

SWORN STATEMENT

I, the undersigned **Paul O'Sullivan**, a white adult male South African citizen with ID No. [REDACTED] 5700 085, and with telephone number +27 [REDACTED] state under oath in ENGLISH as follows:

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I am a Certified Fraud Examiner and Director of Paul O'Sullivan and Associates, Forensic and Loss Control Consultants, '**POAA**', with my office situated at [REDACTED] Sandton, Johannesburg, SOUTH AFRICA.

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I have been requested by [REDACTED] of the SAPS National Anti-Corruption Unit to provide a statement under oath pertaining to how certain information came to the attention of my firm, POAA, in respect of allegations of **corruption** involving the following suspects:-

- 2.1 Captain Lucky Thabethe, with ID Number [REDACTED]. A Police Officer of the Directorate of Priority Crimes at Germiston Police Station.
- 2.2 Advocate Phuti Matabane, with ID number [REDACTED]. A Senior State Advocate; and
- 2.3 Mr. Daniel Lessing, with ID number [REDACTED]. An erstwhile employee of Interwaste (Pty) Limited.

PROMINENT ROLE-PLAYERS

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Thabethe Lucky Thabethe, ID no. [REDACTED], residing at [REDACTED], Brackendowns, Alberton and with cell phone number [REDACTED]. A Police Officer of the Directorate of Priority Crimes at Germiston Police Station.

Matabane Phuti Freddy Matabane, ID no. [REDACTED], residing at [REDACTED] Johannesburg, with cell phone number [REDACTED]. A Senior State Advocate in the Specialised Commercial Crime Unit of the NPA.

Lessing Daniel Benjamin Lessing, ID no. [REDACTED], residing at 9A [REDACTED] Secunda 2302 and



with cell phone no. [REDACTED]. An erstwhile Regional Manager of Interwaste (Pty) Limited.

[REDACTED] Lukas Berend Jakobus (Kobus) Janse Van Rensburg, ID no. [REDACTED] 087, residing at 15 Florida Street, Evander, 2280 and with cell phone no. [REDACTED]. Sole director of [REDACTED]. **Section 204 witness.**

Interwaste Interwaste Holdings Limited, reg. no. **2006/037223/06**, registered address at 2 Brummer Street, Industries East, Germiston South, Gauteng.

SASOL Sasol Limited is an integrated energy and chemical with its head office in Sandton, South Africa

[REDACTED] [REDACTED] (Pty) Ltd, reg. no. [REDACTED], with registered address 14 Hans Strydom, Secunda, Mpumalanga, 2302. Sole director [REDACTED].

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On or about **2021-12-07** POAA were mandated by Mr. Jason McNeil "**McNeil**", the Chief Executive Officer of Interwaste Holdings (Pty) Limited "**Interwaste**" (Reg. no. **2006/037223/07**) to investigate allegations of Fraud and Theft by an erstwhile Regional Manager, Mr. Daniel Lessing "**Lessing**". The reason we were appointed was because the State had declined to prosecute Lessing. McNeil was of the opinion that the reason the State had declined to prosecute was due to either a misunderstanding of the case, or a failure by Interwaste's previous investigators to properly assemble the criminal complaint.

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At the outset of our mandate, McNeil informed me *inter alia* of the following in respect of the chronology of events:-

- 5.1 On **2020-12-14**, a criminal case was opened at Germiston Police Station by Mr. Johannes Andries Cronje (the Financial Director of Interwaste) against Lessing, Van Rensburg and others for the alleged offences of Fraud and Theft in the amount of approximately **R6,356, 400.00**. The criminal case was assigned to Captain Thabethe with case number **GERMISTON CAS 164/01/2021**.
- 5.2 On **2021-05-25**, the Senior Public Prosecutor assigned to **GERMISTON CAS 164/01/2021**, Advocate Phuti Matabane declined to prosecute (*nolle prosequere*) the matter citing the following reasons (the below is copied verbatim from the **GERMISTON CAS 164/01/2021** investigation diary) :-

1. *"It is clear from accused warning statement that he acted in the best interest of the company at all material times by ensuring that the plant was procured on time in order for Interwaste to meet its contractual obligations towards **SASOL Secunda**.*
2. *Management knew or ought to have known that Semchem was not VAT registered at all material times. Semchem's VAT issues cannot be placed on suspects shoulders.*
3. *Suspect's explanation is reasonably possibly true. He has been candid and upfront with investigations.*
4. *The witnesses' statements of Jakobus Van Rensburg & McKenzie support suspect's version.*
5. *At the very best this matter constitute civil matter, not a criminal case."*

5.3 As a result of the decline to prosecute, McNeil requested that POAA conduct a thorough investigation with a view to making written representations to the National Prosecuting Authority to review the decision of Mathabane.

