

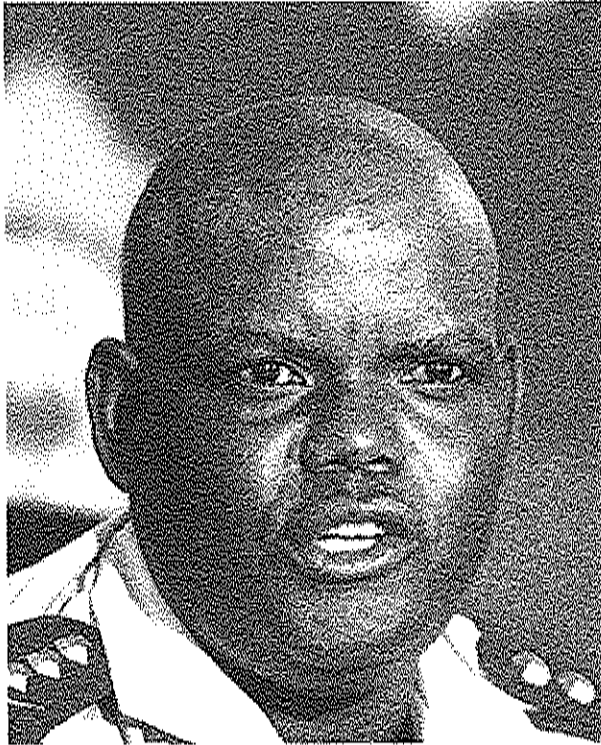
Cops vs cops

'POS-1'

2017-05-14 06:22

Abram Mashego

City Press



Khomotso Phahlane

Acting National Police Commissioner Khomotso Phahlane could soon find himself in the dock on charges of corruption, money laundering and defeating the ends of justice.

Phahlane is said to be under investigation for possible contravention of the Prevention of Organised Crime Act, relating to more than R1 million in "gratuities" he received from a Pretoria car dealer.

City Press has learnt that a senior commercial crimes court prosecutor was recently assigned to police watchdog the Independent Police Investigative Directorate (Ipid) to provide prosecutorial guidance.

Senior sources from Ipid and the National Prosecuting Authority (NPA) told City Press that the aim was to consolidate all the charges against Phahlane before the matter could be placed on the court roll.

The top cop is already in hot water for enjoying a questionable relationship with a supplier during his tenure as divisional commissioner for forensic services. It was through this supplier that he allegedly bought an R80 000 sound system for his palatial home in Sable Hills Waterfront Estate in Pretoria.

He also allegedly paid contractors working on his house in bags of cash from the boot of his car.

Faces charges

A handwritten signature or set of initials in the bottom right corner of the page, possibly reading 'A. Mashego'.

Phahlane may also face charges of defeating the ends of justice after Ipid investigators tasked with probing him received death threats via SMS.

Phahlane, however, denies any wrongdoing and has launched a court application in the High Court in Pretoria, seeking to interdict Ipid from investigating him.

As the net closes in on Phahlane, City Press has also learnt that the Asset Forfeiture Unit (AFU) has begun a process to attach assets of his, worth R1 million – the amount which it believes he accrued by corrupt means.

A senior NPA official, based at the unit, said: "That process is at an advanced stage."

The official said the AFU case was "not dependent on the criminal case, which is currently being investigated by Ipid", adding that the Ipid probe was "being led by the office of the North Gauteng director of public prosecutions, Advocate Sibongile Mzinyathi".

The official said most of the investigation work had been completed, but they wanted to obtain a few more statements before they could launch the preservation application at the North Gauteng High Court.

AFU application

City Press has seen some of the documents which form the basis of the AFU application.

The statements include one from suspended National Police Commissioner Riah Phiyega, who allegedly told investigators that while she was commissioner, Phahlane did not disclose any sponsorships or business interests he had outside of his SA Police Service (SAPS) employ.

Ipid investigator Mandla Mahlangu also made a statement in which he detailed how Phahlane bought and sold cars to businessman Durand Snyman, who owned Prima InspectaCar in Wonderboom in Pretoria – including a Land Rover Discovery, a Mercedes-Benz C250 Elegance, a Nissan Navara, a Toyota Hilux and a Volkswagen Polo.

Sources within Ipid told City Press that Mahlangu detailed how Phahlane sold second-hand cars to the dealership at vastly inflated prices and how Snyman allegedly also gave Phahlane a "sponsored" vehicle, registered in Phahlane's name.

"Snyman made a substantial loss on all the vehicles he transacted on. This was not the behaviour of a reasonable businessman ... Both Snyman and Phahlane have hidden the transactions from scrutiny. Phahlane also failed to disclose the vehicles or financial benefits he received to his employer," one statement made by Mahlangu read.

Phahlane, the documents say, allegedly made more than R1 million off the deals, and Snyman told investigators he did this with a view to conducting a future business relationship with Phahlane.

"In my experience as an investigator, I have yet to hear of a businessman providing another businessman with cash or vehicles worth more than R1 million with a view to a future business relationship at some indefinite time in the future," one of Mahlangu's statements read.



Snyman's lawyer, Christoff Loch, said his client has responded to Ipid questions and was waiting for their feedback.

"For now, we do not see it prudent to litigate in the media," he said.

Snyman has publicly denied having a corrupt relationship with Phahlane.

Meanwhile, Phahlane is not going down without a fight.

Summonses

City Press has seen summonses for two Ipid investigators probing Phahlane to appear in the Pretoria Regional Court on May 30.

The two, namely Mahlangu and Temane Binang – together with forensic investigator Paul O'Sullivan and attorney Sarah Jane Trent – face charges of fraud, extortion and conspiracy to contravene the Ipid Act.

According to the summonses, the four are accused of having accessed confidential files containing information about Phahlane's Pretoria home.

One of the SAPS detectives on the case has also laid charges of intimidation against Ipid head Robert McBride.

The showdown between Ipid and the SAPS leadership is expected to continue in Parliament on Tuesday, when Phahlane is expected to be grilled about the alleged interference in Ipid's work by police officers.

NPA spokesperson Luvuyo Mfaku said: "As a matter of policy, the NPA does not comment on whether asset forfeiture proceedings are being contemplated, will be initiated or whether indeed they have been initiated against any person(s) or entity(ies). We can only comment on asset forfeiture proceedings once an application either for restraint, preservation or forfeiture has been lodged with the registrar of the high court."

Mfaku said any criminal matter involving Phahlane would require the authorisation of National Director of Public Prosecutions Shaun Abrahams.

"The national director has not been requested to authorise any matter involving the national commissioner," he said.

The NPA has confirmed that it has summoned two Ipid officials to appear in court on May 30.

Phahlane's spokesperson, Sally de Beer, said the matters remained subject to investigation.

On record

"The acting national commissioner is on record as having stated more than once that he will cooperate with any competent authority conducting an investigation in good faith," said De Beer.

"Any responses to be provided will be done so through the courts.



"It is common knowledge that there will be an appearance before the portfolio committee on police this Tuesday in connection with certain allegations made relating to interference in investigations.

"Should there be any truth to the information contained in your enquiry, it is concerning that yet again, information has been leaked to the media."

Ipid spokesperson Moses Dlamini said: "Ipid is quite concerned about the interference by senior police officers. It means that they believe themselves to be above the law.

"If such conduct is allowed to continue, no senior police officer will ever be investigated – no matter how serious the allegations against them – because they will simply assemble their own private army of goons to undermine investigations against their masters," he said.

"This kind of conduct is an attack on our Constitution and the rule of law by people who are supposed to respect the laws of our country."

