

Forensics for Justice

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Susan Bright
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28 JANUARY 2018

Per email: susan.bright@hoganlovells.com

Dear Ms Bright

**RE: HOGAN LOVELLS ROLE IN THE CAPTURE
OF THE SOUTH AFRICAN CRIMINAL JUSTICE SYSTEM**

1. I hope this finds you well and do not envy your position in attempting to defend the indefensible conduct by your subsidiary in South Africa.
2. I am the founder of Forensics for Justice, a registered NPC (non-profit company). If we were in the UK, we would be described as a 'charity' as we have no income other than public donations. You can find out more about Forensics for Justice by visiting <https://www.forensicsforjustice.org/>
3. Forensics for Justice was formed in 2015, out of the desire to separate my philanthropic activities from my business activities. I subsequently appointed Sarah-Jane Trent, (in copy) a South African registered attorney, as the Executive Director of Forensics for Justice. She has taken the position on an unpaid basis and draws her salary from another one of my business, within which she is also employed.
4. My philanthropic crime-fighting activities are financed by my savings therefore it truly does come out of my own pocket. In the last 20 years, the amount of cash from my own pocket has been in excess of R20m, which is a little over GBP1.5m taking into account the historic value of the Rand and Pound. I only mention this to show the level of my commitment to my country, not to blow my own trumpet. The run on my personal cash in the last three years, principally as a result of the criminal conduct of **Hogan Lovells** clients, has been devastating to my life savings and has caused me to sell off personal belongings, at a loss, and dip into my life savings, simply to survive. During the same period **Hogan Lovells** shareholders have benefited from the misery wreaked on all of South Africa by **Hogan Lovells** clients.

5. Over the last 20 years, I have been a crusader against crime and corruption perpetrated by government officials in South Africa. By way of example, I was the complainant in the case that led to the conviction of South Africa's first 'African' Chief of Police, who coincidentally was also the first African global head of Interpol. I therefore have the distinction, if that is the right word to use, of having taken down the world's top cop, which was in 2010. His name was Jackie Selebi, and it took me almost ten years to complete that task.
6. In **2012**, I decided, after Jackie Selebi lost his appeal on conviction and sentence and commenced a 15 year jail term, to carry out a clean-up exercise to deal with very senior police officials and prosecutors, who in my opinion, had unlawfully assisted the said chief of police to attempt to evade prosecution. To put some names to the people I then went after:
 - 6.1 General Richard Mdluli, the then head of SAPS' crime intelligence division.
 - 6.2 Advocate Nomgcobo Jiba, the Chief Operating Officer of the National Prosecuting Authority 'NPA'.
 - 6.3 Advocate Lawrence Mrwebi, the head of the NPA's Commercial Crime Unit.

In this regard, I opened a very extensive (three lever arch files) criminal complaint, alleging fraud, corruption and obstruction of justice.

7. In **2013**, I then opened a criminal complaint against Lieutenant General Vinesh Moonoo, '**Moonoo**' alleging corruption, which I linked to certain underworld personalities, connected to family members of the President of the Republic, Mr Jacob Zuma. I named the family members and their criminal associates in that criminal complaint.
8. In **August to October 2014**, I opened a further criminal case against Moonoo. In this case, I named more Zuma family members as suspects, as well as some of their business/criminal associates. When I opened this latter case, I did so with two organisations:
 - 8.1 The Directorate for Priority Crime Investigation '**DPIC**', and in particular with the head thereof General Anwar Dramat '**Dramat**'.
 - 8.2 Independent Police Investigation Directorate '**IPID**', and in particular with the Executive Director thereof, Mr Robert McBride '**McBride**'.

