SWORN STATEMENT

I, the undersigned Paul O'Sullivan ID No. 550826 5700 085 state under oath as follows:

1

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

2

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

3

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

4

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

5

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

6

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

7

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

8

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

9

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

At paragraph 62 she states:

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

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

Further at paragraph 83 she states:

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

10

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

11

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

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

12

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

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

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

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

13

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

14

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

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

15

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

16

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

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

17

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

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

18

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

19

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

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

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

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

'Do you have any objection to taking the prescribed oath?' No

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

Paul O'Sullivan

NOT

I certify that the deponent has acknowledged that he knows and understands the contents of this statement which was sworn to before me and the deponents signature was placed thereon in my presence at Gallo Manor on 25th day of February 2016.

Modibe N.
7114671

Commissioner of Oaths

N.
201-02

Verklaarder ... verklaarde ... erken dat ... hy/sy die inhoud van hierdie verklaring ken en dit begryp. Hierdie verklaring is voor my beëdig/bevestig en verklaarder se handtekening/merk/duimafdruk is in my teenwoordigheid daarop aangebring.

... understands the contents of this statement. This statement was sworn ~~or affirmed~~ before me and deponent's signature/mark/thumbprint was placed thereon in my presence.

te / at 2016-02-25 op / on 20 [illegible] om / at 14 : 55

modibe
7114671

(HANDTEKENING) KOMMISSARIS VAN EDE
(SIGNATURE) COMMISSIONER OF OATHS

Modiba Nophe [illegible]

VOLLE VOORNAME EN VAN IN DRUKSKRIF
FULL FIRST NAMES AND SURNAME IN BLOCK LETTERS

Bowling Road Gallo Manor

BESIGHEIDSADRES (STRAATADRES)
BUSINESS ADDRESS (STREET ADDRESS)

Constable

SA POLISIEDIENS
SA POLICE SERVICE

SOUTH AFRICAN POLICE SERVICE
CLIENT SERVICES CENTRE
SANDTON
25 FEB 2016
KLIENTE DIENS SENTRUM
SANDTON
SUID AFRIKAANSE POLISIEDIENS

ANNEXURE 'POS-1'

From: EC:East London LCRC Commander [mailto:ecel.lcrc.comm@saps.gov.za]
Sent: 19 May 2015 11:18 AM
To: Paul O'Sullivan
Subject: RE: Irregularaties within the Division Forensic Services

Thanks for your reply, but I just received feedback to say that I will receive a formal feedback.

If I am not satisfied then I will contact you again.

Kind Regards

COLONEL S MOONSAMY
Local Criminal Record Centre
East London
Tele +27 43 7225334
Fax +27 437225113
0714934703

From: Paul O'Sullivan [mailto:Paul.osullivan@poaa.za.com]
Sent: 18 May 2015 02:48 PM
To: EC:East London LCRC Commander
Subject: RE: Irregularaties within the Division Forensic Services

I will certainly try and help you as best as I can.

Please let me have a detailed written report as to the issues and I will then go through this and give you a call to discuss, or let you have my queries per e-mail.

Best wishes,

Paul O'Sullivan CFE

CERTIFIED FRAUD EXAMINER

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PAUL O'SULLIVAN & ASSOCIATES
FORENSIC AND LOSS CONTROL CONSULTANTS

Co. Registration No. 2012/077700/07
PO Box 78200
SANDTON
2146
Republic of South Africa

From: EC:East London LCRC Commander [mailto:ecel.lcrc.comm@saps.gov.za]
Sent: 18 May 2015 02:18 PM
To: Paul O'Sullivan
Subject: Irregularaties within the Division Forensic Services

Good Afternoon Mr O' Sullivan

I have read about you in the media statement of the SAPS in relation to the case of the Late former National Commissioner Selebi.

I am sitting with information in relation to irregularities within the Division Forensic Science Services in relation to procurement of chemicals valued at more than 50 million, which I have reported previously to a Deputy National Commissioner more than a year ago who did nothing, then I reported to the National commissioner in August 2014 and to date they have done nothing.

I have reported to the Zuma HOTLINE but the compliant was merely sent to the same Divisional Commissioner who I am complaining about to respond.
They were supposed to appoint someone to investigate my allegations but to date nothing has been done. It is now almost two years and I am still waiting for something to happen.
There are millions of rands worth of chemicals lying all over the country that has expired due to unnecessary purchasing and we now have to pay millions to have them removed.

I even contemplated resigning in 2013 due to a bad relationship between myself and my Divisional commissioner due to these issues.

I have 29 years' service in the police and I have followed all the necessary protocol but with no success.

I am implicating a senior officer in the SAPS at the level of Lieutenant General and I now seem to believe that I have lost my battle.

If you could assist even if it means me getting fired from the SAPS Then so be it.

Please let me know if you can do something so that we can prevent wasteful expenditure by senior Government Officials who think they can get away by wasting the Tax Payers money.

