



Lieutenant General J. Sithole
Deputy National Commissioner of Police
Per e-mail sitholej@saps.gov.za

Your Ref
LIEUTENANT GEN. SITHOLE
Our Ref
D FURMAN/TD/3636
Date
08 February 2016

PER E-MAIL

EXTREMELY URGENT

Dear General Sithole,

RE : OUR CLIENT : Identity Number

1. We have been instructed by our client to address you as follows:

BACKGROUND

2. Our client is a **State Witness** against **Radovan Krejcir** and others in the following cases:
 - Sandton Case Number 180/01/2014 (Conspiracy to murder Colonel Nkosana Ximba and Forensic Investigator Mr. Paul O'Sullivan)
 - Bedfordview Case Number 149/10/2013 (Murder of Mr. Sam Issa)
 - Heidelberg Case Number 269/07/2013 (Murder of Mr. Phumlani Ncube)
 - Meadowlands Case Number 267/12/2013 (House robbery and attempted murder in a Hawks Colonel's house in Soweto)
3. Our client was advised by the South Africa Police and Prosecutors, that his evidence is crucial in securing convictions against Krejcir.
4. As will be clear from the above, our client has specific (and detailed) knowledge of some of the many crimes that were committed by Krejcir and his accomplices. In this regard, he had penetrated the syndicate around Krejcir and was providing information back to his 'handlers'. This took place around December 2013 and January 2014. To be clear, our client never engaged in any criminal conduct himself, but was a 'plant' in the syndicate and was regularly feeding back information. It was very dangerous, as the criminals in the syndicate were bragging all the time about how many cops were on the payroll of Krejcir. This was later proven to be true as many police officers were arrested with Krejcir.
5. At that time in late 2013, early 2014, Siboniso Miya and other accomplices, were supposed to kill three people that were causing Krejcir problems. The first to be killed



- was a state witness, who was a victim of Krejcir's previous crimes of kidnapping, attempted murder and /or torture. His name was Bheki Lukhele. This witness was a key witness against Krejcir, after Krejcir was arrested in November 2013 and, as such, had been placed in the witness protection program. The next person to be killed was a forensic consultant by the name of Paul O'Sullivan and after him, they were to kill Colonel 'Killer' Ximba.
6. Our client was shocked by the audacity of Krejcir and his people, particularly Miya. The information he was able to garner included evidence of the fact that O'Sullivan's coordinates were being sent to Miya, by police officials. Miya had also received an e-mail from someone, showing the precise location of where Bheki Lukhele could be found. He received this on a webmail account he set up for that very purpose. It was by now clear to our client that Krejcir had penetrated, with his corruption, every organ of State including the witness protection programme.
 7. Our client advised his handler that on or about the third week of December 2013, O'Sullivan had been to the court, at Palm Ridge, where Krejcir was applying for bail and had supplied documents to assist the State to oppose bail of Krejcir. Upon hearing this, Krejcir then gave instructions to Miya to change the plans and, instead of killing Bheki Lukhele first, they were to kill O'Sullivan and to do so urgently. Our client kept his 'handler' fully apprised of all these actions and, on the morning of 09th January 2014, when O'Sullivan was supposed to have been killed, our client was with Miya and simultaneously briefing his 'handler' about the operation to murder O'Sullivan. Our client distinctly recalls Miya getting a call from Krejcir, which he put on the speaker, and Krejcir complained as to why he had not heard on the radio about O'Sullivan being killed. He was desperate to hear about O'Sullivan's murder. Our client was shocked as to how Krejcir could be phoning and arranging hits, whilst in prison.
 8. As it transpired and because of our client's involvement, the syndicate around Krejcir was completely broken and most of the people arrested. The trials are to take place shortly, in respect of all the above matters.
 9. As our client was a key State witness, it was essential that he be properly looked after, given Krejcir's previous propensity to murder witnesses. Initially the police wanted our client to go into the witness protection programme. However, our client, having seen how they were about to murder Bheki Lukhele, whilst Lukhele was supposed to be in the witness protection programme, flatly refused to go into the programme, as he knew that would be the end for him and that he would be murdered. If Krejcir could succeed in killing our client, most (if not all) of the cases against him would simply collapse.
 10. Arrangements were then made for our client to be taken to the UK, where he was to stay until the commencement of the trials. Although our client was sad to be away from home, he agreed to go, as it was the best thing for the country. He departed for the UK in or about July 2014. Prior to that time he was kept in hotels and safe houses, at the expense of the South African Police Service budget, the police having clearly accepted that Krejcir had penetrated the witness protection programme, into order to murder Bheki Lukhele.



