



General R Phiyega
Commissioner of Police
South African Police Services
Per e-mail to PhiyegaR@saps.gov.za

Lt General V Moonoo
Deputy Commissioner of Police
South African Police Services
Per e-mail to Moonoov@saps.gov.za

Warrant Officer Kobus Vlok
South African Police Services
Per e-mail to Vlok.kobus@gmail.com

Dear Madam and Sirs,

**OUR CLIENT: MR PAUL O'SULLIVAN – ALLEGED CRIMINAL CONDUCT BY
POLICE OFFICERS**

1. As you are aware, we act for and on behalf of Paul O'Sullivan.
2. We have been instructed to address you as follows :-

2.1 RECORDAL OF FACTS

Date	Event
2012-10-17	Our client opened a docket at Silverton Police station, under SILVERTON CAS 369/10/2012 against, Advocate Lawrence Mrwebi, Advocate Nomgcobo Jiba, General Richard Mdluli and others in respect of Perjury, Defeating the Ends of Justice and breaches of Section 32 of the National Prosecuting Authority Act. To date no proper investigation has been done and no-one has been prosecuted. Our client is of the opinion that the suspects are being 'shielded' from prosecution, because they are politically connected. General Mdluli has been sitting at home for four years now, whilst secretly continuing to drive the crime intelligence unit of the police by remote control. The cost to the tax-payer alone, on fruitless and wasteful salary payments is in excess of R8 million.
2013-12-10	Our client wrote to General Dramat of the Hawks, to notify him that General Moonoo was engaged in what could best be described as 'questionable activity'.
2014-02-06	Our client opened a docket at Linden Police Station, under LINDEN CAS 107/2/2014 in respect of high level corruption within the Police, related to the fraudulent contract between Tracker Connect (Pty) Limited and the police. General Moonoo was implicated by signing off on that contract.

Darryl Furman & Rowan Furman
Professionally assisted by
Dirk Venter - Gillian Moss (Office Manager)
In association with Meyer & Venter (Attorneys & Conveyancers)
B-BBEE level 4

Illovo Law Chambers, Ground Floor, 4 Fricker
Road, Illovo, Johannesburg 2196
Telephone (011) 447 7747 · Fax (011) 268-0472
Email info@furmanlaw.co.za
PO Box 4374, Johannesburg 2000
Docex 67 Johannesburg

E-M



- 2014-10-01 Our client sent an e-mail to General Phiyega, again canvassing allegations of misconduct against General Moonoo, where the underlying allegation was one of corruption.
- 2014-10-02 Our client again wrote to General Phiyega and advised her that our client had become aware of General Moonoo's intention to set-up our client and have him arrested on false charges.
- 2014-10-03 Our client again wrote to General Phiyega and advised her that serving police officers were engaged in a conspiracy to either kill him, or to have him arrested on trumped up charges. It is common-cause that several police officers are awaiting trial for conspiring to murder our client.
- 2014-10-13 Our client again wrote to General Phiyega to advise her that he would be increasing his focus on corrupt police officers, by implication he meant General Moonoo.
- 2014-10-25 Our client received a mail from General Phiyega advising him that she (General Phiyega) had forwarded our client's mails to General Moonoo.
- 2014-10-25 Our client wrote to General Phiyega advising her that tipping off General Moonoo may have been a 'costly mistake'.
- 2015-01-10 Our client wrote to General Phiyega, with a copy to IPID, a long schedule of questionable activity, supported by evidence which implicated General Moonoo in:
- Complicity in the fraudulent extension of a contract that never existed in the first instance, with a company known as Tracker Connect (Pty) Limited.
 - General Moonoo's involvement with alleged tobacco smuggler, Yusuf Kajee.
 - General Moonoo's involvement with the Bhana family, who were alleged to have fraudulently stripped Aurora and Blyvooruitzicht mines.
- 2014-12-10 Our client is notified by an informer that General Moonoo had instructed staff in his office, to 'find anything' they could that could be used to shut down our client. Our client was also advised that the police would conduct a search at his offices, with the hope of finding any incriminating evidence that could be used against him. He was warned that they would particularly be hoping to find evidence of him being in possession of classified police documents.
- 2015-01-16 We wrote to General Phiyega and General Moonoo, on behalf of our client, recording the ongoing situation, and in particular the continuing conduct of General Moonoo as well as the fact that General Moonoo alleged that our client would be arrested and '*destroyed in the media*'.
- 2015-02-06 Our client received an e-mail from General Phiyega, informing him of the appointment of Brigadier van Zyl, to investigate our client's complaints against General Moonoo.
- 2015-02-01 Our client was notified that Warrant Officer Vlok, was approaching our client, and ourselves, in order to convene meetings. He is advised by one client, that Warrant Officer Vlok says he is investigating our client, on a number of charges.


 E. M.



Our client considered this to be defamatory of him, as well as a breach of his constitutional rights, as the same amounted to a campaign of defamation and vilification.

- 2015-02-18 Our client wrote to General Moonoo, with the subject line, '*Conduct unbecoming a Police Officer*'. In this mail our client repeated his previous allegations and added to the list of allegations, General Moonoo's involvement in destabilising the State's case against Radovan Krejcir. Our client also fingered Warrant Officer Vlok, as the person that was making defamatory and unlawful comments about our client.
- 2015-02-25 Our client sent an e-mail to General Phiyega (and others) enclosing what appeared at the time to be an Interpol Report suggesting that Ms Dudu Myeni, Chairman of SAA held substantial off-shore bank accounts.
- 2015-02-25 (The same day) Our client wrote and told all recipients of the previous mail, that he had established that the Interpol documents were fake, and that he would be investigating to establish who had produced same.
- 2015-03-02 Our client entered into an agreement with Myeni and her lawyers, to establish evidence as to who was behind the fabrication of the fake Interpol documents and to obtain evidence in that regard with a view to a prosecution.
- 2015-03-07 Having established the identities of the persons behind the fake Interpol report, our client opened a docket at Bramley Police Station under **BRAMLEY CAS 94/3/2015**. In his docket, he also accused Ms Dudu Myeni and then fellow director Lindiwe Nkosi-Thomas of being behind a clandestine plot to unlawfully acquire the cellular phone records and banking records of three SAA directors, as far back as January 2014.
- 2015-03-14 Ms Dudu Myeni opened a docket at Durban, in respect of the Fake Interpol report, but deliberately omits to advise the police that :
- Our client was the person to quickly point out that the documents were fake and had sent out an e-mail a few hours after the original e-mail, to advise so.
 - That it was our client, and not (as falsely claimed by Myeni) her attorneys that had established the originator of the documents.
 - She had entered into an agreement with our client, via her attorneys, in terms of which she was precluded from taking any action against our client.
- 2015-02.14 –
- 2015-03-28 Warrant Officer Vlok became the 'Investigating Officer' of the Myeni complaint. This is the same Warrant Officer Vlok, mentioned in our client's e-mail to General Moonoo on 2015-02-18. To this date it is not known how Warrant Officer Vlok was appointed to that case, save to say our client considers same to be highly irregular, given the prior defamatory statements made by Vlok against our client.
- 2015-03-30 We sent a letter to Warrant Officer Vlok, undercover of which we included a copy of the written agreement concluded between our client and Ms Myeni.

