

SUID-AFRIKAANSE POLISIEDIENS



SOUTH AFRICAN POLICE SERVICE

Privaatsak/PrivateBagX57, Braamfontein 2017

Verwysing Reference	4/14/1
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**OFFICE OF THE PROVINCIAL HEAD
DIRECTORATE FOR PRIORITY CRIME
INVESTIGATION : HAWKS
GAUTENG**

03 November 2014

The National Head
Directorate for Priority Crime Investigation
SILVERTON

**COMPLAINT AGAINST BRIGADIER C. JONKER: PRETORIA COMMERCIAL CRIME
UNIT: DIRECTORATE FOR PRIORITY CRIME INVESTIGATION**

1. Letter dated 14 October 2014 with reference 01K181009 (Jasat & Jasat attorneys and conveyancers) has bearing on this matter.
2. Brigadier Jonker was consulted regarding the allegations made against him and he responded as follows:
3. Brooklyn CAS 66/05/2014 is an unrelated case docket that was never investigated at Pretoria Commercial Crime Unit. The case is registered as a burglary and investigated by Sergeant Mphahlele of Brooklyn Detectives and closed as undetected on 22 May 2014.
4. Colonel Hennie Niemann of Crime Intelligence is a complainant in Pretoria Moot CAS 66/05/2013 and he is also a member of the multi-agency task team responsible for the investigation of illicit trade in tobacco products. The prosecutor who forms part of the task team gave an instruction that the case should be investigated at Pretoria Commercial Crime Unit.
5. Assault charges were reported against a petite female SARS official stationed at SARS Head Office in Pretoria vide Alexander Road CAS 122/09/2013. It was alleged that the SARS official assaulted a big armed security guard during a SARS inspection at the factory in Pietermaritzburg. The SARS official found steel residue on the floor where a manufacturing machine was installed. They suspected that the serial number of the machine was tampered with.

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6. The LCRC and the Commercial Crime Investigation Unit in Pietermaritzburg assisted them with the investigation. The investigating officer in Pietermaritzburg (assault charge) requested Brig Jonker via the Commercial Crime Investigation Commander in Pietermaritzburg who assisted SARS during the operation, to trace the SARS official and to take her warning statement which was done. The docket was closed as nolle prosequi. They (Kajee/Jasat) admitted to members of the task team during a subsequent raid on the factory that their knowledge of Brig Jonker's involvement in the investigation came from email communications in their possession between the DPCI and SARS. It can only be unlawful interception and/or from their contacts in the SA Police Service.
7. The Investigating officer approached Yusuf Kajee on various occasions telephonically and in writing to submit his warning statement which never transpired and when we informed them that the case will be submitted to the prosecutor for decision without their explanation on the charges, they lodged this complaint. It will be a sad day if the DPCI allow legal representatives to direct the investigations of the SA Police Service.
8. Brigadier Jonker is not aware of the report of extortion of money by Faisel Hattia, and Col Hennie Niemann is not "one of his boys" and in fact if it happened Jasat and his client confess to corruption attempts. Their modus operandi is to corrupt officials, befriend senior officials and politicians and/or to intimidate investigation teams.
9. A criminal case vide Alexander Road CAS 122/09/2013 was reported against the task team members, task force members who accompanied them and members of Home Affairs who participated in the raid. The docket was investigated by local detectives in KZN, but overseen by Lieutenant General Moonoo's office. The outcome of the investigation is unknown, but the raid was done legally. Jasat further alleged that they have high level contacts in the SA Police Service and indeed phoned a local female General (name unknown) in the presence of the members. There was however no interference from any senior police official. The on duty statement of the Task Team Investigator is attached for ease of reference
10. Brigadier Jonker had no contact whatsoever with the suspect in Pretoria Moot CAS 66/05/2013 or with Jasat except for a telephone call after the raid on 28 August 2014. He was threatened with legal actions regarding the raid although he was not even part of it. He further informed Mr Jasat that he cannot confirm his bona fides on the phone and that if any transgressions were made during the raid, he knew what his rights were as he claimed to be a legal representative. The officials were on official duty and busy with legitimate investigation as per the "on duty" statement.

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11. The documents were submitted to Brigadier van Graan when it was initially received (addressed to Sgt Barath and later "cut and paste into this document"). His response was as follows:

11.1. Dear Brig Jonker

This attorney has the audacity to complain to a sergeant about the (lawful) conduct of a Brigadier. He also requires prior notice (par 22) before a prosecutor is approached for a warrant so that he can attempt to interdict us. Can you believe this?

The following reply is proposed:

"Your letter..... dated the contents of which has been noted, refers.

This office is not going to discuss investigation strategy pertaining to pending matters with you and/or any other private person.

If you are of the view that you have grounds in law to interdict the SAPS to perform its functions, you are at liberty to approach the appropriate court.

Kind regards"

12. The content in this correspondence is meant for LT General Dramat only and due to the fact that it is a project investigation regarding illicit trade in tobacco products.

13. Hope you find the above in order.


PROVINCIAL HEAD: DIRECTORATE FOR PRIORITY CRIME INVESTIGATION : GAUTENG
SM SIBIYA

MAJOR GENERAL

Date: 24/11/2014