- 9 Curiously, or should I say ‘suspiciously’, soon after opening the above cases, and on Christmas Eve of 2014, the then Minister of Police, Mr Nkosinathi Nhleko ‘*Nhleko*’ unlawfully suspended the head of the DPCI, General Anwar Dramat. In his place he unlawfully appointed a certain person, namely General Berning Ntlemeza ‘*Ntlemeza*’, who quickly became a notorious **Hogan Lovells**’ client, along with his political master, Nhleko.
- 10 In **January 2015**, as a result of *prima facie* information at my disposal, I opened a criminal complaint against General Ntlemeza, alleging fraud, corruption and obstructing justice. I laid this case with IPID under McBride’s management.
- 11 In **February 2015**, after a preliminary investigation, McBride had a meeting with Nhleko and advised him, inter alia, that I had laid a criminal complaint and that, on the face of it, the complaint had merit and the minister might want to reconsider his decision to appoint Ntlemeza as acting head of the DPCI.
- 12 A few weeks later in **March 2015**, Nhleko unlawfully suspended McBride, on trumped up allegations. After McBride’s unlawful suspension, Ntlemeza had McBride brought before a criminal court on trumped up charges of fraud. It was now clear that the fight between the forces of good and evil was truly on. **Hogan Lovells** were clearly not on the side of ‘good’.
- 13 In **February 2016**, I opened a very serious case of corruption against then Acting Chief of Police, Lieutenant General Kgomotso Phahlane. ‘**Phahlane**’ This case, and the multiple cases I had opened against Ntlemeza, Moonoo and those near and dear to our corrupt President, led to my being dragged off a plane on **2016-04-01**, along with my two minor children, unlawfully detained and tortured for four days.
- 14 I was subsequently subjected to a barrage of false and malicious charges by Ntlemeza’s subordinates, acting in concert with known corrupt prosecutors.
- 15 As a result of my fears that our constitutional democracy was under attack by criminals, I convened many meetings with the Helen Suzman Foundation ‘**HSF**’. You can find out more about HSF by visiting <http://hsf.org.za/> These meetings with HSF and myself started in early 2015. I gave HSF and their lawyers copies of all my criminal complaints. I would later be falsely accused of planning a treasonous Arab-Spring style revolt, along with HSF, McBride, and others.
- 16 I now bring your attention to **Hogan Lovells**’ sordid Clients, who have brought your company into disrepute, because you should have known better, than to act for them:
- 16.1 Minister of Police, Nkosinathi Nhleko ‘*Nhleko*’ appointed by Zuma on **2014-05-26**.

- 16.2 Lieutenant General Berning Ntlemeza '**Ntlemeza**', Head of Directorate for Priority Crimes Investigation 'Hawks', was unlawfully appointed by Nhleko on **2015-09-10**, having previously appointed him in an acting position on **2014-12-24**.
- 16.3 Mr Tom Moyane '**Moyane**', Controversial Commissioner of the South African Revenue Service '**SARS**', was appointed by Zuma on **2014-09-23**, Moyane's late sister 'Kate' was married to Zuma. Moyane is the 'Complainant' in the trumped-up case against the Minister of Finance, being Brooklyn CAS 475/5/2015.

From the above, Forensics for Justice have deduced that Zuma's plan to capture both the criminal justice system and SARS, was hatched in 2014 and realised when he managed to unlawfully remove the then National Director of Public Prosecutions and replace him with a puppet. More about that can be found on our website at <https://www.forensicsforjustice.org/portfolio-posts/how-why-mafia-captured-criminal-justice-system/> We do not accept your excuse that Hogan Lovells were NOT appointed by Moyane. SARS is a state organ and, although a juristic body, has no personality. Moyane is the personality of SARS and breathed life into the work that **Hogan Lovells** purportedly carried out for SARS.

- 17 The absolute devastation that the unlawful and criminal actions of the above mentioned **Hogan Lovells'** clients have caused this country to suffer, by targeting certain individuals who were merely carrying out their legal duties in the fight against crime, especially corruption. Amongst these victims are:

- 17.1 Lieutenant General (retired) Anwar Dramat previous Head of Directorate for Priority Crimes Investigation '**DPCI**', unlawfully suspended by Nhleko, and subsequently charged in trumped up charges of Fraud by members of the National Prosecuting Authority's '**NPA**' Priority Crime Litigation Unit '**PCLU**'.

- 17.2 Major General Shadrack Sibiya ‘**Sibiya**’ previous Head of Hawks in Gauteng, unlawfully suspended by Ntlemeza, before being unlawfully dismissed and charged on trumped up charges of fraud, by corrupt members of the PCLU.
- 17.3 Major General Johan Booyesen, Head of Hawks in KZN, investigated corruption charges against Zuma ally, Thoshan Panday, unlawfully suspended by Ntlemeza and being prosecuted on trumped up charges by corrupt members of the PCLU.
- 17.4 Robert McBride, ‘**McBride**’ Executive Director of the Independent Police Investigative Directorate, ‘**IPID**’ unlawfully suspended by Nhleko for 20 months and charged on trumped up charges of fraud by corrupt members of the PCLU.
- 17.5 Ivan Pillay, previous deputy head of SARS, contract unlawfully terminated by Moyane and being prosecuted on trumped up charges by corrupt members of the PCLU.
- 17.6 Johann van Loggerenberg, previous head of special investigations at SARS, along with many of his colleagues. All these skills have been deliberately ‘culled’ from SARS, to protect President Zuma and his criminal associates.
- 17.7 Pravin Gordhan, previous Commissioner of SARS and then Minister of Finance, was charged on trumped up charges of Fraud by PCLU, on a false and malicious case opened by Moyane, so that Gordhan could be prevented from cleaning up South Africa Airways and other Captured state institutions.
- 17.8 Paul O’Sullivan: As previously mentioned, I have suffered terribly at the hands of your clients working with corrupt members of the PCLU.
- 18 I now intend to analyse in detail **Hogan Lovells** true involvement in capturing and securing for the underworld, South Africa’s Criminal Justice System and our revenue