E. m



- 2015-04-06 Warrant Officer Vlok attended at Bramley Police station to uplift the docket that our client had opened against the suspects that he had identified. It is not known how or why Warrant Officer Vlok was able to take control of that docket, save to state that it is also viewed as a highly irregular step, given his prior unlawful conduct.
- 2015-04-14 Warrant Officer Vlok deposed to two separate sworn statements. The first statement was signed at the offices of General Moonoo and the second at the Randburg Magistrates Court. Warrant Officer Vlok did this in order to fraudulently obtain a search warrant for execution at our client's offices. It has subsequently been established that Warrant Officer Vlok deliberately misled the Magistrate at the Randburg Magistrates Court, without which he would not have been able to obtain the search warrant in question.
- 2015-04-15 Assisted by approximately 30 police officials, Warrant Officer Vlok raided our client's offices with the unlawfully obtained search warrant. Warrant Officer Vlok was accompanied by a police spokesperson, who's name did not appear on the search warrant, as well as journalists. This corroborated the final paragraph of our letter addressed to Generals Moonoo and Phiyega on 16 January 2015, wherein we repeated our client's allegation of General Moonoo's stated intention of destroying our client in the media. Our client observed that item six on 'Annexure A', to the search warrant, being the item sought, as '*Any official SAPS documents and/or any document bearing the SAPS insignia*'. Our client is adamant that this is the smoking gun which proved that Warrant Officer Vlok, under the instruction of General Moonoo, was on a fishing expedition, especially in view of the fact that in his statement to obtain the search warrant, Warrant Officer Vlok had made out no case whatsoever to include such item on the list attached to the search warrant.
- 2015-04-15 Our client obtained an interim interdict against the Minister of Police, the Commissioner of Police and Warrant Officer Vlok, which included an order that all the items identified in the inventory of the search and seizure be returned to our client.
- 2015-04-16 Warrant Officer Vlok, despite the abovementioned order of court, refused to comply therewith and went on to defame our client and advised that he intended arresting our client.
- 2015-05-16 Our client opened a criminal docket at Randburg under **Randburg CAS 301/5/2015** against Warrant Officer Vlok, General Moonoo and Ms Dudu Myeni, for offences of Perjury and/or Defeating the Ends of Justice and/or Fraud and/or Corruption.
- 2015-05-20 Warrant Officer Vlok attended at the Norwood Police Station and uplifted the following three Norwood dockets:
- 183/10/2014** A case opened by our client against Denis Krejcir, for threatening to kill our client on his Twitter account.
- 125/06/2014** Together with **126/06/2014**, which are both false cases opened against our client by Radovan Krejcir's associates.

E. M.



2015-05-25 Our client opened a further docket at **Pretoria Central** with **CAS1900/5/2015** alleging Corruption, Defeating the ends of Justice and breaches of Section 32 of the National Prosecuting Authority Act on the parts of General Moonoo and Jiba.

2.2 **DIAGNOSIS**

Our client is of the view that there can be no doubt that the on-going fishing expedition carried out by Warrant Officer Vlok, at the instance of General Moonoo, is unlawful and is further intended to abuse our client's constitutional rights. It is the culmination of more than a year of General Moonoo unlawfully deploying police officers against our client, for no other reason than to discredit our client, because our client has exposed the allegations pertaining to General Moonoo's nefarious associations and allegations of generally corrupt relationships. Simply put, all of the above makes out a case for a gross violation of our client's constitutional rights, for no other purpose than to cover up and/or quash corruption investigations laid by our client against senior police officials and the NPA officials.

2.3 **PROGNOSIS**

Our client has instructed us to advise, as we hereby do, that he has no intention of conceding defeat to such massive abuse of power on the part of General Moonoo and his accomplices, which is being perpetrated for no other reason than to protect corrupt police and NPA officials. Indeed, such unlawful conduct against our client, merely makes him more resolved to see that the corrupt officials face the criminal justice system. Our client will continue to push forward with his intention of seeing the corrupt officials face the criminal justice system, and nothing will stop our client.

2.4 **RESERVATION OF RIGHTS**

We are instructed to inform you, as we hereby do, that Paul O'Sullivan will continue to pursue his current public-interest investigations without fear or favour and will take the appropriate action at the appropriate times and in the appropriate fora, to ensure that South Africa does not become a police state, and that the corrupt senior police and NPA officials face the criminal justice system. A copy of this letter will be tabled at such fora if and when required.

All our client's rights remain entirely reserved.

Yours faithfully,
DARRYL FURMAN & ASSOCIATES

Per **DARRYL FURMAN**

CC : Mr Paul O'Sullivan

E. m.

[Signature]



Lt General V Moonoo
Deputy Commissioner of Police
South African Police Services
Per e-mail : Moonooov@saps.gov.za

Your Ref
Lt. GEN. MOONOO/KOBUS VLOK
Our Ref
D FURMAN/TD/3543
Date
12 November 2015

Warrant Officer Kobus Vlok
South African Police Services
Per e-mail to Vlok.kobus@gmail.com

URGENT

Dear Sirs,

RE : OUR CLIENT: Paul O'SULLIVAN – FURTHER RECORDING OF UNLAWFUL CONDUCT AND ABUSE OF POWER

1. As you are aware, we represent Paul O'Sullivan, who has instructed us to address you again regarding your conduct.
2. You are aware of the fact that our client has opened a case against both of you in respect of defeating the ends of justice, and in respect of Warrant Officer Kobus Vlok ("Vlok"), a case of fraud and perjury has been opened by our client. In addition, our client has opened a case against Lieutenant General Moonoo ("Moonoo") in respect of multiple counts of corruption and defeating the ends of justice.
3. We have been instructed that despite an undertaking given to Major General V Mashabane by Moonoo during May 2015, that he, Moonoo would cease to carry out any further investigations into our client, or have any such investigations carried out by anyone reporting to him, our client is most concerned to note that Vlok persists with his unlawful conduct. In particular, it has been brought to our client's attention that Vlok has been instructed by Moonoo to do all things possible to see to it that our client was arrested, even if the case would not stand up in court.
4. In this regard, it has also been brought to our client's attention that Vlok, having unlawfully obtained a search warrant of our client's offices, then persisted to advise various persons that he would '*see to it that O'Sullivan pays*'. Indeed, we have Vlok on record, having advised our candidate attorney, Candice Olim, that he, Vlok does not care about the law (referring to the Order of Court obtained by our client as a matter of urgency regarding the stay of the search and seizure warrant) and will do as he wishes.
5. We are instructed that more recently our client has discovered that Vlok took the very same docket that he used to falsely implicate our client in wrong doing, to a prosecutor and that prosecutor 'declined to prosecute' and in so doing gave a *nolle prosequi*. Then,

Darryl Furman & Rowan Furman
Professionally assisted by
Dirk Venter · Gillian Moss (Office Manager)
In association with Meyer & Venter (Attorneys & Conveyancers)
B-BBEE level 4

Illovo Law Chambers, Ground Floor, 4 Fricker
Road, Illovo, Johannesburg 2196
Telephone (011) 447 7747 · Fax (011) 268-0472
Email info@furmanlaw.co.za
PO Box 4374, Johannesburg 2000
Docex 67 Johannesburg

E.M.



not happy with that decision, Vlok, in conspiracy with Moonoo, has apparently arranged to have the prosecutor in question removed from the case and a new more 'flexible' prosecutor to be appointed.

6. Our client is of the view that your above conduct amounts to further abuse of the process and amounts to the further criminal offence of defeating the ends of justice.
7. In the circumstances, we have been instructed to demand from you, as we hereby do:
 - 7.1 A schedule of all dockets Vlok has gathered under his control relating to our client;
 - 7.2 Details of the name of the prosecutor/s in respect of each and every case under Vlok's control relating to our client; and
 - 7.3 An explanation as to why you, Moonoo, have deliberately breached the undertaking given by you to Major General V. Mashabane during May 2015, as aforesaid.
8. You would be aware of the fact that we have been instructed by our client to prepare a substantial claim for damages against both of you, jointly and severally, arising from your prior unlawful conduct. Our client reserves the right to add to that claim, should your further conduct as described above, continue to cause our client to suffer harm and damages.
9. We have been instructed to demand a proper response from you by the close of business **tomorrow, Friday, 13 November 2015**, failing which our client reserves the right to escalate this matter without further recourse to either of you.

