

**IN THE HIGH COURT OF SOUTH AFRICA**

**(Gauteng Local Division, Johannesburg)**

The Director of Public Prosecution for the Gauteng Local Division, Johannesburg,  
who prosecutes for and on behalf of the State, hereby informs this

Honourable Court that:

1. MABULA, JAN NTEBO

a 59 years old male residing at no. [REDACTED].

2. KGORANE, MATOME

a 48 years old male residing at no. [REDACTED].

3. KUTUMELA, SAMUEL SANAMELA

a 31 year old male residing at no. [REDACTED].

4. DAWOOD, ISMAEL

a 43 years old male residing at [REDACTED]

Klerksdorp.

5. MOAHLOLI, ADAM MAHLAKO

a 32 year old male residing at no. [REDACTED].

6. MAKHUBO, MPIKWA MESHACK

a 51 years old male residing at No: [REDACTED]

7. MAKUTU, MFANA PATRICK

a 60 years old male residing at no. [REDACTED]

8. MDLULI, ISRAEL

a 51 years old male stationed at [REDACTED]

(Hereinafter referred to as the accused)

are guilty of the following crimes:

- COUNT 1** KIDNAPPING READ WITH THE PROVISIONS OF SECTION 51(2) OF THE CRIMINAL LAW AMENDMENT ACT, 105 OF 1997
- COUNT 2** ASSAULT WITH INTENT TO DO GRIEVOUS BODILY HARM READ WITH THE PROVISIONS OF SECTION 51(2)(c) OF THE CRIMINAL LAW AMENDMENT ACT, 105 OF 1997
- COUNT 3** ASSAULT WITH INTENT TO DO GRIEVOUS BODILY HARM READ WITH THE PROVISIONS OF SECTION 51(2)(c) OF THE CRIMINAL LAW AMENDMENT ACT, 105 OF 1997

- COUNT 4            ASSAULT WITH INTENT TO DO GRIEVOUS BODILY HARM  
READ WITH THE PROVISIONS OF SECTION 51(2)(c) OF  
THE CRIMINAL LAW AMENDMENT ACT, 105 OF 1997
- COUNT 5            EXTORTION
- COUNT 6            KIDNAPPING READ WITH THE PROVISIONS OF SECTION  
51(2) OF THE CRIMINAL LAW AMENDMENT ACT, 105 OF  
1997
- COUNT 7            ASSAULT WITH INTENT TO DO GRIEVOUS BODILY HARM  
READ WITH THE PROVISIONS OF SECTION 51(2)(c) OF  
THE CRIMINAL LAW AMENDMENT ACT, 105 OF 1997
- COUNT 8            ASSAULT WITH INTENT TO DO GRIEVOUS BODILY HARM  
READ WITH THE PROVISIONS OF SECTION 51(2)(c) OF  
THE CRIMINAL LAW AMENDMENT ACT, 105 OF 1997
- COUNT 9            KIDNAPPING READ WITH THE PROVISIONS OF SECTION  
51(2) OF THE CRIMINAL LAW AMENDMENT ACT, 105 OF  
1997
- COUNT 10           ASSAULT WITH INTENT TO DO GRIEVOUS BODILY HARM  
READ WITH THE PROVISIONS OF SECTION 51(2)(c) OF  
THE CRIMINAL LAW AMENDMENT ACT, 105 OF 1997

**PREAMBLE:**

**WHEREAS** on the 24 day of May 2006, there was an incident where exhibits, including a large amount of money and drugs, were stolen from the SAP 13 Store at Benoni SAPS as per Benoni Cas 860/5/2006.

**AND WHEREAS** a task team was established by the SAPS to investigate the matter, and all the accused mentioned in the Indictment, as well as, Phillip Mpati and Tsietsi Mano (both now deceased), were members of the South African Police Force and involved in the investigation.

**AND WHEREAS** the Accused apprehended detained and interrogated the complainants, as suspects, in the abovementioned theft of money from the SAP 13 Store at Benoni SAPS.

**AND WHEREAS** it is alleged that at all times relevant to this indictment, a common purpose existed between the accused and/or other persons to commit the crimes they are charges with. Precisely where, when and in what manner the common purpose was formed and/or who all the parties thereto were, are at present unknown to the State. The State does however allege that the common purpose was in existence at the latest, shortly before and for the duration of the commission of the crimes as set out in this indictment. At all relevant times where one of the accused was not the physical perpetrator, he associated himself with the acts or

omissions committed by the other accused and shared their intention to commit the crimes as set out in this indictment.