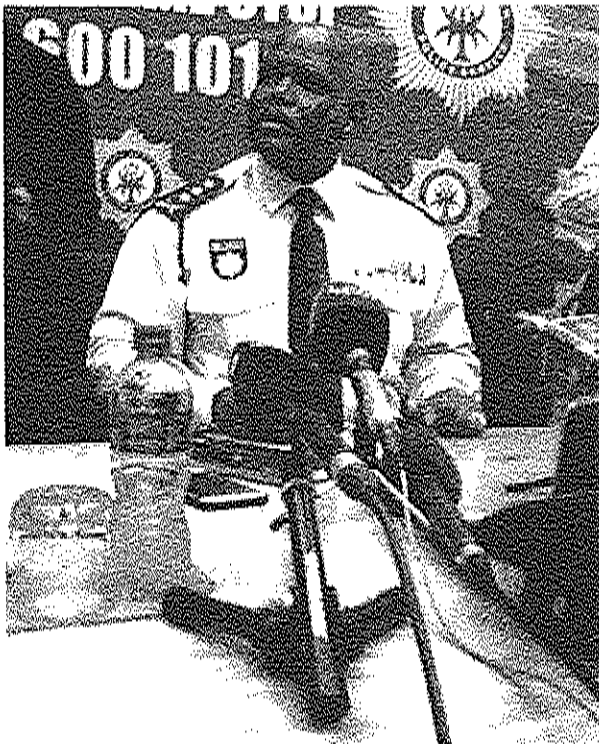
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<http://www.news24.com/SouthAfrica/News/exclusive-ipid-orders-police-boss-to-stay-away-from-investigations-20170524>

EXCLUSIVE: IPID orders police boss to stay away from investigations

2017-05-24 14:17

Angelique Serrao, News24



Acting National Police Commissioner Khomotso Phahlane. (Amanda Khoza, News24)

Johannesburg - Police watchdog IPID has demanded that the acting police commissioner stay away from any investigation involving its officers.

In a letter of demand sent to Lieutenant-General Khomotso Phahlane, IPID alleges that he used his position to illegally obtain documents related to their investigation against him, and to which a suspect is not supposed to have access.

The Independent Police Investigative Directorate makes the following demands in the letter:

- That Phahlane stay away from any investigation by the SAPS into IPID officials;
- that he ensure no police officers facing an IPID investigation become involved in any counter-investigation into IPID officials;

- that the North West detective team ceases investigating IPID officers immediately;
- that the case be handed to a police officer not under investigation by IPID or who reports to an officer who is under investigation by IPID.
- the police watchdog wants all communication relating to the assignment of the case to the North West police detective team for investigation, to be disclosed.

The letter, sent by law firm Adams & Adams on behalf of IPID was sent to Phahlane and the provincial commissioners for Gauteng and North West, on May 12.

READ: IPID recommends that Phahlane be suspended

Corruption case

Mahlangu and Binang are the lead investigators in corruption and defeating the ends of justice cases against Phahlane.

They have been charged and summoned to appear in court at the end of May, following a criminal case Phahlane opened earlier this year.

Phahlane alleged in the case that forensic investigator Paul O'Sullivan and his assistant Sarah Jane Trent pretended to be IPID officers when they visited the Sable Hills Estate, where Phahlane lives, as part of Mahlangu's and Temane's investigation.

O'Sullivan and Trent have denied the allegations.

The letter outlines the legal steps Phahlane has taken in retaliation against the IPID investigation against him.

In February, he instituted civil proceedings against the IPID's executive director and other parties (including O'Sullivan and Trent).

In this case, Phahlane sought to review and set aside the search warrant issued as part of the IPID investigation.

According to the letter, even though Phahlane was acting in his personal capacity in the proceedings, it was obvious from the documents exchanged that he "gained access to confidential documentation" that formed part of the IPID's criminal investigation into him.

READ: IPID responds to top cop Phahlane with more financial revelations

Civil proceedings

One of these documents was an application Mahlangu made in terms of section 205 of the Criminal Procedure Act to gain access to Phahlane's bank accounts.

"You should not be in possession of the section 205 application in relation to you and you should not have relied on its contents in the civil proceedings," the letter reads.

"You gained access to the section 205 application unlawfully and, in doing so, you have interfered with IPID's investigation.

"It appears that by virtue of your position as acting national police commissioner you are able to access documents relating to a criminal investigation into you, and to place reliance thereon in litigation in your private capacity. That not only undermines the public's trust in your office, but in the South African Police Service as a whole."

In addition to the civil proceedings, Phahlane opened a criminal case against the IPID investigators in January. O'Sullivan and Trent were arrested and charged in the case.

IPID investigators Mahlangu and Binang were informed of the criminal investigation against them in April 2017, when Brigadier Pharasa Ncube, the head of the North West commercial crimes unit, called them, the letter explains.

They met Ncube, Lieutenant-Colonel Mqaba and Captain Molathlegi to discuss this investigation.

On May 9, the IPID officials were summoned to appear in the Pretoria Regional Court on May 30 on various charges related to their case.

At the meetings, the investigators expressed concern that the criminal investigation was being conducted by North West police officers. They asked why the investigation was transferred from Gauteng to North West.

Conflict of interest

Ncube declined to answer the question, according to the letter.

"A further, fundamental, difficulty arises from the investigation of the criminal case by Brigadier Ncube because he himself is the subject of criminal investigations by the IPID."

Ncube, Mqaba and Molathlegi are members of the North West detective squad under the command of Major-General Ntebo "Jan" Mabula, who has been involved in politically-motivated arrests in the past.

"Not only Major-General Mabula, but at least seven other members of his team (Kutumela, Dawood, Kgorane, Dube, Mokoena, Manamela) are currently the subject of IPID investigations."

These relate to six case of assault GBH (torture) as well as one case of torture and murder, according to the letter.

Binang is personally involved in investigating two of the cases.

"In the circumstances, Binang is now the subject of an investigation by members of the North West Detective Squad who are themselves subject to investigations that are being conducted by Binang."

The law firm said this is a conflict of interest and affects the IPID officials' basic right to a fair and transparent investigation. The situation is inimical to IPID's constitutionally-protected independence and execution of its mandate.

"Put plainly, if IPID investigators investigating police officers are not shielded from the risk of being investigated by the very persons who they are investigating, they will have to operate under a real or, equally significant, a perceived threat of retribution."

The existence of such a perceived or real threat is not permitted in law, the letter reads.

Phahlane was given until May 15 to respond, failing which Adams & Adams would approach the High Court.

Police spokesperson Major-General Sally de Beer said SAPS would not respond to News24's questions on the letter.

"We respect the fact that this matter is before the courts of law and is still the subject of on-going investigations. It is a pity that information has yet again been leaked to the media."

Handwritten signature and initials in the bottom right corner of the page.

O'Sullivan v The State v O'Sullivan - Snap-shot on a single page How the Criminal Justice System was 'Captured' by Criminals

The Protection-Squad	Squad Associates	Other 'victims' of Protection Squad
<u>Dockets opened by O'Sullivan against:</u> Lt General Phahlane Lt General Ntlembeza Lt General (now retired) Moonoo Lt General (suspended) Mdluli Major General (fired) Mabasa Major General Mokotedi Adv. Nomgcobo Jiba Adv. Lawrence Mrwebi Adv. Sello Maema Adv. Mlotshwa <u>For one or more of the following offences:</u> Corruption, Perjury, Racketeering, Defeating the Ends of Justice, Torture	<u>Dockets opened by O'Sullivan against:</u> 1 Peggy Padayachee 2 Jen Chi Huang 3 Yusuf Cajee 4 Dudu Myeni 5 Lucky Moritana 6 The Bhana family 7 Radovan Krejcir NB: See numbering for offences and associations below <u>For one or more of the following offences:</u> Corruption, Racketeering, Fraud, Money Laundering, Defeating the Ends of Justice, Racketeering	<u>Fake dockets by 'Protectors' against:</u> Robert McBride Mathews Sesoko Captain B Ramahlaha Col C Moonsamy Anwa Dramat Shadrack Sibiya Johan Booysens Glynis Breytenbach Pravin Gordhan IPID IPID SAPS (whistle blower) SAPS (whistle blower) HAWKS - RSA HAWKS - GP HAWKS - KZN DA (previously NPA) Minister of Finance <u>Why were the 'victims' targeted?</u> ALL of the above (except Booysens, Breytenbach and Gordhan) were assisting O'Sullivan, with cases he had opened against the Zuma Family Associates and the Zuma Protection-Squad Booyens, Breytenbach and Gordhan targeted certain known Zuma Associates (Mdluli, Mrwebi, Jiba, Panday, Myeni)

Numbering Associations in Respect of Dockets Opened by O'Sullivan Against Known Zuma Associates:

No.	Alleged Offences	Associations
1	Money laundering, (Al-Qaeda Associates) extortion, corruption	Moonoo, Krejcir, Al-Qaeda links, Drug Traffickers
2	Murder, counterfeit goods, money laundering, corruption	Moonoo,
3	Tobacco Smuggling, money laundering, corruption	Moonoo,
4	Fraud, corruption, money laundering	
5	Fraud, corruption, money laundering	
6	Fraud, corruption, money laundering	Moonoo, Khulubuse Zuma
7	Murder, fraud, corruption, money laundering	Moonoo, Padayachee (see 1 above), Mdluli
NB	Phahlane, Ntlembeza, Mokotedi, Jiba, Mrwebi are ALL protecting Moonoo, Mdluli, Krejcir and others	

'POS-4'

From: Paul O'Sullivan

Sent: 15 March 2016 06:00 PM

To: 'MulaudziH@saps.gov.za'

Cc: PhahlaneK@saps.gov.za; sitholej@saps.gov.za; 'tshikat@saps.gov.za'; taioeno@saps.gov.za;

Ikgamanyane@ipid.gov.za; moonooov@saps.gov.za; 'Tom Winnifrith'

Subject: FW: PRAVIN GORDAN'S NO-KNOWLEDGE OF LETTER IS MISLEADING

Attached:  Decision to prosecute mcb and 2 others.pdf (145 KB);  Complete Warning Statement - I. Khuba 3 03 2016.pdf (350 KB)

Mulaudzi,

I would have hoped that Bokaba's replacement would have been an ethical person.

