From: Paul O'Sullivan
Sent: Monday, May 24, 2021 10:05 AM
To: 'sitolek@saps.gov.za' <sitolek@saps.gov.za>; Lebeya SG - Lieutenant General (LebeyaSG@saps.gov.za) <LebeyaSG@saps.gov.za>
Cc: 'sarah.trent@forensicsforjustice.org' <sarah.trent@forensicsforjustice.org>
Subject: Major General Feroz Khan - Tip Off Received - STRICTLY PRIVATE & CONFIDENTIAL

Good morning Generals,

Major General Feroz Khan - Tip Off Received - STRICTLY PRIVATE & CONFIDENTIAL

We have received a tip-off in respect of Major General Feroz Khan, Provincial Head of CI, Gauteng.

The allegations are as follows:

1. He is involved in facilitating drug trafficking with Nazif Modack, of the Western Cape.

2. He is involved in chop-shops and the selling of the products thereof.

3. He is involved in money laundering for criminals in the underworld.

4. He protects certain criminals, notably Mr Preggy Padayachee, who is a close friend of ex DNC, Vineshkumar Moonoo, who is currently alleged to be involved in illicit tobacco trade.

5. He has no security clearance and would not get security clearance, because of his covert criminal activities and questionable business activities.

We have carried out some background checks, before filing this report with you and attach the results hereto.

We find it should be impossible for a full-time Major General in the police, to be moonlighting as a director of 10 businesses and at least two of those businesses indicate a trade in spare car-parts, an activity diametrically opposed to the work of crime intelligence, given the high levels of vehicle crime in Gauteng.

We were concerned to note that he has no vehicles registered in his name, yet is often seen driving high-end vehicles, such as Porsche and Lamborghini. We are running vehicles checks on his wife and will let you know what we find.

Given his senior position within Crime Intelligence, we believe that further investigation is warranted as to his source of income and his other alleged activities.

Sarah-Jane of Forensics for Justice can assist you if you need any further information.

Best wishes,

Paul O'Sullivan CFE

Member of the American Society of Criminology
https://www.forensicsforjustice.org/
Tel: +27 82 821 1666 (RSA)
Tip-Offs Line: +27 800 118 118
Tel: + 44 7784 886 408 (UK)
Fax: +27 86 689 2315
Stay safe, keep your distance, wash your hands regularly and self-isolate immediately you develop any symptoms,
or come into contact with anyone who has tested positive for COVID19.
Download the app now: https://sacoronavirus.co.za/covidalert/

PO Box 78200
SANDTON
2146
Republic of South Africa
The only thing **necessary for the triumph** of evil is for good men to do nothing. - Edmund Burke

FILE NOTE - 2021-05-23

NAMES							
ID Number	Date Of Birth	Age	Surname	First Name	Maiden Name	Passport Number	Marital Status
7001095143088	1970-01-09	51	KHAN	FEROZ		M00026471	Married

COMPANIES

Reg Number	Company Name	Company Status	Director Type	Director Status	Appointment Date	Resignation Date
202074774107	VINEYARD PATHS HOLDINGS	In Business	Director	Active	2020-10-14	None
202014503307	TINDYELO HOLDINGS	In Business	Director	Active	2020-07-14	None
201825261407	WISHING WELL HOLDINGS	In Business	Director	Active	2019-01-18	None
201823702907	SPARES OASIS	In Business	Director	Active	2018-04-06	1899-12-30
201822667307	INSPIRATIONAL HOLDINGS	In Business	Director	Active	2018-04-05	None
201318259407	MAGIC MOTOR SPARES	In Business	Director	Active	2013-10-03	None
201204316307	VEXOSERVE	Deregistration Process	Director	Active	2012-03-01	None
201204291507	VEXOSOURCE	Deregistration Process	Director	Active	2012-03-01	None
201203805307	NABUVISTA	In Business	Director	Active	2012-02-24	None
200104584223	SPARES OASIS	Conversion CO/CC or CC/CO	Member	Active	2004-09-27	1899-12-30

