

**IN THE LABOUR COURT OF SOUTH AFRICA,
CAPE TOWN**

CASE NO:

In the matter between:

**POLICE AND PRISONS CIVIL RIGHTS UNION
(POPCRU)**

First Applicant

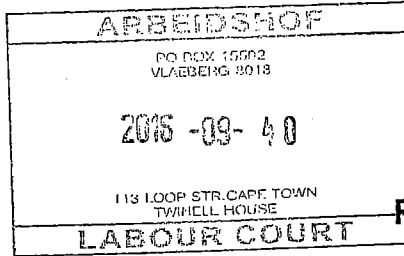
PETER ANTHONY JACOBS

Second Applicant

JEREMY ALAN VEAREY

Third Applicant

and



THE MINISTER OF POLICE

First Respondent

**THE ACTING NATIONAL COMMISSIONER OF
POLICE**

Second Respondent

THE PROVINCIAL COMMISSIONER OF POLICE

Third Respondent

**THE DEPUTY NATIONAL COMMISSIONER:
HUMAN RESOURCE MANAGEMENT:
GENERAL NGWENYA**

Fourth Respondent

MAJOR-GENERAL MZANDILE L TIYO

Fifth Respondent

**MAJOR-GENERAL DUMISANI PATRICK
MBOHO**

Sixth Respondent

THE SOUTH AFRICAN POLICE SERVICE (SAPS)

Seventh Respondent

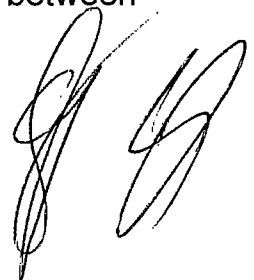
AFFIDAVIT

I, the undersigned,

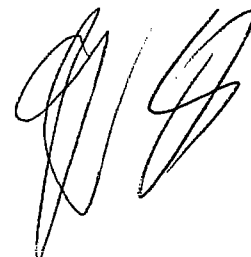
JEREMY ALAN VEAREY

do hereby make oath and say that:

1. I am a Major-General in the South African Police Service presently deployed at Cape Town Central Police Station; Western Cape. I am the third applicant in this matter.
2. The facts deposed to hereunder are, unless otherwise stated, or the context indicates the contrary, within my own personal knowledge and are true and correct.
3. I rely on and make certain conclusions of law on the advice of my legal representatives. I believe such advice to be true and correct.
4. I have read the affidavit of Peter Anthony Jacobs filed in this application. I confirm the content thereof insofar as it refers to me.
5. The details of the parties, the relief claimed by the applicants, and the basis upon which this court has jurisdiction are set out in that affidavit. I support and rely on the legal submissions and conclusions made therein in relation to the power of SAPS to transfer the applicants and the employment relationship between SAPS and the second and third applicants.



6. The process followed by SAPS in transferring me was identical to that followed in the transfer of the second applicant which occurred at the same time and place as my transfer. I make the same submissions as second applicant does in relation to breaches by the employer of the agreement reached by the Safety & Security Sector Bargaining Chamber, No. 5 of 1999, the illegal and *ultra vires* nature of my transfer, and the violation of my rights to just administrative action in terms of section 33 of the Constitution, and in terms of PAJA. I amplify certain of these aspects further below.
7. I contend in particular that when I was transferred, SAPS as an employer did not have a valid and sufficient reason to transfer me; my transfer was not in the interest of the Service or the public; my transfer was not in my interests as an employee, nor my career development. The basis upon which I make these allegations, as well as the allegations that a decision to transfer me for an ulterior purpose of motive, taking into account irrelevant considerations and ignoring the relevant considerations, because of unauthorised or unwarranted dictates of another person, in bad faith and arbitrarily are set out in second applicant's affidavit dealing with those subjects.





8. I focus below on the factual ground which support applicants' contentions that our transfers were not in the interest of the Service, subverted the constitutional mandate of the SAPS and were contrary to the public interest.

9. Before doing so I proceed immediately below to amplify second applicant's allegations by reference to my background and activities as a member of SAPS.

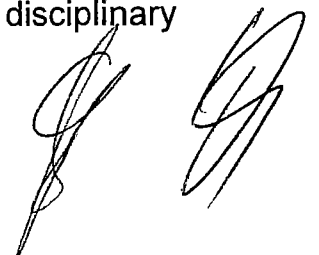
10. In 1984 I received a secondary teacher's diploma at the University of the Western Cape. From January 1985 to December 1985 I worked as a teacher at Valhalla Senior Secondary School. In January to August 1987 I worked as a teacher at West End Primary School. During November of 1984 I became a member of the banned African National Congress and was involved in the activities of its military wing (MK) until I was arrested during 1987. After a lengthy trial I was convicted of terrorism and sentenced to imprisonment. I spent the period from December 1988 to April 1990 as a political prisoner on Robben Island.

11. On my release I held the position of Regional Manager of the VIP Protection Section of the ANC's Department of Intelligence



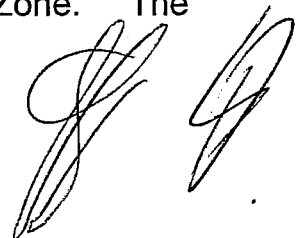
and Security, Western Cape ("DIS"). I planned and managed operations directed at the protection of the senior leadership of the ANC when they were in the Western Cape. My primary responsibility was for the personal protection of the then President of the ANC and members of its National Executive Council.