Kind Regards

COLONEL S MOONSAMY
Local Criminal Record Centre
East London
Tele +27 43 7225334
Fax +27 437225113
0714934703

ANNEXURE 'POS-2'

http://mg.co.za/article/2015-08-20-police-question-forensic-supplies

Police question forensic supplies

21 Aug 2015 00:00 Mkhululi Ndamase

A leaked police report suggests a SAPS chemicals supplier is possibly guilty of tender collusion.

A confidential police report leaked to amaBhungane has pointed a finger at a supplier of vital chemicals to the South African Police Service's forensic division, suggesting it might be guilty of tender collusion. It also recommends that the South African Revenue Service and the treasury should investigate alleged irregularities.

The report says some of the chemicals supplied by the company, Crimetech Laboratories, might have been of a questionable standard and that the police should test them independently.

"The importance of this is obvious when taking into account the detrimental effect such products could have on the proper administration of justice," it says.

It also reveals that at least 35 delivery notes for chemicals invoiced and paid for amounting to R12.8-million could not be found. Although this did not necessarily imply that the products were not delivered, it raised serious concerns.

Crimetech's directors, Jolanta Komodolowicz and John Henry Deale, strongly denied any wrongdoing. Komodolowicz also said, if the investigators had contacted her, she could have corrected their "misconceptions".

Findings

The investigation, by CPN Forensic and Accounting Services, was ordered by national police commissioner Riah Phiyega after the police union Popcru levelled wide-ranging allegations against the forensic division.

Other findings of the investigation were that:

- All local criminal record centres nationwide were overstocked with chemicals;
- The KwaMhlanga record centre received large quantities of chemicals despite not having a laboratory, and faulty chemicals at Zamdela were removed by the supplier;
- At another record centre, in Modimolle, chemicals were found with two different expiry dates. Komodolowicz said this could have happened because the product was retested and found to be still effective;
- There was a dramatic increase in orders over three years from R9-million in 2010-2011 to R33.8-million the following year and R22.9-million in 2012-2013, and that orders multiplied before the expiry of contracts.

“It was noted during the analysis that the same items were ordered within very short intervals even before the previous order(s) have been fulfilled.”

Komodolowicz said: “The contract value increased due to offtake and not price increases. This is not in our control …”

Deale said everything the company had done was above board.

“I think they should go ahead with the [report’s] recommendations because that will clear up everything,” he said. “The fact that some delivery notes couldn’t be found at the time was because they were only put on record after the reconciliation with [Colonel Elro] Hanniball of the forensic services.

“Prior to that, a lot of documents got lost and we had to resupply … You can’t do business with the SAPS if everything is not in order.”

‘Misrepresentation’

The report calls for further investigation into possible tender collusion between Crimetech and another company, Kriminalistik.

It notes that, in 2011, the two companies provided the treasury with the same contact details and physical and private bag addresses. It adds that, on a quotation on March 14 2013, submitted by Kriminalistik, the registration of both companies was reflected, which, “in the absence of proof of an error, constitutes a misrepresentation”.

It also notes that Komodolowicz resigned as a director of Kriminalistik on February 7 2013 – the same day as her then 19-year-old daughter, Karolina Ewelina Dlugosz, took over from her.

In reply, Komodolowicz said: “I just gave it [Kriminalistik] to her because it was either for me to close the company or sell it to someone and here she was available.”

Komodolowicz said there could be no collusion because Crimetech and Kriminalistik had never tendered for the same contract.

“Crimetech is the only manufacturer of crime investigation products chemicals used in our forensic laboratories and on crime scenes in Africa,” she said. “Kriminalistik does laboratory repairs and supplies equipment.” She said the only contract that Kriminalistik ever had with the police was for the supply of batteries and CD and DVD disks in 2008.

Last week, police spokesperson Solomon Makgale said Phiyega was still waiting for input from the parties implicated by the report before deciding on what action to take. He did not reply to questions emailed to him this week.

http://mg.co.za/article/2015-09-03-firm-fed-toxic-waste-to-pigs-claim

Firm fed toxic waste to pigs, claims government

04 Sep 2015 00:00 Mkhululi Ndamase

A supplier to the police forensic laboratories faces charges of dumping dangerous chemicals.
Dumping charges were laid after environmental management inspectors, the Green Scorpions, raided company premises in the two towns in October 2012. (Getty)

The directors of Crimetech Laboratories, a supplier of vital chemicals to the police forensic division, have been charged with illegally dumping dangerous chemical and medical waste in two rural towns, amaBhungane has established.

Among other offences, the accused allegedly disposed material due for incineration to wild pigs and stored the schedule-six medication thalidomide, notorious for causing birth defects in humans.

Jolanta Komodolowicz and John Henry Deale, with their companies Dealetech WasteXpress and Komodealeowicz Domy, have been charged with illegally transporting, storing and disposing of hazardous waste in the North West town of Brits and Parys in the Free State.

Four other individuals – Deon Venter, Langton John Wolhuter, Hein Lategan and Sebastiaan Paul William Siebert – also face charges in the Brits case, which was postponed this week until September 17.

