessary agreements on the Municipality's behalf pertaining to the issue and use of such cellphones, sim cards, dual sim cards or 3G modems.	CM	CM	GH:FS
<b>4.2</b>	To authorise, in respect of any official who is authorised to have a cellphone and/or 3G modem for use in connection with his or her official duties, the payment of expenditure incurred by such official which exceeds the limit fixed by the Council from time to time for the use of such cellphones and / or 3G modems: Provided that the Municipal Manager or Head of Department shall first be satisfied that such expenditure was reasonably incurred in connection with the official duties of the official concerned.	CM	CM	GH:FS
<b>4.3</b>	To set and amend the cellphone and / or 3G Modem cost limits and authorise any other additional amounts after written motivation by the official concerned, which will be borne by the Council as and when necessary and in accordance with the necessary budgetary provision, subject to Council policy.	CM	CM	GH:FS
<b>5</b>	<b>TELEPHONE AND FAX INSTALLATIONS</b>			
	To enter into all agreements necessary, in consultation with the Group Corporate and Shared Services Department for the installation of telephones and faxes for official purposes in premises owned or controlled by the Municipality and to agree to any application by a tenant of the Municipality to the installation of telephones and faxes in the premises which he or she occupies, subject to the Supply Chain Management Policy.	CM	CM	GH:FS
<b>6</b>	<b>PERSONALISED STATIONERY</b>			
	To approve applications by officials for permission to use personalised stationery, with the Council's coat of arms thereon, provided that such stationery shall be used solely in connection with the Council's business.	CM	CM	GH:FI
<b>7</b>	<b>ACCEPTANCE OF UNCONDITIONAL DONATIONS, GRANTS AND SPONSORSHIP</b>			
	To accept, on behalf of the Council, and subject to any legislation applicable to the Council, unconditional donations, grants and sponsorships by way of funds, assets (other than land or rights in land), materials and performance of service for the Department's functions: Provided that the Head of Department or other official concerned shall report monthly for information to the Municipal Manager on any exercise of this power in the preceding month, or if the Municipal Manager exercises this power, it shall be reported to the Executive Mayor.	CM	CM	GH:FS
<b>8</b>	<b>APPROVAL OF GIFTS, FUNCTIONS AND TIMBOP</b>			

8.1	To approve Departmental functions and the purchasing of gifts, including farewell, sympathy, condolence, get well and congratulations gifts as well as functions and gifts to foreign visitors and local dignitaries and to approve the expenses relating thereto, provided that adequate provision has been made in the annual budget for such expenditure and subject to the Supply Chain Management Policy.	CM	CM	GH:FS
8.2	To approve time-off for officials during working hours.	CM	CM	GH:FS
9	<b>ENTERTAINMENT COSTS</b> To approve entertainment costs incurred by an official for official purposes, subject to budgetary provisions.	CM	CM	GH:FS
10	<b>PAYMENT TOWARDS WHISTLE-BLOWERS</b> To determine, after consultation with the Municipal Manager and subject to budgetary provisions, the amount of any reward up to a maximum of R10 000 per incident and to pay such reward to any person who furnishes information leading to the detection of any other person who has stolen, committed fraud, corruption or criminal activity, misadministration and/or wrongfully damages any property of the Municipality and to authorize payment of such reward.	CM	CM	GH:FS
11	<b>ADMINISTRATION OF THE GRATUITY SCHEME FOR COUNCIL EMPLOYEES</b> To exercise the powers, functions and duties in relation to and the administration of any Gratuity Scheme of the Council or any corresponding scheme to which Council employees belong.	CM	CM	GH:FS
12	<b>THE INSTITUTION OF CRIMINAL AND/OR CIVIL PROCEEDINGS</b>			
12.1	The institution of criminal and/or civil proceedings against an employee, official, councillor or anyone after considering the recommendation of the Group Assurance Department in assistance with the Group Legal and Contracts Department.	CM	CM	GH:FS
12.2	The Department in conjunction with the Group Assurance Department must lay charges with the South African Police Services in respect of any criminal act perpetrated against the Municipality, or its employees and councillors, provided that such act impacts on the interests of the Municipality and in addition in the case of councillors, the Speaker be informed.	CM	CM	GH:FS
12.3	To lay charges with the South African Police Services in respect of any criminal act perpetrated by a councillor, employee, agent, contractor, supplier or service provider where such act impacts on the interests of the Municipality, provided that in the case of councillors, the Speaker be informed.	CM	CM	GH:FS
13	<b>THEFT OF PERSONAL ITEMS FROM COUNCIL PREMISES</b>			
13.1	To approve, in respect of an employee who suffered loss of a personal item, the replacement of such item. Provided that:-	CM	CM	GH:FS
13.1.1	the use of the item was approved by the Departmental Head;	CM	CM	GH:FS
13.1.2	the item was used for official Council purposes;	CM	CM	GH:FS
13.1.3	the Municipal Manager or Head of Department must be satisfied that the claim is genuine and reasonable and that the loss was in no way due to the employee's own negligence;	CM	CM	GH:FS
13.1.4	the loss is not covered by any insurance policy carried by the Council.	CM	CM	GH:FS
14	<b>BY-LAWS IN OPERATION IN THE JURISDICTION OF THE COUNCIL</b>			
14.1	The Departmental Head is hereby appointed as the authorized officer for purposes of all By-Laws in operation and applicable to the Department.	CM	CM	GH:FS
14.2	The Departmental Head is hereby authorized to execute and perform all powers, functions and duties contained in such by-laws and to take all actions referred to therein.	CM	CM	GH:FS
14.3	The Departmental Head may review and recommend to the Municipal Manager amendments to existing by-laws.	CM	CM	GH:FS
14.4	The Departmental Head may after consultation with Group Legal and Contracts Department recommend to Municipal Manager the drafting of new by-laws relating to the functions of the Department.	CM	CM	GH:FS
15	<b>ENFORCEMENT</b>			
15.1	To administer and to enforce through prosecution or otherwise, any By-Laws of the Municipality.	CM	CM	GH:FS
15.2		CM	CM	GH:FS