## **COUNT 1**

### **KIDNAPPING**

IN THAT upon or about the period 29 May 2006 to 1 June 2006 and at or near Braamfontein, a sub district of Johannesburg Central, the accused, did unlawfully and intentionally, deprive Paul Kgoedi an adult male person of his freedom of movement They did so by detaining him at the Offices of the Serious and Violent Crimes Unit in Braamfontejn, where he was interrogated and assaulted for several hours, in contravention of the duty under section of Section 50 of the Criminal Procedure Act 1951 of 1977, that an arrested person "shall as soon as possible be brought to a police station".

## **COUNT 2**

### **ASSAULT WITH INTENT TO DO GRIEVOUS BODILY HARM**

IN THAT upon or about the period 29 May 2006 to 1 June 2006 and at or near Braamfontein, a sub district of Johannesburg Central, the accused, did unlawfully and intentionally, assault Paul Kgoedi, an adult male person, with the intent to cause grievous bodily harm, by torturing him for information. They, *inter alia*, stripped him of his clothing, tied him to a chair with his wrists and ankles restrained, a hood (resembling a cut-off from a trouser leg) was placed over his head and devices were connected to his body and electrical shock applied on various parts

of his body. He was removed from the chair and his hands and feet were tied together behind his back, he was then assaulted with open hands and fists and, a rubber tube was placed over his face and pulled tight, suffocating him. They further poured water over the tube, forcing it into his nose and mouth suffocating him.

### **COUNT 3**

#### **ASSAULT WITH INTENT TO DO GRIEVOUS BODILY HARM**

IN THAT upon or about the period 30 May 2006 to 1 June 2006 and at or near Braamfontein, a sub district of Johannesburg Central, the accused, did unlawfully and intentionally, assault Paul Kgoedi, an adult male person, with the intention of causing grievous bodily harm, by torturing him for information. They, *inter alia*, stripped him of his clothing, tied him to a chair with his wrists and ankles restrained, he was beaten with open hands and fists and kicked with and booted-feet, a plastic bag was placed over his head suffocating him, devices were connected to his body and electrical shock applied to him.

### **COUNT 4**

#### **ASSAULT WITH INTENT TO DO GRIEVOUS BODILY HARM**

IN THAT upon or about the period 31 May 2006 to 1 June 2006 and at or near Acornhoek, in Mphumalanga, a sub district of Thaba Chwenu, the accused, did unlawfully and intentionally, assault Paul Kgoedi, an adult male person, with the intention of causing grievous bodily harm. He was, *inter alia*, beaten with open

hands and kicked with booted feet. A plastic bag was placed over his head suffocating him.

#### **COUNT 5**

##### **EXTORTION**

IN THAT upon or about the period 31 May 2006 to 1 June 2006 and at or near Acornhoek, in Mphumalanga, a sub district of Thaba Chwenu, the accused, did unlawfully and intentionally, threatened and/or intimidated Nomvula Patience Kgoedi and/or Paul Kgoedi, with assault and/or detention of Paul Kgoedi, to hand over an amount of cash/money to the said accused, and thereby the accused did wrongfully and intentionally extort and obtain from the said Nomvula Patience Kgoedi and/or Paul Kgoedi the sum of R73 000, 00.

#### **COUNT 6**

##### **KIDNAPPING**

IN THAT upon or about the period 30 May 2006 to 1 June 2006 and at or near Braamfontein, a sub district of Johannesburg Central, the accused, did unlawfully and intentionally, deprive Serious Mthembi, an adult male person of his freedom of movement. They did so by detaining him at the Offices of the Serious and Violent Crimes Unit in Braamfontein, where he was interrogated and assaulted for several hours, in contravention of the duty under section 50 of the Criminal Procedure Act, 51 of 1977, that an arrested person "shall as soon as possible be brought to a police station".