12. My background in intelligence commenced in July 1990 when I was a member of the regional directorate in the DIS in the Western Cape. I was directly involved in covert collection of information in the crime intelligence field, counter-intelligence operations, and covert collection in the political intelligence field. Between April 1995 until 1997 I held the position of Deputy Commander in a covert unit of crime intelligence in the Western Cape. At that stage I became part of the Senior Management Service. In 1997 I became the Provincial Commander: Intelligence Coordination. I was responsible for managing and coordinating the distribution of crime information and intelligence internally and externally. I was the SAPS representative on the National Intelligence Coordinating Committee in the Western Cape. I held this post until October 1999. From November 1999 to January 2000 I held a position in Provincial Evaluations Services. I was responsible for in-service and disciplinary





investigations against members from the rank of senior superintendent and higher on the instruction of the Deputy Provincial Commissioner.

13. Between January 2000 and February 2003 I was the Commander of a Gang investigation unit known as "Slasher". I managed a unit of 30 investigators responsible for dealing with 4600 murders and attempted murders in gang related case dockets. During March 2003, as a senior superintendent, I was stationed as a Commander at Elsies River SAPS. I held this post until May 2004.
14. From May 2004 until 31 January 2005 I held the position of Deputy Area Commissioner, Operational for the Detective Service, Crime Prevention, Crime Intelligence and Evaluation Services in the East Metropole, Bellville area.
15. Between February 2005 and March 2006 I held the position of Deputy Area Commissioner and Zone Commander for Nyanga and Athlone until March 2006.
16. Between March 2006 and August 2006 I held the position of Zone Director for six SAPS stations in the Wynberg Zone. The



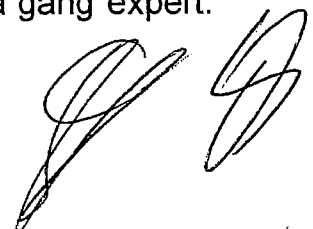
mandate was to prevent, combat and investigate crime, maintain public order, detect and secure the inhabitants of the Wynberg Zone and their property, as well as to uphold and enforce law and administer the Service in the Zone.

17. Between August 2006 and March 2007 I was the Station Commander of SAPS, Claremont.
18. Between 19 March 2007 and 29 February 2010 I was Station Commissioner at Mitchell's Plain, SAPS.
19. Between 1 March 2010 and 22 August 2014 I was the Cluster Commander of Mitchell's Plain, responsible for the efficient management and administration of that cluster and Operation Combat ("Combat"), which was directed at fighting criminal gangs in the Western Cape. This operation is more fully described in second applicant's affidavit. Between 25 August 2014 to 6 February 2015 I was Cluster Commander of Cape Town. It was my duty, *inter alia*, to ensure that all Station Commissioners remained liable for effective and efficient operation of police function in their respective police station precincts within a demarcated cluster and to manage the utilisation of information



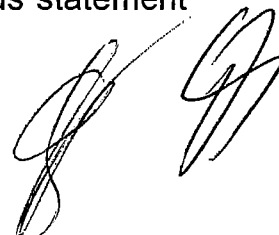
supplied by a crime intelligence station within a demarcated cluster.

20. On 9 February 2015 I was appointed to the position of Deputy Provincial Commissioner: Crime Detection Services. I was required to conclude a performance agreement with my supervisor. A copy thereof is annexed hereto marked "JV2". I duly performed my obligations in terms of my performance agreement. I was never given any reason to doubt that SAPS were not satisfied with my performance in any way. My curriculum vitae more fully setting out my background training and experience is annexed hereto marked "JV3". I confirm that the content thereof is true and correct. In the circumstances contained in annexures "PJ1", "PJ2" and "PJ3 I was employed by SAPS between 1 April 1995 and the present.
21. I am recognised in the SAPS as an expert on gangs: especially in the areas of intelligence and detective investigation. My special focus is on the optimal utilisation of the Prevention of Organised Crime Act (POCA). My specific experience has involved operation Slasher, which was an anti-gang operation, and counter-terrorism operations. As a result of my vast experience I have been consulted by the State as a gang expert.



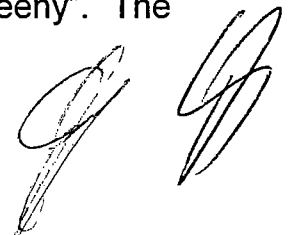
I testified on behalf of the Department of Correctional Services in a civil claim for damages of R300 million by certain prisoners at St Alban's Prison in the Eastern Cape. My testimony was extensively referenced in the final judgment and resulted in the case being dismissed.

