



Jasat & Jasat

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Your Ref: Enquiry 2/08/2014

Sgt D Bharath

14 October 2014

Per -mail barathd@saps.gov.za

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Dear Sgt,

Docket registered with : Pretoria Moot Cas 66/05/2013

Your Unit: Commercial Crime investigation unit- Brooklyn Cas 66/05/2014 ?

I e-mailed you a letter on 09 October 2014 at your request only to receive a response from one Brig Casper J Jonker on the same day. I attach it for ease of reference. I also attach further correspondence with you since then to complete the picture for the Head of DPCI the National Commissioner and Lt General Moonoo.

Without being disrespectful and in the light of the under mentioned, I would prefer not to deal with Brig C J Jonker directly. I am puzzled as to why you now place Enquiry 2/08/2014 as the reference. Is this not a 2013 matter as opposed to your CAS Ref: 66/05/2014?

1. I have now ascertained that your unit is attached to the Directorate of Priority Crime Investigation (DPCI) and when established The Minister of Police, Mr Nathi

Mthethwa, announced Mr Anwa Dramat as the new Head of the Directorate for Priority Crime Investigations. The Directorate would focus on serious organized crime, commercial crime and corruption.

2. Bearing in mind the focus of the DPCI, it appears from the Cas No:66/05/2013 that a complaint was lodged in May 2013 with Pretoria Moot which has nothing to do with the focus of DPCI. We therefore enquire why it was not investigated timeously by the Detective Branch of Pretoria Moot and now taken over by you in August 2014 as a Brooklyn Cas No66/05/2014.

- Detectives -

3. I will assume Brig Jonker is the person now directing this investigation, the legitimacy of which is legally untenable. This is in our view an abuse of power with the Brig Jonker pulling rank.
4. The reasons can be deduced from the questions posed by us and not answered by you or for that matter by him.
5. As policemen and Brig Jonker are involved we are instructed to report as a complaint their conduct in this the matter to The Head of DPCI for investigation and report back with a copy to The National Commissioner as the Commissioner had delegated Cas 122/09/2013 referred to below to Lt General Vinesh Moonoo.
6. You may wish to protect yourself from disciplinary action by obeying an unlawful order and being manipulated.
7. I have been an attorney for the past 45 years with experience in all branches of law and don't take kindly to Brig Jonker's unsolicited lecture on the procedure to be followed in an investigation. This is intimidation of the first order.
8. I sit in the High Court as an assessor in Criminal cases and I have heard Policemen testifying about the rights of suspects and the procedure that they are obliged to follow.
9. My client will co-operate with a **legitimate, independent, neutral and impartial Investigating Officer** from any Police Station who will not be controlled or manipulated by your Commanding Office and who will not have access to the docket.
10. This is not the first time that Brig Jonker has interfered in an investigation against my client which did not concern him. This involved an alleged breaking into client's factory in February 2011 and changing of Serial Numbers on imported machinery reported in Pietermaritzburg by one Marietjie Van Wyk of SARS who wanted Brig Jonker to take over the docket. The LCRC did not find evidence of such a breaking in.

10. My client will make furnish a warning statement Pietermaritzburg to an independent Investigating Officer, when approached, if so advised.

11. He will again implicate W/O Schreiber, Colonel Niemand and Brig Jonker in unlawful conduct. In fact and without prejudice, my client informed Schreiber during August 2013 that he believed at he was being extorted for a sum of money by the likes of one Faisel Hattia (known to Col Niemand) who claimed he would take the "heat" of my client as Col Niemand was "one of his boys". This is a serious allegation.

12. As my client did not hear from DPCI, he presumes that W/O Schreiber did not report this to his superiors for investigation.

13. Brig Jonker's conduct in this investigation also features in the criminal complaint laid by my client and others against W/O Schreiber, Col Niemand and Brig Jonker acting unlawfully, when they set up a sting operation by hoodwinking Home Affairs in Pietermaritzburg to search the Factory claiming that our client was into, "Human Trafficking. W/O Schreiber and Col Niemand thus gained entry into our client's premises under false pretences.

14. Presumably, both are still attached to your unit, under Brig Jonker's command.

15. This matter of August 2013 was reported to the Alexandra Road Police Station under Cas No 122/09/2013. This matter was as result of the tardiness of the investigation reported to The National Commissioner of SAPS who delegated by to the office of the Divisional Commissioner Detective Services Pretoria to oversee and report on.

16. Currently Colonel Botha was mandated by General Moonoo to oversee the investigation which has not been concluded to date.

17. Your Brig can therefore address General Moonoo direct and question his authority. We believe this is impertinence on the part of your Brig to request what General Moonoo has with the matter in hand.

18. In Cas 122/09/2013 Brig Jonker has made an on duty statement as a suspect/ witness, so I was informed telephonically by Capt van Zanten. If a suspect he may yet be charged and if a witness, he is a state witness. The docket has still to be submitted to the SPP, Pietermaritzburg for decision and may be referred to the DPP.

19. The independence and neutrality of Brig Jonker and your unit is inter alia, evident from the SMS I sent him on 28th August 2013 at 14.28 which I attach marked "CJJ1". His conduct adopted towards me was deplorable.

20. We are still waiting for a response from Brig Jonker which is outstanding from 28 August 2013 and invite him to do so now.

21. In the circumstances in view of the veiled threat by Brig Jonker to refer the matter to the prosecutor for what purpose other than presumably to secure a warrant for the arrest of my client, should he not provide a statement, please ensure that this letter is made available to the Senior Public Prosecutor and is in the docket you hold, so that an informed decision is made.

22. Further, if you persist in doing so considering this letter as a whole, please advise us, with due notice, as we have been instructed in the circumstances to seek an interdict against Brig Jonker and yourself in which we will seek an appropriate costs order.

So please hand the docket back to the relevant Detective Branch of the Police Station for further investigation of this matter in order that my client's right are not infringed.

In conclusion, please let me have a response to my letter of the 09 October 2014 where after, if need be we will take the matter further.

Yours Faithfully


 **Jasat Jasat**
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