

SWORN STATEMENT

I, the undersigned [REDACTED] state under oath as follows:

PREAMBLE

1

I am an adult male Commander of the Local Criminal Records Centre '**LCRC**' for the South African Police Services '**SAPS**' with rank of Colonel, in East London and confirm that the information set out herein is true and correct.

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The purpose of this sworn statement is to set out the grounds for a criminal complaint against the acting National Police Commissioner Lieutenant General Khomotso Phahlane '**Phahlane**', arising out of his time as Divisional Commissioner of Forensics.

HISTORICAL

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In 2011 Crimotech Laboratories (Pty) Ltd '**Crimotech**', was awarded the tender for the supply of Chemicals, Aeroprint Spray canisters and fingerprint brushes to the CRC countrywide. During the time that Crimotech supplied the aforementioned products, certain incidents occurred with respect to:

1. Delivery, storage and use of expired chemical stock;
2. exploding Aeroprint Spray canisters as a result of the delivery of sub-standard quality of product ;
3. the supply of incorrect fingerprint brushes destroying crime scene evidence.

SUPPLIER INCIDENTS

Delivery, storage and use of expired chemical stock

4

On 2014-03-26 I was busy with an evaluation at the Pietermaritzburg LCRC, I found a large quantity of chemicals delivered by Crimotech on the floor in the investigation booth. Upon closer inspection I saw that this large quantity of chemicals had expired 15 months prior, being January 2013. The chemicals had expired due to the fact that a needs analysis had not been carried out and the correct amount of stock ordered. This amounts to a criminal offence in terms of the Public Finance Management Act and could also border on corruption.

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I enquired as to why the expired chemicals had not been stored in compliance with the Occupational Health and Safety Regulations. Lieutenant Colonel Sindraj '**Sindraj**' and Warrant Officer Van Der Merwe '**Van Der Merwe**' informed me that they did not have space to do so and that they did not request the chemicals, but had merely accepted delivery thereof and that they were waiting for it to be disposed of. The State would have to incur the costs to have the expired chemicals destroyed and they can only be removed by a certified waste chemical company. They had no idea why so much was sent there

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On 2014- I compiled an evaluation report and informed the person in charge of the evaluation team, Brigadier Lambert '**Lambert**'. I did not have a camera so I requested Van Der Merwe to take photos of the chemicals. (I attach hereto my evaluation report and photocopies of the photographs as Annexure



'SM-1'). Every lab has a price list for chemicals so I also asked Van Der Merwe to quantify the expired chemicals which amounted to R 235, 046, 60 (two hundred and thirty five thousand and forty six rand and sixty cents). I point out the expiry dates on the containers in the photographs, bearing in mind the inspection date of 2014-03-26.

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Upon further enquiry I now have reason to believe that this has happened throughout the country and would therefore amount to many millions of Rand wasted. By way of example I went to King Williams Town LCRC on 2014-11-11. I have attached hereto as Annexure 'SM-2' photographs showing that they were storing chemicals that had expired 20 (twenty) months before, being March 2013.

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On 2014-04-08, I was at the offices of Legal Services in Pretoria with Major General Khunou 'Khunou' where he mentioned, and in the presence of Captain Zinzerling 'Zinzerling', that he had done tests on the chemicals and that the results showed that the chemicals could still be used and that when Brigadier Diko 'Diko', made an application for more chemicals which he refused to sign, giving me the impression that there was definitely more to the reason for the excess chemicals that we have in the environment. Khunou indicated to me that he was suspicious that there was something not right with the way in which the chemicals are being purchased. I note that Khunou was NOT qualified to test any chemicals and declare them to be O.K.

Fingerprint brushes

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On 2010-11-22 Khunou addressed a letter to Crimotech wherein which he stated that the 1000 (one thousand) fingerprint brushes they delivered to the Pretoria CRC on 2010-10-25 did not meet the CRC specifications and requested that they replace them with the correct specified brushes urgently. A copy of this letter is attached as Annexure 'SM-3'. It was established that the brushes that were supplied were not the required squirrel hair fingerprint brushes, they were synthetic, make-up brushes as ladies would use. The supplying of incorrect brushes will adversely affect the crime scene, because latent fingerprints are very soft and using the wrong brush can destroy the fingerprint instead of lifting them. Many of these brushes had been deployed in the field and complaints were coming back that the brushes had destroyed otherwise perfect fingerprints, thereby reducing the effectiveness of forensics and , in turn, allowing criminal suspects to remain undetected.