I'm going to cut straight to the chase, after reading the disgusting diatribe replete with invective, lies and spin-doctoring, that you have set out below, my hope are dashed. First of all, we all know that it's a witch-hunt, at tax-payer expense and distracting the real police from the real job of putting crooks behind bars. The criminal cases of defeating the ends of justice in the IPID cases, will follow, just as soon as I can get the docket prepared. That will also be lodged with IPID, for them to hid in a dark room somewhere.

You should be ashamed of yourself for producing such unadulterated garbage, aimed at intimidating a respectable Minister.

I have today started a process that will see Ntlemeza go to prison and spend a very long time there. There will be a lot of other dirty cops joining him there. Of this I am 100% certain.

A lot of good people paid the ultimate sacrifice for our country to be free and democratic, and I (along with 45 million other South Africans) do not take kindly to rubbish like Ntlemeza, Zuma and the Gupta's (collectively Zupta's) destroying that democracy, to keep a crooked president out of prison. Namely Zuma. And you, you choose to propagate their disgraceful crimes by helping them.

And I, a considerable taxpayer, do not appreciate that my taxes are being wasted on the rubbish being produced by low-ethics people like you, to prop up a criminal assault on Treasury, NPA, SAPS, SAA, Dube Tradeport; and, and, and..... Where the Zupta's have all but taken over.

I shall leave no stone unturned (and no cost will be spared) to put those that are busy criminalising the criminal justice system, (to protect corrupt politicians and their lackeys) behind bars where they so rightfully belong.

All the appointments that are criminalising the criminal justice system **WILL** be set aside.

STOP ME IF YOU CAN!

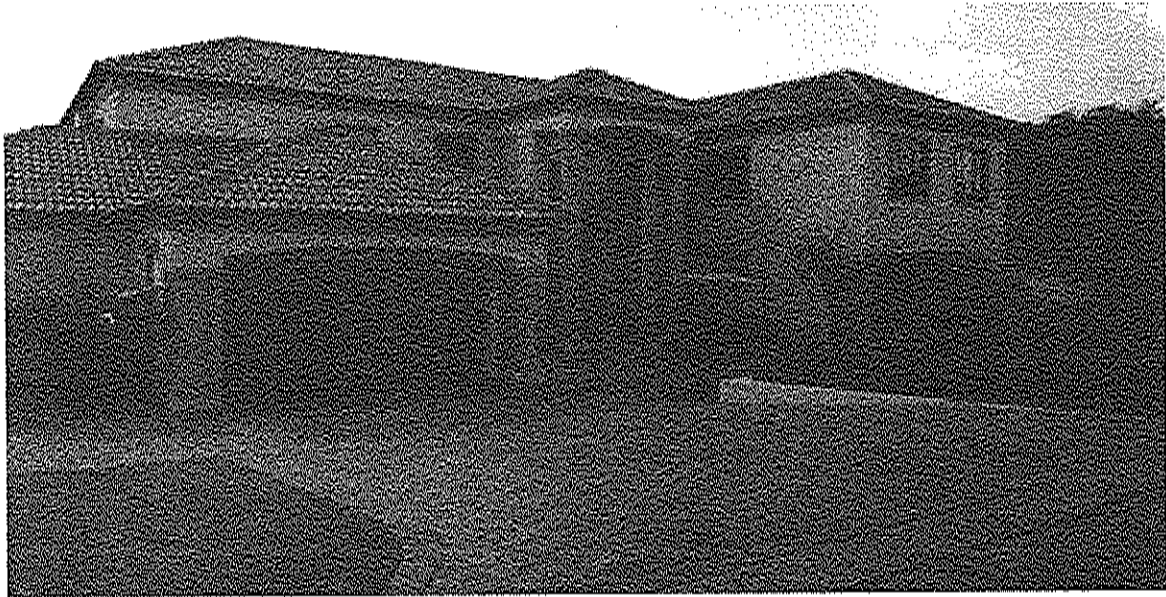
Phahlane,

Before you start taking sides, remember that you are the one that has worked so hard to protect the crooked cop Moonoo, who is on the payroll of Krejcir and many other mafia king-pins, many of them with Zupta connections. You are also the one that has forced me to spend over R100k per month to



protect a key state witness, that dirty cops, on your payroll, led by Moonoo are trying to have murdered, so that Krejcir can get a leg-up.

Before I forget Phahlane, I wanted to ask you, where the money came from to build this mansion in Sables Hills Waterfront Estate? I've got a copy of the title deeds, and bond details. As I see ti, you had spare cash of between R3m and R5m. Did you win the lottery?



I opened a case about this house, with IPID, but to date they have not even acknowledged my complaint, and have refused to return my e-mails enquiring on the progress. No doubt also nobbled by the Zuptas, just like SAA, Dube Tradeport, Treasury, SARS, NPA, Hawks and SAPS. If you've got nothing to hide, tell me who built, it and where the cash came from, as a R2.2m bind did NOT buy the land and build that house.

Guess what you cannot do? You cannot stop freedom of speech. People died for that, and dirty cops cannot stop it.

If it takes a ratings downgrade for South Africa to kick things into gear, then I guess we better take the downgrade.

One thing's for sure, I'm meeting in Whitehall on 2016-04-04 and I will hand a detailed report of the levels of corruption that this country has sunk to, with a request that it be shared globally, and this rot can be brought to a halt, by targeting the Zupta's and his dirty generals.

Remember, DON'T even dream of sending dirty cops to raid me like was done by that crook Moonoo last year, I will tear into you all, like a rabid dog.

My methods may be unorthodox, but given I am fighting corrupt state machinery with deep pockets, I will resort to tactics designed to win, rather than make friends.

Watch this space!

From: Media Centre
Sent: 15 March 2016 02:06 PM

[Handwritten signature]

To: SAPS All E-Mail Users - New

Subject: PRAVIN GORDAN'S NO-KNOWLEDGE OF LETTER IS MISLEADING

MEDIA STATEMENT FROM THE SOUTH AFRICAN POLICE SERVICE DIRECTORATE FOR PRIORITY CRIME INVESTIGATION (HAWKS)

TO: ALL MEDIA

DATE: 15 MARCH 2016

PRAVIN GORDAN'S NO-KNOWLEDGE OF LETTER IS MISLEADING

PRETORIA – The Directorate for Priority Crime Investigation (DPCI), commonly known as the Hawks, has noted with concerns the utterances by the Minister of Finance Mr Pravin Gordhan that he was not aware of the letter sent to him, detailing the 14th March 2016 at 16:00 as his deadline for answering questions sent to him.

The Hawks do not engage people on public space but the Minister has left us no choice but to clear the air, set the record straight and restore public's trust on us as an elite crime fighting unit.

On 19 February 2016 the National Head of the Hawks Lieutenant General Mthandazo Ntlembeza sent a letter to Mr Pravin Gordhan. The letter contained questions which the Minister had to answer on or before 16:00 on 1 March 2016, so that we could continue with our investigations into the alleged rogue unit at SARS.

The minister received the letter, but instead of providing us with answers he sent us a written response via his legal representatives, Gildenhuis Malatji Attorneys.

In the letter the minister requested more time to answer questions, saying by the time he received the questions he was busy preparing the budget speech. The letter from his attorney was received by this office on 1 March 2016, approximately an hour before his 16:00 deadline.