collection services, SARS, which involvement **Hogan Lovells** have swept under the carpet, or minimised.

**CAPTURE OF THE CRIMINAL JUSTICE SYSTEM:
WERE HOGAN LOVELLS, THE ATTORNEYS OF CHOICE FOR THE
CAPTURERS OF SOUTH AFRICA’S CRIMINAL JUSTICE SYSTEM?**

- 19 On **25 May 2014** Mr Nkosinathi Nhleko ‘**Nhleko**’ was appointed as the Minister of Police.¹
- 20 On **24 December 2014** Nhleko unlawfully suspended then National Head of Directorate for Priority Crime Investigation ‘**DPCI**’ also called ‘**the Hawks**’, Lieutenant General Anwa Dramat ‘**Dramat**’. On the same day Nhleko unlawfully appointed Major General Berning Ntlemeza ‘**Ntlemeza**’ the Acting National Head of the DPCI / Hawks.
- 21 In **January 2015**, Ntlemeza lost no time and unlawfully suspended Head of Hawks for Gauteng, Major General Shadrack Sibiyi ‘**Sibiyi**’. It was clear, due to the speed at which Ntlemeza had swung into action, that his unlawful actions had been premeditated, as part of a carefully thought out plan to ‘capture’ but one element, (DPCI) of the Criminal Justice System. Moves were already under way to capture the police service, by planting Phahlane, but fortunately for you, he was not one of your sordid clients.
- 22 The Helen Suzman Foundation ‘**HSF**’ brought an urgent application against Nhleko to have Dramat’s suspension declared unlawful by the High Court. **Hogan Lovells** quickly became the attorneys of choice for Nhleko.²
- 23 On **23 January 2015**, the High Court issued an order stating that the suspension of Dramat was invalid and unconstitutional and that Ntlemeza’s appointment should be set aside.³ The Judge said the following:

¹https://www.saps.gov.za/resource_centre/publications/police_mag/police_2014_07_part1.pdf

² Helen Suzman Foundation v Minister of Police and Others (2015) ZAGPPHC 4

³ *Ibid* at para [41]

“In the circumstances, I have concluded that the position is as follows, and I find accordingly:

- 1. the purported suspension of Dramat was not authorised by law, unconstitutional and invalid from the outset;*
- 2. the appointment of the third respondent (Ntlemeza) as Acting National Head depends for its validity on the suspension of Dramat and is, consequently, invalid as the legal foundation for such an appointment was non-existent;*
- 3. where the suspension of Dramat was invalid and a nullity from the outset, he was, in law, never suspended, so that there is no basis for ordering his reinstatement;*

24 On **20 February 2015**, the Pretoria High Court held Sibiyi’s suspension by Ntlemeza to be unlawful and unconstitutional.⁴ **Hogan Lovells** acted for Ntlemeza and Nhleko throughout. Sibiyi was forced to rely on an attorney that could be engaged with limited resources, whilst he was up against the bottomless pocket of tax-payer funded **Hogan Lovells**.

25 On **10 March 2015**, Webber Wentzel ‘**WW**’ attorneys for HSF addressed a letter to Mr SJ Thema, a partner at **Hogan Lovells**, stating that they were dismayed that Nhleko had ignored the court order setting the appointment of Ntlemeza aside, as he was retained in his position as Acting National Head of the DPCI.⁵ Instead of removing Ntlemeza from his position, a belated and defective application for leave to appeal was filed by **Hogan Lovells** on behalf of Nhleko.