The alleged offences carry a maximum sentence of 10 years in jail or a R10-million fine on each of the 10 counts.

Fraud and tender collusion
A confidential report on the police forensic division, ordered by national commissioner Riah Phiyega, suggest that Crimetech Laboratories might have been guilty of supplying expired chemicals, as well as value added tax (VAT) fraud and tender collusion, in its dealings with the South African Police Service.

- **Police question forensic supplies**

Komodolowicz and Deale denied any wrongdoing in that matter.

The dumping charges were laid after environmental management inspectors, the Green Scorpions, raided company premises in the two towns in October 2012.

Deale and Komodolowicz had both resigned as Dealetech WasteXpress directors on March 15 that year.

Among the materials allegedly discovered were Crimetech Laboratories' chemicals and pharmaceutical products from clinics and doctors.

‘Environmentally sound’
The charge sheet says the accused contravened sections of the National Environment Management Waste Act 59 of 2008 and Section 332(1) of the Criminal Procedure Act, which makes it possible to charge a company with acts or omissions of a director or employee.

It states that the accused also failed to take reasonable measures to ensure that the waste is “treated and disposed of in an environmentally sound manner”; that Komodolowicz and Deale failed to prevent an employee under their supervision from breaking the law; and that they unlawfully incinerated waste on the property.

The unlawful disposal allegedly took place on “at or near Portion 1137 of a farm 410 (in) Hartbeespoort”.

Komodolowicz declined to comment.

In its 2012-13 national environmental compliance report, the department of environmental affairs says the Green Scorpions raided the Brits and Parys sites simultaneously.

Criminal case
Contraventions uncovered allegedly included “storage and incineration of chemicals, pharmaceutical and medical waste; [and] disposal of waste destined for destruction by incineration to wild pigs held on the Brits property, and storage of medical waste including schedule-six medication such as thalidomide”.

Although Dealetech WasteXpress was ordered to stop unlawfully storing, disposing and treating the unsafe waste on both properties, the report says: “the instruction … has not been complied with fully and the noncompliances that were detected will ultimately be included in the criminal case against Dealetech WasteXpress”.

Last week two former Dealetech employees, who asked not to be named, told amaBhungane that when they enquired about the legality of the company’s waste disposal methods, they were told everything was legal and that they should not worry.

“Crimetech Laboratories had a contract not only to supply chemicals to SAPS but to remove expired chemicals from police labs and blood from crime scenes,” one said.

The source alleged that the Green Scorpions discovered two years of waste at the sites.

Further investigations
Last month, amaBhungane revealed that forensic auditors appointed by Phiyega, CPN Forensics and Accounting Services, had suggested in a confidential report that Crimetech Laboratories might have supplied the police with expired chemicals and could be guilty of tax irregularities. The report recommended the South African Revenue Service (Sars) should investigate further.

The report also suggested that Crimetech and another company of which Komodolowicz had been a director, Kriminalistik, might be guilty of tender collusion.

Komodolowicz resigned her directorship in February 2013, and was immediately replaced by her 19-year-old daughter.

Last week amaBhungane spoke to a former bookkeeper of Kriminalistik, who asked not to be named. She said she had alerted Sars about the company not being registered for VAT.

Last month Komodolowicz dismissed the allegations of possible tender collusion, saying Crimetech and Kriminalistik never tendered for the same contracts.

On the allegations of not being a registered VAT vendor, she said the company had instructed its bookkeeper to apply for VAT registration when they anticipated they would achieve R1-million turnover.

"If we filled in any documents pertaining to VAT during this time, we would state 'pending' and if we tendered, we would assume that we'd be VAT-registered by the time the contract was awarded, which takes six months to a year," she said.

'All elements can be proven'

Asked whether the revenue service is investigating, Sars spokesperson Luther Lebelo said the agency was prohibited by the Tax Administration Act from disclosing names of taxpayers under investigation or any information about taxpayers.

Department of environmental affairs spokesperson Albi Modise said the department is confident of winning the case because "it was thoroughly investigated and all elements of the crime can be proven beyond reasonable doubt".

"The state has, however, experienced certain challenges in obtaining a Polish interpreter, as one of the accused is of Polish descent," he said.

DARRYL FURMAN & ASSOCIATES ATTORNEYS

Lieutenant General J. Sithole
Deputy National Commissioner of Police
Per e-mail sitholej@saps.gov.za

PER E-MAIL

Your Ref
LIEUTENANT GEN. SITHOLE
Our Ref
D FURMAN/TD/3636
Date
08 February 2016

EXTREMELY URGENT

Dear General Sithole,

RE : OUR CLIENT : Mr Sibusiso Maxwell Gumbi, Identity Number 881012 6246 085 (also known as Jacob Nare)

1. We have been instructed by our client to address you as follows:

BACKGROUND

2. Our client is a **State Witness** against **Radovan Krejcir** and others in the following cases:

- Sandton Case Number 180/01/2014 (Conspiracy to murder Colonel Nkosana Ximba and Forensic Investigator Mr. Paul O'Sullivan)
- Bedfordview Case Number 149/10/2013 (Murder of Mr. Sam Issa)
- Heidelberg Case Number 269/07/2013 (Murder of Mr. Phumlani Ncube)
- Meadowlands Case Number 267/12/2013 (House robbery and attempted murder in a Hawks Colonel's house in Soweto)

3. Our client was advised by the South Africa Police and Prosecutors, that his evidence is crucial in securing convictions against Krejcir.