Yours faithfully,

DARRYL FURMAN & ASSOCIATES

Per **DARRYL FURMAN**

CC : Mr Paul O'Sullivan
Via e-mail

E. m.

POS-3



Lt General V Moonoo
Deputy Commissioner of Police
South African Police Services
Per e-mail : Moonooov@saps.gov.za

Your Ref
Lt. GEN. MOONOO/KOBUS VLOK
Our Ref
D FURMAN/TD/3543
Date
20 November 2015

Warrant Officer Kobus Vlok
South African Police Services
Per e-mail to Vlok.kobus@gmail.com

URGENT

Dear Sirs,

RE : OUR CLIENT: Paul O'SULLIVAN – FURTHER RECORDING OF UNLAWFUL CONDUCT AND ABUSE OF POWER

1. As you are aware, we represent Paul O'Sullivan, who has instructed us to address you regarding your conduct.
2. Firstly, we must record that you have never had the courtesy of responding to any many letters addressed to you on our client's instructions. Neither of you have taken the time and trouble to refute any of the serious allegations put to you on behalf of our client. In the absence of your refuting the serious allegations, such allegations stand as they have been recorded. We are certain that you have heard of the term "Acquiescence by Silence".
3. Specifically with regard to our letter dated 12 November 2015, we record that no response was received. As a direct result thereof, the writer telephoned Warrant Officer Vlok ("Vlok") on telephone number 082 470 3282 on 18 November 2015. You will recall that we have previously recorded the fact that Vlok, at the instance of Lieutenant General Moonoo ("Moonoo"), has been engaged in unlawful investigations of our client since last year.
4. As a result of our abovementioned call not being answered, the writer sent an sms to Vlok on 18 November 2015 at 16h21 stating "*Warrant Officer Vlok. Regarding Paul O'Sullivan, please call me asap. Attorney Darryl Furman 083 254 4550*". Vlok called the writer back and advised the writer *inter alia* that he was no longer the investigating officer of the case opened against our client by Ms Myeni. Vlok advised that the investigating officer is now a certain Captain in the Hawks. Vlok undertook to ascertain the name of the Captain in the Hawks and to call the writer back with the name, but to date, has failed to do so. We have had no response from either of you to the allegation made by my client that the Myeni docket was closed by the Prosecutor having marked it "*Decline to Prosecute*" but, that you then decided to take the docket to another

Darryl Furman & Rowan Furman
Professionally assisted by
Dirk Venter · Gillian Moss (Office Manager)
In association with Meyer & Venter (Attorneys & Conveyancers)
B-BBEE level 4

Illovo Law Chambers, Ground Floor, 4 Fricker
Road, Illovo, Johannesburg 2196
Telephone (011) 447 7747 · Fax (011) 268-0472
Email info@furmanlaw.co.za
PO Box 4374, Johannesburg 2000
Docex 67 Johannesburg

E. m.

[Signature]



prosecutor, in the hope that a different outcome (more favourable to Moonoo) could be obtained, which we all know, if our client's allegation is true, is simply criminal and amounts to the offence of defeating the ends of justice.

5. Apart from recording the fact that Vlok has not called back the writer with the details of the investigating officer in the Myeni matter, we also record that Vlok also advised the writer during the telephone call on 18 November 2015 that he, Vlok was no longer involved in any cases whatsoever concerning our client, Mr Paul O'Sullivan.
6. It therefore came as a shock to our client, to learn that during the course of the day on 19 November 2015, Warrant Officer Vlok, accompanied by two white male police officials in civilian clothes, arrived at Langlaagte Police Station on 19 November 2015 and proceeded to utilise computers at that facility, in order to access and print off several hundred pages concerning our client. When questioned by one of the officers at the Langlaagte Police Station, as to what they were doing, Vlok identified himself and allegedly stated that he was from "head office" and that they were on a secret investigation aimed at bringing down Paul O'Sullivan. Our client was informed about the foregoing state of affairs by the officer in question, who has known our client for many years and considers the foregoing conduct as unlawful, given that the officer in question also knows that our client has instituted criminal charges against Moonoo and Vlok. The Moonoo dockets go back as far as February 2014 and include allegations of corruption, defeating the ends of justice and racketeering. The Vlok docket includes allegations of fraud, perjury and defeating the ends of justice.
7. Having recorded all of the above on behalf of our client, our client feels it necessary to point out that it is clear, to even a blind man, that the both of you continue to abuse your power, abuse our client's constitutional rights and given the high levels of crime in South Africa, your conduct amounts to a fruitless waste of expenditure.
8. As you can no doubt see, our client continues to build up a formidable case against the both of you and will continue to be relentless to ensure that both of you face the criminal justice system, despite your futile attempts to steer him off course.
9. All our client's rights remain entirely reserved.

Yours faithfully,

DARRYL FURMAN & ASSOCIATES

Per **DARRYL FURMAN**

CC : Mr Paul O'Sullivan
Via e-mail

POS-5



Lt General Phalane
Acting Commissioner of the South
African Police Services
Per e-mail to phahlanek@saps.gov.za

Your Ref LT. GENERAL PHALANE
Our Ref D FURMAN/TD/3543
Date 1 February 2016

Dear Lt. General Phalane,

RE : MR PAUL O'SULLIVAN

1. We address you on behalf of our client, Paul O'Sullivan, who has instructed us to record the following :-

1.1 During April 2015, certain Warrant Office Vlok, acting upon the unlawful instructions of Lt. General Moonoo, fraudulently obtained a search warrant, to go on a fishing expedition at our client's offices. This necessitated our client having to launch an urgent Application to the High Court on 15 April 2015. In this regard, we attach hereto a copy of the Order of Court obtained against the Minister of Police & Others dated 15 April 2015 as well as two other Orders of Court obtained against the Minister of Police, the last of which was dated 6 October 2015, setting aside the original search warrant. The aforementioned legal actions by our client was performed at our client's cost amounting to several hundred thousand rand. The aforementioned abuse of power was directed at our client by virtue of the fact that our client had called for criminal investigations into Lt. General Moonoo, as far back as December 2013. *

1.2 We also attach hereto a copy of our letter addressed to your predecessor on behalf of our client, dated 26 May 2015, which did not meet with the courtesy of any reply. *

2. In the circumstances, our client has now instructed us to demand, as we hereby do, that all necessary steps be taken as a matter of urgency, in order to bring about a cessation of the unlawful conduct of Lt. General Moonoo and his underworld associates, which is continuing against our client, unabated. Our client is most shocked that in the face of so much evidence against him, Lt. General Moonoo, continues to wreak havoc within the South African Police Service. Our client advises that in the absence of positive steps taken by you, our client intends taking unilateral action in the public interest aimed at preventing what he believes to be the criminalisation of the South African Police Service.

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

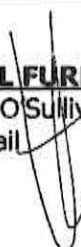
Darryl Furman & Rowan Furman
Professionally assisted by
Dirk Venter - Gillian Moss (Office Manager)
In association with Meyer & Venter (Attorneys & Conveyancers)
B-BBEE level 4

Illovo Law Chambers, Ground Floor, 4 Fricker
Road, Illovo, Johannesburg 2196
Telephone (011) 447 7747 - Fax (011) 268-0472
Email info@furmanlaw.co.za
PO Box 4374, Johannesburg 2000
Docex 67 Johannesburg

E-m

Yours faithfully,
DARRYL FURMAN & ASSOCIATES

Per **DARRYL FURMAN**
CC : Mr Paul O'Sullivan
Via e-mail



**IN THE HIGH COURT OF SOUTH AFRICA
GAUTENG LOCAL DIVISION, JOHANNESBURG**

CASE NO: 2015/12682

P/H NO: 0

JOHANNESBURG, 15 April 2015

BEFORE THE HONOURABLE JUDGE FRANCIS

In the matter between:-

PAUL O'SULLIVAN

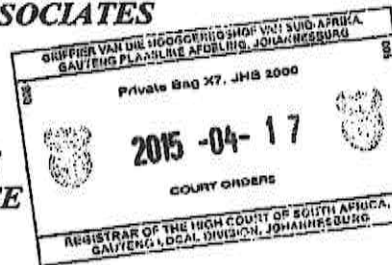
PAUL O'SULLIVAN AND ASSOCIATES

1st Applicant

2nd Applicant

and

**THE MINISTER OF POLICE
COMMISSIONER OF POLICE
WARRANT OFFICER VLOK**



1st Respondent

2nd Respondent

3rd Respondent

HAVING read the documents filed of record and having considered the matter:-

BY AGREEMENT BETWEEN THE PARTIES, IT IS ORDERED THAT:-

1. *The Respondents will mirror image the electronic data seized and removed from the Applicants' premises pursuant to the warrant issued by the Randburg Magistrate's Court in respect of premises described as 7 Janine Road, Sandown, Johannesburg ("the premises"), on 14 April 2015 ("the warrant") by 15:00 on Thursday 16 April 2015.*
2. *The Applicants or their agents will be entitled to be present during the imaging process referred to in 1 above.*
3. *The mirror image will be sealed and delivered to the Registrar for safekeeping.*
4. *The Respondents will return the items identified in the inventory of the search and seizure by 15:00 on Thursday 16 April 2015.*
5. *Pending the outcome of an application to set aside the warrant:-*
 - 5.1 *the Respondents (including any member or agent of the SAPS) and in particular the persons listed in Annexure B to the Warrant, are interdicted from having any access to the mirror image referred to in paragraph 1, and any other electronic copies of information stored on the items seized pursuant to the execution of the warrant.*