**COUNT 7**

**ASSAULT WITH INTENT TO DO GRIEVOUS BODILY HARM**

IN THAT upon or about the period 30 May 2006 to 1 June 2006 and at or near Braamfontein, a district of Johannesburg Central, the accused, did unlawfully and intentionally, assault Serious Mthembi, an adult male person, with the intention of causing grievous bodily harm. He was tortured for information and, *inter alia*, tied to a chair with his wrists and ankles restrained, he was beaten with open hands and fists and kicked with booted-feet. A rubber tube was placed over his face suffocating him. A motor-vehicle safety belt was tied around his neck and he was strangled and dragged around with the belt.

**COUNT 8**

**ASSAULT WITH INTENT TO DO GRIEVOUS BODILY HARM**

IN THAT upon or about 1 June 2006 and at or near Mmakau SAPS Police Station, in Mabopane, a district of Tshwane North, the accused, did unlawfully and intentionally, assault Serious Mthembi, an adult male person, with the intention of causing grievous bodily harm, by torturing him for information. He was, *inter alia*, tied to a chair with his wrists and ankles restrained, a wet cloth (resembling a cut-off trouser leg) was placed over his face and devices were connected to his body and electrical shock applied to him.



#### **COUNT 9 - KIDNAPPING**

IN THAT upon or about the period 29 May 2006 to 1 June 2006 and at or near Braamfontein, a sub district of Johannesburg Central, the accused, did unlawfully and intentionally, deprive Richard Tlakulane Sebuyi, an adult male person of his freedom of movement. They did so by detaining him at the Offices of the Serious and Violent Crimes Unit in Braamfontein, where he was interrogated and assaulted for several hours, in contravention of the duty under section of Section 50 of the Criminal Procedure Act, 51 of 1977, that an arrested person "shall as soon as possible be brought to a police station".

#### **COUNT 10 - ASSAULT WITH INTENT TO DO GRIEVOUS BODILY HARM**

IN THAT upon or about 29 May 2006 to 1 June 2006 and at or near Braamfontein, a district of Johannesburg Central, the accused, did unlawfully and intentionally, assault Richard Tlakulane Sebuyi, an adult male person, with the intention of causing grievous bodily harm. He was tortured for information in that, *inter alia*, he was stripped of his clothing, tied to a chair with his wrists and ankles restrained, beaten with open hands and devices were connected to his body and electrical shock applied to him.

WHEREFORE upon due proof and conviction, the said Director of Public Prosecutions prays for sentence in accordance with the law.



**MP NENGOVHELA**

**DEPUTY DIRECTOR OF PUBLIC PROSECUTIONS  
GAUTENG LOCAL DIVISION, JOHANNESBURG**

## SUMMARY OF SUBSTANTIAL FACTS

### INTRODUCTION:

1. Between 24 and 25 May 2006 the an amount of 14 million Rand was stolen from the safe, at the SAP 13 storeroom in the Benoni Police Station, as per Benoni Cas 860/05/2006.
2. The then, Deputy Provincial Commissioner in Gauteng, Richard Mdluli, established a National Task Team to investigate the theft, trace the outstanding suspects, and recover the money. The team consisted of members of the Serious Organised Crime Section (SOCS) based in Germiston Gauteng, headed by Colonel Mabuela, as well as members of the North West Province Organised Crime Unit under the leadership of General Jan Mabula.
3. The task team consisted of the Accused, Phillip Mpati (now deceased), Tsietsi Mano (now deceased) from the North West Province Organised Crime team, as well as Mokete Mufford Manamela (now deceased) of the Serious Organised Crime Section (SOCS).

#### AD COUNTS 1 – 5

4. On 29 June 2006 the complainant, Paul Kgoedi, was apprehended by Kgorane (Accused 2), Kutumela (Accused 3), Moahloli (Accused 5) as well as, Phillip Mpati and Tsietsi Mano (both now deceased).
5. They took him to offices at Braamfontein for interrogation, where Mabula (Accused1), Dawood (Accused 4), Makutu (Accused 7), Mdluli (Accused 8) and Mokete Mufford Manamela (deceased), and other members of the team, whose names are unknown to him, were also present.
6. In the room he was interrogated and tortured, to make a statement to identify the parties to the theft and the whereabouts of the money, by Phillip Mpati (deceased), Tsietsi Mano (deceased), Kutumela (Accused 3), Moahloli (Accused 5) and Dawood (Accused 4) in the presence of other task team members.
7. They stripped him of his clothing, tied him to a chair with his wrists and ankles restrained, a hood (resembling a cut-off from a trouser leg) was placed over his head and devices were connected to his body and electrical shock applied on various parts of his body. They assaulted him with open hands and fists and, kicked him. A rubber tube was placed over his face and pulled tight, suffocating him. They further poured water over the tube, forcing it into his nose and mouth suffocating him.