26 Nhleko is now facing serious criminal charges, as a result of the actions of himself, supported by **Hogan Lovells**. Forensics for Justice have opened that case. See: https://www.forensicsforjustice.org/wp-content/uploads/2017/08/Sworn-Statement-SJT-2017-08-07-LR_Redacted-1.pdf

⁴ Sibiyi v Minister of Police and Others (2015) ZAGPPHC 135

⁵ <http://hsf.org.za/media/documents/hawks-suspension-case/letter-to-hogan-lovells-10032015-signed.pdf>

27 On **22 March 2015**, High Court Judge Elias Matojane said of Ntlemeza, whilst dismissing **Hogan Lovells'** delaying tactics application to appeal the earlier ruling in favour of Sibiya:⁶

"I am of the view that the conduct of the third respondent shows that he is biased and dishonest. To show that the third respondent is biased and lacks integrity and honour, he made false statements under oath."

Hogan Lovells acted for both the Nhleko and Ntlemeza in the matter. Ntlemeza is also facing very serious criminal charges, and **Hogan Lovells** must have known that this would eventually come to pass, unless they were reckless or simply 'blinded' by the massive amounts of public funds rolling into their coffers.

28 In **June 2015** a disciplinary enquiry was unlawfully held against Sibiya, which was conducted by **Hogan Lovells** on behalf of the police, (unlawfully instructed by Ntlemeza) in breach of police policy and procedures.⁷

29 On **10 September 2015** Nhleko unlawfully (permanently) appointed Ntlemeza to Head of the DPCI. **Hogan Lovells** represented Ntlemeza in the HSF case concerning his fitness to hold office, which **Hogan Lovells** intentionally dragged out for years, at great human cost to South Africa and many of its courageous crime fighters.⁸

30 In **March 2015** Robert McBride, '**McBride**' Executive Director of the Independent Police Investigative Directorate, '**IPID**' was unlawfully suspended by Nhleko. **Hogan Lovells** acting for and on behalf of Nhleko dragged the litigation in this matter up to the Constitutional Court in late 2016 and then lost.⁹ There could be no doubt that **Hogan Lovells'** clients would lose, yet they used expensive (tax payer funded) litigation lawyers, **Hogan Lovells**, to play for time.

31 In **February 2016** Ntlemeza unlawfully suspended Major General Johan Booysen '**Booyesen**', the Provincial Head of the DPCI for KwaZulu-Natal '**KZN**'. Booysen was

⁶ <https://mg.co.za/article/2015-03-23-judge-harsh-on-acting-head-of-hawks>

⁷ <https://www.iol.co.za/news/politics/hawks-sibiya-guilty-of-zim-renditions-1890544>

⁸ Helen Suzman Foundation and Another v Minister of Police and Others (2017) ZAGPPHC 68

⁹ McBride v Minister of Police and Another 2016 (11) BCLR 1398 (CC)

subjected to an unlawful disciplinary enquiry directed by **Hogan Lovells**, using the *modus operandi* that **Hogan Lovells** had used on Sibiya.¹⁰ Booysen's real 'crime' was that he had brought criminal charges against Zuma allies.

32 By **February 2016** the capture of the entire Criminal Justice System was complete so that Zuma, his family and all their criminal associates could sleep peacefully at night, in the knowledge that they were safe from the law. Meanwhile the country was being brought to its knees by them and their accomplices through a process of State Capture and theft of the country's limited available cash reserves.

33 In **October 2016**, Pravin Gordhan, former Commissioner of SARS was charged by the (now captured) National Prosecuting Authority with trumped-up charges of fraud on a case falsely opened by **Hogan Lovells'** client Tom Moyane, then head of South African Revenue Service '**SARS**'.¹¹ The charge was laid with Ntlemeza by Moyane. The false case against Gordhan was opened at the same time that Moyane was receiving criminal reports of money laundering by his Zic, Jonas Makwakwa '**Makwakwa**', which criminal reports he did not pass on to Ntlemeza, which itself is a serious criminal offence, now being faced by **Hogan Lovells** client, Moyane.

34 Less than ten days later, the charges were unceremoniously dropped, when it emerged that a subordinate of Ntlemeza, had criminally concealed exculpatory evidence which made a mockery of the false charges brought in the first place. In an attempt to make the exculpatory evidence disappear, one of Moyane's subordinates was held hostage in his offices, whilst Moyane's burly body-guard assisted Ntlemeza's accomplice/subordinate to steal the exculpatory evidence back.