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Upon investigating the complex matter and the extent of the Fraud and Theft committed by Lessing against Interwaste, I decided to engage with [REDACTED] to obtain his version of events, since it appeared, on the face of it that he might have assisted Lessing.

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On or about **2022-11-30**, I called [REDACTED] on cell number +27 [REDACTED] from my cell phone +27 [REDACTED] to request a meeting with him. Janse Van Rensburg agreed to the meeting.

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On **2022-12-01**, I travelled with a colleague, Ms. Ashley Brosnan, a Certified Fraud Examiner, to Secunda to meet with [REDACTED] Janse Van Rensburg requested that we meet him at the Sasol petrol station at the N17 Plaza in Evander.

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Upon arriving at the N17 plaza, [REDACTED] Brosnan and I proceeded into the plaza and sat at the KFC restaurant. I briefly explained to [REDACTED] that we have a *prima facie* case of Fraud and Theft against him and Lessing who acted with a common purpose and in concert with one another to defraud Interwaste of at least **R6,356, 400.00**. I explained to



██████████ that he had an opportunity to come clean and potentially receive indemnity from a Court of Law for the role he played in the Fraud and Theft against Interwaste, should the Director of Public Prosecutions agree that he be a State Witness.

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██████████ informed us that he was no longer in contact with Lessing following a death threat received by Lessing over an un-related financial dispute. ██████████ advised that he was willing to provide POAA with all the information he has on Lessing and the "secretive dealings" in respect of the Waste Treatment Plant. At this meeting, ██████████ showed us the receipts in respect of the visit to a game farm, "Ezulwini" in the North West. I asked if he would let me take this and he agreed. He gave me the three pages.

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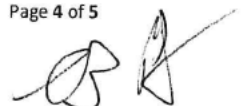
I requested that ██████████ gather all the necessary further evidence and bring same with him to our offices in the following week, where would be able to comfortably interview him and take a detailed sworn statement.

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Upon inspecting the documents, handed to me by ██████████, I established that it was an *Ezulwini Game Lodge* Tax invoice made out to Lessing, dated 2021-06-04 for accommodation and hunting excursions. The other two documents were labelled 'Permission to Hunt' and were made out to "Lucky Thabethe" and "Phuti Matabane", respectively. ██████████ explained that Lessing had paid for a weekend hunting trip for himself, ██████████, Thabethe and Matabane. ██████████ also informed us that Lessing had provided Thabethe with a large sum of money prior to the trip. This appeared to be a clear case of corruption and I told ██████████ that we would need to detail all of this in a Sworn statement for further Police Investigation.

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On **2022-12-08**, I interviewed ██████████, with Brosnan in attendance at my office in Sandton and took a detailed Sworn Statement from him, which was provided to the Police as the basis for this corruption investigation. **A copy of the three-page tax invoice and "Permission to Hunt" document was attached to the Sworn Statement of ██████████ Rensburg dated 2022-12-08 as Annexure "LVR-2".** I handed the original THREE pages to Brigadier Shabalala on **2023-01-12**.



In addition to the above information, Warrant Officer Kloppe has also asked for details of 'where' and 'when' [REDACTED] initially reported the corruption allegations prior to coming to POAA with the evidence. As detailed in paragraph 17 of the Sworn Statement [REDACTED] [REDACTED] deposed to on 2022-12-08, he feared for his and his family's safety. Lessing clearly had corrupt relationships with a Police Officer and Senior State Advocate and any criminal docket opened in this regard would either be unlawfully closed and withdrawn, or worse, [REDACTED] would be killed by Lessing or someone instructed by Lessing. Accordingly, prior to making the sworn statement with us, [REDACTED] had NOT reported the matter.

I wish to mention, POAA is in the process of drafting a more detailed Sworn Statement setting out the Fraud perpetrated by Lessing, however we understand that the Fraud aspect of the investigation will be dealt with separately to this corruption matter.

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

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

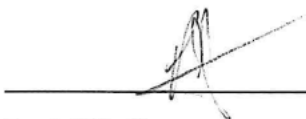
Yes

'Do you have any objection to taking the prescribed oath?'

No

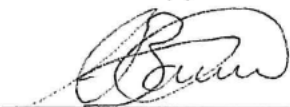
'Do you consider the prescribed oath binding on your conscience?'

Yes



Paul O'Sullivan

I certify that the deponent has acknowledged that he knows and understands the contents of this statement which was sworn to before me and the deponents signature was placed thereon in my presence at **SANDTON** on 21st day of **FEBRUARY 2023**.



Commissioner of Oaths

Ceiri Bouwer COMMISSIONER OF OATHS (EX OFFICIO) Attorney 7 Janine Road, Sandown Estate Johannesburg, Republic of South Africa
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