4. As will be clear from the above, our client has specific (and detailed) knowledge of some of the many crimes that were committed by Krejcir and his accomplices. In this regard, he had penetrated the syndicate around Krejcir and was providing information back to his 'handlers'. This took place around December 2013 and January 2014. To be clear, our client never engaged in any criminal conduct himself, but was a 'plant' in the syndicate and was regularly feeding back information. It was very dangerous, as the criminals in the syndicate were bragging all the time about how many cops were on the payroll of Krejcir. This was later proven to be true as many police officers were arrested with Krejcir.

5. At that time in late 2013, early 2014, Siboniso Miya and other accomplices, were supposed to kill three people that were causing Krejcir problems. The first to be killed

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was a state witness, who was a victim of Krejcir's previous crimes of kidnapping, attempted murder and /or torture. His name was Bheki Lukhele. This witness was a key witness against Krejcir, after Krejcir was arrested in November 2013 and, as such, had been placed in the witness protection program. The next person to be killed was a forensic consultant by the name of Paul O'Sullivan and after him, they were to kill Colonel 'Killer' Ximba.

6. Our client was shocked by the audacity of Krejcir and his people, particularly Miya. The information he was able to garner included evidence of the fact that O'Sullivan's coordinates were being sent to Miya, by police officials. Miya had also received an e-mail from someone, showing the precise location of where Bheki Lukhele could be found. He received this on a webmail account he set up for that very purpose. It was by now clear to our client that Krejcir had penetrated, with his corruption, every organ of State including the witness protection programme.

7. Our client advised his handler that on or about the third week of December 2013, O'Sullivan had been to the court, at Palm Ridge, where Krejcir was applying for bail and had supplied documents to assist the State to oppose bail of Krejcir. Upon hearing this, Krejcir then gave instructions to Miya to change the plans and, instead of killing Bheki Lukhele first, they were to kill O'Sullivan and to do so urgently. Our client kept his 'handler' fully apprised of all these actions and, on the morning of 09th January 2014, when O'Sullivan was supposed to have been killed, our client was with Miya and simultaneously briefing his 'handler' about the operation to murder O'Sullivan. Our client distinctly recalls Miya getting a call from Krejcir, which he put on the speaker, and Krejcir complained as to why he had not heard on the radio about O'Sullivan being killed. He was desperate to hear about O'Sullivan's murder. Our client was shocked as to how Krejcir could be phoning and arranging hits, whilst in prison.

8. As it transpired and because of our client's involvement, the syndicate around Krejcir was completely broken and most of the people arrested. The trials are to take place shortly, in respect of all the above matters.

9. As our client was a key State witness, it was essential that he be properly looked after, given Krejcir's previous propensity to murder witnesses. Initially the police wanted our client to go into the witness protection programme. However, our client, having seen how they were about to murder Bheki Lukhele, whilst Lukhele was supposed to be in the witness protection programme, flatly refused to go into the programme, as he knew that would be the end for him and that he would be murdered. If Krejcir could succeed in killing our client, most (if not all) of the cases against him would simply collapse.

10. Arrangements were then made for our client to be taken to the UK, where he was to stay until the commencement of the trials. Although our client was sad to be away from home, he agreed to go, as it was the best thing for the country. He departed for the UK in or about July 2014. Prior to that time he was kept in hotels and safe houses, at the expense of the South African Police Service budget, the police having clearly accepted that Krejcir had penetrated the witness protection programme, into order to murder Bheki Lukhele.

MOONOO'S ALLEGED QUESTIONABLE CONDUCT

11. There were a number of incidents that took place regards to Lieutenant General Moonoo 'Moonoo' and when put together, our client suspects Moonoo of being involved with Radovan Krejcir, to such an extent, that he believes Moonoo wants him dead. We have been instructed by our client to explain the aforegoing.

12. On the day of the operation, our was to be 'arrested', so the others would not suspect he was under-cover and supplying information about the syndicate's activities. After our client was 'arrested' and sitting in Colonel Ximba's car, Moonoo came to him and took a picture of him with his cellular phone. Later on, when our client met Miya at the holding cells, he told our client '*If the police come and book us out of the prison, we must not say anything about the boss (*referring to Krejcir*)*'. He then asked our if he saw the '*Indian guy*' at the crime scene, and he named him 'Moonoo'. Our client said he did (see Moonoo) and that Moonoo had taken our client's picture. Miya then told our client that '*Moonoo is going to help us out, because he is 'Krejcir's connection'* and went on to say that they had nothing to worry about. Miya also told our client that Moonoo had contacts in Mozambique, as Moonoo had people there involved in the rhino horn trafficking.