35 It is trite that the false Gordhan charges were being brought to STOP Gordhan from firing South African Airways '**SAA**' chairman Ms Dudu Myeni, '**Myeni**' who herself is facing charges of corruption and capture of both SAA and Eskom, along with Thalente Myeni, the son of Myeni and the corrupt President Zuma. In this regard, please see: <https://www.forensicsforjustice.org/portfolio-posts/zuma-state-capture-smoking-gun/>

¹⁰ <https://www.iol.co.za/news/crime-courts/ntlemezas-use-of-law-firm-to-discipline-unlawful-1999210>

¹¹ <https://mg.co.za/article/2016-10-11-breaking-gordhan-summoned-for-fraud>

36 Criminal cases were opened against Myeni three years ago for fraud and corruption. These cases would have seen Myeni arrested and charged, were it not for the conduct of **Hogan Lovells** clients. A more serious case, opened more than two years ago, is posted on our website: <https://www.forensicsforjustice.org/portfolio-posts/dudu-myeni-board-of-saa/> She has been unlawfully ‘protected’ by **Hogan Lovells** clients since the case was opened and has therefore evaded justice.

37 On **4 November 2016** Shaun Abrahams, ‘**Abrahams**’ the National Director of Public Prosecutions, ‘**NDPP**’ admitted to Parliament that **Hogan Lovells**’ client Ntlemeza was insistent that he (Abrahams) did not drop the fake charges against Gordhan.¹² Not that this cut ice with the people of South Africa, who by now could see that Ntlemeza and Abrahams, were both from the same stable and were on the same criminal mission together, being the ‘capture’ of the criminal justice system.

38 On **17 March 2017** final judgment was given against the unlawfulness of the appointment of **Hogan Lovells**’ client Ntlemeza by the Minister of Police.¹³ The following was stated in the judgment:¹⁴

“It is contended by the applicants that the Minister, in making a decision to appoint Ntlemeza as the National Head of the Directorate for Priority Crime Investigation, failed to take into account all the relevant factors, most notably the judicial pronouncements in the judgments that cast a serious doubt on the fitness and propriety of Major General Ntlemeza to hold public office. On that basis it is contended by the applicants that the appointment of Major General Ntlemeza was irrational and unlawful and falls to be set aside. The applicants submitted that the decision to appoint Major General Ntlemeza was irrational and unlawful on the basis that these findings of the Court were ignored or were not properly considered.

According to the applicants these judicial announcements establish that Major General Ntlemeza:

¹² <http://www.heraldlive.co.za/politics/2016/11/04/hawks-head-ntlemeza-pleaded-not-drop-gordhan-charges-abrahams-tells-parliament/>

¹³ Helen Suzman Foundation and Another v Minister of Police and Others (2017) ZAGPPHC 68

¹⁴ *Ibid* at para [41]

41.1 acted arbitrarily and in bad faith;

41.2 refused, alternatively failed, to take the Court into his confidence and provided true reasons for his decision in relation to Major General Sibiya;

41.3 violated constitutional rights in the process;

41.4 was biased, dishonest, lacked integrity and lacked honour;

41.5 had a contemptuous attitude towards the rule of law and the principle of legality and transparency; and

41.6 refused to abide by or implement orders of Court, which are binding.

The bedrock of the applicant's case is that none of these findings was properly scrutinised by the Minister or the cabinet and the serious doubts in the relation to the propriety for office of Major General Ntlemeza was thus not addressed.”

39 We are therefore of the opinion that **Hogan Lovells** either gave extremely defective legal advice to Nhleko and Ntlemeza, or knowingly colluded with them in deliberately dragging out litigation which at all material times they knew was hopelessly doomed to failure. Either way, the obscene fees **Hogan Lovells** charged, stand to be refunded to the tax-payers of this country.

40 The end result of **Hogan Lovells'** client conduct was that South Africa had to suffer a captured criminal justice system for more than two years longer than was necessary and almost resulted in bringing the country to its knees.

THE CAPTURE OF SARS:

A CONVENIENT LIMITATION OF THE TERMS OF REFERENCE, TO PROTECT A MONEY LAUNDERER

41 Given the above complicity of **Hogan Lovells'** clients in bringing vexatious and meritless cases against persons who sought to uncover state capture in South Africa,

it is with considerable cynicism that I reflect on the words of Mr Lavery Modise that **Hogan Lovells** is the “*natural ally*” of those persons trying to put an end to state capture in South Africa.¹⁵ You also said “*As a firm of solicitors, we put the rule of law first and foremost*”. I say; “*Nothing could be further from the truth!*” My sentiment rings true when analysing the terms on which, and manner in which **Hogan Lovells** dealt with (or failed to deal with) the SARS investigation, pertaining to Makwakwa whilst contemporaneously shoring up the capture of our criminal justice system, by the underworld.

