

## SWORN STATEMENT

I, the undersigned Paul O'Sullivan ID No. [REDACTED] state under oath as follows:

1

I am an adult male Forensic Consultant and confirm that the information set out on the SAP 3M (a) is true and correct. The purpose of this sworn statement is to open a criminal docket in respect of the offences of Corruption, money laundering and/or Racketeering. My allegation is that the conduct of one Lt General Johannes Phahlane 'Phahlane' smacks of corruption and cronyism and only a proper in-depth investigation will reveal the truth. I therefore hereby call for such investigation.

2

My attention was first drawn to the conduct of Phahlane back in May 2015, when I received an unsolicited e-mail from one of the senior officers under his command. This was a from a certain Colonel Sandragasen Moonsamy, 'Moonsamy' who had become disillusioned with what he saw going on in the police and in particular the conduct of Phahlane, who appeared to be destroying morale and acting unlawfully in that he was purchasing useless chemicals and thereby wasting public funds, in terms of the PFMA. It was clear that Moonsamy had exhausted all of the lines of communication to raise the complaint, in terms of the Protected Disclosures Act and he had recognised that I offer support for public interest cases, such as this. I agreed to help him, but requested a lot more information. He then made a u-turn and said that he was now about to get some feedback. I attach the e-mail exchanges between myself and Moonsamy, as Annexure 'POS-1'.

3

Phahlane again came to my attention in August 2015, when I saw that, according to media reports, the Forensic Division of the police, was suffering serious issues with alleged tender-fraud and mismanagement. Phahlane was at all material times the Divisional Commander and therefore ought reasonably have known that his division was in a mess and not fit for purpose. I attach the two Mail & Guardian articles, as Annexure 'POS-2', which clearly indicate deep-rooted corruption and reckless management, of state resources, withint the division under Phahalane's control.

4

Phahlane next caught my attention, when General Phiyega was suspended and he was appointed as the acting commissioner in her stead. After his appointment, I immediately made contact by e-mail, and supplied him with copious evidence of corruption and criminal conduct on the part of Lt General Moonoo, the then divisional commander for detective services. Despite being in possession of incriminating evidence against Moonoo, Phahlane elected to ignore the *prima facie* evidence and instead to protect Moonoo, by not taking any action against him. One of the allegations I (and others) made against Moonoo, was that he was on the payroll of notorious gangster Radovan Krejcir 'Krejcir' and was seen (by Krejcir) as Krejcir's last-ditch hope to obtain freedom. One of the ways in which Moonoo assisted Krejcir, was to unlawfully expose a key State witness so that the witness in question could be murdered, (by Krejcir associates) thereby collapsing all of the cases against Krejcir. I therefore intervened, when it became apparent that Moonoo had solicited the assistance of Phahlane in exposing the witness in question. As a result, I have now picked up the State's responsibility at enormous cost and risk to myself, to shelter this key State witness. All because of Phahlane's unlawful conduct.

5

Despite letters from my attorney of record, who also acted (at my expense) for the state witness, imploring Lt General Sithole to honour the obligation of the police and an undertaking given by both Phiyega and Lt General Sithole, that would protect the witness 'to the end', the witness was put out

of police protection (that he had enjoyed for two years) and placed on the street in front of my offices, by those that had been protecting him. Phahlane ordered this. Since Krecjir had tried to kill me many times, I was faced with the possibility of seeing all the cases against him collapse, or take on the responsibility myself. It had been made clear to me, by another general reporting to Sithole, that Sithole wanted to help the witness and continue supporting him, but Phahlane, in unlawful support of Moonoo had given an order that the witness in question be 'cut loose'. I was left no choice, therefore, but to take the witness under my wing, or see him murdered by the ruthless criminals around Krecjir. A copy of the letter from my attorney of record, who also acted for the state witness, at my expense, is attached as **Annexure 'POS-3'**.

6

Now that I had witnessed that Phahlane was overtly supportive of Moonoo's unlawful conduct, I decided that I should start to look at Phahlane himself, to understand his motive in protecting Moonoo, which I did. What I found has shocked me, and will shock the nation. The first step I took, was to make contact again with Moonsamy and invite him to my offices. Moonsamy visited my offices and spent the whole day with myself and my (in-house) legal consultant, Sarah-Jane Trent 'Trent' on 2016-02-02. Over a period of many hours, Moonsamy was interviewed and a detailed statement was taken from him by Trent. The statement is attached as **A-2** to this docket rather than as an annexure to this statement. In short order, the statement of Moonsamy makes it clear that Phahlane unlawfully and intentionally condoned tender rigging and fraud on the part of one certain John Henry Deale 'Deale', who had grossly over-supplied chemicals to the South African Police, causing a loss of c. R50million of public funds. It was also clear from Moonsamy's sworn statement, that lives were put at risk and crime scene investigations were compromised by the use of out of date chemicals and the wrong equipment being supplied. Finally, Moonsamy implicated Phahlane by virtue of the fact that Phahlane had victimised and intimidated anyone that raised questions around the supplier in question. Moonsamy still feels he will be victimised by Phahlane, or those reporting to him, in breach of his rights, in terms of the Protected Disclosures Act.