In the letter from his attorney, the minister did not mention how much time he needed to answer the questions, and as a result another letter was written to his attorneys on 3 March 2016.03.15

The letter it was received, stamped and the acknowledgement of receipt was signed by one Josephine at the reception desk of Gildenhuis Malatji Attorneys at 08:40.

We find it very disturbing when the minister is adamant that he never saw a letter with 14 March 2016 as his SECOND deadline to answer questions.

This office also received a letter from his attorneys dated 07 March 2016, acknowledging the receipt of our letter with the 14 March as his new deadline. The letter also stated that the minister had left the country to the USA and the UK, saying the "imposed deadline of 14 March 2016 was not achievable and that the minister would be able to respond as soon as he returned from overseas".

We would also like to mention that the minister, through the letter from his attorneys, questioned the authority of the National Head of the Hawks and was duly referred to the powers of the DPCI in

Chapter 6A of the South African Police Service Act.

As for the minister suggesting that the Hawks had leaked the letters and should call a press conference and talk about the matter at hand, we would like to set the record straight as well, that had the minister, like any law-abiding citizen, complied with our letter and provided answers, we would not be where we are today.

This is neither a talk-show nor a soapie. We are mandated to investigate without fear, favour or prejudice and there is nowhere in the constitution wherein calling a press conference has been mentioned as another means of conducting investigations.

The minister, for whatever reasons, has failed to meet the SECOND deadline for answering questions and our legal team are forging a way forward which will see the Hawks exercising our constitutional powers.

The investigations will not be stalled by an individual who refuses to comply with the authorities and demand a preferential treatment.

No further comments will be made on this matter.

/Ends

Brigadier Hangwani Mulaudzi – 082 373 2408



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15/11/16

Police

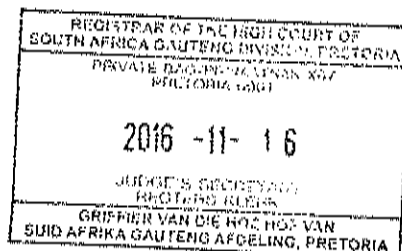
'POS-5'

IN THE HIGH COURT OF SOUTH AFRICA
(GAUTENG DIVISION, PRETORIA)

CASE NO. 75378/16

In the matter between:

PAUL O'SULLIVAN



APPLICANT

and

NATIONAL DIRECTOR OF PUBLIC PROSECUTIONS

1ST RESPONDENT

MINISTER OF JUSTICE & CORRECTIONAL SERVICES

2ND RESPONDENT

MINISTER OF POLICE

3RD RESPONDENT

LT-GENERAL KHOMOTSO PHAHLANE

4TH RESPONDENT

LT-GENERAL BERNING NTLEMEZA

5TH RESPONDENT

MAJOR-GENERAL PRINCE MOKOTEDI

6TH RESPONDENT

ADVOCATE SELLO MAEMA

7TH RESPONDENT

ADVOCATE JABULANI JACOB

MLOTSHWA

8TH RESPONDENT

WARRANT OFFICER JOSHUA JACOBUS VLOK

9TH RESPONDENT

DRAFT ORDER OF COURT

HAVING read the papers filed of record, and by agreement between the parties (but without any admission of liability, and in particular without admission that the applicant is entitled to any relief in relation to Part A), an order in the following terms issues in relation to Part A of the application:

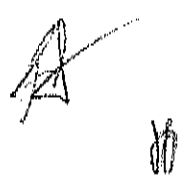
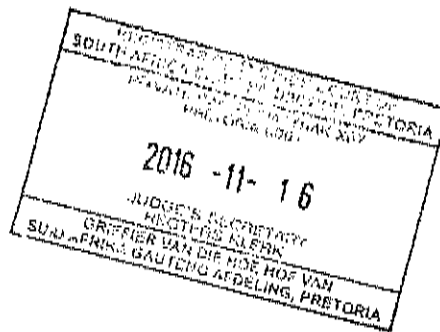
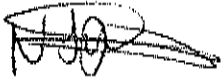
1. In any matter, including the charges being investigated under Pretoria Central CAS 380/4/2016, where the First Respondent has taken a decision to prosecute the Applicant and where a warrant of arrest has been obtained for the arrest of the Applicant, the 3rd, 4th 5th and 6th respondents undertake to afford the Applicant 48 hours' notice to present himself at a designated Police Station
2. In any other matter where the First Respondent has made a decision to prosecute the Applicant, the 3rd, 4th, 5th and 6th Respondents undertake that the applicant will be brought to court by way of summons.
3. In any other matter where the determination is made that the arrest of the Applicant is necessary, the 3rd, 4th, 5th and 6th Respondents undertake to afford the Applicant 48 hours' notice to present himself at a designated Police Station.



4. Part B is postponed *sine die*;
5. The costs of the Part A application are reserved for later determination.

BY THE COURT

REGISTRAR



Σ: E-0112

NPA

15/11/16

'POS-6'

IN THE HIGH COURT OF SOUTH AFRICA
(GAUTENG DIVISION, PRETORIA)

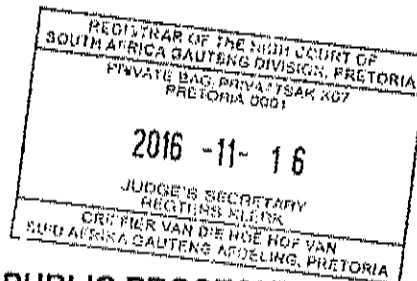
CASE NO. 75378/16

In the matter between:

PAUL O'SULLIVAN

APPLICANT

and



NATIONAL DIRECTOR OF PUBLIC PROSECUTIONS

1ST RESPONDENT

MINISTER OF JUSTICE & CORRECTIONAL SERVICES

2ND RESPONDENT

MINISTER OF POLICE

3RD RESPONDENT

LT-GENERAL KHOMOTSO PHAHLANE

4TH RESPONDENT

LT-GENERAL BERNING NTLEMEZA

5TH RESPONDENT

MAJOR-GENERAL PRINCE MOKOTEDI

6TH RESPONDENT

ADVOCATE SELLO MAEMA

7TH RESPONDENT

ADVOCATE JABULANI JACOB

MLOTSHWA

8TH RESPONDENT

WARRANT OFFICER JOSHUA JACOBUS VLOK

9TH RESPONDENT

11

DRAFT ORDER OF COURT

HAVING read the papers filed of record, and by agreement between the parties (but without any admission of liability, and in particular without admission that the applicant is entitled to any relief in relation to Part A), an order in the following terms issues in relation to Part A of the application:

1. The first respondent will undertake a review (pursuant to the request made by the applicant), in accordance with the provisions of section 179(5)(d) of the Constitution of the Republic of South Africa, Act 108 of 1996, as read with section 22(2)(c) of the National Prosecuting Authorities Act 32 of 1998 (**"the review provisions"**) of the decision to prosecute in the following matters:
 - 1.1. Kempton Park CAS 679/3/215;
 - 1.2. Rosebank CAS 47/5/2016;
 - 1.3. Bramley CAS 414/04/2016.
2. Such review will be conducted in accordance with the standard procedure currently adopted by the first respondent (**"the standard procedure"**), and

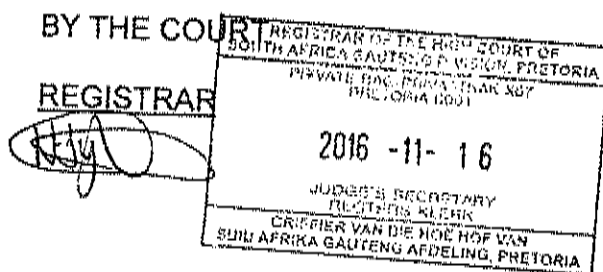


pursuant to such written representations as the applicant shall make in writing.

3. To the extent that any decision is made to prosecute the applicant in respect of the below mentioned cases, then and in that event, such decision will first be referred to the Acting Special Director of Public Prosecutions: PCLU, Dr Pretorius SC, who shall be required to approve the decision to prosecute therein prior to the issue of any charges against the applicant:
 - 3.1. Pretoria Central CAS 380/4/2016;
 - 3.2. Johannesburg Central CAS 755/5/2014;
 - 3.3. Alberton CAS 799/11/2013;
 - 3.4. Midrand CAS 867/06/2016.
4. Should the Acting Special Director of Public Prosecutions: PCLU, approve the issue of charges against the applicant, then and in that event the first respondent will, if requested to do so in writing and after the receipt of written representations from the applicant, engage in a review of the decision to prosecute in accordance with **the review provisions**, and in accordance with **the standard procedure**.