TC

E. m

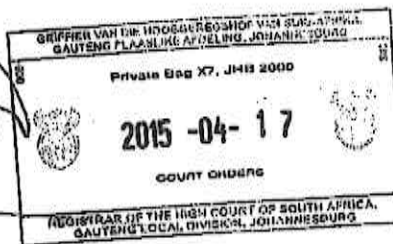
[Signature]

- 2 -

6. The costs of this application for are reserved for determination in the application to set aside the search and seizure warrant.
7. In the event that the Applicants do not institute the proceedings foreshadowed in paragraph 1 above, within 7 days of the date of this Order, the interdict lapses, and the Applicants will pay the costs of this application.

BY THE COURT


REGISTRAR
/sps



E.M.



**IN THE HIGH COURT OF SOUTH AFRICA
GAUTENG LOCAL DIVISION, JOHANNESBURG**

CASE NO: 2015/15356
P/H NO: 0

**JOHANNESBURG, 06 October 2015
BEFORE THE HONOURABLE JUDGE WEPENER**

In the matter between:-

PAUL O'SULLIVAN

1st Applicant

PAUL O'SULLIVAN & ASSOCIATES

2nd Applicant

and

THE MINISTER OF POLICE

1st Respondent

**THE MAGISTRATE, RANDBURG
MR REDDY N.O.**

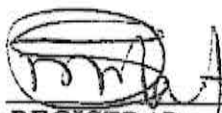
2nd Respondent

HAVING read the documents filed of record and having considered the matter:-

IT IS ORDERED THAT:-

1. *The search warrant authorised by the Second Respondent in terms of Section 20, 21 and 25 of the Criminal Procedure Act, 1977, on 14 April 2015 ("the warrant") in respect of 7 Janine Road, Sandown, Johannesburg ("the premises") is hereby reviewed and set aside.*
2. *The execution of the warrant at the premises on 15 April 2015 is hereby set aside.*
3. *The First Respondent is to return all items, including all copies thereof, that were seized and removed from the premises on 15 April 2015 to the Applicants.*
4. *The First Respondent is to destroy the mirror image of the electronic data stored on the Applicants' electronic devices seized and removed from the premises on 15 April 2015, and which electronic image was made pursuant to a court order in an urgent application brought and granted on 15 April 2015 under Case No. 2015/12682.*
5. *The First Respondent is to pay the costs of this application, including the costs of the urgent application brought in this Honourable Court on 15 April 2015 under Case No. 2015/12682, on the attorney and client scale.*

BY THE COURT


REGISTRAR

/ykb

GRIFPER VAN DIE HOOGGEREGSHOF VAN SUID-AFRIKA, GAUTENG PLAASLIKE AFDELING, JOHANNESBURG
PRIVATPRAK, DIVULGE BAG X7 JOHANNESBURG 2000
2015 -10- 13
AND JUDGE
REGISTRAR OF THE HIGH COURT OF SOUTHERN AFRICA, GAUTENG LOCAL DIVISION, JOHANNESBURG

E. m

[Signature]



General R Phiyega
Commissioner of Police
South African Police Services
Per e-mail to PhiyegaR@saps.gov.za

Lt General V Moonoo
Deputy Commissioner of Police
South African Police Services
Per e-mail to MoonooV@saps.gov.za

Warrant Officer Kobus Vlok
South African Police Services
Per e-mail to Vlok.kobus@gmail.com

Dear Madam and Sirs,

OUR CLIENT: MR PAUL O'SULLIVAN – ALLEGED CRIMINAL CONDUCT BY POLICE OFFICERS

1. As you are aware, we act for and on behalf of Paul O'Sullivan.
2. We have been instructed to address you as follows :-

2.1 RECORDAL OF FACTS

Date	Event
2012-10-17	Our client opened a docket at Silverton Police station, under SILVERTON CAS 369/10/2012 against, Advocate Lawrence Mrwebi, Advocate Nomgcobo Jiba, General Richard Mdluli and others in respect of Perjury, Defeating the Ends of Justice and breaches of Section 32 of the National Prosecuting Authority Act. To date no proper investigation has been done and no-one has been prosecuted. Our client is of the opinion that the suspects are being 'shielded' from prosecution, because they are politically connected. General Mdluli has been sitting at home for four years now, whilst secretly continuing to drive the crime intelligence unit of the police by remote control. The cost to the tax-payer alone, on fruitless and wasteful salary payments is in excess of R8 million.
2013-12-10	Our client wrote to General Dramat of the Hawks, to notify him that General Moonoo was engaged in what could best be described as 'questionable activity'.
2014-02-06	Our client opened a docket at Linden Police Station, under LINDEN CAS 107/2/2014 in respect of high level corruption within the Police, related to the fraudulent contract between Tracker Connect (Pty) Limited and the police. General Moonoo was implicated by signing off on that contract.

Darryl Furman & Rowan Furman
Professionally assisted by
Dirk Venter · Gillian Moss (Office Manager)
In association with Meyer & Venter (Attorneys & Conveyancers)
B-BBEE level 4

Illovo Law Chambers, Ground Floor, 4 Fricker
Road, Illovo, Johannesburg 2196
Telephone (011) 447 7747 · Fax (011) 268-0472
Email info@furmanlaw.co.za
PO Box 4374, Johannesburg 2000
Docex 67 Johannesburg

E. m.

[Signature]



- 2014-10-01 Our client sent an e-mail to General Phiyega, again canvassing allegations of misconduct against General Moonoo, where the underlying allegation was one of corruption.
- 2014-10-02 Our client again wrote to General Phiyega and advised her that our client had become aware of General Moonoo's intention to set-up our client and have him arrested on false charges.
- 2014-10-03 Our client again wrote to General Phiyega and advised her that serving police officers were engaged in a conspiracy to either kill him, or to have him arrested on trumped up charges. It is common-cause that several police officers are awaiting trial for conspiring to murder our client.
- 2014-10-13 Our client again wrote to General Phiyega to advise her that he would be increasing his focus on corrupt police officers, by implication he meant General Moonoo.
- 2014-10-25 Our client received a mail from General Phiyega advising him that she (General Phiyega) had forwarded our client's mails to General Moonoo.
- 2014-10-25 Our client wrote to General Phiyega advising her that tipping off General Moonoo may have been a 'costly mistake'.
- 2015-01-10 Our client wrote to General Phiyega, with a copy to IPID, a long schedule of questionable activity, supported by evidence which implicated General Moonoo in:
- Complicity in the fraudulent extension of a contract that never existed in the first instance, with a company known as Tracker Connect (Pty) Limited.
 - General Moonoo's involvement with alleged tobacco smuggler, Yusuf Kajee.
 - General Moonoo's involvement with the Bhana family, who were alleged to have fraudulently stripped Aurora and Blyvooruitzicht mines.
- 2014-12-10 Our client is notified by an informer that General Moonoo had instructed staff in his office, to 'find anything' they could that could be used to shut down our client. Our client was also advised that the police would conduct a search at his offices, with the hope of finding any incriminating evidence that could be used against him. He was warned that they would particularly be hoping to find evidence of him being in possession of classified police documents.
- 2015-01-16 We wrote to General Phiyega and General Moonoo, on behalf of our client, recording the ongoing situation, and in particular the continuing conduct of General Moonooas well as the fact that General Moonoo alleged that our client would be arrested and '*destroyed in the media*'.
- 2015-02-06 Our client received an e-mail from General Phiyega, informing him of the appointment of Brigadier van Zyl, to investigate our client's complaints against General Moonoo.
- 2015-02-01 Our client was notified that Warrant Officer Vlok, was approaching our client, and ourselves, in order to convene meetings. He is advised by one client, that Warrant Officer Vlok says he is investigating our client, on a number of charges.