CO-DIRECTORS

ASGHAR HUSEIN SAYED ESSOP

SIBUSISO CYRIL NDIMANDE

VICTOR DUNCAN ZITHA

ANDRE MANUEL DA SILVA

MANDLA MABUNDA

PROPERTIES

PROPERTIES					
Purchase Price	Purchase Date	Bond Number	Title Deed Number	Is Current Owner	Registrar
3300000	2007-03-30	B62775/2007	T42177/2007	True	JOHANNESBURG
830000	2004-08-05	B74668/2004	T73484/2004	True	JOHANNESBURG

PROPERTY INFORMATION	
Property Address:	HOUGHTON ESTATE JOHANNESBURG
Authority:	CITY OF JOHANNESBURG
Township:	
City:	JOHANNESBURG
Property Type:	E
Province Code:	
Bond Holder:	FIRSTRAND BANK LTD
Stand Number:	2479
Portion:	18
Purchase Price:	3300000
Purchase Date:	2007-03-30
Bond Number:	B62775/2007
Transfer Document Number:	T42177/2007
Registrar:	JOHANNESBURG
Previous Owner Details:	T2847/2003

PROPERTY INFORMATION	
Property Address:	35 AIDA DE WETSHOF JOHANNESBURG
Authority:	CITY OF JOHANNESBURG
Township:	
City:	JOHANNESBURG
Property Type:	E
Province Code:	
Bond Holder:	A B S A BANK LTD
Stand Number:	32
Portion:	None
Purchase Price:	830000
Purchase Date:	2004-08-05
Bond Number:	B74668/2004
Transfer Document Number:	T73484/2004
Registrar:	JOHANNESBURG
Previous Owner Details:	T39211/2001

ADDRESSES

HOUGHTON ESTATE JOHANNESBURG 2001	2021-05-23
18 ROYAL HOUGHTON H O A 22 THIRD STREET HOUGHTON JOHANNESBURG 2198	2021-05-11
37 DA GAMA STREET DEWETSHOF JOHANNESBURG 2198	2021-05-10
48 AIDA AVENUE CYRILDENE JOHANNESBURG 2198	2021-01-04
35 AIEA AVEUNE CYRILDENE JOHANNESBURG 2198	2020-05-14

TELEPHONE NUMBERS

Number	Network	Business Name	Tel Date
0725055600	Vodacom		2021/05/11
0823367666	Vodacom		2021/01/04
0713270852	Vodacom		2021/03/15
0116651537	Telkom		2021/01/04
0114830427	Telkom		2018/10/09
0116168558	Telkom		2021/05/10
0119178973	Telkom		2018/06/29
0116158656	Telkom		2012/01/31
0113332958	Telkom	MAGIC MOTOR SPARES CC	2015/07/15
0119173388	Telkom	SAYED ESSOP	2018/01/10
0116226506	Telkom		2013/11/30
0828226350	Vodacom		2013/11/30
0116157242	Telkom		2018/09/17
0112151932	Telkom	TRACKER NETWORK (PTY) LTD	2009/04/13
0113376216	Telkom		2007/07/19
0114032600	Telkom	PROVINSIALE BESKERMINGSDIENS-GAUTENG	2009/11/10
0114070220	Telkom		2008/10/02
0114424250	Telkom		2009/04/05
0114977165	Telkom	S A POLICE (DISTRICT COMMANDANT)	2006/06/20
0116039600	Telkom	DELOITTE & TOUCHE (WOODLANDS)	2007/02/10
0116226507	Telkom		2007/03/10
0116739186	Telkom		2006/06/20
0119178974	Telkom	SAYED ESSOP	2009/04/25
0274830427	Telkom		2012/08/07

CREDIT SUMMARY

Current Financial Position Overview			
Date of Last Payment	**2021-04-30**	Total Monthly Instalments	**R35,728.00**
Date Last Account Opened	**2020-05-19**	Total Arrears	**R0.00**
Adverse Accounts	**0**	Total Balance	**R1,890,236.00**
Accounts in Good Standing	**8**	Worst Months in Arrears	**0**