5. The parties record that, to the extent that any such review culminates unfavourably for the applicant, the first respondent may then, in his sole and absolute discretion, determine whether any such prosecution ought to be conducted by an alternative prosecutor (to wit by a prosecutor other than the prosecutor that made or makes the determination to prosecute): Provided that nothing in this paragraph shall preclude the applicant from instituting fresh proceedings if so advised.
6. Part B is postponed *sine die*;
7. The costs of the Part A application are reserved for later determination.



IN THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION, PRETORIA

'POS-7'

75378/16

Case No:

In the matter between:

PAUL O'SULLIVAN

Applicant

and

NATIONAL DIRECTOR OF
PUBLIC PROSECUTIONS

First Respondent

MINISTER OF JUSTICE AND
CORRECTIONAL SERVICES

Second Respondent

MINISTER OF POLICE

Third Respondent

LT-GENERAL KHOMOTSO PHAHLANE

Fourth Respondent

LT-GENERAL BERNING NTLEMEZA

Fifth Respondent

MAJOR-GENERAL PRINCE MOKOTEDI

Sixth Respondent

ADVOCATE SELLO MAEMA

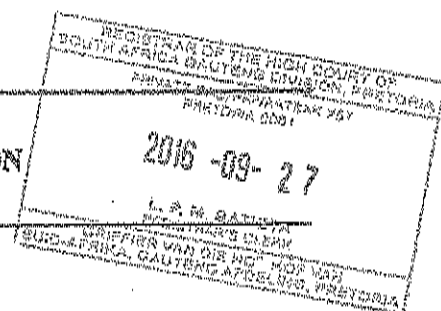
Seventh Respondent

ADVOCATE JABULANI MLOTSHWA

Eighth Respondent

WARRANT OFFICER JOSHUA JACOBUS VLOK Ninth Respondent

NOTICE OF MOTION



Part A

TAKE NOTICE that the Applicant intends making a semi-urgent application to the above honourable Court on Tuesday, 15 November 2016 at 10:00 am or as soon thereafter as counsel may be heard, for an Order in the following terms:

1. Dispensing with the forms and manner of service provided for in the Uniform Rules of Court and disposing of Part A by way of urgency in terms of Rule 6(12).
2. Save for OR Tambo CAS 6/4/2014, the Sixth, Seventh, Eighth and Ninth Respondents or any functionaries under their authority or control are hereby temporarily interdicted from supervising, conducting or participating in, whether it be directly or indirectly, any criminal investigation or prosecution of the Applicant pending the final determination of Part B.
3. The order in prayer 2 relates to not only future cases but also existing cases that have already been opened including:
 - 3.1. Kempton Park CAS 679/3/2015;
 - 3.2. Pretoria Central CAS 380/4/2016;
 - 3.3. Johannesburg Central CAS 755/5/2014;
 - 3.4. Alberton CAS 799/11/2012;
 - 3.5. Rosebank CAS 47/5/2016;
 - 3.6. Midrand CAS 867/6/2016;
 - 3.7. Bramley CAS 414/04/2016.
4. Those Respondents that oppose the relief are to pay the Applicant's costs subject to the proviso that *de bonis propriis* costs are ordered against the Sixth, Seventh, Eighth and Ninth Respondents specifically in the event of them opposing.



5. The Applicant is entitled to supplement his founding affidavit after Part A is heard and prior to Part B being heard.
6. Further and/or alternative relief.

TAKE NOTICE that the affidavit of Paul O'Sullivan, annexed hereto, will be used in support of the relief sought in Part A.

TAKE NOTICE that the applicant appoints, as its attorneys of record, Darryl Furman & Associates, Reference: Mr Darryl Furman (telephone number: 011 447 7747) c/o his Pretoria correspondent Ground Floor, Brooklyn Forum, 259 Lynnwood Road, Pretoria for the purposes of accepting service of all process in this matter.

TAKE NOTICE FURTHER that if the Respondents intend opposing Part A of this application they are required:

- (a) to deliver notice to the Applicant's corresponding attorney (at the above-named address in Pretoria) within 5 days of service, indicating that they intend to oppose and shall in such an event appoint an address within 15 kms of the office of the Registrar at which they will accept notice and service of all process in these proceedings; and
- (b) to deliver answering affidavits in respect of Part A within 15 days of delivering their notice of intention to oppose.

Part B

TAKE NOTICE that the Applicant will make application to the above honourable Court on a time and date to be determined for an order in the following terms:

1. The order in paragraphs 2 and 3 of Part A is hereby made final.

2. Those Respondents that oppose the relief are to pay the applicants costs subject to the proviso that *de bonis propriis* costs are ordered against the Sixth, Seventh, Eighth or Ninth Respondents specifically in the event of them opposing.
3. Further and/or alternative relief.

TAKE NOTICE that the affidavit of Paul O'Sullivan, annexed hereto duly supplemented if necessary after Part A has been determined, will be used in support of the relief claimed in Part B.

TAKE NOTICE FURTHER that in the event of this honourable Court granting the relief sought in paragraphs 2 and 3 of Part A, the Respondents that wish to oppose that relief from being made final by the granting of paragraph 1 in Part B are required to deliver:

- (a) a notice to the Applicant's attorney (at the above-named address) within 5 days of the order in Part A being granted, indicating that they intend to oppose and shall in such an event appoint an address within 15 kms of the office of the Registrar at which they will accept notice and service of all process in these proceedings; and
- (b) answering affidavits in respect of Part B within 15 days of delivering their notices of intention to defend.

TAKE NOTICE FURTHER that the applicant appoints, as its attorneys of record, the same Darryl Furman & Associates, Reference: Mr Darryl Furman (telephone number: 011 447 7747) c/o the same corresponding attorney named in Part A, namely Ground Floor, Brooklyn Forum, 259 Lynnwood Road, Pretoria for the purposes of accepting the service of all process in Part B.

Dated at Johannesburg on 26 September 2016

(sgd D FURMAN)

Darryl Furman & Associates
Applicant's Attorneys
Ref: D FURMAN/TD/3690
Illovo Chambers
4 Fricker road
Illovo
JOHANNESBURG
E-mail: darryl@furmanlaw.co.za
Tel: (011) 447-7787
Fax: (011) 268-0472

C/O MORRIS POKROY ATTORNEYS
Ground Floor, Brooklyn Forum
259 Lynnwood Road
Brooklyn
PRETORIA
Tel: (012) 362-2631

TO: The Registrar of the High Court
PRETORIA

AND TO: National Director of Public Prosecutions
First Respondent
VGM Building (Corner Westlake & Hartley)
123 Westlake Avenue
Weavind Park
Silverton
PRETORIA
Service per Sheriff

AND TO: Minister of Justice and Public Prosecutions
Second Respondent
C/o The State Attorney, Pretoria
SALU Building
28th Floor



316 Thabo Sehume Street
PRETORIA

AND TO: Minister of Police
C/o The State Attorney, Pretoria
SALU Building
28th Floor
316 Thabo Sehume Street
PRETORIA
Service per Sheriff

AND TO: Lieutenant-General Khomotso Phahlane
Fourth Respondent
Wachthuis Building
231 Pretorius Street
756-7th floor
PRETORIA
Service per Sheriff

AND TO: Lieutenant-General Berning Ntsemeza
Fifth Respondent
1 Promat Building
Creswell Street
Silverton
PRETORIA
Service per Sheriff

AND TO: Major-General Prince Mokotedi
Sixth Respondent
South African Police Services Provincial Office
First Floor
16 Empire Road

Parktown
JOHANNESBURG
Service per Sheriff

AND TO: Advocate Sello Maema
Seventh Respondent
VGM Building (Corner Westlake & Hartley)
123 Westlake Avenue
Weavind Park
Silverton
PRETORIA
Service per Sheriff

AND TO: Advocate Jabulani Mlotshwa
Eighth Respondent
VGM Building (Corner Westlake & Hartley)
123 Westlake Avenue
Weavind Park
Silverton
PRETORIA
Service per Sheriff

AND TO: Warrant Officer Joshua Jacobus Vlok
Office of Major-General Prince Mokotedi
South African Police Services Provincial Office
First Floor
16 Empire Road
Parktown
JOHANNESBURG
E-mail : vlok.kobus@gmail.com
Service per Sheriff & per e-mail



'POS-8'

IN THE HIGH COURT OF SOUTH AFRICA

(GAUTENG DIVISION, PRETORIA)

CASE NR: 75838/16

In the application of:

SARAH JANE TRENT

Applicant

and

THE MINISTER OF POLICE

First Respondent

THE STATION COMMANDER OF THE
KAMEELDRIFT STATION OF THE SOUTH AFRICAN
POLICE SERVICE

Second Respondent

ADV. MM MASHUGA

Third Respondent

MANDLA MAHLANGU, THE INVESTIGATING OFFICER
OF THE INDEPENDENT POLICE INVESTIGATIONS
DIRECTORATE

Fourth Respondent

NOTICE OF MOTION

KINDLY TAKE NOTICE that the Applicant will apply to the above honourable Court at 16:00 on Sunday 12 February 2017 for an order in the following terms:

1. This application is declared to be urgent and non-compliance with the rules pertaining to form, service and time periods are condoned to the extent that it is necessary;
2. The Second Respondent is ordered to forthwith release the Applicant from detention;
3. The First and Second Respondents are ordered to pay the costs of the Applicant;
4. Further and/or alternative relief.