5. m

[Handwritten signature]



Our client considered this to be defamatory of him, as well as a breach of his constitutional rights, as the same amounted to a campaign of defamation and vilification.

- 2015-02-18 Our client wrote to General Moonoo, with the subject line, '*Conduct unbecoming a Police Officer*'. In this mail our client repeated his previous allegations and added to the list of allegations, General Moonoo's involvement in destabilising the State's case against Radovan Krejcir. Our client also fingered Warrant Officer Vlok, as the person that was making defamatory and unlawful comments about our client.
- 2015-02-25 Our client sent an e-mail to General Phiyega (and others) enclosing what appeared at the time to be an Interpol Report suggesting that Ms Dudu Myeni, Chairman of SAA held substantial off-shore bank accounts.
- 2015-02-25 (The same day) Our client wrote and told all recipients of the previous mail, that he had established that the Interpol documents were fake, and that he would be investigating to establish who had produced same.
- 2015-03-02 Our client entered into an agreement with Myeni and her lawyers, to establish evidence as to who was behind the fabrication of the fake Interpol documents and to obtain evidence in that regard with a view to a prosecution.
- 2015-03-07 Having established the identities of the persons behind the fake Interpol report, our client opened a docket at Bramley Police Station under **BRAMLEY CAS 94/3/2015**. In his docket, he also accused Ms Dudu Myeni and then fellow director Lindiwe Nkosi-Thomas of being behind a clandestine plot to unlawfully acquire the cellular phone records and banking records of three SAA directors, as far back as January 2014.
- 2015-03-14 Ms Dudu Myeni opened a docket at Durban, in respect of the Fake Interpol report, but deliberately omits to advise the police that :
- Our client was the person to quickly point out that the documents were fake and had sent out an e-mail a few hours after the original e-mail, to advise so.
 - That it was our client, and not (as falsely claimed by Myeni) her attorneys that had established the originator of the documents.
 - She had entered into an agreement with our client, via her attorneys, in terms of which she was precluded from taking any action against our client.
- 2015-02-14 –
- 2015-03-28 Warrant Officer Vlok became the 'Investigating Officer' of the Myeni complaint. This is the same Warrant Officer Vlok, mentioned in our client's e-mail to General Moonoo on 2015-02-18. To this date it is not known how Warrant Officer Vlok was appointed to that case, save to say our client considers same to be highly irregular, given the prior defamatory statements made by Vlok against our client.
- 2015-03-30 We sent a letter to Warrant Officer Vlok, undercover of which we included a copy of the written agreement concluded between our client and Ms Myeni.

E. m

A



- 2015-04-06 Warrant Officer Vlok attended at Bramley Police station to uplift the docket that our client had opened against the suspects that he had identified. It is not known how or why Warrant Officer Vlok was able to take control of that docket, save to state that it is also viewed as a highly irregular step, given his prior unlawful conduct.
- 2015-04-14 Warrant Officer Vlok deposed to two separate sworn statements. The first statement was signed at the offices of General Moonoo and the second at the Randburg Magistrates Court. Warrant Officer Vlok did this in order to fraudulently obtain a search warrant for execution at our client's offices. It has subsequently been established that Warrant Officer Vlok deliberately misled the Magistrate at the Randburg Magistrates Court, without which he would not have been able to obtain the search warrant in question.
- 2015-04-15 Assisted by approximately 30 police officials, Warrant Officer Vlok raided our client's offices with the unlawfully obtained search warrant. Warrant Officer Vlok was accompanied by a police spokesperson, who's name did not appear on the search warrant, as well as journalists. This corroborated the final paragraph of our letter addressed to Generals Moonoo and Phiyega on 16 January 2015, wherein we repeated our client's allegation of General Moonoo's stated intention of destroying our client in the media. Our client observed that item six on 'Annexure A', to the search warrant, being the item sought, as '*Any official SAPS documents and/or any document bearing the SAPS insignia*'. Our client is adamant that this is the smoking gun which proved that Warrant Officer Vlok, under the instruction of General Moonoo, was on a fishing expedition, especially in view of the fact that in his statement to obtain the search warrant, Warrant Officer Vlok had made out no case whatsoever to include such item on the list attached to the search warrant.
- 2015-04-15 Our client obtained an interim interdict against the Minister of Police, the Commissioner of Police and Warrant Officer Vlok, which included an order that all the items identified in the inventory of the search and seizure be returned to our client.
- 2015-04-16 Warrant Officer Vlok, despite the abovementioned order of court, refused to comply therewith and went on to defame our client and advised that he intended arresting our client.
- 2015-05-16 Our client opened a criminal docket at Randburg under **Randburg CAS 301/5/2015** against Warrant Officer Vlok, General Moonoo and Ms Dudu Myeni, for offences of Perjury and/or Defeating the Ends of Justice and/or Fraud and/or Corruption.
- 2015-05-20 Warrant Officer Vlok attended at the Norwood Police Station and uplifted the following three Norwood dockets:
- 183/10/2014** A case opened by our client against Denis Krejcir, for threatening to kill our client on his Twitter account.
- 125/06/2014** Together with **126/06/2014**, which are both false cases opened against our client by Radovan Krejcir's associates.

E. M.



2015-05-25 Our client opened a further docket at **Pretoria Central** with **CAS1900/5/2015** alleging Corruption, Defeating the ends of Justice and breaches of Section 32 of the National Prosecuting Authority Act on the parts of General Moonoo and Jiba.

2.2 **DIAGNOSIS**

Our client is of the view that there can be no doubt that the on-going fishing expedition carried out by Warrant Officer Vlok, at the instance of General Moonoo, is unlawful and is further intended to abuse our client's constitutional rights. It is the culmination of more than a year of General Moonoo unlawfully deploying police officers against our client, for no other reason than to discredit our client, because our client has exposed the allegations pertaining to General Moonoo's nefarious associations and allegations of generally corrupt relationships. Simply put, all of the above makes out a case for a gross violation of our client's constitutional rights, for no other purpose than to cover up and/or quash corruption investigations laid by our client against senior police officials and the NPA officials.

2.3 **PROGNOSIS**

Our client has instructed us to advise, as we hereby do, that he has no intention of conceding defeat to such massive abuse of power on the part of General Moonoo and his accomplices, which is being perpetrated for no other reason than to protect corrupt police and NPA officials. Indeed, such unlawful conduct against our client, merely makes him more resolved to see that the corrupt officials face the criminal justice system. Our client will continue to push forward with his intention of seeing the corrupt officials face the criminal justice system, and nothing will stop our client.

2.4 **RESERVATION OF RIGHTS**

We are instructed to inform you, as we hereby do, that Paul O'Sullivan will continue to pursue his current public-interest investigations without fear or favour and will take the appropriate action at the appropriate times and in the appropriate fora, to ensure that South Africa does not become a police state, and that the corrupt senior police and NPA officials face the criminal justice system. A copy of this letter will be tabled at such fora if and when required.

All our client's rights remain entirely reserved.

Yours faithfully,
DARRYL FURMAN & ASSOCIATES

Per **DARRYL FURMAN**

CC : Mr Paul O'Sullivan

E. m.

[Signature]

ANNEXURE 'POS-6'

From: Paul O'Sullivan
Sent: 15 March 2016 10:10 PM
To: 'MulaudziH@saps.gov.za'
Cc: PhahlaneK@saps.gov.za; sitholej@saps.gov.za; Lshikat@saps.gov.za; taioeno@saps.gov.za; Ikgamanyane@ipid.gov.za; moonooov@saps.gov.za; 'Deputy President'; 'Dr Mathews Phosa'
Subject: GREAT NEWS

Great and victorious news for South Africa.