42 In **September 2016** as you well know Moyane requested **Hogan Lovells** to conduct an investigation into two of their employees, Jonas Makwakwa and Kelly Ann Elskie, not only on the basis that they violated their employment contracts, but also to investigate potential criminal offences that they might have committed. It was well known that Moyane had kept quiet about the matter for many months, so the investigation was begrudgingly commenced by him, following intense media pressure. He was clearly not looking for an outcome that would upset the destructive trail he had embarked upon at SARS, in laying waste to some of the world’s best tax-fraud investigative skills, merely to give a leg-up to his deceased wife’s ex-husband’s criminal associates, who owed the State Billions of Rand in unpaid taxes.

43 On **29 September 2016**, **Hogan Lovells** sent a letter to SARS setting out the terms on which your firm would be able to assist this vital organ of state. Within the proposal **Hogan Lovells** stated that they would not officially investigate the criminal aspects of the case, even though they did have the legal scope to do so, and held that:¹⁶

“The engagement and/or interaction between the DPCI and Consultant [SARS] fall outside these terms of reference. The Hawks are currently dealing with the criminal investigation pertaining to the two SARS employees. The criminal investigation is being administered by the Hawks’ Anti-Corruption Investigation Unit under DPCI enquiry: 03/06/2016.”

44 What is so surprising about this passage is that in the very next sentence, it is stated that:¹⁷

¹⁵ L Modise (2018) “*Sunlight over shadow: An examination of Lord Hain’s remarks to the House of Lords on 15 January 2018.*” Hogan Lovells (South Africa) Inc., pg. 2

¹⁶ L Modise (2016) “*Investigation: South African Revenue Service*” Hogan Lovells (South Africa) Inc., pg.3

¹⁷ *Ibid*

“The Hawks and Consultant have already established a solid and harmonious working relationship in respect of the criminal investigation against the two employees. Consequently, the Firm shall be engaged by Consultant as and when required and on a need to know basis.”

45 This abstract of the proposal leads me to question exactly how and what **Hogan Lovells** knew about the on going relationship between the DPCI / Hawks and SARS; and secondly what assistance **Hogan Lovells** had to offer SARS in terms of the criminal charges against the two employees, which could only be kept ‘*on a need to know basis*’. It is clear to me now, that there was a hidden conspiracy, in covering up the criminal conduct of Makwakwa and his *de facto* spouse, so that they would be free to return to SARS and continue to assist Moyane in helping President Zuma’s accomplices evade payment of Billions of Rand in taxes, including letting Zuma and his family off the hook for many, if not hundreds of millions in unpaid taxes.

46 The only reasonable conclusion that I was able to draw from these above questions is that **Hogan Lovells** knew about the relationship between the DPCI / Hawks and SARS because they have represented SARS, the Minister of Police and the Head of the DPCI, Ntlemenza, for a very long time prior to this half-hearted investigation; and furthermore were willing to assist Moyane and Ntlemenza, in their objectives, as long as it was “off-the-record” and within “attorney/client privilege”, which is why you are now hiding behind that same attorney client privilege, in order to keep the true dealings between your firm, Ntlemenza and SARS deliberately ‘opaque’.

47 Indeed Modise even stated that, “*as a result of the client/lawyer relationship that my firm has with SARS I am constrained in disclosing what may amount to confidential and privileged information, instructions and advice that was generated in the discharge of my professional duties to my client.*”¹⁸

48 Although I blame your firm for opting to hide behind the opaque veil of client/lawyer privilege, taking into account the established relationship between **Hogan Lovells**, SARS and the DPCI / HAWKS it seems your firm would hold us all for fools to believe that everything that is not being disclosed was truly above board. Please accept my apologies in advance for saying so, but given what your firm have been doing for

¹⁸ *Supra* note 15, pg. 12

the last few years in the field of assisting State Capture, I simply do not trust you, and you cannot expect anyone in South Africa to trust your firm.

49 If **Hogan Lovells** were truly an “independent” party to the proceedings,¹⁹ undoubtedly your firm would have understood the stakes involved in intentionally NOT investigating the criminal charges against Makwakwa and Elskie. Knowing very well that the Hawks were captured by another **Hogan Lovells** client Ntlemeza a person who was described as ‘*biased, dishonest and lacking integrity*’, in a judgement handed down to your firm.