Credit Accounts

TRACKER CONNECT (PTY) LTD - TRACKER (Open Services)			
Date Opened	**2011-11-28**	Account Number	**GLL136**
Instalments	**R221.00**	Opening Balance	**R0.00**
Repayment Frequency	**Monthly**	Current Balance	**R221.00**
Date Last Payment	**2017-10-16**	Amount Overdue	**R0.00**

FIRSTRAND BANK LTD - DISCOVERY CARD (Credit Card)			
Date Opened	**2011-12-06**	Account Number	**4901370197116000**
Instalments	**R0.00**	Opening Balance	**R0.00**
Repayment Frequency	**Monthly**	Current Balance	**R0.00**
Date Last Payment	**2020-01-29**	Amount Overdue	**R0.00**

TELKOM SA LTD - TELKOM MOBILE (Open Services)			
Date Opened	**2016-09-20**	Account Number	**501848766**
Instalments	**R0.00**	Opening Balance	**R0.00**
Repayment Frequency	**Monthly**	Current Balance	**R0.00**
Date Last Payment	**2020-10-01**	Amount Overdue	**R0.00**

ABSA BANK - HOME LOANS (Home Loan)			
Date Opened	**2004-12-01**	**8059962182**	
Instalments	**R0.00**	Opening Balance	**R1,786,766.00**
Repayment Frequency	**Monthly**	Current Balance	**R0.00**
Date Last Payment	**2020-12-10**	Amount Overdue	**R0.00**

FIRSTRAND BANK LTD - FNB PERSONAL LOANS (Personal Loan)			
Date Opened	**2020-05-19**	Account Number	**4000502087741**
Instalments	**R9,407.00**	Opening Balance	**R527,344.00**
Repayment Frequency	**Monthly**	Current Balance	**R427,740.00**
Date Last Payment	**2021-03-31**	Amount Overdue	**R0.00**

FIRSTRAND BANK LTD - FNB PRIVATE WEALTH HOME LOAN (Home Loan)			
Date Opened	**2007-08-02**	Account Number	**3000011459292**
Instalments	**R24,867.00**	Opening Balance	**R3,300,000.00**
Repayment Frequency	**Monthly**	Current Balance	**R1,454,884.00**
Date Last Payment	**2021-03-15**	Amount Overdue	**R0.00**

ABSA BANK - CREDIT CARD (Credit Card)			
Date Opened	**2006-02-16**	Account Number	**4787690053385000**
Instalments	**R0.00**	Opening Balance	**R167,600.00**
Repayment Frequency	**Monthly**	Current Balance	**R0.00**
Date Last Payment	**2021-03-15**	Amount Overdue	**R0.00**

FIRSTRAND BANK LTD - FNB CREDIT CARD (Credit Card)			
Date Opened	**1995-04-26**	Account Number	**4483810008009000**
Instalments	**R325.00**	Opening Balance	**R90,000.00**
Repayment Frequency	**Monthly**	Current Balance	**R6,483.00**
Date Last Payment	**2021-03-08**	Amount Overdue	**R0.00**

TELKOM - TELKOM NGN (Open Services)			
Date Opened	**2018-04-20**	Account Number	**503740338**
Instalments	**R0.00**	Opening Balance	**R0.00**
Repayment Frequency	**Monthly**	Current Balance	**R0.00**
Date Last Payment	**2021-04-30**	Amount Overdue	**R0.00**

TELKOM SA LTD - TELKOM MOBILE (Open Services)			
Date Opened	**2019-07-22**	Account Number	**504733392**
Instalments	**R908.00**	Opening Balance	**R0.00**
Repayment Frequency	**Monthly**	Current Balance	**R908.00**
Date Last Payment	**2021-04-30**	Amount Overdue	**R0.00**

THE STANDARD BANK OF SOUTH AFRICA LIMITED - DINERS CARD (Open - Limitless)			
Date Opened	**2011-10-10**	Account Number	**6006622359917060**
Instalments	**R0.00**	Opening Balance	**R0.00**
Repayment Frequency	**Monthly**	Current Balance	**R0.00**
Date Last Payment	**2019-08-05**	Amount Overdue	**R0.00**