7

The only logical conclusion to be drawn from Moonsamy's statement, was that there was (or is) a corrupt relationship between Phahlane and Deale. However, Moonsamy could not provide what I term as a 'smoking gun'. Corruption by its very nature is a covert activity and quite often hard to detect, as the perpetrators always attempt to cover their tracks. What I was looking for was evidence of cash payments or kick-backs in kind to Phahlane, what is termed as 'gratification' in terms of Act 12 of 2004. I will come back to this theory later.

8

As a result of further research I carried out following the interview and sworn statement of Moonsamy, I managed to get hold of a further potential witness. This was Deale's ex-wife a certain Suzette Hartmann 'Hartman'. She made it clear to me that she felt Deale was corrupt and that she had given a very lengthy statement to Derek Homan at the Special Investigation Unit back in 2014. I asked her to send me a copy of her statement, which she agreed to do and did this on 2016-02-12. The copy she sent is the Word version, not the signed version. However, she did tell me that the signed version is on file with the SIU. I attach a copy of that Word version and request that same be treated as if it was sworn, since the sworn version is on file with the Special Investigation Unit. This is attached as **Annexure 'POS-4'**.

9

Although, from the statement was given to the SIU, it was clear that the main target of their investigation was the corrupt supplier and not the corrupt divisional commissioner, there are aspects of Hartmann's statement that bear examination. These are:



At paragraph 62 she states:

*Pillay scheduled a meeting for me with a General Phahlane. As a result of having received information that Christo vom Hagen ("Vom Hagen") of Airflow Tech had made reports to Phahlane regarding Deale and had ended up being sued for defamation of character, I elected not to meet with Phahlane. At the time Vom Hagen also told me to be aware of Phahlane as he is more of a friend to Deale than Khunou.*

*I know that this is the trade mark of Deale to threaten/sue and later drop such claims.*

In essence, it was clear from this, that a person that had blown the whistle in confidence to Phahlane, was then the subject of victimisation. It is clear that Phahalane must have relayed Vom Haagen's report to Deale, whcihc amounts to the offence of 'Defeating the end of Justice'. This type of offence often goes hand-in-hand with corruption within the Police Service.

Further at paragraph 83 she states:

*Koos Bierman (former SAPS member), who's daughter also worked for Deale, informed Naomi Vom Hagen that at the end of 2011 Deale took Phahlane on holiday to Poland, all expenses paid.*

10

I then decided to investigate, to see if the lifestyle of Phahlane held any red-flags that might be an indicator of corrupt activities by him. As previously mentioned, Corruption by its very nature is a covert activity and quite often hard to detect, as the perpetrators always attempt to cover their tracks. From experience I have found that the gratification received by the person being corrupted, is extremely difficult to hide, unless the gratification is insignificant. I therefore decided to look at both Phahlane and his wife and my findings are set out hereunder.

11

The first part of the exercise, was to make enquiries, into both Phahlane and his wife and these are attached, as **Annexure 'POS-5'**. The results of these enquiries are themselves indicative of a cash-flush existence, which I will explain. It is immediately clear from reading the enquiries that:

- Neither Phahlane or his wife have applied for credit, anywhere. This is most unusual, except for very high net worth individuals.
- I note that Phahlane has in 2014 listed his address as 1293 Whistletree Drive. I have established that this is false, and that the property in question is owned by the Eugene Botha Family Trust since 2004.
- Both Phahalane and his wife, are seen to be living at 8 Mongoose Crescent, which is Erf 53 Sable Hills Waterfront Estate, a very up-market and exclusive game farm estate.

12

I then decided to carry out an investigation into the residential property. Including research into ownership and bond registration. In this regard, I refer to **Annexure 'POS-6'**, being property details, google earth history shots and a street photo, taken by me outside the house on 2016-02-13.

From studying the annexure 'POS-6', the following observations are made:

- The property was purchased by Phahlane and his wife, as a vacant erf on **2010-08-25**.
- The purchase price was **R850,000**, with a bond granted contemporaneously with the erf purchase, in the amount of **R595,000** – we can therefore estimate that, with transfer fees, bond fees etc, Phahlane and his wife had spare cash of **R275,000**
- It is then apparent that a major building project commenced on the property, in or about April 2011, to construct a double level luxury villa, of approximately 575 sq metres in area.
- After construction had commenced and was well under way, the bond on the property was increased by R1,605,000 – this would have provided cash of about R1,580,000 after taking bond registration fees into account.

- Construction continued until about late April or early May of 2012.

13

Although I am a Certified Fraud Examiner, I am by profession also an engineer, and practiced as an engineer up until about 1995. In addition I have property development experience having personally managed the construction of more than 1,500 houses in South Africa from 1987 through to 2010. I am therefore fully conversant with building costs in South Africa and overseas.