50 Furthermore it is trite law that each and every ‘criminal’ offence committed by any employee, is also a disciplinary offence and you should have robustly dealt with the clear offences of money-laundering of the proceeds of crime, allegedly committed by Makwakwa and Elksie, instead of providing a get-out-of-jail-free card for them, by pretending that your other client was dealing with the matter through the DPCI / Hawks, a fact which you knew to be untrue.

51 The only logical conclusion any person of a sound mind could possibly arrive at, is that Moyane intentionally chose your firm because someone at your firm confidentially agreed not to pursue the criminal investigation against Makwakwa and Elksie with any degree of diligence, knowing that nothing would come from the Hawks investigation, as this had already been ‘nobbled’.

52 Indeed whilst **Hogan Lovells** were saying that the criminal charges were a DPCI / Hawks matter, **Hogan Lovells** other client Ntlemeza was saying that the criminal charges were an internal SARS matter, not for the Hawks.²⁰ Curiously Moyane was contemporaneously saying that the Hawks were responsible for the criminal investigations, not SARS. This *somebody, everybody, nobody* riddle has not escaped our attention. The South African public have also seen through the Moyane / Ntlemeza / **Hogan Lovells** conspiracy, aimed at protecting criminals and money launderers.

¹⁹ *Ibid* pg. 5

²⁰ <https://www.dailymaverick.co.za/article/2016-12-14-house-of-cards-law-enforcement-agencies-heading-for-a-showdown-with-each-other/#.WmyrwZP1VsM>

- 53 It is clear from the above that **Hogan Lovells** cannot claim ignorance; they cannot claim independency and certainly cannot claim innocence in this matter, simply with the production of crocodile-tear claims of innocence and the production of a glossy PDF file hastily put together by your very own Bell Pottinger, or whoever London law firms use now that Bell Pottinger have been exposed and shut down. *‘Sunlight over shadow’* conveniently steers completely away from the extremely dark shadow cast over our country for years, by **Hogan Lovells’** clients, who completely captured our criminal justice system, in order to protect those engaged in the broader State Capture. Our criminal justice system is still not free from that Capture.
- 54 The only thing that your firm can honestly claim is complacency, with a corrupt system that helped to line your pockets with my and my fellow citizen’s hard earned taxes, whilst helping your clients to bring our country to its knees.
- 55 One area that does not fall under attorney-client privilege, is the vast amount of taxpayer funds you have received over the years. In this regard we demand total transparency from you, in listing all the fees you have earned from State work, in the last five years, particularly in shoring up the capture of the criminal justice system. The fees earned must be published by you within 14 days, and dealt with on a case by case basis. If you refuse to disclose these fees, we will take other steps against you, without further reference to yourselves.

THE DEVASTATING EFFECT ON SOUTH AFRICA:
THE RESULT OF HOGAN LOVELLS’ CLIENTS ACTIONS

- 56 But for **Hogan Lovells**, who enriched themselves out of public funds, to keep criminals and their accomplices in unlawfully ‘captured’ positions, many or all of the following events would not have taken place:

- 56.1 Unlawful suspension of Dramat and false criminal charges.
- 56.2 Unlawful appointment of Ntlemeza.

- 56.3 Unlawfully suspending Sibiya and breaching the court order setting aside Sibiya's unlawful suspension.
- 56.4 Unlawful departmental hearing of Sibiya unlawfully managed and run by **Hogan Lovells**.
- 56.5 Unlawfully suspending General Johan Booyens and breaching the court order setting aside the unlawful suspension.
- 56.6 Unlawful departmental hearing of Booyens unlawfully managed and run by **Hogan Lovells**.
- 56.7 Unlawful suspension and false criminal charges against Robert McBride, aimed at neutralising IPID – **Hogan Lovells** helped keep McBride out of office as long as possible.
- 56.8 Unlawful criminal charges against Minister Pravin Gordhan, aimed at unblocking the flow of illicit funds to Dudu Myeni and SAA and freeing up Treasury for a wholesale raid, by the Guptas and their accomplices, which included relatives and accomplices of the corrupt State President.
- 56.9 Unlawful criminal charges against myself, resulting in unlawful arrest, torture and multiple malicious prosecutions against me, in order to silence me from exposing corruption.
- 56.10 Unlawful arrest/abduction and theft from, of one of my attorneys, Sarah-Jane Trent, the Executive Director of Forensics for Justice who assisted me with uncovering some of the corruption and State Capture.