LIFESTYLE

Residential Address

Residential Address	**Source**	**Date**
35 Aida Avenue Cyrildene Johannesburg	TELKOM ,CIPC,Bureau2,TRACKER CONNECT (PTY) LTD ,Bureau	2017-12-11
37 Da Gama Street Dewetshof Johannesburg	FIRSTRAND BANK LTD	2021-05-10
35 Aiea Aveune Cyrildene Gauteng	TELKOM SA LTD	2020-05-14
35 Aiea Aveune Cyrildene Gauteng	TELKOM SA LTD	2019-02-11

48 Aida Avenue Cyrildene	ABSA BANK ,CIPC,Bureau2,DHA,Bureau	2021-01-04
22 3rd Street Houghton Johannesburg	Bureau, FIRSTRAND BANK LTD	2018-11-22
18 Royal Houghton 24 3rd Street Houghton	ABSA BANK , Bureau, CIPC	2018-01-10
18 Royal Houghton H O A 22 3rd Street Houghton	ABSA BANK	2021-05-11
22 37 Da Gama Street De Wetshof Johannesburg	XB0119	2019-11-15

Postal Address		
Postal Address	**Source**	**Date**
P O BOX 260994 EXCOM JHB	TELKOM ,FIRSTRAND STANDARD BANK,ABSA STUTTAFORDS, Bureau2,TELKOM,TRACKER CONNECT (PTY) LTD ,Bureau	2018-06-29
P O BOX 260994 JOHANNESBURG	Bureau,Bureau2	2009-06-24
PO BOX 260994 2023 EXCOM	SB0106	2018-10-09

Telephone Number			
Number	**Type**	**Source**	**Date**
0725055600	Cell	ABSA,TRACKER, STANDARD BANK FIRSTRAND STUTTAFORDS	2021-05-11
0823367666	Cell	Bureau, ABSA BANK	2021-01-04
0713270852	Cell	ABSA BANK	2021-03-15
0116651537	Work	Bureau, ABSA BANK	2021-01-04
0114830427	Home	ABSA BANK, STANDARD BANK OF SOUTH AFRICA,STUTTAFORDS	2018-10-09
0116168558	Home	TRACKER CONNECT (PTY) LTD , STANDARD BANK FIRSTRAND	2021-05-10
0119178973	Work	STUTTAFORDS	2018-06-29
0113332958	Work	Bureau	2015-07-15
0119173388	Work	Bureau, ABSA BANK	2018-01-10

SPOUSE DETAILS

NAMES							
ID Number	Date Of Birth	Age	Surname	First Name	Maiden Name	Passport Number	Marital Status
7001095143088	1970-01-09	51	KHAN	FEROZ		M00026471	Married

His wife seems to be involved in all his businesses with him.

MINISTRY OF POLICE

REPUBLIC OF SOUTH AFRICA

Private Bag X9080, Cape Town 8000 Tel 021 - 467 7010/21   Fax 021 - 467 7033 Private Bag X463 PRETORIA, 0001, Tel (012) 393 2800, Fax (012) 393 2819/20

19 MAY 2021

The National Commissioner
South African Police Service
Private Bag X94
PRETORIA
0001

Dear General Sitole

RESTRUCTURING OF THE SOUTH AFRICAN POLICE SERVICE (SAPS): JOB-PERSON MATCHING OF SENIOR MANAGERS IN KEY POSITIONS

The submission dated 14 May 2021, regarding the above subject, has bearing on this matter.

The following placements are not supported due to it being legally challenged:

- Lt Gen PA Jacobs as the Divisional Commissioner: Inspectorate;
- Maj Gen DT Nkosi as the Head: Auxiliary Services; and
- Maj Gen CM Matlou as the Head: Internal Audit.

Further to this, the Chairperson of the Audit Committee raised his concern regarding the placement of the Head: Internal Audit. In terms of the Audit Committee Charter, the Audit Committee must be consulted regarding the appointment of the Chief Audit Executive.

Resultantly the following placement is, therefore, also not supported:

- Lt Gen Y Mokgabudi as the Divisional Commissioner: Crime Intelligence.