15.1.2	any National or Provincial legislation, which are relevant to his/her Department or, in the case of the Municipal Manager, to any function, power or duty pertaining to his or her post, provided that instructions shall only be given to the Municipality's attorneys in connection with such enforcement after consultation with the Group Legal and Contracts Department; and	CM	CM	GH:FS
15.1.3	any Regulations which the Municipality must administer and enforce under or by virtue of any National or Provincial legislation.	CM	CM	GH:FS
16	<b>REFUNDING OF REVENUE</b>			
16.1	To refund revenue which is required by or under-	CM	CM	GH:FS
16.1.1	any Police; and	CM	CM	GH:FS
16.1.2	any National or Provincial legislation.	CM	CM	GH:FS
17	<b>AUTHORISED OFFICER AND DELEGATION OF OFFICIALS</b>			
	The Departmental Head is hereby appointed for purposes of all applicable policies of the Municipality within its area of jurisdiction, National or Provincial legislation, Regulations and/or Conditions of Service applicable within the City of Johannesburg, as an authorised person / officer and is hereby authorised to execute in such capacity all powers and perform all functions and duties contained in such, National or Provincial legislation, Regulations, Policies and/or Conditions of Service applicable within the Municipality (including enforcement) referred to therein.	CM	CM	GH:FS
18	<b>OCCUPATIONAL HEALTH AND SAFETY</b>			
18.1	To designate health and safety representatives	CM	CM	GH:FS
18.2	To commission, engage or appoint any of the inspection authorities authorised by the Municipal Manager from time to time at the rates charged by or negotiated by them from time to time, to undertake any tests on plant for the purposes of complying with any relevant legislation, or other inspection, test or works which may be required relating to the Municipality's premises	CM	CM	GH:FS
19	<b>SUPPLY OF INFORMATION</b>			
	To supply, in accordance with any applicable legislation, any certificate, plan, map or other information, written, verbal or electronic, which may be supplied in terms of such legislation, against payment of any prescribed charge.	CM	CM	GH:FS
20	<b>FILMING ON MUNICIPAL PROPERTY</b>			
20.1	To approve or refuse applications to undertake filming on Municipal property and, if approved, to enter into appropriate agreements with the applicant(s), after consultation with the Group Legal and Contracts Department, subject to such conditions as necessary to protect the Council's interests. Provided that:-	CM	CM	GH:FS
20.1.1	Group Corporate and Shared Services Department is informed;	CM	CM	GH:FS
20.1.2	the applicant(s) shall pay all costs incurred by the Municipality in respect of such filming;	CM	CM	GH:FS
20.1.3	the applicant(s) shall indemnify the Municipality against all injury, loss, costs, damage and claims which may arise from such filming activities;	CM	CM	GH:FS
20.1.4	the official exercising this power shall be entitled to waive, either partially or fully, the recovery of costs incurred by the Municipality;	CM	CM	GH:FS
20.1.4.1	in respect of non-profit making institutions; and	CM	CM	GH:FS
20.1.4.2	in the case of the filming of a documentary on the Municipality and its activities or the filming of any material, both of which promotes the interests of the Municipality.	CM	CM	GH:FS
21	<b>CHARITABLE ORGANISATIONS</b>			
	To grant permission to charitable organisations to use areas identified by the Municipality for charitable purposes.	CM	CM	GH:FS
22	<b>EXECUTION AND SIGNING OF DOCUMENTS</b>			
22.1	To authenticate and execute, in consultation with the Group Legal and Contracts Department, all documents which the Municipality is lawfully empowered to execute.	CM	CM	GH:FS
22.2	To prepare and sign, in consultation with the Group Legal and Contracts Department, any document necessary to give effect to a decision of the Council, Executive Mayor, Member of the Mayoral Committee, Municipal Manager or any other committee.	CM	CM	GH:FS
22.3	To certify an extract from the public books and records of the Council.	CM	CM	GH:FS

23	<b>MANAGEMENT CONTRACTS</b>				
	To manage all contracts entered into by the Department on behalf of the Municipality in consultation with the Group Legal and Contracts Department.	CM	CM	GH:FS	
24	<b>MANAGEMENT OF CONTRACTS WITH MEs</b>				
24.1	To negotiate, manage and review from time to time all contracts, in consultation with the Group Legal and Contracts Department, between the Municipality and the MEs, in order to protect the Municipality's interest.	CM	CM	GH:FS	
24.2	To take all necessary action in terms of the aforesaid contracts to deal with any disputes arising out of the contracts, after consultation with the responsible MME and the Municipal Manager.	CM	CM	GH:FS	
25	<b>APPOINTMENT OF MEs</b>				
25.1	To appoint any of the Municipality's MEs to execute work or render services on behalf of the Council up to an amount of R20 million per project and any amount above R20 million must be approved by the Municipal Manager, provided that such delegation shall only be exercised if:	CM	CM	GH:FS	
25.1.1	the work to be executed or services to be rendered fall within the scope of activities as set out in the Memorandum of Incorporation and Service Delivery Agreement of the relevant ME to be appointed;	CM	CM	GH:FS	
25.1.2	provision for the intended expenditure has been made in the annual budget;	CM	CM	GH:FS	
25.1.3	an appropriate agreement approved by the Group Legal and Contracts Department, has been entered into with the ME concerned to regulate the work to be executed or services to be rendered on behalf of the Municipality; and	CM	CM	GH:FS	
25.2	The relevant official concerned shall report quarterly for information to the Municipal Manager on any exercise of this power in the preceding month, or if the Municipal Manager exercises this power, it shall be reported quarterly to the Executive Mayor.	CM	CM	GH:FS	
26	<b>TENDERS AND QUOTATIONS</b>				
	To exercise the relevant powers and duties relating to tenders and quotations delegated by the Accounting Officer in terms of the Municipal Finance Management Act, 2003 and to the Supply Chain Management Policy.	CM	CM	GH:FS	
27	<b>SUPPLY CHAIN MANAGEMENT</b>				
	To exercise all such powers, functions and duties delegated to the Head of Department in terms of the approved Supply Chain Management Policy of the Council.	CM	CM	GH:FS	
28	<b>BREACH OF PROCUREMENT CONTRACTS</b>				
	To give the required notice to a defaulting contractor in terms of a contract entered into in terms of the Supply Chain Management Policy, after consultation with the Director: Supply Chain Management and the Group Legal and Contracts Department, provided that the authority to cancel any such contracts shall vest with the Group Chief Financial Officer.	CM	CM	GH:FS	
29	<b>BREACH OF NON-PROCUREMENT CONTRACTS</b>				
29.1	To give notice, after consultation with the Group Legal and Contracts Department, to a defaulting contractor in respect of contracts other than those awarded in terms of the Supply Chain Management Policy of the Council.	CM	CM	GH:FS	
29.2	To cancel, after consultation with the Group Legal and Contracts Department, a contract other than one awarded in terms of the Supply Chain Management Policy, with a defaulting contractor who fails to respond to a notice given in terms of the relevant contract. Provided that the Departmental Head or other official concerned shall on a quarterly basis report to the Municipal Manager and the relevant MME, for information, on all contracts so cancelled during such period.	CM	CM	GH:FS	
30	<b>CANCELLATION OF TENDER PROCESSES</b>				
	To cancel any bid process in consultation with the Director Supply Chain Management and the Group Legal and Contracts Department, based on a report that justifies such action signed by the relevant Departmental Head.			GH:FS	
31	<b>RECOVERY OF UNAUTHORIZED, IRREGULAR OR FRUITLESS AND WANTON EXPENDITURE</b>				