SUMMARY & SUGGESTED SOLUTION

In summary and in my considered humble opinion, **Hogan Lovells** rather than being the *'natural ally'* of those resisting State Capture, helped create an *'enabling environment'* for CAPTURE of the Criminal Justice System and unlawfully shored up the criminal structures that then went on to protect State Capture at large whilst contemporaneously targeting those trying to expose the corruption to public scrutiny.

Without a 'captured' criminal justice system, the capture of Transnet, Eskom, SAA, and other state entities would simply not have been possible. In other words **Hogan Lovells** assisted those that were undermining our constitutional democracy. The degree of culpability has yet to be fully exposed, but I am hopeful that we will cast *'sunlight'* on the **Hogan Lovells** dark shadow eventually, with or without their owning up to it. I would respectfully suggest your time could be better spent on your own internal inquiries, rather than trying to defend the indefensible.

The fight against capture would have been finished two or three years ago, were it not for **Hogan Lovells** clients propping up a criminally illegitimate regime, headed by a corrupt State President and his accomplices.

Of course, a defence may be that you are a law firm and as such a creature of instruction. You were merely carrying out your instructions. Well let me remind you that millions of men and women suffered at the hands of the Nazi regime in the 1930's and 1940's and the Nuremberg trials of 1945/6 made it clear that following instructions is NOT a defence to breaking the law.

And finally, **Lord Peter Hain** has been a friend of this country for many-many years. Although he is almost 9,000km away, I count him as my personal friend. We both suffered our own personal sacrifices to make South Africa (and Africa) a better place for all its peoples. I do not take kindly to a partner in a law-firm that has benefited from my taxes, by assisting criminals with the capture of my country, accusing Lord Hain of talking 'hogwash'.

I know Peter's not talking 'hogwash', you know he's not talking hogwash and the whole of South Africa and the world will now find out he's not been talking 'hogwash'.

THE SUGGESTED SOLUTION

SOMETHING CAN BE DONE ABOUT IT!

On **2018-02-15**, Forensics for Justice will be participating with Lord Hain's public panel discussion on what we can now do to recover from the terrible position our country finds itself in, as a result of systemic corruption, money-laundering and State Capture, initiated by a corrupt State President, his family and their accomplices, along with an infamous immigrant family from India.

Some have suggested another 'Peace and Reconciliation' process, such as that that followed the fall of Apartheid. **Forensics for Justice do not agree**. We strongly believe in a Nuremberg process, to root out the evil and strongly punish those that benefitted from, or 'carried out instructions' of criminals. Only then will we be able to send out a strong signal that will reduce the possibility of others trying the same in the years to come.

Having said that, we also recognise we may have a golden opportunity. Trans-national firms such as KPMG, SAP, McKinsey and **Hogan Lovells** could help turn the tide, if they could reform. We want them to accept a challenge to change from being the part of the problem, to becoming part of the solution. If we accept that the vast majority of the men and women in these firms are good decent and hardworking people, but have been led astray by evil influences, or weak management systems, or poor leadership, then the opportunity for good still exists, provided they first root out those that were engaged in illicit conduct. It seems KPMG, SAP and McKinsey have embarked on a routing out exercise, we await **Hogan Lovells** attempt at coming clean.

What we will be proposing, which is not cast in stone, but open for discussion, is a multi-disciplinary team comprising:

- Auditing services being provided free of charge by KPMG,
- Legal Services being provided free of charge by **Hogan Lovells**,
- Computer hardware and software being provided free of charge by SAP, and;
- Management skills to bring the team together to be provided by McKinsey.

This multi-disciplinary team will also provide a dedicated office space from which to work and for three years, will provide crime-busting resources to the State, with the principal aim of

removing the yoke of State Capture and bringing those responsible, including your past clients, to justice, as well as mounting civil litigation to set the records straight.

If these companies are not prepared to change their ways and become part of the solution, then they have no place in South Africa, or the world at large and we will call for them to shut up shop in South Africa and call for a global boycott against them.

I do not have any parliamentary privilege, but would warn you very strongly against threatening me with civil action, as you have with Lord Hain, as I will quickly raise funds to level the playing fields. I hope you will see this as an opportunity, rather than a challenge.

In the public interest I will be publishing this letter and will likewise publish alongside it, any response from yourself.



Paul O'Sullivan CFE



E-Copies to: Solicitors Regulation Authority, UK
Lord Peter Hain of Neath, UK
Law Society of the Norther Provinces, South Africa
Forensics for Justice, Executive Director, Ms Sarah-Jane Trent, LLB, South Africa
Minister of Police, South Africa
Deputy President, South Africa