22. Despite my present transfer to a benign position that excludes combatting of gangs as part of the job description, but because of my skills in combatting gangs and organised crime, the Acting National Commissioner – at the request of the Provincial Commissioner of the Eastern Cape and the Eastern Cape Director of Public Prosecutions – instructed me to assist them materially as an expert in three gang murders. He nevertheless fails and refuses to utilise my gang fighting skills, as SAPS previously did, in resolving ongoing gang conflict and investigation in the Western Cape. The consequences that arise for the SAPS and the public interest are dealt with further below.
23. In amplification of second applicant's submission as to how we are being perceived (wrongly) as part of a political faction I wish to add the following facts. In my capacity as acting Deputy Provincial Commissioner of Detective Services I was routinely responsible for ensuring the recording of a contentious statement





to the SAPS by a certain Vygie Mentoor and the proper handling of its content. Although she specifically requested that I take her statement it was recorded routinely by members under my command. The Office of the National Commissioner then directed the statement to the Head of the Hawks, Lieutenant General Nthlemeza. A person unknown to me leaked the statement to City Press. A political storm arose because the statement related to vexing political issues of state capture. Vygie Mentoor then revealed that I was the person that had arranged for the recording of her statement. This fuelled the narrative (and the perceptions described by second applicant) that I was involving myself in factional politics. This narrative and notion had no basis in fact. However, I submit that they fueled an ulterior motive which led to my transfer, contrary to the interests of the SAPS, the public interest, and the prevention of criminal gang activity in the Western Cape.

24. Furthermore, it is necessary for me to point out that a "spat" has recently developed between me and the MEC for Community Safety in the Western Cape, Mr D Plato. This may be relevant to SAPS' motives in transferring me. Essentially it relates to certain false allegations that were made against me by a certain Pierre Theron, one Pierre Mark Wyngaardt and a certain "Queeny". The

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publication of their false allegations were facilitated by the Office of the MEC without any process being used to test the truth of the allegations. It appeared to me that the MEC's office was conducting intelligence operations in which informants were being paid from public funds for information they gathered and provided. I view the false statements as having been made by persons linked to gangs with a view to discrediting me.

25. In order not to burden the contents of this affidavit with the issue any further I attach the complaint I laid with SAPS in affidavit form on 10 May 2016, as annexure "JV4". Initially it was my intention to refer the matter to the Public Protector. I was persuaded by the third respondent not to do so; and rather to lay a criminal complaint with SAPS. On 26 April 2016 the second respondent informed me by letter that, although I had the right to approach the Public Protector in my private capacity, my complaint had been considered and Lieutenant General Nkomo had been appointed to investigate. (A copy of this letter is annexed hereto marked "JV5".) On 11 July 2016 the Divisional Commissioner: Detective Service, Major General Ramatsoele informed me in writing that the investigation had been finalised and the report had been submitted to the second respondent on Monday, 11 July 2016. (A copy of his letter is annexed hereto marked "JV6").

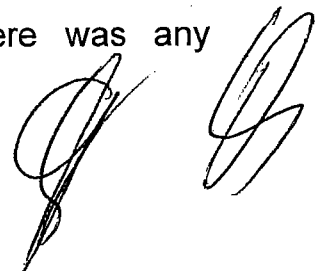


Despite my repeated requests I have received no reply from the second respondent on the progress of the investigation of my complaint. Copies of my requests, dated 5 July 2016 and 10 August 2016 are annexed hereto marked "JV7" and "JV8".

26. I shall now deal with events surrounding my transfer. On 8 June 2016 the Provincial Commissioner issued a notice calling on all Deputy Provincial Commissioners, Cluster Commanders, Provincial Heads and Station Commanders to attend a meeting scheduled for 13 June 2016. The notice I received was identical to the notice, Annexure "PJ5A, that second applicant received. It had an identical purpose. I duly attended the meeting which in fact took place in Paarl.

27. My first engagement at the meeting was with the fourth respondent. She informed me that I would be transferred to Cape Town Cluster, as Cluster Commander. She did so in the presence of Lieutenant General Ntshiea. During our brief conversation I was not given any written document. Nor was I provided with reasons for the transfer.

28. The proposed transfer was unexpected. It came as a shock to me. I had no indication whatsoever that there was any

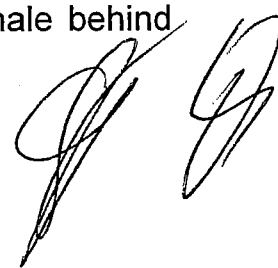


dissatisfaction on the part of SAPS with my performance in terms of my performance agreement. When I challenged the rationale for my transfer fourth respondent replied that:

"The Acting National Commissioner will explain the reasons and rationale in the plenary sessions."

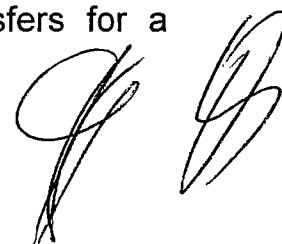
Second Respondent failed to do so.

29. Shortly after this talk I attended the "*plenary session*" together with the Acting National Commissioner, fourth respondent and Lieutenant General Ntshiea, Lieutenant General Jula (the third respondent), and all Station Commanders and Cluster Commanders in the Western Cape.
30. At that session the second respondent summarily promoted five Brigadiers to the rank of Major General and appointed two Colonels as Station Commanders at Khayelitsha and Delft. The further details appears from second applicant's affidavit.
31. Second Respondent then in broad terms addressed us on the need for development and implementation of a changed management strategy. He did not address the rationale behind



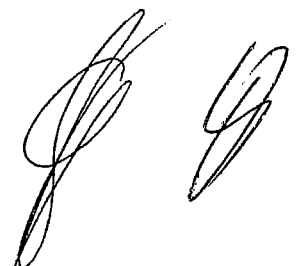
my transfer, the reason why it was urgent; specific and/or detailed operations needs necessitating my transfer; my selection as a candidate for transfer; specific needs of the post of which I was incumbent; the specific needs of the post to which I was transferred, my personal or my portfolio's performance or lack thereof. Nor was I consulted or given reason for my transfer during second respondent's address.