13. The next time our client had cause for concern about Moonoo, was when he was at your office with Captain Greg Savari, from Interpol. This would have been in or about January 2015. Savari called Moonoo and told him he was with our client, arranging money for accommodation and upkeep in the UK, which Moonoo was supposed to approve, but he had refused to approve it. Moonoo then instructed Savari to hand the phone to our client and our client spoke directly with Moonoo. Moonoo said to our client that he knew his situation, and that he was back in the country (he had previously been in the UK) and Moonoo went on to tell our client that he was '*in the wrong hands*'. He then told our client that he had instructed Lieutenant Colonel Gininda ('Gininda') to bring our client to Mpumalanga to meet with Moonoo, as Moonoo was at that time in Mpumalanga. Moonoo then went on to tell our client that he should NOT trust Gininda. Our client asked Moonoo why he should not trust Gininda, and Moonoo said, he could not tell our client on the phone, but that '*Gininda's phone is bugged and he is being followed wherever he goes*'. Moonoo then said '*When you're finished talking to me, you must put the phone down and not go with Gininda anymore, but you must go with Captain Savari and I will arrange with him where we will keep you and I will come and see you*'. Moonoo then made it clear that our client was **NOT** '*under any circumstances to tell Gininda*' what Moonoo had said to our client. By this stage our client was very concerned and he disagreed with Moonoo's instructions, as he felt it would be the end for him, especially when he recalled Miya telling him at the prison, that Moonoo was the '*Krejcir connection*'. Since it was now clear (to the whole of the Krejcir syndicate – which included many corrupt police officials)that our client was the key State witness, his life would be at risk, if he was compliant with Moonoo's instructions.

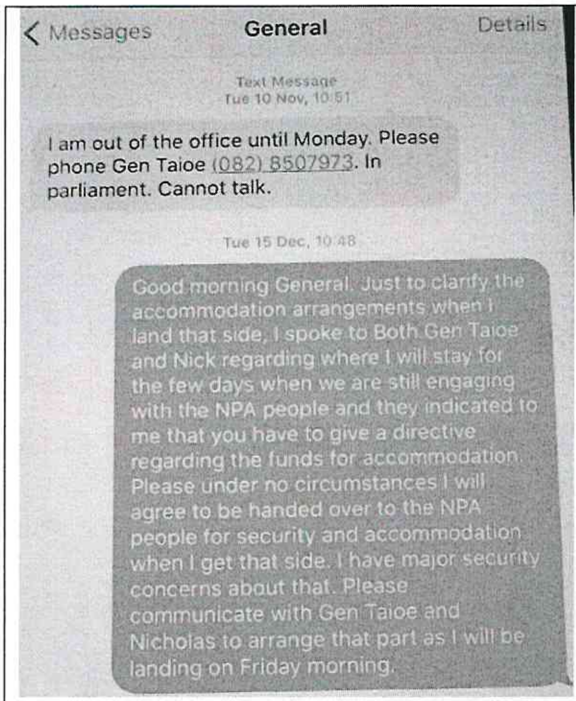
14. After this, our client was very scared and went back to the UK. Upon arrival in the UK, our client found that some of the upkeep conditions had been unilaterally reduced by Moonoo, to our client's his detriment. Our client noted that Moonoo had reduced the upkeep figure that was approved by General Phiyega and yourself. Our client was of the

opinion that this amounted to a deliberate act of sabotage by Moonoo. In February 2015, our client decided to call Moonoo and tackle him about this deliberate attempt to diminish his upkeep. When our client called him, Moonoo told our client that he (Moonoo) would fly to the UK, to discuss our client's future and that our client should **NOT** let Gininda know that he would be coming to see our client.

15. During this same 2015 telephone call, Moonoo then asked our client if he had been speaking to Forensic Consultant, Paul O'Sullivan ('O'Sullivan'). Our client told him he did not ever speak to O'Sullivan. Moonoo then, without any substance, accused our client of lying to him and told him that he had indeed been speaking to O'Sullivan. Our client is adamant that he had never met O'Sullivan before January 2016. Moonoo then alleged that O'Sullivan was in the UK to speak to our client, which was also not true. As a result of the hostile nature of Moonoo's tone, our client obtained the distinct impression from the way Moonoo spoke to him, and kept mentioning that he '*should consider his future*', that Moonoo was suggesting in a round-about way, that our client should not testify in the upcoming trials of Krejcir. Moonoo then told our client, that he was not interested in the case of conspiracy to commit murder, as he (Moonoo) was more interested in other cases. Our client felt he was being intimidated into not giving evidence, but then thought it would be best if he simply made a report to Gininda about this. Our client then recalls being interviewed by Gininda and General Taioe ('Taioe')in the UK and he made a sworn statement. He does not know what happened to that statement, but, as will be seen, our client feels he is now being 'victimised' as a result of telling the truth about Moonoo, and as a result of the fact that it was our client's courageous actions in 2013/14 that led to the downfall of the Krejcir syndicate.