I have just come from a Top-Secret meeting and, an amount of R20 million has now been pledged, (I'm only now liable for R3m of it) to be used to stop the Zupta crooks (including the infiltrated and criminalised SAA / NPA / Hawks / SAPS) in their tracks.

A group of loyal South Africans of all colours, have put together a war-chest and hereby officially **'declare war'** on the corrupt counter revolutionaries that want to ruin SA, for their own private gain. And the beauty of it is, that there are NO political parties financially supporting the war that we will wage, under my command. Its good South Africans, that are gatvol of seeing the Zupta connections dragging our country down.

From tonight, I, Paul O'Sullivan, will officially lead the fight until the war is won and the criminals are in prison, or have fled the country. I will use methods you criminals are just not able to rise to the challenge on.

And if you think I am not up to it, read this:

REMOVED: PHOTO OF EASTER 1916, IRISH DECLARATION OF INDEPENDENCE
--

My grandfather was part of this fight 100 years ago, and we won, coincidently 100 years ago next week. I think it is a fitting way to mark my grandfather's sacrifice. He helped set Ireland free, I will help set South Africa free. He set Ireland free from British imperialism. I will set South Africa free from the corrupt criminals that stole Mandela's legacy.

If the Irish could beat the Brits after 700 years, a few dirty cops and prosecutors and corrupt Zupta's will be easy-peasy and we will destroy them all and send them to prison, or into exile. The very thought of the challenge makes me excited.

STOP US IF YOU CAN. Note the change from stop me, to stop us, as I now have many solid, A-political, supporters

And you can tell that filthy crook Ntlemenza, and his crooked daughter, we will take them down and send them both to prison.

'Game on', as we used to say in Ireland. So, if you thought Gordhan was your biggest problem, think again, think democracy. Democracy will wipe you all out, as South Africans will **NOT** put up with your corrupt criminal arrogance any longer.

When McBride and his two colleagues stand in court tomorrow, the whole country will stand with them, side by side and shoulder to shoulder. If you want to beat them, you have to beat us all. We might not be there in person, but we are there to challenge Ntlemenza, Zupta and the institutionalised corruption that brought us this far.

So, go ahead and do what you can, you will **NEVER** win, because we (the good people of SA) will **NEVER SURRENDER (to the likes of Phahlane, Ntlemenza, Mokatedi, Myeni, and the other Zuptas)**

E. M.



until Mandela's dream has been realised and the theft of his great sacrifice, recovered and restored to the people of South Africa.

Send Moonoo's and Krejcir's dirty cops to kill me, I will deal with them all, like I should have done in January 2014. Just try it and see!

30 odd years ago, when I adopted my new home, I made it clear I would be prepared to die for my home, and I will severely punish anyone that stands in the way of the realisation of Mandela's dream, including any greedy Zupta lackeys. Try and kill me, I will die if I have to, and send your blood, with mine, to the gutters in SA's final revolution. It won't be the first time. In 1996, I put my blood to the gutters of SA, serving my land, and am prepared to do it again if I have to.

I hereby now call upon all decent South Africans to use all means necessary, to stop the counter revolution, and to drive the Zuptas (and all their wives, mistresses and illegitimate bastards) from our land, using any lawful means possible, and take back this country from the grips of the criminal Zuptas.

When it's over, we will hand SA back to its people. The ANC, who should have been ruling the country until kingdom come, will be relegated to an opposition party, because they could not keep their crooked corrupt leaders in check, and thereby opened the doors for the masses to start their own parties. What a shame, they could have had it for ever, and chose instead to steel it for personal gain.

You dirty cops know where to find me, I'm waiting for you, and I'm ready for you. Bring it on you corrupt cowards.

On **2016-04-04** I shall be calling a full blown media conference in, **Whitehall, London**, the purpose of which will be to tell the world that SA has been taken over by a corrupt regime of Zupta-led criminals and that the world must now boycott SA in every way possible, just like they did during Apartheid, until the people run the country again.

I shall be departing here on 2016-04-01. Be like the apartheid government and stop me from leaving, thereby giving a global voice to my campaign, to stop the corruption that is tearing this country apart.

If Ntlemenza, Abrahams, Phahlane, Jiba, Mrwebi, Myeni, resign before 2016-04-04, I will cancel the press conference. If not, the evidence implicating them will be delivered to the world's media.

Launch your High Court applications to try and stop me, I will not be here and will do what I have to do and ignore your actions and carry on until you are all beaten.

If I have to go into exile to beat you, then so be it. I will run my campaign from London, New York, Lusaka, or wherever, just like Mathews and Cyril did during Apartheid. It worked for them back then, it can work for us now.

STOP US IF YOU CAN, any of you.

Nkandla, ha, ha, ha.....

Ndaa!

God bless South Africa and all its (honest) citizens.



From: Paul O'Sullivan
Sent: 15 March 2016 06:01 PM
To: 'MulaudziH@saps.gov.za'
Cc: PhahlaneK@saps.gov.za; sitholej@saps.gov.za; 'tshikat@saps.gov.za'; taioeno@saps.gov.za; Ikgamanyane@ipid.gov.za; moonooov@saps.gov.za;
Subject: FW: PRAVIN GORDAN'S NO-KNOWLEDGE OF LETTER IS MISLEADING

Mulaudzi,

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

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

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

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

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

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

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

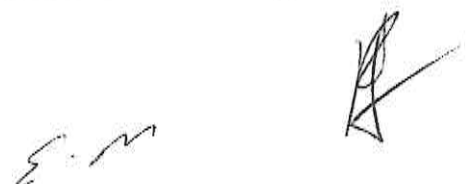
All the appointments that are criminalising the criminal justice system **WILL** be set aside.

STOP ME IF YOU CAN!

Phahlane,

Before you start taking sides, remember that you are the one that has worked so hard to protect the crooked cop Moonoo, who is on the payroll of Krejcir and many other mafia king-pins, many of them with Zupta connections. You are also the one that has forced me to spend over R100k per month to protect a key state witness, that dirty cops, on your payroll, led by Moonoo are trying to have murdered, so that Krejcir can get a leg-up.

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





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

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

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

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

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

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

Watch this space!

From: Media Centre
Sent: 15 March 2016 02:06 PM
To: SAPS All E-Mail Users - New
Subject: PRAVIN GORDAN'S NO-KNOWLEDGE OF LETTER IS MISLEADING

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

TO: ALL MEDIA
DATE: 15 MARCH 2016

PRAVIN GORDAN'S NO-KNOWLEDGE OF LETTER IS MISLEADING

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

The Hawks do not engage people on public space but the Minister has left us no choice but to clear

E. M.

the air, set the record straight and restore public's trust on us as an elite crime fighting unit.

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

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

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

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

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

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

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

We would also like to mention that the minister, through the letter from his attorneys, questioned the authority of the National Head of the Hawks and was duly referred to the powers of the DPCI in Chapter 6A of the South African Police Service Act.

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

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

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

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

No further comments will be made on this matter.