The last time I was informed that Lt Gen Mokgabudi has been appointed as the Acting Divisional Commissioner: Crime Intelligence and never received any information on her permanent placement and that she accepted this appointment. In this regard, more clarity is required. As far as I am concerned, she is still the Provincial Commissioner of the Western Cape.

It is also not clear why the Divisional Commissioner: Technology Management Services post will be re-advertised. To date no reasons for the withdrawal of the post has been provided to me.

As far as Lt Gen J Riet is concerned, I have information that he will be retiring at the end of May 2021. To date I have not received any information to suggest that he will no longer be retiring and that he must be placed as the Divisional Commissioner for Supply Chain Management.

In terms of paragraph 7 of your submission, this office is aware that on 14 January 2021 the Provincial Commissioner of the Western Cape, Lt Gen Mokgabudi recommended that:

- Major General R Fick be placed as the Deputy Provincial Commissioner for Support Services;
- Major General MM Manci to remain as the Deputy Provincial Commissioner for Policing; and
- Major General JA Vearey to remain as the Deputy Provincial Commissioner for Crime Detection.

The recommendations of the National Panel, therefore, do not correspond with the above recommendations and is not supported.

Clarity in terms of the placement of the Deputy Provincial Commissioner for Crime Detection in Gauteng Province is also required.

I am, therefore, unable to give my concurrence, as the submission is inadequate and ambiguous. The placements will only be reconsidered once all of the above issues have been resolved.

MINISTER OF POLICE
GENERAL BH CELE, MP
19/05/2021

MINISTRY OF POLICE

REPUBLIC OF SOUTH AFRICA

Private Bag X9080, Cape Town 8000 Tel: 021 – 467 7010/21 Fax: 021 – 467 7033 Private Bag X463 PRETORIA, 0001, Tel: (012) 393 2800, Fax: (012) 393 2819/20

19 MAY 2021

The National Commissioner
South African Police Service
Private Bag X94
PRETORIA
0001

Dear General Sitole

DELEGATION: COORDINATION AND MONITORING OF THE ADMINISTRATIVE MATTERS IN THE DIVISION CRIME INTELLIGENCE: MAJOR GENERAL F KHAN: PERSAL 7182077-9 EFFECTIVE 22 DECEMBER 2020 UNTIL FURTHER NOTICE

The above subject has bearing on this matter.

It has come to the attention of this office that the coordination and monitoring of administrative matters in the Division: Crime Intelligence was delegated to Major General F Khan for the period 22 December 2020 until 14 February 2021, in terms of paragraphs (a) to (e) of Chapter 5 of the Public Finance Management Act, 1999.

However, Major General Khan signed documents as the Acting Divisional Commissioner: Crime Intelligence.

The above implies that Major General Khan was never legally appointed as the Acting Divisional Commissioner: Crime Intelligence and had no authority to sign as the Divisional Commissioner.

This office is aware that Major General Khan signed various financial related documents and authorisations delegated to either the Chief Financial Officer of the Secret Services Account and/or the Divisional Commissioner during this period.

Since his appointment was not done in accordance with prescripts, all instructions and documents signed by Major General Khan have no legal standing and is thus irregular, if not illegal. This includes *inter alia* dismissals, financial authorisations and procurement authorisations.

You are herewith directed to submit a report to me by end of business on 24 May 2021, outlining documents signed by Major General Khan "for which only the Chief Financial Officer of the Secret Services Account or Divisional Commissioner had delegated powers". The report to also include all Secret Services Account financial- and procurement- approvals signed by Major General Khan, as well as the monetary value therefore.

Once the above information is received my office will coordinate a meeting to discuss this matter further.

MINISTER OF POLICE
GENERAL BH CELE, MP
19/05/2021

6. COUNTER AND SECURITY INTELLIGENCE MATTERS

6.1 Counter and Security Intelligence: Vetting Investigations

My Office conducted a review of intelligence and counter-intelligence activities in the SAPS-CI Counter and Security Intelligence Unit, which consist of vetting investigations, security standards, as well as border and security management. According to entrenched practice, the OIGI Oversight Team holds meetings with all sub-sections during oversight engagements. However, due to limitations posed by the COVID 19 pandemic, my Office resolved to meet with Counter and Security Senior Management only and review Counter and Security Intelligence Regulatory Framework, the SAPS Senior Management Staff (SMS) and Security Clearance status, and sampled vetting files. The purpose was to assess compliance with the regulatory framework and to assess whether the previously reported challenges had been addressed.