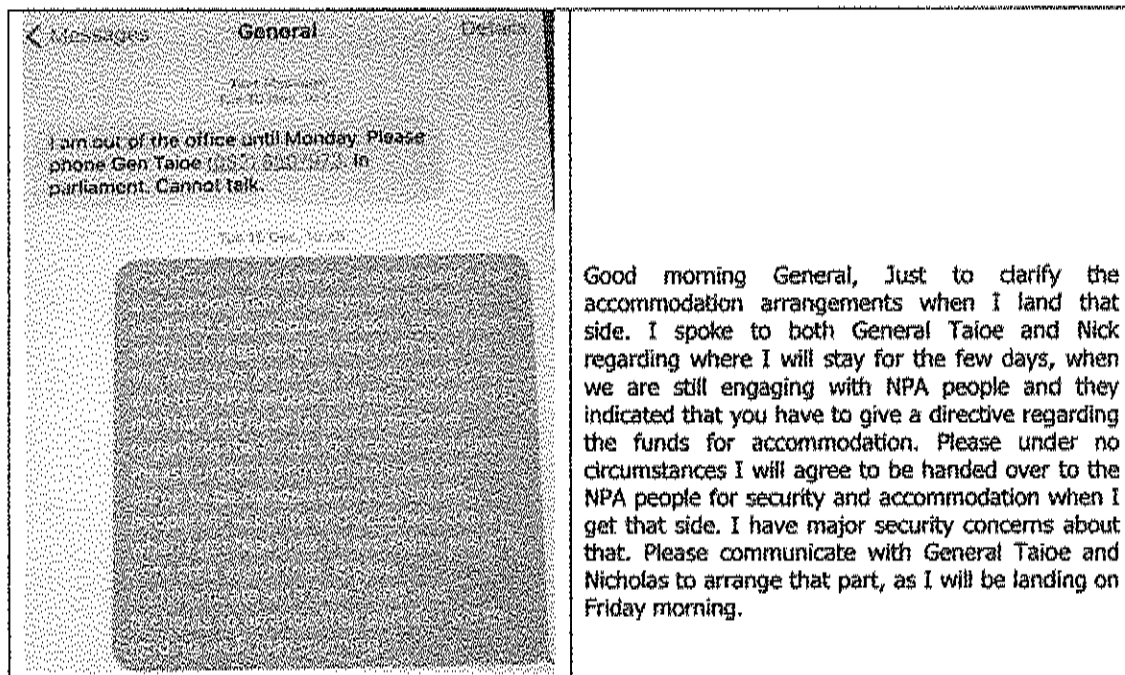
MOONOO'S ALLEGED QUESTIONABLE CONDUCT

11. There were a number of incidents that took place regards to Lieutenant General Moonoo 'Moonoo' and when put together, our client suspects Moonoo of being involved with Radovan Krejcir, to such an extent, that he believes Moonoo wants him dead. We have been instructed by our client to explain the foregoing.
12. On the day of the operation, our was to be 'arrested', so the others would not suspect he was under-cover and supplying information about the syndicate's activities. After our client was 'arrested' and sitting in Colonel Ximba's car, Moonoo came to him and took a picture of him with his cellular phone. Later on, when our client met Miya at the holding cells, he told our client *'If the police come and book us out of the prison, we must not say anything about the boss (referring to Krejcir)'*. He then asked our if he saw the *'Indian guy'* at the crime scene, and he named him 'Moonoo'. Our client said he did (see Moonoo) and that Moonoo had taken our client's picture. Miya then told our client that *'Moonoo is going to help us out, because he is 'Krejcir's connection'* and went on to say that they had nothing to worry about. Miya also told our client that Moonoo had contacts in Mozambique, as Moonoo had people there involved in the rhino horn trafficking.
13. The next time our client had cause for concern about Moonoo, was when he was at your office with Captain Greg Savari, from Interpol. This would have been in or about January 2015. Savari called Moonoo and told him he was with our client, arranging money for accommodation and upkeep in the UK, which Moonoo was supposed to approve, but he had refused to approve it. Moonoo then instructed Savari to hand the phone to our client and our client spoke directly with Moonoo. Moonoo said to our client that he knew his situation, and that he was back in the country (he had previously been in the UK) and Moonoo went on to tell our client that he was *'in the wrong hands'*. He then told our client that he had instructed Lieutenant Colonel Gininda ('Gininda') to bring our client to Mpumalanga to meet with Moonoo, as Moonoo was at that time in Mpumalanga. Moonoo then went on to tell our client that he should NOT trust Gininda. Our client asked Moonoo why he should not trust Gininda, and Moonoo said, he could not tell our client on the phone, but that *'Gininda's phone is bugged and he is being followed wherever he goes'*. Moonoo then said *'When you're finished talking to me, you must put the phone down and not go with Gininda anymore, but you must go with Captain Savari and I will arrange with him where we will keep you and I will come and see you'*. Moonoo then made it clear that our client was **NOT** *'under any circumstances to tell Gininda'* what Moonoo had said to our client. By this stage our client was very concerned and he disagreed with Moonoo's instructions, as he felt it would be the end for him, especially when he recalled Miya telling him at the prison, that Moonoo was the *'Krejcir connection'*. Since it was now clear (to the whole of the Krejcir syndicate – which included many corrupt police officials) that our client was the key State witness, his life would be at risk, if he was compliant with Moonoo's instructions.