/Ends

Brigadier Hangwani Mulaudzi – 082 373 2408

E. M.



ANNEXURE 'POS-7'

DOWNLOAD OF NPA WEBSITE WITH REFERENCE TO PRIORITY CRIMES LITIGATION UNIT

<https://www.npa.gov.za/node/17>

National Prosecuting Authority of South Africa
Justice in our society, so that people can live in freedom and security

Home Resources NPA Value System Contact the NPA Supply Chain Management Tsireledzani Leadership

Home
Welcome to NPA
About the NPA
NPA Business Units
APU
NPS
OWP
SCLU
PCLU
SCLC
Administration
Vacancies
Events

Home » NPA Business Units » Priority Crimes Litigation Unit

Priority Crimes Litigation Unit

Head Mr Torie Pretorius (JP)	
Mr Chris Macadam Senior Deputy Director of Public Prosecution	Mr Torie Pretorius (JP) Senior Deputy Director of Public Prosecution

PCLU

File	Description
	About PCLU signedoff
	Profile of PCLU Cases
	PCLU Proclamation

Copyright © 2014 by the NPA. All rights reserved

E. m

A

/ 27-11-2003 12:41 FROM

TO 0125047300

POS-8

210E
(01/172488)

O.P.-G. 01/172488



MINISTRY OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT CAPE TOWN
2003 -03- 25
KAAPSTAD MINISTERIE VAN JUSTISIE EN STAATKUNDIGE ONTWIKKELING

**PROCLAMATION
BY THE
PRESIDENT OF THE REPUBLIC OF SOUTH AFRICA**

No., 2003

NATIONAL PROSECUTING AUTHORITY ACT, 1998

Determination of Powers, Duties and Functions of a Special Director of Public Prosecutions

Under section 13(1)(c) of the National Prosecuting Authority Act, 1998(Act No. 32 of 1998), I, hereby confer, impose and assign the following powers, duties and functions on or to Advocate **ANTON ROSSOUW ACKERMAN SC**, a Special Director of Public Prosecutions, appointed in terms of the said provisions:

To exercise the powers, carry out the duties and perform the functions necessary, within the Office of the National Director of Public Prosecutions as directed by the National Director and—

- (a) in particular, to head the Priority Crimes Litigation Unit and to manage and direct the investigation and prosecution of crimes contemplated in the Implementation of the Rome Statute of the International Criminal Court Act, 2002(Act No. 27 of 2002), and serious national and international crimes, which include acts of terrorism and sabotage committed under the Internal Security Act, 1982(Act No. 74 of 1982), high treason, sedition, foreign military crimes committed by mercenaries, or such other priority crimes to be determined by the National Director; and
- (b) generally, giving such advice or rendering such assistance to the National Director as may be required to exercise the powers, carry out the duties and perform the functions which are conferred or imposed on or assigned to him by the Constitution or any other law.

Given under my Hand and the Seal of the Republic of South Africa at... **PRETORIA** ...on

this... **24th** ...day of... **MARCH** ...Two Thousand and Three.

T. M. Mbeki
T. M. MBEKI
President

P. M. Maduna
P. M. MADUNA
Minister of the Cabinet

E. m

POS-9

PRIORITY CRIMES LITIGATION UNIT (PCLU)

1. INTRODUCTION

The Priority Crimes Litigation Unit (PCLU) was created by Presidential proclamation¹ on 23 March 2003 and is located in the office of the National Director of Public Prosecutions. This unit has no investigative capacity and is reliant on SAPS and the DSO in this regard.

Mandate:

To manage and direct investigations and prosecutions relating to the following matters:

- ***Criminal prosecutions arising from the Rome Statute;***
[Implementation of the Rome Statute of the International Criminal Court Act, Act No 27 of 2002] This relates to the serious crimes of:
 - a. Genocide,
 - b. Crimes against humanity and
 - c. War crimes.
- ***Crimes against the State, including national and international terrorism;*** [Inter alia prosecutions under the Protection of Constitutional Democracy Against Terrorist and Related Activities Act, No 33 of 2004 - the POCDATARA Act]
- Contraventions of:
 - ***The Regulation of Foreign Military Assistance Act;***
[Act No 15 of 1998]
 - ***Non-Proliferation of Weapons of Mass Destruction Act***
(nuclear, chemical and biological warfare proliferation);
[Act No 87 of 1993]
 - ***The National Conventional Arms Control Act;***
[Act No 41 of 2002]
 - ***The Nuclear Energy Act*** [Act No 46 of 1999]
 - ***The Intelligence Services Act*** [Act No 65 of 2002]
- Matters emanating from the TRC process:
 - Prosecutions
 - Missing persons
- Any other priority crimes as determined by the National Director.

¹ Cf attached copy of Presidential Mandate.
http://www.npa.gov.za/UploadedFiles/About_PCLU_signedoff.doc

E. M.



2. FOCUS AREAS

The unit's focus areas are:

- (i) NUCLEAR NON-PROLIFERATION
- (ii) NON-PROLIFERATION OF CHEMICAL AND BIOLOGICAL WARFARE AGENTS

The PCLU instituted a prosecution for this category of offence. The matter was finalized with a plea of guilty and a fine of R100 000 was imposed on the corporate entity prosecuted. Further dockets relating to controlled chemicals of Crest and Amla were decided by this Unit.

- (iii) FOREIGN MILITARY ASSISTANCE

- In response to the arrest of South African citizens in Zimbabwe and Equatorial Guinea, the PCLU managed and directed an investigation into the involvement of other role players. This led to the arrest of three South African citizens and a UK citizen (Mark Thatcher). All four pleaded guilty in terms of section 105A of the Criminal Procedure Act.
- Following the release of the South African citizens detained in Zimbabwe in connection with the *coup* in Equatorial Guinea, eleven of them were arrested in South Africa and charged with contravention of section 3(b) of the Regulation of Foreign Military Assistance Act, No 15 of 1988. Two of the said accused pleaded guilty and were sentenced. The trial of the remaining nine accused is due to proceed in February 2007. It is anticipated that the outstanding prosecutions relating to the Equatorial Guinea attempted *coup d'état* will be finalized in 2007.
- A matter of concern to Government was the participation of South African citizens acting as security guards in the conflict in Iraq. A number of enquiries conducted by SAPS were evaluated by the PCLU, but it was found that such conduct did not fall within the ambit of the existing FMA legislation. The PCLU prepared a detailed opinion recommending an amendment of the Act, which was submitted to all relevant role players.

E.m



- Government accepted the need to amend the Foreign Military Assistance legislation in order to take effective action in Iraq. A revised Act was placed before the Defence Portfolio Committee. However, the Minister of Defence recognized that the Act still contained several shortcomings.
- It is hoped that the revised legislation will shortly come into effect, since the PCLU would like to address Government's concerns relating to the number of South Africans performing security services in Iraq.

(iv) NATIONAL AND INTERNATIONAL TERRORISM

The PCLU closely interacted with State departments having an interest in such affairs. In several matters, the PCLU furnished opinions to SAPS, NIA and DFA. Although no prosecutions arose from such interventions, the PCLU's involvement meant that the matters were properly attended to.

(v) STATUTE OF ROME

A number of enquiries were carried out at the request of the International Criminal Court and a complaint relating to the seizure of farms in Zimbabwe was investigated. No prosecutions arising from the Statute of Rome were instituted.

(vi) CONVENTIONAL ARMS

- After a lengthy trial in the Regional Court, Germiston, a former employee of an arms manufacturer was acquitted on charges of supplying his company's technology to a foreign state's military structure. The charges related to highly technical contraventions of the Armscor Act, the Protection of Information Act, the Copyright Act and theft. The court found that the instrumentation that was built, did not comply with a specific military standard (as required by the Act) and that the accused did not have the required knowledge of unlawfulness relating to these specialized legislation.
- A number of complex and intricate dockets pertaining to alleged irregularities committed at Armscor and the Directorate of Conventional Arms Control Committee were submitted to the unit for decision. A number of these matters are under investigation.

E. m



(vii) MATTERS IMPACTING ON STATE SECURITY

- The PCLU offers opinions and other advice to various State departments on matters impacting on State security and other sensitive matters. The PCLU also addressed a standing committee of the United Nations' Security Council as far as the country's capacity to prosecute international terrorism.

(viii) TRC PROSECUTIONS

- The PCLU conducted an audit of around 300 cases which had been submitted by the DSO, DPP's and SAPS in 1999 in terms of a direction by the then NDPP. 167 of these cases were finalized on the basis that no prosecutions could be instituted.
- As a result of various representations received, the PCLU has identified five cases, which potentially can be prosecuted, as well as approximately 10 other cases warranting investigation. The following steps must be taken:
 - (i) The representatives of the State departments which are required to assist the PCLU in the execution of its duties must be identified and involve themselves in the process;
 - (ii) The issue of the investigations must be resolved with SAPS and the DSO and thereafter the necessary investigations completed;
 - (iii) The close involvement of the process by Justice is necessary in cases where prosecutions are instituted where amnesty was refused, since the applicants may take the validity of the refusal to grant amnesty on review to the High Court;

E.M

A

3. MISSING PERSONS

Due to the fact that the President had in 2003 directed the NDPP to give attention to the cases of some 500 persons who had been reported missing by the TRC, a small Task Team was established to evaluate the TRC report and to identify cases for investigation. Approximately 150 cases were identified for immediate investigation.