32. Subsequently Brigadier Mitchell, who was a participating member of the national delegation, made a presentation outlining the suggested "*changed strategy*" and the "*structure*". He showed the Western Cape SAPS structure, as well as a geographic map of the Western Cape outlining the geographic location of the Provinces policing clusters by way of overhead slides. Significantly, this presentation depicted that the Provincial and Cluster structures were already populated with ranks, names and surnames, together with the cluster posts. I was depicted as the Cluster Commander: Cape Town Central.
33. The inevitable conclusion was that a decision to remove and replace me had already been made; and that this was done without consultation and due process. Brigadier Mitchell and SAPS must have known about the proposed transfers for a



substantial period of time in order to compile and have the structures approved. The failure to inform me of my proposed transfer, to provide reasons, and to permit me to make representations constituted a violation of my rights, in terms of my contract of employment and arising from the terms of the transfer agreement concluded by the SSSBC, Section 33 of the Constitution, and section 3 of PAJA. I submit that a decision was made for an ulterior motive and in bad faith for the reasons that appear above and in the affidavit of second applicant. It was also made *ultra vires* section 14 of the Public Service Act and in breach of the principle of legality required under the Constitution in that SAPS acted contrary to their constitutional mandate.

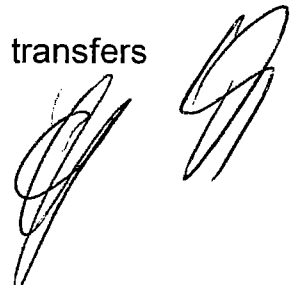
34. After the meeting I was handed a letter which confirmed the submissions above. A copy thereof is annexed hereto marked "JV9". As appears from the heading and the first sentence my transfer was already confirmed and had immediate effect. No reasons were given and I was not afforded an opportunity to make representations objecting to the transfer. As appears from the letter I acknowledged receipt by confirming that I was informed of the transfer without being provided with reasons and that I regarded the transfer as irregular.



**THE TRANSFERS WERE ULTRA VIRES AND VIOLATED SAPS
CONSTITUTIONAL MANDATE**

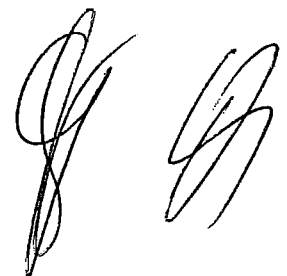
35. The Department of Police (formerly Safety & Security) is part of the public service established under section 197(1) of the Constitution and structured and organised as provided for in the Public Service Act, 1994 ("the PSA"). Section 14 thereof deals with transfers within the public service. Section 14(1) requires a condition to be fulfilled before such transfers may take place. An officer or employee may only be transferred "*when the public interest so requires.*" I shall set out facts below which establish that the transfers of second applicant and I from the posts we occupied were contrary to the public interest and that the decisions to transfer us were *ultra vires* section 14(1).

36. Section 205(3) of the Constitution provides that the objects of the SAPS "*are to prevent, combat and investigate crime, to maintain public order, to protect and secure the inhabitants of the Republic and their property, and to uphold and enforce the law.*" The facts below also establish that our transfers have the effect of facilitating crime, frustrating its investigation, subverting public order, exposing the inhabitants of the Republic to violent crime, and defeating criminal law and its enforcement. The transfers

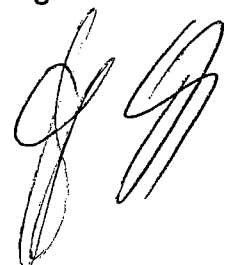


therefore constitute conduct inconsistent with the Constitution. They are therefore invalid.

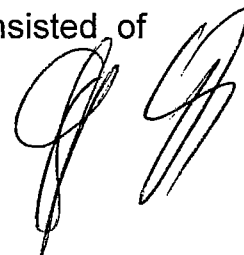
37. During 2012, when I was the leader of Combat, the second applicant was a Deputy Provincial Commissioner. During 2013 members of SAPS investigating crime on the Cape Flats began to suspect that certain firearms that were supposed to be in the possession of the SAPS (for destruction) were in fact in circulation illegally in the Western Cape and that they had probably been released by members of SAPS. The Provincial Commissioner of the Western Cape called a meeting of Deputy Provincial Commissioners. Police ballistic experts then made a presentation. They demonstrated that numerous firearms, that were circulating among gangs in the Western Cape, revealed identical ballistic signatures; that is, each one had been altered and had its identification number filed off in precisely the same way. The suspicion was that the same person was altering every one of these firearms. At that stage I reported to the second applicant as the Deputy Provincial Commissioner. He decided to investigate the matter. That investigation was called project "Impi". It commenced in December 2013.