14

Looking now at the luxury Phahlane house, built between 2011 and 2012, I make the following observations:

- The finishes are very high-end and the property includes two automated hardwood-door garages, as well as air-conditioning in many areas of the house, along with solar heating for the swimming pool. In a nutshell, no expense has been spared on the Phahlane mansion.
- Building costs for such a mansion, would be in the order (back in 2011 and 2012) of between R10,000 per square metre to a high of R12,000 per square metre, giving a construction cost of between R5,750,000 and R6,900,000. Architects, engineers and quantity surveyor fees would add a further approximately R550,000 to the project value.
- The total cost of the project would therefore have been somewhere between R6,300,000 and R7,450,000
- Since the bond increase would have only yielded cash of R1,580,000, this means the Phahlanes must have had access to free cash of between R4,720,000 and R5,870,000
- Accordingly, Phahlane has to explain the source of funds of at least **R4,720,000** and failure to do so, would result in a corruption charge against him for a gratification of at least that amount.

15

I therefore believe I have made out a proper case for investigations into corruption against Phahlane and that a thorough investigation should be carried out without any further delay, especially since Phahlane is abusing his 'acting' position, to commence a process of criminalisation of the police. The investigation should also look at the luxury cars parked in the two double garages, the luxury finishes inside the house including fixtures and fittings, that just do not befit two serving police officers.

16

I have made it clear that I consider that Phahlane has been 'criminalising' the police. I do not make this allegation wildly, and offer the following, which are just a mere selection of examples:

- Phahlane has protected Moonoo, despite being in possession of strong and compelling *prima facie* evidence of Moonoo's corrupt relationship with the underworld.
- Phahlane then assisted Moonoo (who was working for Kejcir) in cutting a key state witness loose, to be murdered by Krejcir, by withdrawing police protection.
- Phahalane has appointed a convicted criminal as head of the police in Mpumalanga.
- Phahlane has allowed the appointment of Prince Mokatedi as head of the Hawks in Gauteng. Mokatedi has zero experience and/or training as a police officer and, on 2010-05-05, took it upon himself to lie to the South Gauteng High Court, thereby committing the offence of perjury, whilst pursuing a futile attempt at defending an accused on corruption charges. The appointment of Mokatedi should signal danger for the whole country, and we have Phahlane to blame for this.

17

The criminalisation of the police, is clearly Phahlane's intended course of action, perhaps in the hope that with his hand-picked people in office, he will be insulated from criminal charges himself. South

Africa simply cannot afford any more corrupt heads of police, or incompetent cadre appointments. I record that since 1999, there has not been a single chief of police that has not gone out under a cloud of suspicion of criminal conduct, or even (in the case of Selebi) having been convicted of corruption.

18

The criminalisation of the police would appear to me to be part of a larger more sinister plot, by rogue elements in the State to criminalise the whole of the criminal justice system. By way of example, we have criminal charges being unilaterally dropped against the likes of Jiba and Mrwebi, who clearly deserve to stand trial, whilst Mrwebi and Jiba are setting others up for criminal charges, as part of a purging of the system of good people. By way of example, we have the IPID head suspended on trumped up charges, just before he was about to have a Zuma ally arrested. We have the previous head of the Hawks, brought up on trumped up charges. We have people like General Ntlemenza being appointed in Dramat's position, despite the fact that he is facing prosecution for defeating the ends of justice. Then we have a half-decade long vendetta being waged against the head of Hawks in KZN, apparently to silence him because he had the guts to take on Zuma's crooked friends.

19

I although I fear there will be no proper investigation into Phahlane's conduct, I am opening this docket and reserve the right to go the International Court of Human Rights, in the Hague, if the State once again fail the people of this country.

Corruption in South Africa has almost brought this country to its knees and I will **NOT** stand by and watch this happen any longer. I therefore request an **URGENT** investigation to establish Phahlane's source of cash, for his extravagant lifestyle.

Prior to me signing this statement, I have carefully read through it and am satisfied that the facts are correctly and accurately recorded. The following questions were put to me in person by the commissioner of oaths and I entered the answers thereto in my own handwriting:

'Do you know and understand the contents of this statement?'

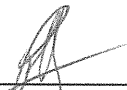
Yes

'Do you have any objection to taking the prescribed oath?'

No

'Do you consider the prescribed oath binding on your conscience?'

Yes

  
Paul O'Sullivan

I certify that the deponent has acknowledged that he knows and understands the contents of this statement which was sworn to before me and the deponent's signature was placed thereon in my

presence at Gallo Manor

on 25 day of February, 2016

  
Modiba N. D.  
714671  
Commissioner of Oaths

le 2016-02-25 op 20 Jan 2016 om 14:55  
at Modiba N. D.  
(HANDTEKENING KOMMISSARIS VAN EDE  
(SIGNATURE) COMMISSIONER OF OATHS  
Modiba N. D.  
VOLLE VOORNAAM EN VAN IN DRUKSKRIF  
FULL FIRST NAMES AND SURNAME IN BLOCK LETTERS  
Bowling Road Gallo  
BESIGHEIDSADRES (STRAATADRES)  
BUSINESS ADDRESS (STREET ADDRESS)  
Statement Paul O'Sullivan 2016-02-25 (initial here)  
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