In the IGI 2018-2019 SAPS-CI C certificate, a report was made about challenges emanating from the appointment of senior personnel into critical positions without proper security clearances as well as irregular issuance of security clearance certificates. During the current review period, I was disheartened to observe the absence of no discernible improvements except for noticeable of new challenges in the security clearance area. These include high backlog on finalisation and issuance of security clearances, challenges relating to the electronic vetting system (e-vetting), irregular application of procedures and prioritisation of certain applications, poor regulatory framework, and senior personnel occupying critical posts without security clearances. These challenges and irregularities have a negative bearing on the quality and purpose of conducting security clearance investigations by the SAPS-CI vetting investigations section.

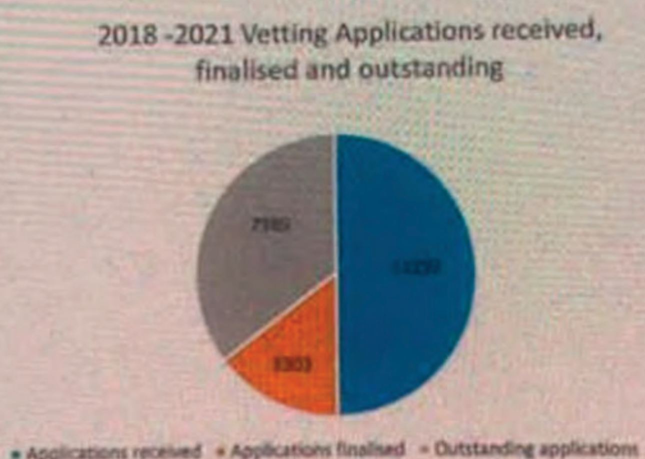
6.1.1 Backlog in finalising security clearances

It is noteworthy that even though Provincial Offices have their own vetting officers who conduct local vetting investigations, the evaluation process is centralised within the SAPS-CI Headquarters, in Pretoria. Therefore, the vetting investigations panel is based at the Headquarters. Officers tasked with this responsibility meet only when they are available since they have other responsibilities outside the area of vetting. The OIGI Team was informed that this committee is supposed to meet every Tuesday and Thursday, but due to their unavailability it happens that they do not meet for a period of more than a month. The situation contributes to the lamented backlog challenge. The backlog is also attributed to various reasons including shortage of personnel, unfair prioritisation of certain files, and unforeseen e-vetting system challenges. It is intimated that during the period between 2016 and 2020, the vetting section lost approximately one hundred and fifty (150) officers, including vetting investigators and evaluators. The current personnel strength at the SAPS-CI Counter and Security stands at 219 (59 stationed at Head Office and 167 stationed at Provinces combined). This is partially owing to poor retention strategy, non-advertisement of vacant posts, and competitive salary packages offered by other civil service departments and by the private sector.

The management personnel at Counter and Security Intelligence raised a concern that between 2019 and 2020, more than eighty-five vacant posts that they submitted for advertisement were withdrawn by the SAPS-CI Human Resource Management. They further stated that the non-finalisation of the SAPS-CI Organisational structure contributes to these challenges. The absence of a full downward structure and allocation of post numbers impels them to base their capacity on the number of people occupying posts and not on an approved structure. This makes it difficult for them to determine their needs and to assess their capacity.

6.1.2 Challenges relating to the e-vetting system

The introduction of the e-vetting system in 2016 has not helped much in curbing the backlog. Statistics provided by the SAPS-CI indicate that between 01 April 2018 and 31 January 2021, the vetting section received eleven thousand two hundred and ninety-two (**11 292**) vetting investigations applications and they could only finalise three thousand three hundred and three (**3 303**) applications. These statistics include both manual and e-vetting applications. Seven thousand nine hundred and eighty-nine (**7 989**) applications could not be finalised. Please see the graphic presentation (chart) below.