	To recover, in consultation with the Group Assurance and Group Audit Services Department, unauthorised, irregular or fraudulent and wasteful expenditures from the person liable for such expenditures and to report quarterly to the Municipal Manager who must inform the Executive Mayor on the execution of this power during such period, if any.	CM	CM	GH:FS
<b>22</b>	<b>IMPLEMENTATION OF RECORD KEEPING SYSTEM</b>			
	To implement and maintain, a system of record- and file-keeping of all resolutions adopted by the Council, including resolutions adopted and/or decisions taken by the Mayoral Committee, other committees of the Council, Members of the Mayoral Committee and officials in terms of any powers delegated to them by the Council and/or Terms of Reference approved by the Council, applicable to their respective areas of responsibility.	CM	CM	GH:FS
<b>23</b>	<b>USE OF PERSONNEL RECRUITMENT AGENCIES</b>			
	To request the Group Corporate and Shared Services Department to appoint, subject to the Supply Chain Management Policy, suitable personnel agencies and to enter into contracts with the relevant agencies on such terms and conditions as the Group Corporate and Shared Services Department in consultation with the Group Legal and Contracts Department may deem necessary to protect the Municipality's interests, and to pay the costs in connection therewith, subject to budgetary provisions.	CM	CM	GH:FS
<b>24</b>	<b>IMPLEMENTATION OF COUNCIL RESOLUTIONS</b>			
	To do all things reasonably necessary to ensure implementation and execution of all resolutions of the Council, the Mayoral Committee, any MMC or any other committee of the Council.	CM	CM	GH:FS
<b>25</b>	<b>LEGAL MATTERS</b>			
<b>25.1</b>	To deposit, in consultation with or when required by the Group Legal and Contracts Department, to any affidavit required for legal proceedings where the Municipality is a party and such depositions relate to the respective Department.	CM	CM	GH:FS
<b>25.2</b>	To authorise the payment of legal costs in respect of any matter dealt with by the Group Legal and Contracts Department relating to the respective Department.	CM	CM	GH:FS
<b>25.3</b>	As Head of Department, to appear as a witness when required, on behalf of the Municipality when so instructed by the Group Legal and Contracts Department.	CM	CM	GH:FS
<b>25.4</b>	To instruct any employee within their Department to appear as a witness when required on behalf of the Municipality when so instructed by the Group Legal and Contracts Department.	CM	CM	GH:FS
<b>25.5</b>	To provide such documents and information relating to a legal matter as required by the Group Legal and Contracts Department.	CM	CM	GH:FS
<b>26</b>	<b>LETTING OF MUNICIPAL PROPERTY</b>			
	To let municipal offices, rooms or theatres at the tariffs, rental and conditions approved by the Council, subject to any powers delegated to the Johannesburg Property Company.	CM	CM	GH:FS
<b>27</b>	<b>INCIDENTAL EXPENDITURE</b>			
	To incur incidental expenditure on repairs to the property of the Municipality when no third party is involved, if the Municipality Manager, subject to the Group Legal and Contracts Department having certified that the Municipality is liable to make good the damage.	CM	CM	GH:FS
<b>28</b>	<b>DELEGATION</b>			
<b>28.1</b>	To sub-delegate, to an official in writing, subject to the provisions of all applicable legislation, any power, function and duty.	CM	CM	GH:FS
<b>28.2</b>	To authorise an official referred to in the above paragraph, to sub-delegate any or all powers, functions and duties which have been delegated to such official, or any person acting for such official, to any other official in his/her section, or any person acting in the position of such official, provided that any such power, function or duty shall only be exercised or performed on the written instructions of the official referred to in the above paragraph, which instructions such official may in his/her discretion at any time issue, amend or withdraw.	CM	CM	GH:FS

**“ANNEXURE MK 24”**

## PUBLIC ANNOUNCEMENT

### TERMS OF REFERENCE OF THE SPECIAL AND INDEPENDENT INVESTIGATION COMMITTEE

The Speaker of the City of Johannesburg Metropolitan Council, Councillor Margaret Arnolds hereby notifies the public that at its 13<sup>th</sup> Ordinary meeting on Wednesday 21 June 2023, Council resolved to appoint "A Special and Independent Investigation Committee, (**the SIIC**)" in terms of Regulation 5(3) of the Disciplinary Regulations, and Item 16(1)(b) of the Code of Conduct for Councillors. The SIIC is appointed to investigate the lawfulness or otherwise of the establishment of the Group Forensic and Investigation Services (**GFIS**), as well as allegations of improper and unlawful conduct on the part of GFIS.

The said complaints relate to allegations of fraud, corruption, maladministration, and breach of law by GFIS and others and, in particular, to the establishment of GFIS as a separate unit or department and its inherent powers without approval by the Municipal Council, the appointment of the head of GFIS without compliance with the applicable recruitment processes, and the unlawful investigations conducted by GFIS against senior officials and Councillors.

In summary, the SIIC has been established and empowered to inquire into, make findings and recommendations, and report on the following, inter alia:

1. Allegations of fraud, corruption, maladministration and breach of law in the establishment of GFIS as a separate department,
2. Allegations of fraud, corruption, maladministration and breach of law in the appointment of the head of GFIS,
3. Allegations of fraud, corruption maladministration and breach of law regarding the implementation of rogue, clandestine and unlawful investigations by GFIS,

Copies of the detailed and complete Terms of Reference of the Special and Independent Investigation Committee (**the SIIC**) and Rules governing the proceedings of the Special Independent Investigation Committee (**the SIIC**) may be obtained and inspected from the website: [www.joburg.org.za](http://www.joburg.org.za)

Notice issued by Mr. Andile Gobinca, Secretary to Council,

On behalf of the Speaker of Council,  
Councillor Margaret Arnolds

5th Floor, Forum 1, Braam Park,  
33 Hoofd Street,  
Braamfontein,  
Johannesburg



a world class African city



CITY OF JOHANNESBURG  
METROPOLITAN MUNICIPALITY  
COUNCIL LEGISLATURE

**TERMS OF REFERENCE  
OF THE  
SPECIAL AND INDEPENDENT INVESTIGATION COMMITTEE**

A Special and Independent Investigation Committee (“the SIIC”) has been appointed by the City Council of the Johannesburg Metropolitan Municipality in terms of Regulation 5(3) of the Disciplinary Regulations and Item 16(1)(b) of the Code of Conduct for Councillors. The SIIC is appointed to investigate the lawfulness or otherwise of the establishment of the Group Forensic and Investigation Services (“GFIS”), as well as allegations of improper and unlawful conduct on the part of GFIS.