16. Our client states that Moonoo subsequently called him many times and kept harping on about O'Sullivan. Our client sent Moonoo a detailed SMS and told him that he did not believe that he had the interests of the country at heart anymore. Things became strained between Moonoo and our client as a result of Moonoo's conduct and his continual insinuation that our client should not give evidence. Our client then received a 'visit-request' from the witness protection official in the UK, stating that Moonoo wanted to come and visit him. He rejected the request and advised Gininda about it.

17. In December 2015, our client was supposed to come to South Africa, to visit his son. The trip had been postponed a number of times. He then called Moonoo and asked him why he could not visit his son before Christmas. Moonoo told our client that he (Moonoo) had instructed Taioe to fetch him from the UK. Our client, mindful of how Krejcir had arranged for Bheki Lukhele to be murdered (whilst in the witness protection programme) sent an sms to Moonoo making it clear that he would NOT go into the witness protection programme, as he knew it was not secure. A true copy of the SMS is set out below:



Good morning General, Just to clarify the accommodation arrangements when I land that side. I spoke to both General Taioe and Nick regarding where I will stay for the few days, when we are still engaging with NPA people and they indicated that you have to give a directive regarding the funds for accommodation. Please under no circumstances I will agree to be handed over to the NPA people for security and accommodation when I get that side. I have major security concerns about that. Please communicate with General Taioe and Nicholas to arrange that part, as I will be landing on Friday morning.

18. Our client thought he was just visiting SA in December 2015, and would be going back to the UK. However, when they were at the airport, to fly to Johannesburg, Taioe told him that he would not be coming back to the UK and that Moonoo wanted him to stay in South Africa, or nearby in Mozambique. Our client was shocked, as he recalled Miya telling him that Moonoo was connected to Rhino poachers there. Our client felt sure he was being taken out into the open to be killed.

19. After our client arrived back in South Africa, he met with Moonoo. He met him on the 22nd of December after he had landed. He met at Moonoo's office, as Taioe told our client he had no funds and they must go and see Moonoo. Accordingly, our client went with Taioe to Moonoo's office at Police Headquarters. Also present with our client, at the meeting was Moonoo, Taioe, Gininda. Moonoo told our client that he was to be admitted into the local witness protection programme, as he (Moonoo) had been instructed by General Phahlane to stop the process with funding and everything. Our cleint then explained he had serious security concerns, and he related the fact that Bheki Lukhele was to be killed by Krejcir's people, yet he was in protection. Moonoo said our client was exaggerating and he should try it, before complaining, as he cannot help our client if he does not go into the witness protection program.

20. Moonoo told our client that if he did not go into the witness protection programme he (Moonoo) would have to lock our client in police cells, for his own protection. Moonoo then told our client he should '*stand on his own*'. Our client refused to go into the witness protection programme, for fear of being murdered, but went into a hotel in the meantime. Our client asked Moonoo that if he (our client) tried the witness programme and found it was not secure, could he come back to Moonoo. Moonoo said '*definitely not*'. Our client states he had no intention of going into the witness protection programme, but wanted to see what Moonoo would say. Moonoo then asked Gininda, whilst looking at and referring to our client in that meeting *'If he does not exist, what*

are the merits of the case against Krejcir? Gininda made it clear that our client was the key witness and his existence was crucial to the success of the many cases against Krejcir. The meeting then ended.

21. Our client then went to stay at a hotel near Sandton and a concerned citizen helped him to pay for the hotel, because Moonoo had flatly refused to do so, despite having looked after him for two years. Later in December 2015, funds were obtained from Crime Intelligence, to pay for the hotel.

22. On 24 December 2015, our client attended with Taioe and Gininda at a meeting with Witness Protection Programme, as Moonoo had insisted that he be admitted to that programme. Present at that meeting were Gininda, Taioe, Dawood Adam and two others, from the programme. Our client maintains that Dawood Adam waxed lyrical about how good the programme was, but he seemed to be blinded by the fact that Krejcir had penetrated the programme and that Bheki Lukhele would have been already dead, if it were not for Krejcir making a sudden change of plans and decided to kill O'Sullivan first, which ultimately led to his downfall. Our client got the impression during the meeting, that Dawood Adam had been primed by Moonoo. These are just two examples as to why our client believes this:

- In the meeting of 22 December at Moonoo's offices, our client was told by Moonoo that '*If Krejcir had wanted you dead, he could have killed you in the UK*'.
  Dawood adma repeated this, verbatim.
- In the same 22 December meeting Moonoo also advised our client that Krejcir was so evil, he also wanted to kill his own wife.
  Dawood Adam also repeated this verbatim.

