

Affidavit H Khuba 2018-07-24

SWORN AFFIDAVIT

I, the undersigned,

HUMBULANI INNOCENT KHUBA

do hereby make oath and state the following in English:

1.

The facts contained herein are correct and within my personal knowledge unless otherwise indicated.

2.

I am an adult African male with Identity number 7205025194083, persal number 18763685 residing at number 14 David Mabilo, Faranani Estate, Bendor, Polokwane with cellular telephone number 0763404889. I am a Chief Director in the employment of the Independent Police Investigative Directorate based in Polokwane as a Provincial Head for IPID Limpopo.

3.

After my reinstatement by the Labour Court on 25/04/2017, I was requested in June 2017 by Mr Sesoko, the National Head of Investigations to assist him in managing the National Task Team which is responsible for the investigation of cases against former Acting National Commissioner J K Phahlane and other high profile cases. The team was headed by Mr Mandlakayise Mahlangu with following members, Mr Binang, Mr Raphesu, Mr. Cedric Nkabinde, Mr A Sehas, Rodney Subramany and Stanton Govender and Theresa Botha who is an Analyst contracted to the Directorate.

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After my assessment of the team and the work at hand, I recommended that the following individual be added to the team, Ms Ntombi Gibson and K Matlakeng. I also had a meeting with Col Roelfse from the Hawks and discussed matters relating to Crime Intelligence. I recommended to Mr Sesoko that Col Roelfse be seconded with Captain McLean in order to assist the team in both Crime Intelligence investigations and General Phahlane investigations.

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At the end of April 2018 or beginning of May 2018, I was shown a letter which was an attachment to an e-mail, addressed to the Minister of Police Beki Cele by Cedrick Nkabinde who is our Principal Investigator attached to the Task Team.

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Mr Nkabinde's letter to the Minister of Police dated 28/04/2018 was received via email from the seconded member of the Hawks, Colonel Kobus Roelfse. According to the email information detailing the origin of the email, it is clear that the email was forwarded to Colonel Roelfse by Adv. Chris Smith. Other details regarding the source of email cannot be established (see annexure A). However Mr Nkabinde makes certain allegations that cast doubt on the integrity of the Directorate and members of the task team (see annexure B). The allegation can be categorised as follows;

- 5.1 IPID is allowing Paul O'Sullivan, Sarah Trend and Afriforum to spearhead IPID investigation,
- 5.2 Members are divulging important information to Paul O'Sullivan and his assistant Sarah Trends,
- 5.3 Members are leaking information to the media,
- 5.4 Conduct investigation through the media in order to tarnish images of specific individuals,
- 5.5 Allowing and obtaining information unlawfully,
- 5.6 Abuse of authority by targeting specific individuals,
- 5.7 Unlawfully giving instruction not to investigate specific cases for personal gain,
- 5.8 Misrepresentation and abuse of authority to have members of DPCI seconded full time with ulterior motives and,
- 5.9 Monitoring and interception of cellular communication.

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When I took over the Task Team In June 2017, every member of the Task Team reported directly to me. At no stage did I give any instruction that members of the Task Team should work or interact with Mr Paul O'Sullivan. It is not true that Mr Paul O'Sullivan led IPID investigation when I was the Task Team leader. I was never informed that Mr Paul O'Sullivan led the Task Team before I joined. I am not aware of any planning meeting with the media nor was such a meeting ever took place in my presence. Mr Nkabinde mentioned my name in a search that took place at Phahlane house alleging that I pre-arranged the media before the actual search. In any event it is impossible because at the time when the first search was conducted at Phahlane's house, I was not yet reinstated by the Labour Court. I never targeted any specific individuals during investigation and never received any instruction either from Mr Sesoko or Mr McBride to target specific individuals. No investigation was stopped under my control and there is no evidence that specific investigation was stopped or deliberately neglected for specific known or unknown reason. There is no information that I am aware of which were acquired through illegal means. Every private information was acquired through 205 applications, recommended by Prosecutor and approved by Magistrate.

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On the 16 April 2018, all task team members were called in Mr Sesoko's office by the Executive Director. The purpose of the meeting was to establish whether any member of the Task Team was ever approached by SAPS members with a view of soliciting information about our investigations and management. The Executive Director requested all the investigators who have been approached by SAPS to falsely implicate IPID management to come forward and indicate who approached them and how they were approached. Only Mr Mahlangu raised his hand to indicate that he was approach.

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Regarding the matters involving I-View, on 14th December 2017 of which I cannot remember the exact time, I received a call from a person who does not wish his identity to be made known, requesting a meeting with me. During the meeting, he informed me that General Ngcobo, the Acting Divisional Commissioner of Crime Intelligence (CI) had approached Brigadier Chili of CI Legal Service to recommend the procurement of a grabber for about R45 million and that the money was needed, allegedly to be laundered to buy votes at the 54th ANC conference. I then informed Mr Sesoko who immediately called Brigadier Chili to enquire about the allegations. No investigation was ever started as a way of targeting certain individuals but all cases were received through verifiable sources and registered in line with section 28 of IPID Act 1, of 2011.

9.

On or around February 2018, I was informed by General Nemutanzhela that there is someone who would want to meet me privately in Sandton I refused to meet with such person in Sandton and insisted that the person should meet me in Pretoria. I then went to a location within Pretoria to meet General Nemutanzhela accompanied by Mr Matlakeng and Ms Gibson. However the two investigators remained in the vehicle when I met with General Nemutanzhela. During the meeting, General Nemutanzhela introduced me to General Mkhwanazi. I know General Mkhwanazi from the investigation of the rendition case which I dealt with in the past and have respect for him General Mkhwanazi told me that he had a 204 statement from Mr Nkabinde and Mr Mahlangu's statement was ready to be signed but Mr Mahlangu was afraid of the Executive Director. I tried to get as much information from him regarding the matter. I also suspected that he was just mentioning it as a way of soliciting information from me.



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After I left the meeting I went straight to the office with the two investigators who were accompanying me and met with Mr Sesosko. I explained what transpired during the meeting with General Mkhwanazi. We then took a decision that we should first verify the information before approaching the investigators.

I know and understand the contents of this statement.

I have no objection to taking the prescribed oath.

I consider the prescribed oath binding on my conscience.

SIGNED AT Pretoria ON THIS 24 DAY OF July 2018

[Signature]

PK

DEPONENT

I certify that the deponent has acknowledged to me that he / she knows and understands the contents of the above declaration. The deponent has placed his / her signature thereon in my presence and the above declaration was sworn to before me at Bloemfontein on

[Signature] P/Invest
COMMISSIONER

114 Madiba Street Bloemfontein
BUSINESS ADDRESS

2018/07/24
DATE

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[Signature]