**Preamble**

It is noted that various complaints were submitted to the Speaker's Office, and were never reported to the Council. Instead, they were allegedly dismissed through various media statements and a press briefing that was organised by the former Executive Mayor, Speaker of Council and MMC for Corporate Services.

The said complaints relate to allegations of fraud, corruption, maladministration and breach of law by GFIS and others and, in particular, to the establishment of GFIS as a separate unit or department and its inherent powers without approval by the Municipal Council,<sup>1</sup> the appointment of the head of GFIS without compliance with the applicable recruitment processes, and the unlawful investigations conducted by GFIS against senior officials and Councillors.

The allegations also suggested that unlawful protection was being provided to the head of GFIS through, *inter alia*, the Executive Mayor's failure to take action against the head of GFIS for certain unlawful conduct. The allegations are set out more fully below.

**Now therefore**, the SIIC has been established and empowered to inquire into, make findings and recommendations, and report on the following:

1. Allegations of fraud, corruption, maladministration and breach of law in the establishment of GFIS as a separate department, in particular-

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<sup>1</sup> 1<sup>st</sup> Report to Mayor: Nov 2016; 2<sup>nd</sup> Report to Mayor: 3 Jan 2017; Structural Placement Report: 22 March 2017; (3<sup>rd</sup> Report to Council, 26 April 2017)

- 1.1. The alleged subversion of authority of Council and sanctioning the functions of GFIS as a separate department without its organizational structure and staff establishment having been approved by the Municipal Council as required by legislation.<sup>2</sup>
  - 1.2. The alleged subversion of authority of Council and sanctioning of the functions of GFIS as a separate department without its purported sub-delegations having been submitted and approved by the Municipal Council as required by legislation.<sup>3</sup>
  - 1.3. The alleged subversion of authority of the City Manager as the Head of Administration and Accounting Officer and sanctioning of reporting lines of GFIS to the Audit Committee which appears not to have supervisory and managerial powers in law.<sup>4</sup>
2. Allegations of fraud, corruption, maladministration and breach of law in the appointment of the head of GFIS, in particular-
- 2.1. The alleged defrauding of Human Resource policies to ensure that an unqualified person is appointed in the junior position of a Unit Head in the Group Risk and Assurance Services ("GRAS") department and later installed in the senior position of Group Head of GFIS without undergoing applicable recruitment processes to Heads of Departments ("HODs"), and his employment as an HOD having been approved by Council as required by legislation.<sup>5</sup>
  - 2.2. The alleged defrauding of remuneration policies and benefit schemes to ensure that the salary of the Group Head of GFIS is increased from the R1.2 million to R1.8 million, and includes locomotive allowance, despite having been provided with a 24 hour VIP protection and transportation. Furthermore, that the report regarding his service conditions of employment

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<sup>2</sup> Para 7.1 of annexure D to Council Resolution dated 5 September 2023 ("Council Resolution")

<sup>3</sup> *Id* para 7.2

<sup>4</sup> Council Res, para 7.3 of annexure D

<sup>5</sup> *Id* para 8.1

as an HOD were never approved by Council as required by legislation.<sup>6</sup>

- 2.3. The alleged defrauding of vetting processes to ensure that a person who does not have a top security clearance for a junior position of Unit Head in GRAS is installed in the position of Group Head of GFIS without obtaining such certificate as required by national legislation. And that he would proceed to operate as Group Head of GFIS for more than five (5) years and access sensitive and classified information without being security cleared.<sup>7</sup>
3. Allegations of fraud, corruption maladministration and breach of law regarding the implementation of rogue, clandestine and unlawful investigations by GFIS, in particular-
  - 3.1. The abuse of power in launching of investigation into allegations against senior officials and councillors which were never unauthorised by the Municipal Council and the Disciplinary Board as required by applicable national legislation.<sup>8</sup>
  - 3.2. The unlawful procurement and/or deployment of snooping device called the Digital Forensic Equipment ("DFE") which is used to remotely access, intercepts and stores electronic information from various gadgets without authorisation.<sup>9</sup>
  - 3.3. The unlawful sanctioning and performance of investigation functions that were not provided in the purported delegations of GFIS and through delegations that were never approved by the Municipal Council as required by national legislation.<sup>10</sup>
4. The following alleged acts of fraud, corruption and maladministration relating to the unlawful protection that was provided to the former Group Head of GFIS must be investigated. Also, in light of such protection having bred a culture of impunity in

<sup>6</sup> Council Res, para 8.2 of annexure D

<sup>7</sup> Council Res, para 8.3

<sup>8</sup> Council Res, para 10.1

<sup>9</sup> Council Res, para 10.2

<sup>10</sup> Council Res, para 10.3

GFIS, and undermined the authority of Council, the Speaker of Council acting in terms of her powers in section 18 of the Amended Municipal Structures Act 03 of 2021 authorises that this matter be investigated:

- 4.1. An official from the Legal Services department addressed a legal opinion and advised that the law would not allow an automatic promotion of a former employee from the position of the Unit Head of the GRAS department to the Group Head of the GFIS. And for some reason, this opinion was not adhered to when the GFIS became a separate department and its own Head of Department (HOD). And also the legally prescribed recruitment processes and approval of his employment as an HOD were completely disregarded.<sup>11</sup>
  
- 4.2. A whistleblower had provided an audio recording which contained evidence of prima facie improper and unlawful conduct of former Group Head of GFIS, The former City Manager then launched an investigation into that evidence through Bowmans Attorneys, and it made adverse findings in its final report. And for some reason, this report was shelved, and instead, an arrangement was made that the whistle-blower who had been unlawfully suspended and constantly harassed by the former Group Head of GFIS be redeployed to other departments within the City, and no action was taken against him.<sup>12</sup>
  
- 4.3. When the former Executive Head in the City Manager's Office compiled a letter for the City Manager which was forwarded to the former Group Head of GFIS to notify him that he had no authority to investigate senior managers, he retaliated by launching a covert operation against the Executive Head in the Eastern Cape. The Executive Head discovered this operation and reported it to the former Executive Mayor, and he instructed the former City Manager to act against the former Group Head of GFIS. This instruction was never implemented, and again no action was taken against the former Group Head of GFIS.<sup>13</sup>

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<sup>11</sup> Council Res, para 13.1