KINDLY TAKE NOTICE that the affidavit of LOUIS TALJARD, annexed hereto, will be used in support thereof.

KINDLY TAKE NOTICE that if any of the Respondents intend to oppose this application they are to give notice to the Applicant's attorneys of record at the following e-mail address: spies@hurterspies.co.za before 12:00 on Sunday, 12 February 2017 and file their answering affidavit, if any, before 15:00 on Sunday, 12 February 2017.

Signed at PRETORIA on this 11th day of February 2017



W SPIES
ATTORNEY FOR THE APPLICANT
HURTER SPIES INC.

IN THE HIGH COURT OF SOUTH AFRICA
(GAUTENG DIVISION, PRETORIA)

CASE NR: 15888/16

In the application of:

SARAH-JANE TRENT

Applicant

and

THE MINISTER OF POLICE

First Respondent

THE STATION COMMANDER OF THE
KAMEELDRIFT STATION OF THE SOUTH AFRICAN
POLICE SERVICE

Second Respondent

ADV. MM MASHUGA

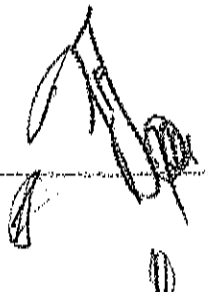
Third Respondent

AFFIDAVIT

I, the undersigned,

LOUIS TALJARD

do hereby make oath and say:



1.

I am an adult male and a practising attorney at Hurter Spies Inc. of 58 Union Avenue, Kloofsig, Centurion, Gauteng.

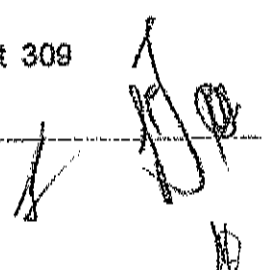
2.

2.1. I bring this application on the direct instructions and oral authority of Sarah Jane-Trent.

2.2 I am able to put the facts upon which the Applicant relies before the honourable Court on the strength of a consultation I had with her at 22:00 – 22:45 on Friday 10 February 2017 and on Saturday 11 February from about 18h00 to 18h45 at the Kameeldrift Police Station. To the extent that the Applicant relies on hearsay evidence, the Applicant asks that it be admitted. There is no other way (taken into account what the freedom of a citizen of the Republic of South Africa is at stake) the Applicant can approach the honourable Court. There is every reason to accept the veracity of what is stated in this affidavit as the truth.

3.

3.1 Sarah-Jane Trent is an adult female, admitted as an attorney of the above honourable Court. She is a citizen of the Republic of South Africa. She is the Applicant in this application. She resides at 309

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Hydro Park, 86 Grayston Drive, Sandton, Gauteng. Her identity number is 840214 0232 08 3;

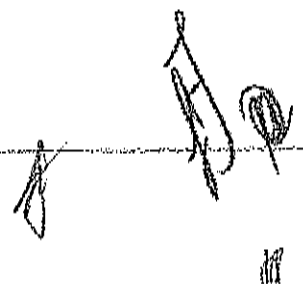
3.2 As a citizen of the Republic of South Africa the Applicant is entitled to protection afforded by Sections 10, 12, 14, 35(1)(f), 35(2)(a) and 35(2)(b) of the Constitution of the Republic of South Africa. All of such rights have been infringed by a series of people in the employ of the First Respondent, some of which are stationed at the Kameeldrift Police Station. I will revert to the above.

3.3 The Applicant is permanently employed as a Forensic and Loss Control Consultant in Sandton, Johannesburg. She and her employer, Mr Paul O'Sullivan laid complaints about alleged corruption with the Independent Police Investigation Directorate (IPID) against the acting national commissioner of police, Lieutenant-General Kgomoetso Phahlane. The matter is currently under investigation by IPID.

The Respondents:

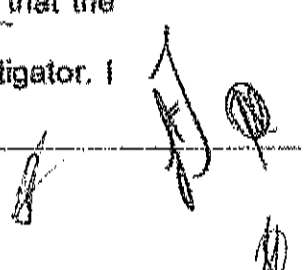
4.

4.1 The First Respondent is The Minister of Police c/o The State Attorney, SALU Building, cnr of Schoeman & Andries Streets, Pretoria;

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4.2 The Second Respondent is The Station Commander of the Kameeldrift Station of the South African Police Service. The Second Respondent is cited in these proceedings by reason of the fact that employees of the First Respondent under the command of the Second Respondent is detaining the Applicant against her will. Also, the Second Respondent is cited by reason of the prayer in the notice of motion that the Second Respondent , be ordered to release the Applicant from custody;

4.4 The Third Respondent is Adv. MM Mashuga, an Advocate in the employ of the Director of Public Prosecutions, Pretoria who is the person that allegedly signed a warrant for the arrest (form J50) of the Applicant. He confirmed that during the course of the telephone conversation at 16:14 on Saturday 11 February 2017. I was privy to such conversation in that I listened to the conversation between the legal representatives of the Applicant and the Third Respondent. The Third Respondent was on speakerphone. I have not been shown the warrant of arrest. Brigadier General Korane refused to disclose the charges or the warrant of arrest to me up until this point in time. His justification for this is that "... my client's attorney had leaked the charges to the media and therefore I must already know what the charges are." This does not make sense as I identified myself as my client's attorney of record. I have not contacted the media in any manner before after the applicant's arrest. During our first consultation on Friday evening after the arrest, the applicant informed me that the charges relate to the offence of impersonating an IPID investigator. I



have not been able to confirm this due to Brigadier General's abovementioned conduct.

Objective:

5

- 5.1 This application is brought in order to obtain an order for the immediate release of the Applicant. It is brought not as an application for bail. It is brought as an interdict *de homine libero exhibendo*. The arrest on consequent detention is unlawful and in conflict with the Constitution set out above. I refer in particular to Section 35(2)(d) of the Constitution. None of the legal requirements for a lawful arrest have been complied with. The Applicant was not:
- 5.1.1 informed of the alleged crime as Brigadier General Korane was not willing to produce the J50 warrant of arrest or verbally disclose the charges
- 5.1.2 granted an opportunity to inform relatives or friends of her where she is detained. (It was only after sustained attempts by myself and her family members and friends that her whereabouts was established);
- 5.1.3 allowed to consult with legal representation from the morning of Saturday 11 February until the evening of 11 February (I was denied access to the applicant regardless of the fact that I



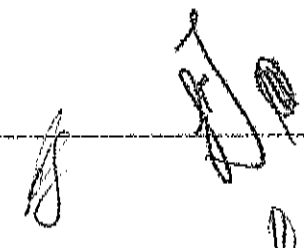
presented my original certificate of admittance. The station officers accepted the same document as proof when I returned on the evening of 11 February).

5.2

The arrest took place on Friday, 10 February 2017 at approximately 16:00. Such fact in itself had put the Applicant at a disadvantage because as a result of such fact the members of the South African Police Service will be entitled to detain her for 24 hours more than would have been the case had the arrest taken place on a Monday or a Tuesday or a Wednesday or a Saturday or a Sunday. I mention this because the Applicant contends that the arrest was aimed at harassing and intimidating her as will be dealt with below. It was not aimed at securing her attendance at Court. The Applicant is a decent citizen that would no doubt have appeared in Court had she been called upon to do so.