23. There were other similarities in the discussions, that gave our client the distinct impression that Moonoo was behind Dawaood Adam's insistence that he (our client) would be safe inside the witness protection programme. This merely served to further destabilise our client.

24. Our client repeatedly told Adam that the witness protection programme was not secure and that he would not go into it, as a result of the prior failings, which we have already noted above. By way of evidence of this fact, we attach hereto, a copy of the transcript of a recording of the 24 December 2015 meeting with Dawood Adam, with the relevant section highlighted in yellow.

25. On 2016-02-03 our client was put out of the hotel he was staying in, as the police had unilaterally cut the funding for it. Our client has now been taken in by a member of the public, as part of that person's public interest programme. That same member of the public has funded a legal team to represent our client and change the tide that is now flowing against him.

26. We met with our client last week on Thursday, 04 February 2016 for the purpose of taking instructions. Our instructions are to do whatever it takes, to restore our client's protection and dignity, until after he has given evidence at the various Krejcir trials. At the meeting it was agreed with our client that, prior to launching an urgent application in the High Court, we would attempt to resolve the situation through dialogue.

27. On 2016-02-04, a member of our client's legal team, Adv Kenny Oldwadge, telephoned to you and the call was held in a most cordial manner. You admitted that the State has a duty of care towards our client, that the manner in which he had been treated was not right, and that you would facilitate a meeting between yourself, ourselves and Lt General Phahlane, the acting commissioner of police. You said you would first like to meet with our client's legal team, which would happen first thing Monday morning, 8 February 2016.

28. On 2016-02-06, Advocate Oldwadge sent the following SMS to you:

> *'Dear General Sithole, I refer to our telcon Thursday evening during which you undertook to revert to me during the course of Friday morning so as to arrange a time for meeting early Monday morning. Not having heard from you and due to the urgency of the matter, I have made several calls to your mobile number, to no avail. Please phone me. Would you also be kind enough to send me your e-mail address. Regards Kenny Oldwage.*

29. Eventually during the afternoon the afternoon of Sunday, 7 February 2016, Advocate Oldwadge a telephone call from you. You indicated that you were not available to meet with our client's legal team but that you had briefed General Nkome and that Advocate Oldwadge can expect a call from General Nkome during the morning of Monday, 8 February 2016. We have been advised by Advocate Oldwadge this afternoon that he has not received any call whatsoever from General Nkome as indicated by you.

30. In the light of all the aforegoing, we have been instructed to formally record the following:

- The State has a duty of care towards our client and we must insist that our client is properly protected, outside of the witness protection programme, which is clearly not secure, for the reasons stated above.
- There are other precedents for persons being protected out of the witness protection programme. By way of example, we have Eugene de Kok the notorious Vlak Plaas commander. We also have the woman that was the main witness in the State v Jacob Zuma, on charges of alleged rape.
- It is also common-cause that our client has been securely protected by the South African Police Service, both in South Africa and the UK, until his return and then after his return, until the unilateral cessation of the protection of our client on 03 February 2016.
-
- Our client is a citizen of South Africa and has constitutional rights.
- Section 8.1 of the Constitution says: '***The Bill of Rights applies to all law, and binds the legislature, the executive, the judiciary and all organs of state***'
- Section 11 of the Constitution says: '***Everyone has the right to life***'. Our client's right to life is being breached by the SAPS unilateral cessation of his protection

31. Given all the above circumstances and the fact that the South African Police Service saw it fit to protect our client, who the Police obviously regarded as an extremely important witness in the various Krejcir matters and funded such protection until 3 February 2016.

Without proper explanation to our client, the Police protection of our client was summarily terminated on 3 February 2016, with a simple statement to the effect that our client must go into the witness protection program, which our client simply refused to do, given the facts and circumstances recorded above.

32. In the circumstances, we have been instructed to demand, as we hereby do, that the witness protection funding previously afforded to our client for nearly the past 2 years by the South African Police Service, be re-instated by no later than **16h00 on Tuesday, 9 February 2016**, failing which our client shall have no alternative but to approach the High Court with an urgent Application for the appropriate relief.

33. All our client's rights remain entirely reserved.

Yours faithfully,
DARRYL FURMAN & ASSOCIATES

Per **DARRYL FURMAN**

CC : Lieutenant General K Phahlane
Acting National Commissioner of Police
Per e-mail to phahlanek@saps.gov.za

Property Details & Google earth history Erf 53 Sable Hills Waterfront Estate, 10 Mongoose

ANNEXURE 'POS-6'

Property Details

Township	SABLE HILLS WATERFRONT ESTATE		
Erf	53		
Portion Number	0		
Property Type	FreeHold		
Deeds Office	Pretoria		
Address		Scheme Name/Farm Name	
Province	Gauteng	Unit No/Farm No	
Suburb	SABLE HILLS WATERFRONT ESTATE	LPI Code	T0JR06120000005300000
Municipality		Size (SQM)	1983
Coordinate	-25.63/28.39	Size (Cadastral)	1984