<sup>12</sup> Council Res, para 13.2

<sup>13</sup> Council Res, para 13.3

- 4.4. The letter of the Public Protector (“PPSA”) which had confirmed that certain incriminating evidence on the questionable employment and operations of the former Group Head of GFIS was allegedly concealed from her investigation was never submitted to the Council. And instead, the former Executive Mayor Group Head of GFIS issued media statement, and held press briefings, and made certain public misrepresentations claiming that the said official was cleared by the PPSA. The effect of the concealment of this letter from Council, is that, the City has been deprived an opportunity to investigate this concealed evidence, and take further action if it becomes necessary.<sup>14</sup>
- 4.5. The letter of and State Security Agency (“SSA”) which confirmed that the former Group Head of GFIS was in possession of snooping electronic device called the Digital Forensic Equipment (“DFE”) which is used to conduct crime intelligence and investigation activities, and which in terms of legal requirements must be controlled by law enforcement officers was concealed from Council, And instead, the former Executive Mayor and Group Head of GFIS issued media statements and held press briefings, and made certain public misrepresentations claiming that this official was cleared by the SSA. The effect of the concealment of this letter from Council, is that, the City has been deprived an opportunity to investigate the concealed evidence, and take further action if it becomes necessary.<sup>15</sup>
- 4.6. The section 106 notice investigation of the MEC for Local Government in Gauteng into the allegations that former Executive Mayor and MMC for Corporate Services used an unlawful report of GETS to obstruct Council from appointing one of the complainants in the position of the City Manager, was allegedly frustrated by the former Executive Mayor. She deposed to an affidavit as the leader of the DA and challenged the said appointment in Court hoping to stave-off the investigation. The effect of this opportunistic litigation is that, the MEC had to suspend the investigation. process, pending the outcome of the said court proceedings. And once again, the Council has been deprived of another opportunity of holding those who committed the said unlawful

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<sup>14</sup> Council Res, para 14.1

<sup>15</sup> Council Res, para 14.2

obstructive acts accountable.<sup>16</sup>

**AVERMENTS AGAINST EXECUTIVE MAYOR & MMC FOR CORPORATE SERVICES IN THE FURTHERANCE OF THE PROTECTION OF THE FORMER GROUP HEAD OF GFIS**

5. Complaints were submitted to the former Executive Mayor (Mpho Phalatse), MMC for Corporate Services (Cllr Leah Knott) and the Speaker of Council (Da Gama) that also suggested that the purported investigative powers of GFIS were allegedly used to conduct rogue, clandestine and unlawful investigations. However, the former Executive Mayor and the MMC for Corporate Services failed to act on allegations and those specifically made against the former Group Head of GFIS and ensured that in return they would not be investigated by GFIS after they had committed the following alleged unlawful acts:
  - 5.1. The alleged implementation of a fronting arrangement to have a service provider of choice of the former Executive Mayor (Cllr Mpho Phalatse), which was not on the approved panel of the City to receive investigative work through a company that was on the panel.<sup>17</sup>
  - 5.2. The appointment of the City Manager by the former Executive Mayor (Cllr Phalatse) and the MMC for Corporate Services (Leah Knott) to oust one of the complainants who was the recommended candidate for the said position. This was allegedly realised by concealing an investigation report which had cleared the complainant from certain allegations. They then submitted a misleading report which stated that he has not been cleared, and the position must be readvertised. This conduct was referred to the Ethics Committee and Independent Investigator for an investigation and no progress has been reported so far.<sup>18</sup>
  - 5.3. The alleged victimization by the former Executive Mayor (Cllr Phalatse), the MMC for Corporate Services (Leah Knott), the Chairperson of the Group Audit Committee (Lerato Nage) and the Acting Head of GFIS (Lizzy Ramogale) of

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<sup>16</sup> Council Res, para 14.3

<sup>17</sup> Council Res, para 11.1

<sup>18</sup> Council Res, para 11.2

another senior official who was investigating the unlawful expenditure that was incurred by GFIS. It is alleged that when she discovered tens of millions of concealed unlawful expenditure by the former Group Head of GFIS, she was then subjected to a rogue, clandestine and unlawful investigation and sustained media attacks. It is further alleged that when she was cleared the investigation was not closed, and instead other allegations were generated.<sup>19</sup>

**THE ALLEGED MANIPULATION OF PROCESSES AND STAGING OF RETALIATORY ACTS BY CERTAIN PERSONS TO DETRIMENT THE CAREERS AND REPUTATIONS OF COMPLAINANTS**

6. It would seem that after the submission of a complaint by one of the complainants and reported that a rogue, clandestine and unlawful investigation were used against him for the purpose of ousting him from recruitment processes for the position of the City Manager, the following acts were allegedly implemented to detriment his career and reputation, namely:

6.1. A legal opinion was sought by the previous Executive Mayor and MMC for Corporate Services from a Senior Counsel regarding the prospects of him succeeding to challenge the recruitment processes. And when this legal opinion confirmed that the complainant may succeed, it was shelved. Then they sought a second one from another Senior Counsel, and when this second legal opinion required them to make uncomfortable disclosure to the Council, it was shelved, and was never presented before Council for its consideration.<sup>20</sup>

6.2. They then caused Council to launch a second investigation against the complainant and reinvestigate the same allegations which were reported by the complainant has having been generated from an investigation that was rogue, clandestine and unlawful, It is also alleged that when he was cleared by the second investigation, the former Executive Mayor and MMC for Corporate Services concealed the report from the Council and instead, they issued media statements and sought to keep the cleared allegations alive.<sup>21</sup>

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<sup>19</sup> Council Res, para 11.3

<sup>20</sup> Council Res, para 16.1

<sup>21</sup> Council Res, para 16.2

- 6.3. They further submitted a misleading report in Council to readvertise the City Manager position in which the complainant had been recommended for, and claimed that he was not cleared by the second investigation. And during the shortlisting for the readvertised position, the complainant was excluded on the basis that he did not qualify. And instead, a candidate whose competency assessment report and prescreening employment report from GFIS rendered him unsuitable was recommended for the City Manager position.<sup>22</sup>
7. Regarding another complainant who had reported that he was also being subjected to rogue, clandestine and unlawful investigations by the former Group Head of GFIS, the following acts were allegedly acts to detriment his career and reputation were also implemented, namely:
- 7.1. anonymous google mails with new allegations against another complainant were sent to the former Executive Mayor and Group Head of GFIS. They instructed a law firm to launch a second investigation against that complainant. A report in respect of the first investigation which he had reported as rogue, clandestine and unlawful was being finalised, and his complaint in respect of that investigation was allegedly disregarded by the former Executive Mayor, MMC for Corporate Services and Speaker of Council.<sup>23</sup>
- 7.2. When the complainant resisted being subjected to further rogue, clandestine and unlawful investigations, and reported the former Group Head of GFIS, Executive Mayor and Speaker of Council to the Ministers of COGTA and the Police, the former Group Head of GFIS issued various threatening WhatsApp messages which called for the complainant to be dealt with during the recruitment processes for the two positions in which the complainant had been shortlisted. When there were signs that the complainant was being dealt with, during the recruitment processes, he withdrew his applications.<sup>24</sup>
- 7.3. With his applications withdrawn, the former Executive Mayor and MMC for