38. A team was set up under my command. It included Lieutenant Colonel Ontong and Sergeant Witbooi. Ontong's separate role was to look at firearms supplied to the gangs to establish whether they had the common six points of alteration which had already been identified. This knowledge was peculiar to armourers and ballistic experts in the police.
39. At that stage it was not clear where the firearms that were being used in the gang violence had come from. This was an immediate focus of our investigation. There were so many firearms in the possession of the gangs that we concluded that they could not have come from the usual sources by which gangs obtain firearms, for example housebreaking. We therefore investigated the supply line entrance of such firearms into the gang world.
40. When second applicant was transferred to crime intelligence the capacity of the investigation expanded exponentially. We now had access to his intelligence sources, which we could put together with the ballistic information provided by ballistic experts. We added detectives from the areas where there was gang activity and members of Operation Combat to the investigation team.



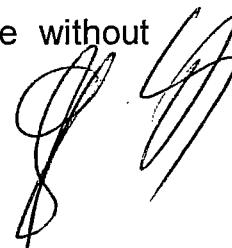
41. As a result of our separate backgrounds and unique knowledge second applicant and I were able to interpret evidence with synergy and success. Because of the sheer number of firearms in circulation we eventually concluded that the mass of firearms in gang possession had to have come out of the SAPS system. They came fully loaded, with two magazines, and had been adapted to be untraceable.
42. At that stage firearms in the possession of the SAPS in the Western Cape were being destroyed by SAPS in the Province. Firearms in the other provinces were being sent to Pretoria for destruction. We began to investigate members of SAPS in Pretoria. We identified a storeroom that had been let by the Gauteng Flash (Fire, Liquor and Second Hand Goods Unit.) We identified an office in FLASH which was responsible for the destruction of old firearms. However, the issue still remained as to who could distribute the firearms to the gangs.
43. Our investigation had become an integrated project involving select crime intelligence, specialist gang investigation detectives, designated firearm officers (DFO's), which was initiated and directed by second applicant and I, using each of our skills and experience and pooling them. Part of our team consisted of



FLASH members in Cape Town (particularly Captain Sampson who was responsible for tracing the firearms in the SAPS system). Meanwhile Operation Combat was focusing on the persons who were receiving the firearms. These were then recovered. These details are classified information and I shall not take this aspect any further.

44. A certain Colonel Prinsloo became our target. We established that a certain Laher, a reservist at a station in De Deur (Vereeniging), where Prinsloo was Station Commander, was Prinsloo's middle man.

45. Our success was achieved, in fact, because we had assembled a multi-disciplinary team directed by second applicant and I each feeding in our particular skills and experience. This integration of many disciplines was a unique method of investigation in SAPS. Together detectives and intelligence built a picture. This required my knowledge of gangs and second applicant's intelligence. Using our unique combination of skills we collected evidence together. Eventually the group consisted of ballistic experts, designated firearm officers (DFOs), gang investigators, and gang intelligent experts. Individually they could not have produced the results that were achieved. Nor could this be done without

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commanders who had the knowledge and skill necessary to direct each and all of these individuals as a coherent unit.

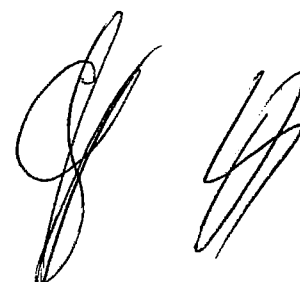
46. Having traced the course of the weapons the next objective was to get the firearms back. Should we have failed a mass of untraceable firearms would have remained available to gangs for their criminal use. The level of killing of civilians committed by these gangs is amplified further below.

47. Our investigation then revealed that over and above the aforementioned firearms, heritage (collector's) firearms and military firearms were being distributed through the syndicates we were investigating. What we had started as a local investigation in relation to killings in the Western Cape became a national operation when we discovered how Prinsloo was operating nationally. Therefore, before we arrested Prinsloo, it was necessary for us to brief the National Commissioner (Phiyega) and the Minister. They directed us to continue the investigation.

48. What had also become obvious to us by that stage was the potential for civil liability on the part of the SAPS. They had been in possession of thousands of firearms which they were supposed to destroy. Instead they were released to gangs who were killing

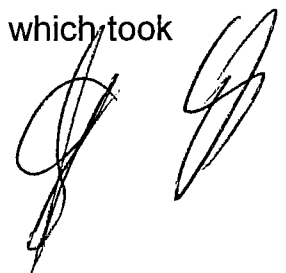
many members of the public with them. We warned the National Commissioner and the Minister of this potential civil liability. It gave rise to an urgent need for investigation and the optimal deployment of SAPS resources. Instead we have been transferred and Operation Impi has been decimated on the orders of SAPS management. This has the opposite effect to what is in the interest of SAPS, their constitutional mandate and the public interest. Second applicant and I, together with our team, were close to making arrests when we were transferred and disbanded.

49. We had discovered that, besides Prinsloo, there was another network. One network funnelled firearms through Laher to gangs in the Western Cape; the other distributed illicit heritage and military weapons. Our investigation identified role players involved in cross-border trafficking of military armaments. When we were transferred our team were investigating both networks. They were busy finding an outstanding balance of firearms that had been sold to street gangs, were still in circulation, and continued to contribute towards gang related crime in the Western Cape. Secondly trans-border smuggling of firearms was occurring from South Africa to other countries.