Owners

Owner: 1			
Owner Name	PHAHLANE JOHANNES KHOMOTSO	ID Number	6705295314080
Owner: 2			
Owner Name	PHAHLANE BEAUTY NTOMBIZODWA	ID Number	6701230480086

Bond Information

Registration Date	Bond Number	Amount (R)	Institution
6/21/2011	B25762/2011	2200000	NEDBANK
8/25/2010	B37218/2010	595000	NEDBANK

Transfer History

Buyer	Seller	Reg. Date	Purchase Date	Purchase Price	Title Deed
PHAHLANE JOHANNES KHOMOTSO	KAGO KOPO KANO TRUST	8/25/2010	4/6/2010	850000	T59126/2010
KAGO KOPO KANO TRUST	SABLE HILLS WATERFRONT ESTATE PTY LTD	11/10/2006	9/12/2006	400000	T149583/2006

Municipal Valuation

Municipal Valuation	4050000	Municipal Valuation Year	2013
Municipal Zoning	RESIDENTIAL		

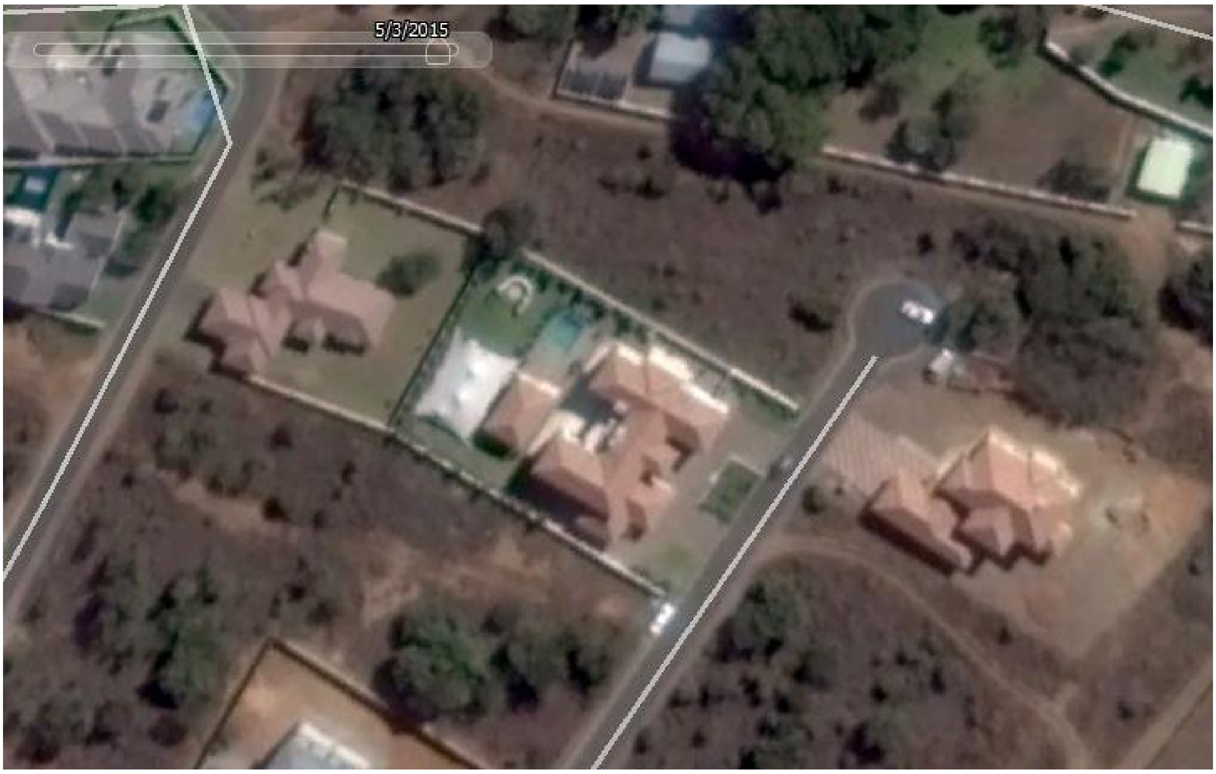
Property Details & Google earth history Erf 53 Sable Hills Waterfront Estate, 10 Mongoose

2016-02-13 street view NB two double garages

2015-09-09 Latest Google Earth picture

Property Details & Google earth history Erf 53 Sable Hills Waterfront Estate, 10 Mongoose

2015-05-03 marquee in garden



2012-06-20 First shot showing house completed and pool filled

Property Details & Google earth history Erf 53 Sable Hills Waterfront Estate, 10 Mongoose

2012-03-05 House externally completed, pool not yet filled, internal works under way

2011-10-24 structure c. 80% completed – boundary wall started

2011-08-01 work well under way – pool started

2011-07-24 work well under way – first floor slab being formed

Property Details & Google earth history Erf 53 Sable Hills Waterfront Estate, 10 Mongoose

2011-07-02 work well under way

2011-02-23 work not yet started