8. The complainant wrote a statement, which was shown to Mabula (Accused 1), the commander of the unit, for his approval.
9. Mabula (Accused 1) indicated that he was not satisfied and gave instructions for the complainant to be tortured again, in order for him to reveal more detail.
10. The complaint was taken to make pointings-out and thereafter detained.
11. On the 30<sup>th</sup> of May 2006 he was taken back to the same offices in Braamfontein and interrogated and tortured in the same manner as before by the same team members.
12. During the interrogation, Mdluli (Accused 8) informed the complainant to tell them something otherwise they will kill him. The complainant told them about his sister, Nomvula Kgoedi, who resides in Mpumalanga who has money.
13. The complaint was then taken to the residence of his sister Nomvula Kgoedi, in Acornhoek in Mpumalanga by members of the task team to recover the money from his sister.
14. On 31 May 2006, at his sisters residence in Acornhoek, the complainant was assaulted by Makutu (Accused 7), Moahloli (Accused 5), Phillip Mpati and Tsietsi Mano (both now deceased) and others, in that he was beaten with open hands and kicked, a plastic bag was also placed over his head

suffocating him. This was done in the presence of other team members, including Thlapi (Accused 9).

15. These assaults were carried out in the presence of his sister Nomvula Patience Kgoedi, in order to induce and/or extort her to hand over money to them and to sign a statement, and caused her to hand over an amount of about R73 000 to the task team and to sign a statement.

#### **AD COUNTS 6 – 8**

16. On 30 May 2006 Kutumela (Accused 3), Makhubo (Accused 6), Phillip Mpati (deceased), Mokete Mufford Manamela (deceased), and other members of the task team, arrested the complainant Serious Mthembi at his place of residence.
17. They took him to offices at Braamfontein for interrogation, where Tsietsi Mano (deceased), Moahloli (Accused 5), Mabula (Accused 1), Dawood (Accused 4) and other members of the team, whose names are unknown to him, were also present.
18. They tied him to a chair with his wrists and ankles restrained. A rubber tube was placed over his face and pulled tight, suffocating him. They further assaulted him by beating him with open hands and kicking him.

19. They tied a motor-vehicle safety belt around his neck and he was strangled and dragged around by the belt with his hands tied at his back, with the intent of doing grievous bodily harm.
20. On 1 June 2006, Kutumela (Accused 3), Makhubo (Accused 6), Moahloli (Accused 5), Phillip Mpati (deceased) and Tsietsi Mano (deceased) took Serious Mthembi to Mmakau Police Station, Tswane North, where he was interrogated and tortured by them, in the presence of other members of the task team whose names are unknown to him.
21. He was stripped of his clothing, tied to a chair with his wrists and ankles restrained, a wet cloth (trouser leg) was placed over his face and devices were connected to his body and electrical shock applied to him.
22. He was taken back to Johannesburg and detained.

#### **AD COUNTS 9 & 10**

23. During the end of May 2006, Richard Tlakulane Sebuyi was arrested in Kempton Park by members of the task team and taken to offices in Braamfontein.

24. At Braamfontein he was interrogated and tortured in the presence of Manamela (deceased), Dawood (Accused 4) and other members of the team, whose names are unknown to him.
25. They stripped him of his clothing and tied him to a chair with his wrists and ankles restrained. He was beaten with open hands. Devices were connected to his body and electrical shock applied.
26. He was taken to a different room where he made a statement, there after he was detained at Johannesburg.
27. The following day he was taken to his home in Thembisa where R90 000 was recovered by the task team from his mother.

## **GENERAL**

28. It is alleged that at all times relevant to the offences stated in this indictment a common purpose existed between the accused, to commit the crimes as set out in this indictment. Precisely where, when and in what manner the common purpose was formed, is at present unknown to the State. The State, does however allege, that the common purposes were in existence at the latest, shortly before and for the duration of the commission of the crimes.



29. Further, alternatively the accused are guilty as accomplices or accessories after the fact as set out in the indictment above.