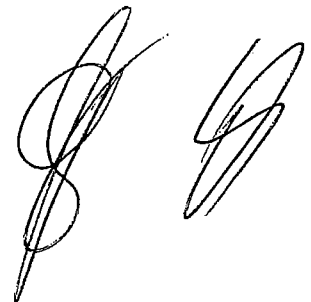
50. In regard to the first network it was vital for the SAPS to recover the firearms from the gangs and prevent further deaths. Insofar as the second is concerned further investigations were required into the import and export of firearms by individuals and arms dealers by illicit means, and the possible violation of South Africa's arms embargoes arising from international protocols to which South Africa is bound as a signatory. The investigation had also demonstrated that firearms were possibly being stock piled for crimes against the State by right wing groups. Corruption at the Central Firearm Registry and by DFO's at SAPS stations was also being investigated. So too was the theft of firearms from military bases. Another concern was the unlawful reactivation of dismantled and deactivated firearms. In addition irregularities at licenced arms dealerships by DFO's had been discovered. Ontong and Sampson were therefore assisting us to get to the bottom of all of these investigations.

51. Prior to our transfers the investigation operation was managed under the direction of our two competencies, detectives and intelligence. With our transfers our specialised skills and acquired knowledge of how the network was operating was lost to the investigation. Although the members who replace us might have technical knowledge they lack our acquired knowledge which took

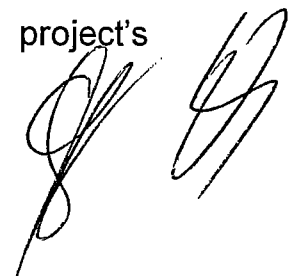


years of investigation and application to build up. Furthermore, second applicant and I have never been debriefed. There has never been an operational hand-over. The whole operation has simply been allowed to grind to a halt. The team has been reduced from twelve to four. The inhabitants of the Republic of South Africa have therefore been exposed to violent crime and dereliction of SAPS duty to prevent, combat and investigate such crime, and to protect and secure the inhabitants.

52. Furthermore the SANDF had built up an intelligence relationship with second applicant and I. They will be reluctant to deal with anyone else in SAPS.
53. I attach hereto marked "JV10" a report on Operation Impi that I directed to third respondent and other senior management of SAPS in the Western Cape and Pretoria on 13 September 2016. I confirm that the contents is true and correct.
54. The scores of murders that have been committed with the stolen weapons in the Western Cape between 2010 and 2016 has been ballistically substantiated. I identify many of the child victims on annexure "A" attached to "JV10".

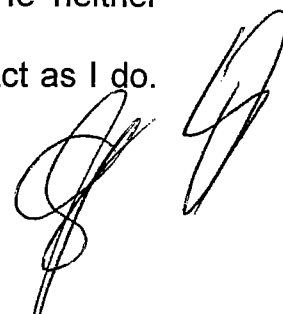


55. I confirm that a SAPS ballistic audit, 5 June 2016 had established that these firearms were linked to crimes in gang flashpoint areas in the Western Cape between the periods 2010 and 2016. They had been used in 1666 murders, 1403 attempted murders and 315 other crimes. Victim analysis revealed that a disturbingly high number of murder and attempted murder victims ranged from the ages of 18 to infants. The list of children shot with Project Impi firearms consists of 261 child victims. Annexure "A" indicates the name of the child victims, their ages and sex. It also indicates the police stations, case numbers and charges in each case.
56. My report also includes a letter directed to the Provincial Commissioner of the SAPS, on 19 August 2016, by the Director of Public Prosecutions in the Western Cape (annexure "B"). He emphasises the progress and the results achieved since we initiated Project Impi and how we have strengthened public confidence in the ability of SAPS to effectively and successfully investigate organised criminal enterprises. He indicates in (paragraph 6) that, although the project was initially projected to last until the arrest of all the perpetrators who sold and purchased SAPS firearms that were intended for destruction, developments in the investigation required reassessment of the project's



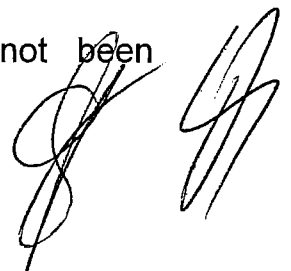
activities by broadening its parameters to find the outstanding firearms that were sold to street gangs that are still in circulation and continue to contribute towards gang related crime in the Western Cape. He also describes how the prosecutions in which the DPP is involved would be hampered by the removal of Ontong from the project at this stage.

57. I attach as annexure "JV11" an affidavit by Lieutenant Colonel Ontong. Although he is still the investigator of the cases against Raves and Laher he is no longer working in the area of firearms. When, on 9 September 2016, he made an application to visit Gauteng on an Operation Impi investigation, to have a witness placed on witness protection and finalise other investigations, he was told by Lieutenant Colonel Geldenhuys from the Provincial Finance Office that Project Impi was not renewed and that funds could not be available for him to go to Gauteng (in pursuance of Operation Impi).
58. In passing I should point out that during our investigations I would study dockets and use my experience to direct other members of the team including Ontong. By himself he will be unable to achieve the success which we achieved together. He neither knows the environment nor how to exploit the POCA Act as I do.



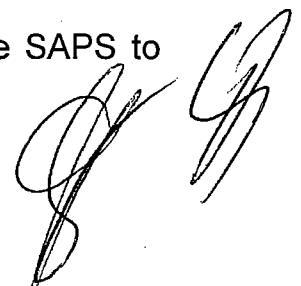
He requires guidance. Such guidance could only be provided by persons having the background second applicant and I do. Furthermore, second applicant's intelligence capability had to be guided to maximise practical outcomes by my unique experience in order to maximise results. Our capacities have been removed both jointly and individually.