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<sup>22</sup> Council Res, para 16.3

<sup>23</sup> Council Res, para 17.1

<sup>24</sup> Council Res, para 17.2

Corporate Services attempted to table before Council the unlawful investigation report of GFIS against the complainant. They later withdrew the said report following a written complaint of a former Councillor of the DA who was implicated in the report. They then instructed that the allegations in the said report pertaining to their colleague from the DA be excluded with the view to resubmit the report before Council. The complainant resigned. Five months after the complainant had resigned, the former Executive Mayor and MMC for Corporate Services attempted to table the said report, but the current Speaker of Council refused to table the report on the basis that it was a subject of a complaint.<sup>25</sup>

8. Submitted complaints further indicate that counter-measures were deployed to stave-off possible investigations into the questionable employment and operations of GFIS. Firstly, these appeared to have been allegedly targeted on implementation of a full investigation which had been recommended in a preliminary report by Zebediela Attorneys ("Zebediela Report"), as follows:

- 8.1. The said report was submitted to the former Speaker of Council and Executive Mayor, and they did not table it in Council for its consideration and further investigation as recommended thereto. And instead, the former Executive Mayor unlawfully procured some questionable legal opinion from a firm of attorneys that were not in the approved panel of the City, and which seemingly advised her not to table the report in Council.<sup>26</sup>

- 8.2. The former Group Head of GFIS also launched review application against the said report, and one of the complainants who was an Acting City Manager authorised a firm of Attorneys to oppose the said review application. Further, then solicited and received a legal opinion from a senior counsel who advised that the former Group Head of GFIS does not have a case against the City, and he must be suspended and the decision to oppose his application must be proceeded with. And once the complainant was removed from the acting position, the attorneys and counsel were also instructed to withdraw from

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<sup>25</sup> Council Res, para 17.3

<sup>26</sup> Council Res, para 19.1

opposing, and the matter was heard unopposed in favour of Mr Sibiya.

- 8.3. While the said proceedings were still pending, the newly appointed Acting City Manager authorised another firm of attorneys review the said report. This firm recommended that the recommendations made in the Zebediela Report which included that a full investigation be conducted should not be implemented. This is despite the obtained legal opinion from a senior counsel having confirmed that the allegations made in the Zebediela Report are of serious nature and must be investigated, and the former Group Head of GFIS must be suspended.<sup>27</sup>
9. It also appears that the above alleged rogue, clandestine and unlawful investigations were concealed from Council by eliminating any form of political opposition against GFIS. In this regard, it alleged that political leaders from the minority parties in the Municipal Council who were opposed to the above conduct of GFIS were subjected to retaliatory investigations as follows:<sup>28</sup>
- 9.1. The former MMC for Development Planning and current caucus leader of the DA raised certain allegations against councillor Thapelo Amad from Al-Jamah who was at the forefront of questioning the alleged improper and unlawful conduct of GFIS. Interestingly, the former MMC for Development Planning instead of reporting her allegations to the Ethics Committee, she reported them to GFIS. This is despite her knowing that Cllr Amad have issued various media statements and briefings and exposed the special treatment which was given to the former Group Head of GFIS by the former Executive Mayor.<sup>29</sup>
- 9.2. It also noted that in the same period, other allegations of fraud and corruption were raised against Cllr Margaret Arnolds were reported to GFIS and not the Ethics Committee. Similarly, it was known as a matter of fact that Cllr Arnolds was one of those who were at the centre of the campaigns that challenged the alleged improper and unlawful conduct of GFIS. This is because those who made those allegations knew that Cllr Arnolds have also issued various media

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<sup>27</sup> Council Res, para 19.2

<sup>28</sup> Council Res, para 20

<sup>29</sup> Council Res, para 20.1

statements and held press briefings which publicly exposed the unlawful conduct of the former Group Head of GFIS.

9.3. In the same period, an intelligence styled 200 page investigation report on the personal affairs and business dealings of the former Chair of Chairs, Cllr Colleen Makhubele also emerged. This report appeared after Councillor Makhubele had recorded her objection in a meeting of the DA-led multi-party coalition regarding the concealment of reports from Council regarding the alleged unlawful conduct of GFIS. This report was concluded when Cllr Makhubele had decided to join the forces that were advocating for a regime change, and was involved in certain political negotiations which resulted in her making a political shift that will catapulted her to the position of Speaker of Council.

9.4. Councillor Margaret Arnolds was one of the people who challenged the alleged improper and unlawful conduct of GFIS. She issued various media statements and held press briefings which publicly exposed the unlawful conduct of the former Group Head of GFIS. In response, allegations of fraud and corruption were made against her and reported to GFIS, instead of to the Ethics Committee.<sup>30</sup>

9.5. Councillor Colleen Makhubele had recorded her objection, in a meeting of a DA-led multi-party coalition, to the concealment of reports from Council on the alleged unlawful conduct of GFIS. Suddenly, a 200-page intelligence investigation report on her personal affairs and business dealings emerged. The report surfaced after she joined others who were advocating for a regime change and also was involved in political negotiations which secured her appointment as Speaker of Council.<sup>31</sup>

10. These Terms of Reference may be added to, varied and/or amended from time to time.

11. All Municipal structures, officials, Councillors and staff members are required to

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<sup>30</sup> Council Res, para 20.2

<sup>31</sup> Council Res, para 20.3

cooperate fully with the SIIC.

12. The Municipal Systems Act, Municipal Structures Act, Disciplinary Regulations, Code of Conduct for Councillors, Standing Rules and Orders of Councillors and Code of Conduct of Staff Members shall apply to the SIIC, subject to such amendments and exemptions as may be effected from time to time.
13. SIIC shall finalise its mandate within a period of six (6) months from the date of commencement of its function, subject to such extensions as may be necessary. SIIC shall submit its report and recommendations to the Municipal Council within 120 days of the finalization of the investigation and hearings to be conducted.
14. The SIIC shall, where appropriate, refer any matter for further investigation, or the convening of a separate enquiry or disciplinary action to the appropriate Municipal Structures regarding the conduct of certain person/s.
15. The SIIC shall make Rules for the conduct of its proceedings, which Rules shall apply to the SIIC to enable the SIIC to conduct its work and investigation in a meaningful, effective and proper manner and to facilitate the gathering of evidence by conferring on the SIIC such powers as are necessary, including the powers to enter, secure the attendance of witnesses and compel the production of documents.