5.4

After the arrest, so I was informed, the Applicant was kept in a police motor vehicle for hours on end and in a clearly aimless way. I was furthermore informed that the vehicle was parked at a petrol station in Marlboro, Johannesburg guarded by at least seven heavily armed police men carrying R5 semi-automatic rifles, for more than an hour and then drove off towards Pretoria at a very high speed. She was only brought to the Kameeldrift Police Station during the early evening of 10 February.



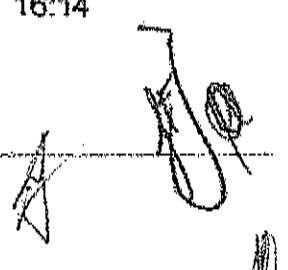
6. Frustration of the Applicant's right to access to legal representation:

6.1

During the period late Friday evening until 14:00 on Saturday 11 February all my attempts to obtain information as to the reason for the arrest and detention of the Applicant was thwarted. Brigadier General Korane, the investigating officer and the officers at the police station was also not willing to inform me who the prosecutor on standby was. I was sent from pillar to post. This was extremely frustrating because the Brigadier General Korane indicated that he and the investigating officer was going to oppose bail and that I should proceed with a prosecutor's bail application. I was eventually able to ascertain who the prosecutor on standby was. I was not assisted by the investigating officer or Brigadier General Korane in this regard. The prosecutor from Cullinan informed me that he will only be willing to grant bail but was only willing to do so if he received authorisation from the state advocate who signed the J 50 warrant of arrest.

7.

There was a turn of events at approximately 15:03 on Saturday 11 February when the legal representatives of the Applicant including myself made contact with the Third Respondent. Following upon such contact there were further telephone conversations with the Third Respondent at 15:16, 16:14 and 17:05.



Further information:

During my consultation on Friday evening the Applicant:

2.2. informed me that her cell phone was confiscated by the South Africa Police Service. She also was not allowed to make contact with the outside world;

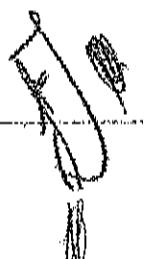
2.3. instructed me as is reflected in a manuscript document which I annex hereto as Annexure "1". I point out that from such document it is clear that she needed access to certain medication and also a series of other items.

3.

As a result of such consultation yesterday I executed her instructions and, as a result, returned to the Kameeldrift South African Police Service Station at approximately 14:00 in order to hand her the items that I have retrieved from her home. I gave a copy of my admission certificate reflecting my admission as an attorney but that did not satisfy the Police Officers in attendance.

4.

I was not allowed to see her when I visited the Police Station at 14:00 on 11 February> on my return to the sation on the evening of 11 February I was

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allowed to consult with the applicant after presenting my original certificate admittance for a second time.

5.

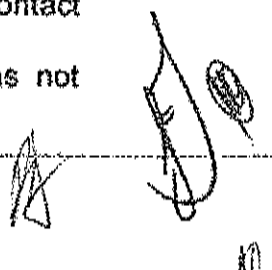
During the course of the afternoon of Saturday evening, 11 February 2017 I established the following:

- 5.1. The Applicant is in detention allegedly on the strength of a warrant of arrest (a so-called J50 form) which was signed by a person in the employ of the Director of Public Prosecutions, Pretoria by the name Advocate MM Mashuga (the Third Respondent);
- 5.2. The Third Respondent indicated to the legal team working with me that he does not have an interest in any Court application which the Applicant may bring. (I am of the opinion that he has a direct interest in that he authorised the arrest and detention of the Applicant);
- 5.3. In response to a request that she may be released (which the legal representatives of the Applicant motivated to him on the basis that she is in permanent employ and has a permanent home address) he informed that he will discuss the matter with a certain Brigadier Ngube. Patently he is the superior of the investigating officers in the alleged case against her, i.e. a Molaletje and Korone;



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- 5.4. He undertook to revert to telephone number 082 463 1072 immediately upon having consulted with Brigadier Ngube. He also informed that he does not foresee any difficulty in getting in touch with Brigadier Ngube;
- 5.5. It was suggested to him that he may inform the Senior Public Prosecutor at Cullinan (in which jurisdiction the Kameeldrift Police Station falls) if he does not have an objection to the release of the Applicant.
- 6.
7. During numerous telephone conversations with the 3rd respondent an undertaking was made that the investigating officer and Brigadier General Korane will drive through to the Kameeldrift Police station to confirm the applicant's address in the early morning of 12 February. The third respondent assured us that the address confirmation was the only outstanding administrative task outstanding that stood in the way of the applicant's release on bail.
8. The third respondent also informed us that bail conditions will be negotiated on during the morning of 12 February prior to the release of the applicant.
9. On the morning of 12 February I attempted to telephonically contact Brigadier General Korane. He did not answer his phone and has not

Handwritten signatures and initials are present at the bottom right of the page. There are two distinct signatures, one appearing to be 'F. D.' and another more stylized signature. Below these, there are some initials or marks, including what looks like 'M'.

returned my call. Subsequent to calling the latter, I Phoned the third respondent who also did not answer his phone.

10. I made my way to the Kammeeldrift Police station to find out if the Brigadier General Korane was present at the station. The officers present at the station informed me that he was not present and they attempted to phone him. He did not answer their calls.

11. While I was at the Kammeeldrift station the Third respondent returned my call. He said that he will get instruction from Brigadier General Korane and thereafter inform of his whereabouts and whether or not he was going to confirm the applicant's address. I have not heard a word from the third respondent since.

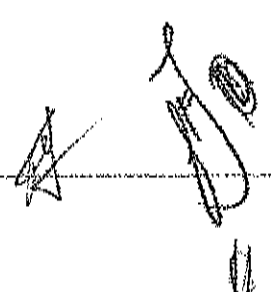
12. After the events that transpired this morning, the only reasonable conclusion that can be made is that the respondent's will continue with their obstructive and unlawful behaviour.

Bases of application:

13.

I wish to state and submit to the honourable Court the basis of this application.

14.



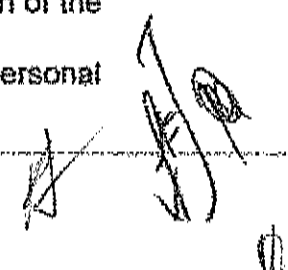
This is not an application for bail. It is an application within the ambit of Section 35(3)(d) of the Constitution aimed at obtaining immediate release of a person unlawfully detained.

19.

The application is urgent since the Applicant has been deprived of her personal freedom for no pertinent reason whatsoever and as far as we can establish in an effort of retaliation by senior police officials for the fact that the Applicant was involved in the formulation of a complaint against the acting national police commissioner. She has been arrested in Johannesburg two days ago but not taken to the nearest police station. In stead, she was driven around in a police vehicle and only take to the Kameeldrift police station, East of Pretoria late Friday evening.

20.

The Applicant has been told informally that her arrest is based on a charge that she pretended to be an official of IPID (which is prohibited by section 33(5) of the IPID Act, 2011). This is an absurd claim since it speaks for itself that as an employee of the complainant and admitted attorney she would be giving assistance to the investigating officer of IPID upon request. That was indeed what she did but she never in any way whatsoever gave any indication to any person that she was working for IPID. The deprivation of the Applicants personal freedom an privacy, the infringement on her personal



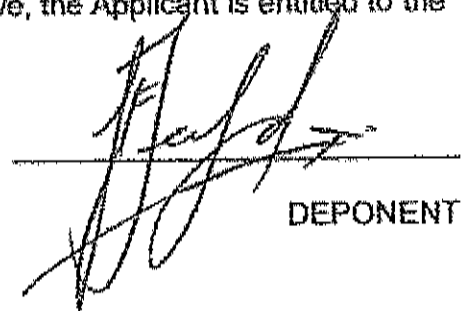
dignity and the police officials at the Kameeldrift Police station's refusal to grant me as her attorney leave to visit her, even after I produced the original court order evidencing my admission as attorney of this court, are serious contraventions of the Applicant's basic human right and as such in itself a basis for urgent relief as prayed for.

20.2

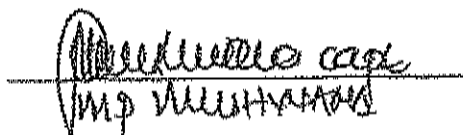
An unit under the command of a General Mbula had, in the investigation of the case against then General Selebi seen to the arrest of the prosecutor, advocate Nel. In another instance a person arrested by the same unit had died in detention.