59. Previously Ontong was supported by a large team and investigated murders such as the Spes Bona school murder. That team has been reduced. He has moved to another post although a number of the murder cases still need to be solved. Furthermore, there were other murders committed before 2010 which still need to be investigated. There remains a need to trace the outstanding firearms.
60. I annex marked "JV12" a further affidavit by Captain Kelvin George Sampson who remains part of Operation Combat. I confirm the correctness thereof insofar as it describes Operation Impi. He describes in his affidavit how the operation's successes turned to distress and uncertainty when the second applicant and I were transferred. He confirms that he was informed that members of the investigation team were going to be sent back to their police stations although investigations had not been



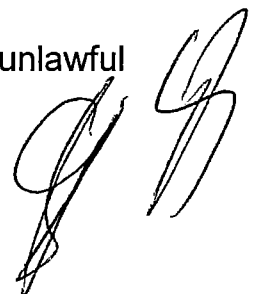
finalised, and Raves and Laher still had to appear in Court. He describes further how the reduction of the team has a major effect on the successful prosecution of cases where firearms are involved. He goes on to affirm that the previous working methodology between the provincial detectives and DFO's ensured that case dockets could be finalised more quickly and could be successfully prosecuted.

61. The SAPS has an obligation to solve these crimes and prevent more crimes involving use of these firearms. However, SAPS is now compromised. It has a duty to link the stolen firearms ballistically to murders committed with them. Should SAPS carry out this duty it will prove its own civil liability to inhabitants of South Africa who are killed or injured by these firearms. Part of the solution, I submit, is to recover outstanding firearms before gangs use them to commit more crimes.
62. The knowledge that second applicant and I acquired about how the Prinsloo syndicate operated and in discovering the new syndicate took us three years to acquire. Our team understood how the firearms were being distributed. We were most likely to find the outstanding firearms. Our transfers and the dismantling of the team subverts the constitutional mandate of the SAPS to




prevent crime and ignores the right to life of many persons who are likely to be affected by the use of the firearms.

63. It would take any member of SAPS who replaces second applicant and I at least two to three years to acquire the knowledge that we have of the background to our investigation from 2012. It is likely that more murders will take place with the firearms in this time. The aforementioned schedule of murders of children attached to my report indicates that there is a probability of more murders taking place, as well as the likely frequency and level of such murders.
64. Second applicant and I carried out our investigations as part of national security; that is, they were covert and under cover. The officers in our team did not operate from open offices. They were not engaged openly. Certain protocols were involved that could not be otherwise replicated. That methodology of investigation has changed. The management of any further investigation has been moved to overt offices. This will hinder its success.
65. Presently the Hawks are investigating the firearms with the common signature described above. However, their method of investigation will result in only individual charges of unlawful

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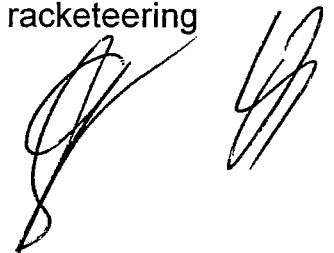
possession of firearms. The investigation ignores the comprehensive use of POCA to defeat criminal gang activity. They lack interpretive skill and expert insight into gangs and the experience of POCA investigations into the gang terrain. They also have no acquired knowledge of the investigation. Their methodology would result in each murder investigation that they conduct standing alone. It would not be linked to other cases.

66. SAPS now lacks the capacity to understand the networks, whom we discovered and investigated, and to take the matter further. Ontong had been part of our team for three years. His affidavit demonstrates the problems.
67. I submit that in order for SAPS to validly perform its constitutional mandate validly second applicant and I should have been retained in our posts and given more resources. Ontong's capacity should have been increased. The recovery of the firearms that are in circulation in the Western Cape, which have been used in existing murders, should have been made a priority. All cases should have been finalised. Prinsloo has admitted smuggling weapons to Laher, which the latter distributed in the Western Cape. There is a firm foundation therefore for establishing this priority.



68. Moreover such investigation has become a matter of the urgency. The season in which gangs do the most killing commences in the Spring. There is no doubt about this as the spike in murder figures for the Spring season in the Western Cape shows. The reason is that the major flow of drugs into the Western Cape rises in December. Before this happens the gangs compete to settle their turf and establish the areas through which each one will distribute its drug supply. Gang wars and killing of members of the public then ensues.

69. Finally, there can be doubt that the SAPS have been alerted to their previous short-coming, and that they are consciously increasing their potential liability for unlawful and negligent death and injury of members of the public caused by the stolen firearms. This is neither in the interests of the Service nor the fiscus. During September 2016 second applicant and I met with Major-General PC Jacobs of SAPS Legal Services. We explained to him the details of SAPS' potential liability as described above. He interviewed Prinsloo and then wrote a booklet headed "*Back to Basics – Towards a Safer Tomorrow*". A copy is annexed hereto marked "JV13". It constitutes a follow-up into possible litigation and mitigating the effects flowing from the Prinsloo's racketeering



matter. It records that 2400 firearms in police custody, that were destined to be destroyed, were in fact stolen. The firearms intended for destruction were siphoned from police possession and "*ended up in gang violence in the Western Cape.*" A huge number of persons died as a result of shooting incidents involving the stolen firearms. SAPS is duty-bound to ensure that any loop holes which allowed such theft be plugged as soon as effectively possible. Two hundred of the firearms have been recovered. More than 1200 still need to be recovered. Any further crime committed with these firearms will potentially increase the risk of litigation against SAPS.