➤ Investigations and Exhumations

Investigations commenced into 150 missing persons that were identified as priority cases in an audit, with the aim of obtaining (a) information as to the fate of the missing person and (b) locating, exhuming and identifying human remains where possible.

Thus far the burial sites of thirty-two persons were located and these human remains were exhumed. Forensic analysis was conducted and identities confirmed in twelve cases. The remaining twenty are still undergoing DNA testing.

➤ Handover of remains and reburials

Five identified remains were handed to the affected families at a special national ceremony in July 2005 at Freedom Park. Reburials have taken place in all of these cases, with these families receiving assistance from the Department of Justice and Constitutional Development towards reburial costs. Further handovers will take place during 2006.

➤ Memorialisation

A key component of the work on Missing Persons is ensuring the necessary connection with existing structures engaged in memorialisation processes. Liaison with structures such as the South African Heritage Resource Agency (SAHRA), Freedom Park, and the SANDF was established to address matters such as tombstones for those exhumed and reburied. The outcome of Missing Persons investigations will be closely coordinated with other related bodies working on memorialisation, monuments and tombstones.

➤ International expertise

A partnership was built with the Argentine Forensic Anthropology Team (EAAF), the world leaders in this work, in order to ensure that missing persons' work in South Africa is in line with best international practices as developed by *inter alia* the UN and International Committee of the Red Cross (ICRC) in such human rights cases.

E.M



➤ Local capacity building

Local South African experts and several post-graduate students in the fields of archaeology, anthropology and anatomy were also drawn into the work on a collaborative basis with the Argentine team, building local capacity.

➤ DNA analysis

A partnership was established with the Human Identification Laboratory (HID) at the University of the Western Cape (UWC) for DNA analysis work. This lab is developing specialization in "ancient DNA" work, which works with difficult cases of old and damaged bone material, as is the norm in missing persons' exhumations. The development of the capacity to conduct mitochondrial DNA tests (as opposed to only nuclear DNA tests) will be an important contribution to capacity building in Africa.

➤ Partnerships with civil society

The Missing Persons Task Team developed excellent working relationships with civil society groups and NGO's working in the field of missing persons and disappearances, including the Center for the Study of Violence and Reconciliation (CSV) and Khulumani Support Group (KSG).

➤ Namibia

After the November 2005 discoveries of mass graves in Namibia, the Namibian President requested the assistance of South African expertise. The Missing Persons Task Team sent a delegation to review the situation and make recommendations accordingly. The Namibian authorities warmly received the delegation's report and recommendations. The report included the offer of assistance to Namibia in the form of establishing a national co-ordination structure, as well as research, investigation and DNA analysis support. As a key role player in the past Namibian conflict, South Africa has a particular historical responsibility in this regard.

Assistance to the Namibian authorities will form a key component of the work of the Missing Persons Task Team in future. This will take the form of research, investigation and co-ordination assistance, pending the approval of the relevant South African government structures.

➤ Cases outside the South African borders

While thus far investigations and exhumations have focused on cases inside South Africa's borders, groundwork will be laid for the examining of cases of South African persons missing outside the countries borders.

E. m



➤ Integration with the new TRC Unit established in the Department of Justice and Constitutional Development

As these missing persons investigations are the result of the TRC's recommendations, the Missing Persons' Task Team serves on the Steering committee of this new TRC Unit.

➤ Co-operation with other Government Departments

Missing Persons investigations require the co-operation of other Departments such as Home Affairs, Foreign Affairs and Health. Protocols with these Departments will be required via the Minister of Justice and Constitutional Development. In particular, the initial collaboration with certain SAPS investigations will be strengthened and formalized.

The PCLU strives to maintain a high standard of efficiency in dealing with complex matters emanating from its mandate and which impact on the Rome Statute and State security.

E-M



POS-10

Profile of PCLU Cases

(i) Nuclear Non-Proliferation

➤ *The State v Asher Karni*

The PCLU managed an SAPS investigation into a Cape Town business implicated in the import and export of triggers for nuclear devices. This led to the arrest of the business owner in the United States. In 2005, he pleaded guilty in the US Federal Court and was sentenced to a period of imprisonment.

➤ *The State v Geiges & Wisser*

The PCLU was instrumental in the exposure of South African businesses involved in the supply of components for a nuclear weapons-grade uranium enrichment plant to Libya. The PCLU managed and directed an SAPS investigation that led to the arrest and prosecution of the directors of Krisch Engineering (Pty) Ltd after the investigation established their links to an international syndicate operating in the Far East, Middle East and Europe.

The accused appeared in the Pretoria High Court in May 2005 and a provisional indictment was served on them. The final indictment was served on the accused in April 2006 and the matter adjourned for trial to 5 March 2007.

(ii) Foreign Military Assistance

➤ In response to the arrest of South African citizens in Zimbabwe and Equatorial Guinea, the PCLU managed and directed an investigation into the involvement of other role players. This led to the arrest of three South African citizens and a UK citizen (Mark Thatcher). All four pleaded guilty in terms of section 105A of the Criminal Procedure Act.

➤ Following the release of the South African citizens detained in Zimbabwe in connection with the *coup* in Equatorial Guinea, eleven of them were arrested in South Africa and charged with contravention of section 3(b) of the Regulation of Foreign Military Assistance Act, No 15 of 1988. Two of the said accused pleaded guilty and were sentenced. The trial of the remaining nine accused is due to proceed in February 2007. It is anticipated that the outstanding

E.M.



prosecutions relating to the Equatorial Guinea attempted *coup d'etat* will be finalized in 2007.

- A matter of concern to Government was the participation of South African citizens acting as security guards in the conflict in Iraq. A number of enquiries conducted by SAPS were evaluated by the PCLU, but it was found that such conduct did not fall within the ambit of the existing FMA legislation. The PCLU prepared a detailed opinion recommending an amendment of the Act, which was submitted to all relevant role players.
- Government accepted the need to amend the Foreign Military Assistance legislation in order to take effective action in Iraq. A revised Act was placed before the Defence Portfolio Committee. However, the Minister of Defence recognized that the Act still contained several shortcomings.
- It is hoped that the revised legislation will shortly come into effect, since the PCLU would like to address Government's concerns relating to the number of South Africans performing security services in Iraq.

(iii) TRC Prosecutions

- The PCLU conducted an audit of around 300 cases which had been submitted by the DSO, DPP's and SAPS in 1999 in terms of a direction by the then NDPP. 167 of these cases were finalized on the basis that no prosecutions could be instituted.
- Prosecutions were instituted in the *S v Terre'blanche*, *S v Blani*, *S v Nieuwoudt & 2 Others*. The first two matters were finalized with pleas of guilty in terms of section 105A of Act 51 of 1977. The last matter is still outstanding pending a review of the refusal of amnesty of the accused by the Amnesty Committee of the TRC. An Amnesty Committee was reconvened to re-hear the amnesty applications in the *Motherwell* bombing incident.
- Further prosecutions were put on hold in late 2004 pending the formalization of guidelines. The guidelines have now been approved and therefore the final disposal of TRC prosecutions has been identified as a major priority. As a result of various representations received, the PCLU has identified five cases, which potentially can be prosecuted, as well as approximately 10 other cases warranting investigation. The following steps must be taken:

E.M.



- (i) The representatives of the State departments which are required to assist the PCLU in the execution of its duties must be identified and involve themselves in the process;
- (ii) The issue of the investigations must be resolved with SAPS and the DSO and thereafter the necessary investigations completed;
- (iii) The close involvement of the process by Justice is necessary in cases where prosecutions are instituted where amnesty was refused, since the applicants may take the validity of the refusal to grant amnesty on review to the High Court;

E. M.