The backlog resulted in a sizeable number of applicants being issued with Confidential Security Clearances and were advised to re-apply electronically. It is further noted that certain supervisors within the SAPS are not computer literate and they take time to attend to the electronic vetting system. The system also does not allow for the printing of supporting documents and investigation diaries after the evaluation process has been finalised. This hinders internal and external oversight processes as the information captured cannot be verified.

6.1.3 Irregular application of procedures and prioritisation of certain applicants

It is noted that certain applicants are given unfair priority to the disadvantage of others. My office noticed that some vetting investigation applications take more than seven (7) years to be finalised while those that have been prioritised took less than six months. Investigators and evaluators mentioned that certain senior officers instruct them to prioritise certain members' applications and as a result they have to abandon other files. It is noted that most senior officials would neglect renewing their security clearances for a very long period and start applying when they are to be promoted or after being promoted and that their files would be unfairly prioritised on receipt of their applications. This also contributes to the backlog in the finalisation of applications that were already in process. Maj Gen Khan is a real example of a prioritised and favoured applicant. His file was received by vetting on 19/01/2018 for evaluation, his vetting information was confirmed on 23/02/2018 and his security clearance was issued in April 2018. In essence, his security clearance process took less than six months. It is noteworthy that Maj Gen Khan's security clearance had expired in **2003** and he had neglected to renew his security clearance since then. In aggravation of the unfair and skewed treatment of the ordinary members of the SAPS-CI, it is worthy to further mention that the said Maj Gen Khan was promoted contrary to the normal competitive procedure of advertisement of the post from the rank of a Colonel to the rank of a Major General, jumping the rank of a Brigadier. The said Maj Gen Khan only applied for the renewal of his security clearance following his promotion.

Findings:

- The backlog in finalising security clearance applications remains a grave concern as it poses a risk of undeserving personnel accessing classified information, and it compromises the integrity of the SAPS-CI mandate.

- The introduction of an e-vetting is a commendable system as it was meant to curb the backlog of the vetting process. However, the detected unforeseen limitations hinder internal and external oversight processes.

- The centralisation of vetting evaluations at the Headquarters was meant to prevent bias by the provincial officers who work with the same vetting personnel. However, lack of personnel at the evaluations sub-section of vetting investigations exacerbates the backlog. Furthermore, the centralisation of evaluations does not serve the same purpose for members employed at the Headquarters as their vetting investigations are conducted by members from the same office at the Headquarters.

- The irregular application and prioritisation of favoured applicants amounts to abuse of power by senior officials. These senior officials take advantage of their ranks and positions and give biased and unfair instructions to the detriment of compliant applicants who have to wait protracted periods for their applications to be finalised.

Recommendations:

- Security determinations is very crucial in maintaining the integrity of the SAPS. It is recommended that the SAPS-CI Management consider prioritisation of vacant posts under vetting in order to address the security clearance applications backlog.

- Fair treatment and consistency should be applied when attending to the security clearance applications, the principle of first-come-first-served should be adopted.

6.1.4 Inadequacy of the SAPS-CI Regulatory Framework on Vetting Investigations

The OIGI has observed that the current regulatory framework of the SAPS/SAPS-CI has some loopholes which contribute to incessant irregularities in the intelligence and counter-intelligence activities of the SAPS-CI. The concerning regulatory framework includes the South African Police Service Act, 1995 (Act 68 of 1995) ("SAPS Act") and the non-finalised Vetting Regulatory Framework. Observed gaps in the said regulatory framework compromise the integrity of the SAPS-CI counter-intelligence mandate.