14. After this, our client was very scared and went back to the UK. Upon arrival in the UK, our client found that some of the upkeep conditions had been unilaterally reduced by Moonoo, to our client's his detriment. Our client noted that Moonoo had reduced the upkeep figure that was approved by General Phiyega and yourself. Our client was of the



opinion that this amounted to a deliberate act of sabotage by Moonoo. In February 2015, our client decided to call Moonoo and tackle him about this deliberate attempt to diminish his upkeep. When our client called him, Moonoo told our client that he (Moonoo) would fly to the UK, to discuss our client's future and that our client should **NOT** let Gininda know that he would be coming to see our client.

15. During this same 2015 telephone call, Moonoo then asked our client if he had been speaking to Forensic Consultant, Paul O'Sullivan ('O'Sullivan'). Our client told him he did not ever speak to O'Sullivan. Moonoo then, without any substance, accused our client of lying to him and told him that he had indeed been speaking to O'Sullivan. Our client is adamant that he had never met O'Sullivan before January 2016. Moonoo then alleged that O'Sullivan was in the UK to speak to our client, which was also not true. As a result of the hostile nature of Moonoo's tone, our client obtained the distinct impression from the way Moonoo spoke to him, and kept mentioning that he '*should consider his future*', that Moonoo was suggesting in a round-about way, that our client should not testify in the upcoming trials of Krejcir. Moonoo then told our client, that he was not interested in the case of conspiracy to commit murder, as he (Moonoo) was more interested in other cases. Our client felt he was being intimidated into not giving evidence, but then thought it would be best if he simply made a report to Gininda about this. Our client then recalls being interviewed by Gininda and General Taioe ('Taioe') in the UK and he made a sworn statement. He does not know what happened to that statement, but, as will be seen, our client feels he is now being 'victimised' as a result of telling the truth about Moonoo, and as a result of the fact that it was our client's courageous actions in 2013/14 that led to the downfall of the Krejcir syndicate.
16. Our client states that Moonoo subsequently called him many times and kept harping on about O'Sullivan. Our client sent Moonoo a detailed SMS and told him that he did not believe that he had the interests of the country at heart anymore. Things became strained between Moonoo and our client as a result of Moonoo's conduct and his continual insinuation that our client should not give evidence. Our client then received a 'visit-request' from the witness protection official in the UK, stating that Moonoo wanted to come and visit him. He rejected the request and advised Gininda about it.
17. In December 2015, our client was supposed to come to South Africa, to visit his son. The trip had been postponed a number of times. He then called Moonoo and asked him why he could not visit his son before Christmas. Moonoo told our client that he (Moonoo) had instructed Taioe to fetch him from the UK. Our client, mindful of how Krejcir had arranged for Bheki Lukhele to be murdered (whilst in the witness protection programme) sent an sms to Moonoo making it clear that he would NOT go into the witness protection programme, as he knew it was not secure. A true copy of the SMS is set out below:



18. Our client thought he was just visiting SA in December 2015, and would be going back to the UK. However, when they were at the airport, to fly to Johannesburg, Taioe told him that he would not be coming back to the UK and that Moonoo wanted him to stay in South Africa, or nearby in Mozambique. Our client was shocked, as he recalled Miya telling him that Moonoo was connected to Rhino poachers there. Our client felt sure he was being taken out into the open to be killed.
19. After our client arrived back in South Africa, he met with Moonoo. He met him on the 22nd of December after he had landed. He met at Moonoo's office, as Taioe told our client he had no funds and they must go and see Moonoo. Accordingly, our client went with Taioe to Moonoo's office at Police Headquarters. Also present with our client, at the meeting was Moonoo, Taioe, Gininda. Moonoo told our client that he was to be admitted into the local witness protection programme, as he (Moonoo) had been instructed by General Phahlane to stop the process with funding and everything. Our client then explained he had serious security concerns, and he related the fact that Bheki Lukhele was to be killed by Krejcir's people, yet he was in protection. Moonoo said our client was exaggerating and he should try it, before complaining, as he cannot help our client if he does not go into the witness protection program.
20. Moonoo told our client that if he did not go into the witness protection programme he (Moonoo) would have to lock our client in police cells, for his own protection. Moonoo then told our client he should '*stand on his own*'. Our client refused to go into the witness protection programme, for fear of being murdered, but went into a hotel in the meantime. Our client asked Moonoo that if he (our client) tried the witness programme and found it was not secure, could he come back to Moonoo. Moonoo said '*definitely not*'. Our client states he had no intention of going into the witness protection programme, but wanted to see what Moonoo would say. Moonoo then asked Gininda, whilst looking at and referring to our client in that meeting '*If he does not exist, what*



are the merits of the case against Krejcir? Gininda made it clear that our client was the key witness and his existence was crucial to the success of the many cases against Krejcir. The meeting then ended.

21. Our client then went to stay at a hotel near Sandton and a concerned citizen helped him to pay for the hotel, because Moonoo had flatly refused to do so, despite having looked after him for two years. Later in December 2015, funds were obtained from Crime Intelligence, to pay for the hotel.
22. On 24 December 2015, our client attended with Taioe and Gininda at a meeting with Witness Protection Programme, as Moonoo had insisted that he be admitted to that programme. Present at that meeting were Gininda, Taioe, Dawood Adam and two others, from the programme. Our client maintains that Dawood Adam waxed lyrical about how good the programme was, but he seemed to be blinded by the fact that Krejcir had penetrated the programme and that Bheki Lukhele would have been already dead, if it were not for Krejcir making a sudden change of plans and decided to kill O'Sullivan first, which ultimately led to his downfall. Our client got the impression during the meeting, that Dawood Adam had been primed by Moonoo. These are just two examples as to why our client believes this:
 - In the meeting of 22 December at Moonoo's offices, our client was told by Moonoo that *'If Krejcir had wanted you dead, he could have killed you In the UK.* Dawood adma repeated this, verbatim.
 - In the same 22 December meeting Moonoo also advised our client that Krejcir was so evil, he also wanted to kill his own wife. Dawood Adam also repeated this verbatim.
23. There were other similarities in the discussions, that gave our client the distinct impression that Moonoo was behind Dawood Adam's insistence that he (our client) would be safe inside the witness protection programme. This merely served to further destabilise our client.
24. Our client repeatedly told Adam that the witness protection programme was not secure and that he would not go into it, as a result of the prior failings, which we have already noted above. By way of evidence of this fact, we attach hereto, a copy of the transcript of a recording of the 24 December 2015 meeting with Dawood Adam, with the relevant section highlighted in yellow.
25. On 2016-02-03 our client was put out of the hotel he was staying in, as the police had unilaterally cut the funding for it. Our client has now been taken in by a member of the public, as part of that person's public interest programme. That same member of the public has funded a legal team to represent our client and change the tide that is now flowing against him.
26. We met with our client last week on Thursday, 04 February 2016 for the purpose of taking instructions. Our instructions are to do whatever it takes, to restore our client's protection and dignity, until after he has given evidence at the various Krejcir trials. At the meeting it was agreed with our client that, prior to launching an urgent application in the High Court, we would attempt to resolve the situation through dialogue.



