

2016-03-31 e-mail O'Sullivan to Kgamanyane

From: Paul O'Sullivan

Sent: Thursday, 31 March 2016 08:16

To: 'lkgamanyane@ipid.gov.za' <lkgamanyane@ipid.gov.za>

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

Subject: RE: Complaint of Corruption against Lt General J Phahlane

Dear Sir,

Complaint of Corruption against Lt General J Phahlane

Further to the docket I lodged with you in February, I have now traced, interviewed and obtained evidence under oath from a key witness, concerning a statement she made some years ago, that was swept under the carpet. She gave me further valuable leads which I am following up on at this time.

In this regard, I attach the sworn statement of Suzette Hartman, which is self-explanatory. Further evidence is being adduced and will be supplied in due course.

In view of the fact that we have a person of questionable integrity at the helm of the Police, I require **urgent feedback** as to the steps that you have taken in the last month.

For example:

- Have you been able to establish the cash-flow for the project of constructing Phahlane's house? As previously demonstrated, he lives in a house worth R8.5m yet only paid R2.2m for it.
- Have you ascertained the details pertaining to his trip to Poland?
- Have you carried out a Section 205 application in respect of the relevant telephone numbers, that will establish evidence of the links?

I shall be in London next week. Upon my return to South Africa, I think we should sit and review the case, as it is not in the interests of South Africa to have a criminal justice system managed by criminals, as is currently becoming the case. When we meet I will hand to you the original sworn statement I have obtained from Hartmann and others, with the expectation that something is being done to prevent the criminalisation of the criminal justice system.

Further in that regard, In January 2015, I assisted one Lt Boitumelo Ramahlaha lay a formal complaint with your offices against then Major General Berning Ntlemeza. In terms of which it is clear that Ntelemeza has a case to answer. I attach a copy of that complaint. It is somewhat disconcerting that, despite the serious allegations against him, Ntlemeza was subsequently (in my view unlawfully) promoted to Lt General and appointed as head of the Hawks.

It is now clear, given regard to the following extract from Minister Gordhan's statement of yesterday;

I have responded to the questions sent by the Hawks and I wish to state the following:

- a. My legal advice is that I am not obliged, under any law, to answer the questions sent to me by the Hawks but I believe it is in the public interest that I provide them with information I have at hand. Be that as it may, as a law abiding citizen I have decided to co-operate fully
- b. My legal advice is that the establishment Unit was lawful
- c. I am advised that the Sikhakhane Panel finding that the establishment of the Unit contravened the National Strategic Intelligence Act was wrong and based on a superficial and clearly mistaken reading of the aforementioned Act
- d. The Unit was an essential part of SARS' enforcement strategy as it is with most tax and customs administrations globally
- e. As far as I was aware, the unit lawfully performed its functions
- f. As far as I was aware, the funding of the unit was done through normal budgetary processes applicable to SARS.

The Hawks declined to answer my questions seeking clarity on what offence they were investigating and by what authority they were acting. They merely referred me to the powers conferred to them by chapter 6A of the South African Police Service Act 68 of 1995. None of the provisions of chapter 6A entitle the Hawks to demand answers, set deadlines and threaten me with retaliation if I fail to respond. The deadlines and threats of retaliation were accordingly unlawful.

that Ntlemeza is abusing his power to intimidate cabinet ministers, and I hereby request you to take steps to bring him to book and prevent further abuse of power.

In view of the national importance of this matter, I look forward to receiving your most urgent feedback and hope that IPID will carry out its constitutional mandate, for the good of the country.

Best wishes,

Paul O'Sullivan CFE



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