The SAPS Act does not address the role of SAPS-CI in the determination of security clearances and does not make the acquisition of security clearances an employment prerequisite. My Office identified various disquieting incidents that resulted from the inadequate regulatory framework, whereby more than twenty senior SAPS personnel, including Brigadiers and Major Generals are appointed in critical positions with an expired security clearance, or prior to the finalisation of their vetting investigations, or even when their security clearances have been denied. These Senior Officers were appointed without security clearances and are still performing these sensitive duties without security clearances where they are tasked with the management of sensitive areas. Amongst the twenty senior officers, my attention was drawn to the following members:

- Maj Gen L. Challen, the SAPS-CI North West Provincial Head;
- Maj Gen LL Tsotetsi, Bethlehem Cluster Commander;
- Brig SJ Mokwatlo, KwaMhlanga Cluster Commander;
- Brig ZPJ Dlamini, Risk Based and Compliance Auditor and
- Brig LL Seabi, Threat Identification and Risk Assessment Officer

These incidents show that the Senior Management of the SAPS take advantage of the inadequate regulatory framework to appoint undeserving personnel into high and critical positions, and in the process they abuse their powers. Herewith are two examples of the abuse of power and misbehaviour by SAPS Senior Management in relation to the appointment of members without security clearances. It has been intimated to the OIGI Team that Maj Gen Challen applied for the renewal of a security clearance in September 2015 and she was denied clearance in April 2019. However, she was appointed as a SAPS-CI Provincial Head of North West in August 2018, prior to the finalisation of her security clearance investigations. Perusal of the vetting file indicates that there is no record that she appealed the results of her vetting investigation and / or outcome, but she is still holding her position. My Office is further informed that Maj Gen Tsotetsi was promoted from the rank of a Brigadier in July 2016 despite denial of a top secret security clearance in Feb 2016. There is evidence that relevant Provincial Office management was informed about the results of his security clearance investigation in February 2016, prior to his appointment. There is no record of action or intent to remove these members from the critical posts that they occupy.

Findings:

- My Office has taken note of the SAPS Act Amendment Bill, which purports to amend the principal SAPS Act. It is encouraging to note that the Amendment Bill, amongst other things, provides for the setting up of the SAPS-CI in terms of Chapter 6 of the principal Act and makes provision for the mandate of Counter Intelligence, including the conduct of vetting investigations. This includes the issuance of security clearances, making the acquisition of security clearances an employment prerequisite, and stipulates the consequences of not having a relevant security clearance.

- This Office is also aware of the draft Policy on Security Vetting of Employees of the SAPS. It is however concerning that the draft policy on Vetting of Employees of the SAPS has remained unapproved for more than five years since its initiation. Insufficient Regulatory Framework guiding personnel

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security vetting and silence in the requirement for personnel to acquire a relevant security clearance prior to their appointment compromises the integrity of the SAPS-CI Counter Intelligence mandate.

- The appointment of undeserving personnel into critical positions is a clear indication of abuse of power and ill-discipline by the SAPS Senior Management who take advantage of the lack of regulatory framework and therefore contribute to incessant irregularities. The appointment of Senior Management members who do not have security clearances will likely influence junior members to resist applying for their security clearances, and that will exacerbate the security and counter intelligence challenges within the SAPS-CI.

- In 2019, the OIGI was informed about the endeavours undertaken to review the SAPS-CI Internal Controls Policy on the Secret Service Account. It is however noted that the said review process has since been put on hold. Delays by the Senior Management to finalise these policies put the SAPS-CI at risk of abuse and compromise of integrity.

Recommendations

- Chapter 3 of the Minimum Information Security Standards (MISS) stipulates that the Head of every institution bears overall responsibility for the provision and maintenance of security in his/her institution, under all circumstances. Chapter 4, paragraph 2 of the MISS specifies the rules guiding access to classified information, for example, a person who has an appropriate security clearance or who is, by way of exception, authorised thereto by the head of the institution or his/her delegate. Persons who must necessarily have access to that classified information in the execution of their duties (the need-to-know principle) on condition that a suitable clearance has been issued or authorisation has been granted. In consideration of the said MISS guidelines, it is recommended that the Divisional Management of the SAPS-CI should urgently address the Regulatory Framework by finalising and approving the draft policies aligning them to provisions of the MISS.

- The passage of the Bill will go a long way in alleviating the SAPS-CI challagenge, and will remedy issues of entrenched the principle that security clearances should be a prerequisite for employment. Senior Management of SAPS-CI is advised to review the current appointments of the mentioned members who occupy critical posts without security clearances.

END