Aeroprint Spray canisters

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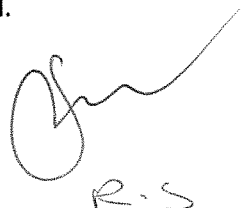
During 2011 and 2013 I recorded in the form of a table the reported Health and Safety non-compliance incidents specifically in respect of the Crimotech Aeroprint spray canisters that exploded in several parts of the country. The table is attached as Annexure 'SM-4'

11

On 2012-04-10 a report of an explosion of a can at Lichtenburg was issued, attached as Annexure 'SM-5'. This report recommends that the *"utilisation of the aerosol spray canisters be put on hold until its safety be guaranteed in order to safeguard our members."*

12

Sometime during 2012 or 2013, Lt General Phahlane visited the Eastern Cape at the Bishu College. I distinctly recall Phahlane stating with assertion that, despite the risks with the canisters exploding, we must use them or suffer the consequences. It was clear to me that his approach was unlawful.



R.S.

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Furthermore, as will be seen, Lt General Phahlane clearly knew that the supplier was being dishonest, delivering out of date stock, wrong or faulty stock and his only response was to chastise anyone from speaking out in breach of Act 26 of 2000.

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Captain Zinzerling '*Zinzerling*' approached me in the beginning of 2013, stating that he believes there was deliberate and unlawful excessive purchasing of chemicals from Crimotech. The only possible inference is that Crimotech were involved in a corrupt relationship with someone. He further stated that he was reprimanded by Phahlane for making statements alleging loss of stock, specifically the chemicals. I received a statement from Zinzerling, unsigned, but I believe that he will swear to it, the unsigned statement received attached as **Annexure 'SM-6'**. It was clear to me that anyone raising issues about Crimotech supplies would be victimised by Phahlane. This gives rise to questions around ethics, as he clearly knew that dodgy stock was being supplied by a dodgy supplier. In this regard, I recall someone asking where the spray-cans factory was and it turned out there was no factory and no compliance with SABS.

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On **2014-08-28** I became so perturbed by the lack of investigation into this matter that I sent a letter to the head of police at the time, General Riah Phiyega as National Commissioner of SAPS, (**Annexure 'SM-7'**). The letter set out my concerns with the irregularities within the Division Forensic Services and Crimotech and requested that she investigate the matter as a matter of urgency.

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In **December 2014** I spoke to Phiyega who confirmed that the matter would be investigated and that I would be informed of the outcome. I was still dissatisfied as no steps had been taken and being mindful of the provisions of the Protected Disclosures Act 26 of 2000, and having escalated it as high as I could within the police with no results I escalated it further to Parliament.

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On **2015-03-06** I received a letter from Major General Ntsheni with no further update which I attach as **Annexure 'SM-8'**. Having not had any positive response from Parliament I have now decided to open a criminal docket against Phahlane.

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I believe that Phahlane must be ultimately held responsible for the purchasing of excessive outdated chemicals from Crimotech, firstly because he was the Divisional Commissioner of Forensic Services and the person ultimately accountable. In view of the fact that the massive abuse of public funds runs into excess of R50 million, I request a thorough police investigation, into the supply of chemicals, the procurement process, the disposal of the out of date chemicals and Phahlane's role, in protecting the suppliers. Whilst I do expect to be victimised for opening this docket, I request that no stone be left unturned in finding the truth.

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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 oaths and I entered the answers thereto in my own handwriting:



RS

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

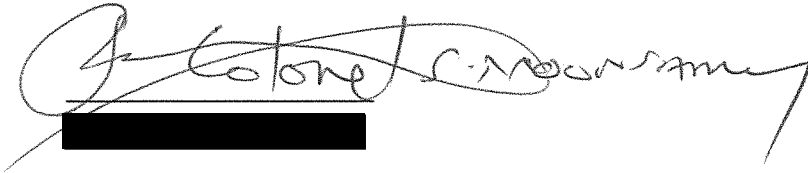
yes

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

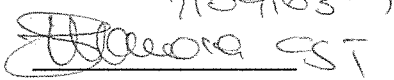
NO

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

yes.


[REDACTED]

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 EDENVALE on this third day of **FEBRUARY 2016**.

7109163-7

Commissioner of Oaths