Signed on this 5<sup>th</sup> day of August 2024



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**MARGARET ARNOLDS**  
Speaker of Council  
City of Johannesburg Metropolitan Municipality

**“ANNEXURE MK 25”**

**Izahn Burger**

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**Subject:** Fwd: FW: MEETING WITH THE MINISTER  
**Location:** MINISTER'S OFFICIAL RESIDENCE (PRETORIA)

**Start:** Fri 2025/05/16 14:00  
**End:** Fri 2025/05/16 16:00  
**Show Time As:** Tentative

**Recurrence:** (none)

**Organizer:** KZN:Provincial Commissioner:Staff Officer

----- Forwarded message -----

**From:** Mkhwanazi NS - Lieutenant General <[REDACTED]>  
**Date:** Mon, 15 Sept 2025, 15:42  
**Subject:** FW: MEETING WITH THE MINISTER  
**To:** [REDACTED]

-----Original Appointment-----

**From:** KZN:Provincial Commissioner:Staff Officer <[REDACTED]>  
**Sent:** Monday, 12 May 2025 17:58  
**To:** KZN:Provincial Commissioner:Staff Officer; Mkhwanazi NS - Lieutenant General  
**Subject:** MEETING WITH THE MINISTER  
**When:** Friday, 16 May 2025 14:00-16:00 (UTC+02:00) Harare, Pretoria.  
**Where:** MINISTER'S OFFICIAL RESIDENCE (PRETORIA)

**From:** Lethoko GH - Brig <[REDACTED]>  
**Sent:** Monday, 12 May 2025 17:23  
**To:** Affinand Lee-Ann Colonel: National Commissioner MIC <[REDACTED]>;  
KZN:Provincial Commissioner:Staff Officer <[REDACTED]>  
**Cc:** DNC:Crime Detection:Sibiya SM - Lt Gen <[REDACTED]>; Mkhwanazi NS - Lieutenant  
General <[REDACTED]>; Sebola FM-Maj Gen <[REDACTED]>; Chitoane  
Millicent - Lt Col <[REDACTED]>; National Commissioner PA:Sebola MM  
<[REDACTED]>  
**Subject:** FW: PRIVATE MEETING BETWEEN THE MINISTER, NATIONAL COMMISSIONER, DNC SIBIYA  
AND KZN PC LT GENERAL MKHWANAZI

Office of the DNC Crime Detection and PC KZN

Kindly be informed of the below scheduled meetings of the Minister with Natcom, DNC Crime Detection and PC KZN at Minister's residence in Pretoria.

PC's office is requested to make necessary arrangements for PC's attendance.

Respectfully



*Brigadier GH Lethoko*

Office of the National Commissioner  
SOUTH AFRICAN POLICE SERVICE

Office: [REDACTED]  
Mobile: [REDACTED]  
Email: [REDACTED]

**From:** Nkabinde CM <[REDACTED]>  
**Sent:** Monday, 12 May 2025 16:37  
**To:** Sebola FM-Maj Gen <[REDACTED]>; Lethoko GH - Brig <[REDACTED]>  
**Cc:** Mlandu SA <[REDACTED]>  
**Subject:** PRIVATE MEETING BETWEEN THE MINISTER, NATIONAL COMMISSIONER, DNC SIBIYA AND KZN PC LT GENERAL MKHWANAZI

Good morning, Major General, Sebola

Please be advised on a private meeting between the Minister, National Commissioner, DNC Sibiya and KZN PC Lt General Mkhwanazi which is scheduled as follows:

**First Session: Minister, National Commissioner and DNC Sibiya**

**Date : Friday, 16 May 2025**

**Time : 09h00 – 12h00**

**Venue : Official Residence**

**Second Session: Minister, DNC Sibiya and KZN PC Lt General Mkhwanazi**

**Date : Friday, 16 May 2025**

**Time : 14h00 – 16h00**

**Venue : Official Residence**

Kind Regards

Mr Cedrick Nkabinde

Chief of Staff

Police Ministry

Cell: [REDACTED]

Email: [REDACTED]

This e-mail and any attachments thereto are strictly confidential and are intended solely for the use of the addressee. Should you not be the intended addressee, please delete this e-mail message immediately. While care is taken in preparing this document, no representation, warranty or undertaking (expressly or implied) is given and no responsibility nor liability is accepted by the SAPS as to the accuracy of the information contained herein, that the email is free of viruses, or for any damages that may occur from receiving or opening this email.

**“ANNEXURE MK 26”**

Enquiry CAS 3101/2024

AY 599

Nelisiwe Joyce Ndlovu states under oath in English:

I am appointed as the Area Coordinator Corrections at Empangeni Management Area responsible for safe and security of offenders and officials at Qalakabusha Prison, Empangeni with ID

[REDACTED] and residing at [REDACTED]  
[REDACTED]

On 2024-01-08 at around 20h11, I was at my residence mentioned above, I received the call from the anonymous that telling me about weapons at Qalakabusha, I then requested him to give me a specific area so that I will activate Emergency support team to conduct search, he said he will come back to me. Subsequently to that call about 30 minutes later, I had a strong knock from the kitchen door and that time I was in my bedroom preparing to go to sleep, I asked who it was, the answer said we are the police, I refused to open as I thought its criminals, I may be attacked as I also heard foot steps on the windows while others were breaking the burglar guard and the kitchen door. I asked as to who was that, the person responded by stating that it was the police.

The door was suddenly kicked open. I then ran to my bedroom for safety as I thought it was criminals that entered my house. I locked the bedroom door and immediately phoned my colleague Mr E.Z Ndlovu and requested his assistance.

The persons that entered my house thereafter kicked my bedroom door and managed to open. I had noticed a white male official dressed in SAPS uniform without a name badge. I noticed approx. 10 persons dressed in civilian clothing.

A black male official identified himself as a police official attached to the National Investigating Unit. He stated that they are looking for illegal weapons in my house. I explained my work profile and made it clear that I cannot keep illegal weapons, but they ignore that. I had request them to produce a search warrant, they did not. Further, I then asked whos is the team leader. I was not given that information but instead they continued to ransack my house including searching of the ceiling and left open, turning everything upside down. Nothing was found.

I was the requested to accompany them to my vehicle, which was parked inside my garage. I then noticed that they was DRONE.

They search the garage and my vehicle thoroughly but no weapons were found. Upon searching the dustbin in my yard, they found a white small box. Upon opening the box they found 5 ammunitions for R5 Rifle and something wrapped in plastic. I was shock as it was my first time to see those items on the dustbin as I was away from home for ten days and I did not lock my gate.