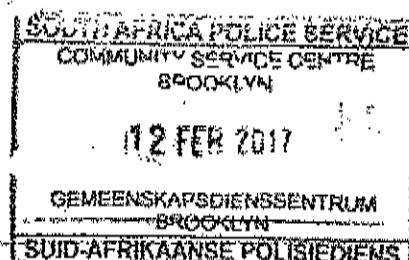
21.

I submit that based on the facts set out above, the Applicant is entitled to the relief prayed for in the notice of motion.


DEPONENT

SIGNED and SWORN to before me on this 12th day of February 2017 the deponent having acknowledged that he knows and understands the contents of this affidavit, that he has no objection to taking the prescribed oath and that he considers the prescribed oath to be binding on his conscience.









'POS-9

CASE NO: 75838/2016

IN THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION, PRETORIA

PRETORIA 12 FEBRUARY 2017

BEFORE THE HONOURABLE MADAM JUSTICE KHUMALO

In the matter between:

SARAH JANE TRENT

APPLICANT

AND

THE MINISTER OF POLICE
THE STATION COMMANDER OF THE KAMEELDRIFT
STATION OF THE SOUTH AFRICAN POLICE SERVICE
ADV. MM MASHUGA
MANDLA MAHLANGU, THE INVESTIGATING OFFICE OF THE
INDEPENDENT POLICE INVESTIGATIONS DIRECTORATE

1ST RESPONDENT

2ND RESPONDENT

3RD RESPONDENT

4TH RESPONDENT

HAVING read the documents filed of record, heard counsel and considered the matter:

IT IS ORDERED THAT:

1. by consent between the parties be and is hereby postponed sine die, costs are reserved;
2. the applicant shall be released on bail by no later than 21:00 hours on 12 February 2017;
3. in order to comply with 2 above, the first and second respondents will process the bail of the applicant timeously;
4. the applicant undertakes not to interfere with, communicate with, intimidate or contact any witnesses of the State;
5. paragraph 4 is subject to the first, second and third respondents furnishing a list of the witnesses to the attorneys of record of the applicant by 12:00 on 13 February 2017.

Attorney:



'POS-10'

"POS9"

IN THE HIGH COURT OF SOUTH AFRICA
(GAUTENG DIVISION, PRETORIA)

CASE NR:

In the application of:

PAUL O'SULLIVAN

Applicant

and

THE MINISTER OF POLICE

First Respondent

MANDLA MAHLANGU, THE INVESTIGATING
OFFICER OF THE INDEPENDENT POLICE
INVESTIGATIONS DIRECTORATE

Second Respondent

BRIG. NGUBE

Third Respondent

BRIG. KGORANE

Fourth Respondent

ADV. MM MASHUGA

Fifth Respondent

AFFIDAVIT

I, the undersigned,

WILLIE
WILLEM D. SPIES

do hereby make oath and say:



1.

I am an adult male and a practising attorney of the above honourable Court at Hunter Spies Inc. of 58 Union Avenue, Kloofsig, Centurion, Gauteng.

2.

2.1. I bring this application on the direct instructions and oral authority of Paul O'Sullivan;

2.2. I am able to put the facts upon which the Applicant relies before the honourable Court on the strength of a consultation I had with him at my offices on Monday 13 February 2017;

2.3. The Applicant was arrested in my presence by the Third and Fourth Respondents.

3.

3.1. The Applicant is an adult male and is a Forensic and Loss Control Consultant in Sandton, Johannesburg. The Applicant has laid complaints about alleged corruption with the Independent Police Investigating Directorate (IPID) against the Acting National Commissioner of Police, Lieutenant-General Kgomoiso Phahlane. Such matter is currently under investigation by IPID.



The Respondents:

4.

- 4.1. The First Respondent is The Minister of Police c/o The State Attorney, SALU Building, cnr of Schoeman & Andries Streets, Pretoria;
 - 4.2. The Second Respondent is Mr Mandla Mhlangu, who is the investigating officer of the Independent Police Investigations Directorate. He is cited in these proceedings by reason of the direct interest the IPID has in these proceedings. No relief is sought against the Second Respondent;
 - 4.3. The Third Respondent is Brig. Ngube of the South African Police Service;
 - 4.4. The Fourth Respondent is Brig. Kgorane of the South African Police Service;
 - 4.5. The Fifth Respondent is Adv. MM Mashuga in the employ of the National Prosecuting Authority.
- A
- A
- A

Objective:

5.

5.1. This application is brought in order to obtain an order for the immediate release of the Applicant. It is brought not as an application for bail. It is brought as an interdict *de homine libero exhibendo*. The arrest and consequent detention is unlawful and in conflict with the Constitution set out above. I refer in particular to Section 35(2)(d) of the Constitution. None of the legal requirements for a lawful arrest had been complied with;

5.2. The arrest is also in contravention of an order of the above honourable Court which was granted under case no. 75378/2016 on the 16th of November 2016. It was an order that was made by consent. A copy of such order will be made available to the honourable Court at the hearing;

Further detail of the arrest:

6.

The arrest was not aimed at securing the attendance of the Applicant at Court. It was intended to harass and intimidate the Applicant as will be dealt with below. The Applicant is a decent citizen that would no doubt have appeared in Court had he been called upon to do so.



M.E



7.

The arrest follows upon the arrest of a lady, Sarah-Jane Trent on Friday 10 February 2017. Following upon a Court application she was released as will more fully appear from the file in such application which will be made available to the honourable Court.

8.

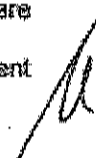
I wish to state that in the limited time available and by reason of the fact that the immediate release of a citizen of the Republic of South Africa is at stake I am not able to give a further account of the background to the present application.

9.

I will be at Court in order to testify in respect of any aspect which the honourable Court would want to be informed.

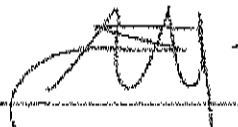
10.

I, however, at this stage email a copy of the papers that served before this Court yesterday by reason of the fact that the background to the arrest are identical to the background of the arrest of SJ Trent. It is only the present detail that differs.

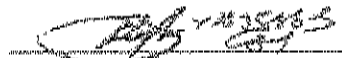


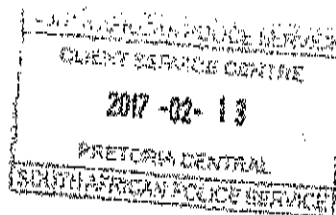
NE




DEPONENT

SIGNED and SWORN to before me on this 13 day of February 2017 the deponent having acknowledged that he knows and understands the contents of this affidavit, that he has no objection to taking the prescribed oath and that he considers the prescribed oath to be binding on his conscience.


COMMISSIONER OF OATHS







'POS-11'

IN THE HIGH COURT OF SOUTH AFRICA
(GAUTENG DIVISION, PRETORIA)

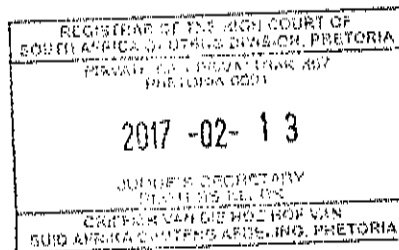
CASE NR:3050/2017

Before the Honourable Justice Legodi

On 13 February 2017

The application of:

PAUL O'SULLIVAN



Applicant

and

THE MINISTER OF POLICE

First Respondent

MANDLA MAHLANGU, THE INVESTIGATING OFFICER
OF THE INDEPENDENT POLICE INVESTIGATIONS
DIRECTORATE

Second Respondent

BRIGADIER PD NCUBE

Third Respondent

BRIGADIER KGORANE

Fourth Respondent

ADV. MM MASHUGA

Fifth Respondent

ORDER

After hearing counsel for the parties and having reviewed the papers it is
ordered, by agreement between the parties that –

- 1 The First Third and Fourth Respondents shall release the Applicant from detention before 23:30 on 13 February 2017;
- 2 The Application is removed from the roll;
- 3 In the event of the Minister of Police or any of his officers wishing to arrest the Applicant they will comply with paragraph 3 of the order of this court under case number 75378/16 to which the Minister of Police consented.
- 4 Costs are reserved for later determination.



BY ORDER
REGISTRAR

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA GAUTENG DIVISION, PRETORIA
PRIVATE OFFICE 175 TROMPSBURG RD PRETORIA 0001
2017 -02- 13
JUDGE'S SECRETARY DUSTIN K. J. J. J.
CHIEF OF THE HOF VAN SOUTH AFRICA GAUTENG DIVISION, PRETORIA