27. On 2016-02-04, a member of our client's legal team, Adv Kenny Oldwadge, telephoned to you and the call was held in a most cordial manner. You admitted that the State has a duty of care towards our client, that the manner in which he had been treated was not right, and that you would facilitate a meeting between yourself, ourselves and Lt General Phahlane, the acting commissioner of police. You said you would first like to meet with our client's legal team, which would happen first thing Monday morning, 8 February 2016.
28. On 2016-02-06, Advocate Oldwadge sent the following SMS to you:
- 'Dear General Sithole, I refer to our telcon Thursday evening during which you undertook to revert to me during the course of Friday morning so as to arrange a time for meeting early Monday morning. Not having heard from you and due to the urgency of the matter, I have made several calls to your mobile number, to no avail. Please phone me. Would you also be kind enough to send me your e-mail address. Regards Kenny Oldwage.'*
29. Eventually during the afternoon the afternoon of Sunday, 7 February 2016, Advocate Oldwadge a telephone call from you. You indicated that you were not available to meet with our client's legal team but that you had briefed General Nkome and that Advocate Oldwadge can expect a call from General Nkome during the morning of Monday, 8 February 2016. We have been advised by Advocate Oldwadge this afternoon that he has not received any call whatsoever from General Nkome as indicated by you.
30. In the light of all the foregoing, we have been instructed to formally record the following:
- The State has a duty of care towards our client and we must insist that our client is properly protected, outside of the witness protection programme, which is clearly not secure, for the reasons stated above.
 - There are other precedents for persons being protected out of the witness protection programme. By way of example, we have Eugene de Kok the notorious Vlak Plaas commander. We also have the woman that was the main witness in the State v Jacob Zuma, on charges of alleged rape.
 - It is also common-cause that our client has been securely protected by the South African Police Service, both in South Africa and the UK, until his return and then after his return, until the unilateral cessation of the protection of our client on 03 February 2016.
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 - Our client is a citizen of South Africa and has constitutional rights.
 - Section 8.1 of the Constitution says: ***'The Bill of Rights applies to all law, and binds the legislature, the executive, the judiciary and all organs of state'***
 - Section 11 of the Constitution says: ***'Everyone has the right to life'***. Our client's right to life is being breached by the SAPS unilateral cessation of his protection
31. Given all the above circumstances and the fact that the South African Police Service saw it fit to protect our client, who the Police obviously regarded as an extremely important witness in the various Krejcir matters and funded such protection until 3 February 2016.



Without proper explanation to our client, the Police protection of our client was summarily terminated on 3 February 2016, with a simple statement to the effect that our client must go into the witness protection program, which our client simply refused to do, given the facts and circumstances recorded above.

32. In the circumstances, we have been instructed to demand, as we hereby do, that the witness protection funding previously afforded to our client for nearly the past 2 years by the South African Police Service, be re-instated by no later than **16h00 on Tuesday, 9 February 2016**, failing which our client shall have no alternative but to approach the High Court with an urgent Application for the appropriate relief.
33. All our client's rights remain entirely reserved.

Yours faithfully,

DARRYL FURMAN & ASSOCIATES

Per **DARRYL FURMAN**

CC : Lieutenant General K Phahlane
Acting National Commissioner of Police
Per e-mail to phahlanek@saps.gov.za