I was then placed under arrest by the same Black male official that was communicating with me. I asked him as to what are the charges as these items were found on the dustbin outside my house. I was not told except that I was informed that I would be taken to Empangeni police cells and appear in Court on the following day at 9hoo. I then requested them to give me a chance to change my clothes and trying to get a padlock to secure my house as they broke the door. He then instructed his female colleagues to escort me to my bedroom in order to change my clothes.

NJS

Enquiry on 3/01/2024

600  
A4

I was then taken to Empangeni SAPS. Upon our arrival at the Community Service centre, they greeted the Police Officials who were on duty. They then started writing statements in order to open a case against me. I was never informed about my constitutional rights by anybody.

I then contacted my Superior Provincial Commissioner General Nxele of Correctional Services and informed him about what was happening. General Nxele then informed me that he will escalate the matter the SAPS Commissioner General Mkhwanazi.

The White male official dressed in uniform thereafter called them aside and discussed something of which I could not hear. Thereafter the same black male that was communicating with and informed me that he was going release me as they decided to open an enquiry docket rather than a criminal docket.

I was then fetched by my supervisor and taken back home. Upon arrival, I noticed my house was in a mess. My kitchen door and my bedroom door were damaged as a result I had to sleep without locking my door, my clothing was scattered all over.

I deny any knowledge of the items found by the NIU officials. I request further police investigation into this matter.

I know and understand the contents of this statement.

I have no objections into taking the prescribed oath.

I consider the prescribed oath to be binding on my conscience.

  
..... DEPONENT

I certify that the above statement was taken by me and that the deponent has acknowledged that she knows and understand the contents of this statement. This statement was sworn to before me and the deponent's signature was placed thereon in my presence at Empangeni  
on 2024-01-11 at 15:00

  
.....  
Commissioner of oaths

52(a) Maxwell Street, Empangeni

Address

Dr. Lelonde.

SUID-AFRIKAANSE POLISIEDIENS



SOUTH AFRICAN POLICE SERVICE

ONDERSOEK DAGBOEK  
INVESTIGATION DIARY

Tyd, datum  
Time, date

Stasie • Station

Empangeni

M.P. • C.R. No.  
G.O. • Inquest No.  
MAS • CAS

Verwysing  
Reference

Navraag • Enquiry No. 3 01 2024

14/2/2025

I/O

1. I decline to prosecute Melisile Joyce Ndlovu on the unlawful possession of ammunition and drugs.

2. The photo album was received, it is the clear that the above items were found outside her house in the dustbin where anyone could have access to.

3. There will be no prospects of successfully prosecuting Miss Ndlovu

ADV

S.C. MATHONZA



**“ANNEXURE MK 27”**



**ipid**

**Department:  
Independent Police Investigative Directorate  
REPUBLIC OF SOUTH AFRICA**

Private Bag X941, PRETORIA, 0001. Benstra Building, 473B Stanza Bopape Street, Arcadia  
Tel: [REDACTED] Fax: [REDACTED], Email: [ccn@ipid.gov.za](mailto:ccn@ipid.gov.za)

Reference: **CCN2025020200**  
Enquiries: **Ms. Tinyiko Phakula**  
Cellphone: [REDACTED]  
Telephone: [REDACTED]  
Email address: [REDACTED]

**THE EXECUTIVE DIRECTOR  
INDEPENDENT POLICE INVESTIGATIVE DIRECTORATE  
BENSTRA BUILDING  
473B STANZA BOPAPE STREET  
ARCADIA  
0001**

**12 March 2025**

**THE PROVINCIAL COMMISSIONER  
SOUTH AFRICAN POLICE SERVICE  
KWAZULU-NATAL  
DURBAN**

**Dear Lt Gen N Mkhwanazi**

**SUBJECT: REQUEST FOR DOCUMENTS IN TERMS OF SEC 4(2) & 29(2) READ WITH SEC 24(3) OF IPID ACT, 01 OF 2011. IPID CCN2025020200, EMPANGENI CAS 03/01/2024.**

1. Kindly note that IPID received a complaint of interference from the Minister of Police, registered as IPID CCN2025020200. The matter falls within Sec 28(1)(h) of IPID Act, Act No 1 of 2011.
2. It is alleged that on Monday 2024/01/08 at about 20:45 an operation was conducted at Qalakabusha prison residential area. The police went to house number three (3) and searched the premises. In the process five (5) R5 rounds and twelve (12) pills wrapped in a foil were found in the dustbin outside the house. The owner of the house (Ms Nelly Ndlovu) was arrested and taken to the police station for detention. The items found in the dust bin were booked as exhibits in SAPS13 no 36/2023/and 37/2023, Empangeni SAPS. It is further alleged that while the police were busy processing the suspect they received a call from the Provincial Commissioner who instructed the team not to open a case against the suspect.
3. The objective of the Independent Police Investigative Directorate is to give effect to the provision of section 206(6) of the Constitution, to promote proper police conduct, to ensure independent oversight of the South African Police Service and Municipal Police Services, to provide for independent and impartial investigation of identified criminal offences and misconduct allegedly committed by members of South African Police Services and Municipal Police Services.

4. In terms of **Section 4(2) of IPID Act 1 of 2011**, Each organ of state must assist the Directorate to maintain its impartiality and to perform its functions effectively. Whereas **Section 29(2)(b)(c) of IPID Act 1 of 2011** state that the members of the South African Police Service or Municipal Police Services must provide their full cooperation to the Directorate, including but not limited to: -
- (b) the availability of members for the taking of an affidavit or an affirmed declaration or to give evidence or produce any document in that member's possession or under his or her control which has a bearing on the matter being investigated; and
  - (c) any other information or documentation required for investigation purposes.
5. **Section 24(3)(a) of IPID Act 1 of 2011** stipulates that for the purposes of conducting an investigation, an investigator may direct any person to submit an affidavit or affirmed declaration or to appear before him or her to give evidence or to produce any document in that person's possession or under his or her control which has a bearing on the matter being investigated, and may question such person thereon.
6. The IPID have certain information in its disposal indicating that you may have been involved in instructing the members not to arrest Ms Nelly Ndlovu.
7. We therefore request you to submit your statement under oath clarifying the role you played in this matter.
8. IPID will appreciate if the requested statement can be made available on **2025-03-19**.

Communication can be made with the investigating officer **Ms T Phakula** on [REDACTED] and email address [REDACTED]

Your cooperation in this regard will be highly appreciated.

Kind Regards



**MR T KEEFELAKAE**  
**ACTING NATIONAL HEAD OF INVESTIGATIONS & INFORMATION**  
**INDEPENDENT POLICE INVESTIGATIVE DIRECTORATE**  
**NATIONAL OFFICE**  
**PRETORIA**

12/03/2025  
 Date