70. Major-General Jacobs concluded that "*, the SAPS is ... duty-bound to ensure –*

that the stolen firearms still in the hands of criminal be retrieved as soon as possible."

71. As I have shown above by transferring second applicant and I SAPS have ignored this sound legal advice, contrary to the interest of the Service.

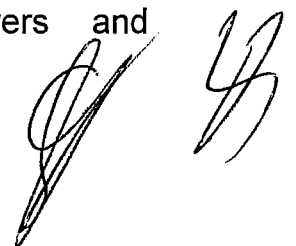


72. Presently, SAPS investigations are directed merely at concluding the trials of Laher and Raves. No broader investigation is being considered. Such investigation as is being conducted has not been facilitated by our debriefing. There is no systemic process in existence to recover the stolen firearms. Such a process is necessary to recover them.

73. As stated above, the Project Impi team had unique skills. There was no precedent for conducting their investigation. It cut across and solved other investigations such as cash point robberies. In the position we occupied we therefore provided methodology to solve other investigations. This too has ended.

THE FURTHER DEVELOPMENTS

74. On 14 June 2016, I directed a letter setting out my objections to the second and third respondents. The transfer was a unilateral decision on the part of SAPS to transfer me from the post of Deputy Provincial Commissioner: Detective Services, without following the process provided for in the transfer policy, Transfer Agreement No. 5 of 1999. I was demoted in the sense that I moved backwards from Provincial Management to Cluster level where I would have limited jurisdiction, powers and



responsibilities. Although I voiced my objection in relation to the unfair labour practices defined in section 186(2) of the LRA I do not presently rely on those provisions of that Act. I asked for the unilateral appointment to be rescinded by no later than 30 June 2016 and for the suspension of the implementation of my transfer with immediate effect pending the outcome of the decision to rescind the unilateral decision. I reserved my rights. A copy of the letter is annexed hereto marked "JV14".

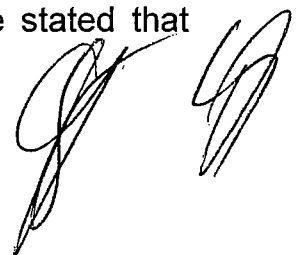
75. On 15 June 2016 I directed a letter to the third respondent flowing from a cell phone conversation with him on the same day. A copy of my letter is attached hereto marked "JV15". The third respondent enquired from me whether I had vacated my office as he intended to move Major-General Brandt into it the following week. I informed him that my transfer was being challenged. He suggested that I had agreed to the placement. I insisted that I had not. I had by then established that the office of the DPC Crime Detection: Western Cape was about to be advertised. I pointed out to the third respondent that this was irregular and premature.
76. I submit that the advertisement was irregular because, upon a proper interpretation of clause 10 of the policy agreement, I



should have been given an opportunity to make representations before a final decision concerning my transfer from the advertised post was made.

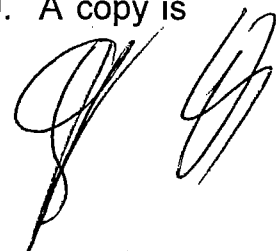
77. On 17 June 2016 I received a call from a journalist with the Sunday Times Newspaper, Bianca Capazorio, who revealed that Brigadier Selepe, the spokesperson for the Acting National Commissioner, had provided her with a response in writing to my placement as Cluster Commander at Cape Town Cluster. I declined to comment. She forwarded me Brigadier Selepe's e-mail to her. On the same day I wrote to the second and third respondents informing them of what had happened. I requested that the matter not be commented on in the media by SAPS until such time as the internal processes had been duly concluded. A copy of my letter is annexed hereto marked "JV16". A copy of Ms Capazorio's e-mail to me and the e-mail from Brigadier Selepe to her are annexed hereto as "JV16".

78. On 22 June 2016 fourth respondent wrote to me confirming my appointment as Cluster Commander: Cape Town Central. A copy of her letter is annexed hereto marked "JV17". In her letter she referred to "*available records*" from which she drew conclusions as to why I had been transferred. She stated that

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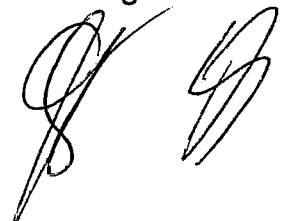
after the "brief" conversation she had with me on 13 June 2016 a decision was made to transfer me as the Cluster Commander, Cape Town Central. She failed to address the necessary steps in the transfer agreement which must be taken before a valid transfer may take place. Accordingly, my rights in terms of this agreement, section 33 of the Constitution and section 3 of PAJA were denied and violated.

79. On 29 June 2016 my attorney of record addressed an urgent letter to the second respondent in regard to my transfer. A copy of his letter is annexed hereto marked "JV18". It refers to the circumstances of my transfer and the failure to afford me an opportunity to submit representations in terms of the policy agreement. Furthermore he recorded that his firm had received instructions that the transfers, redeployment and placement of its members emanated from the implementation of a new structure on which POPCRU had never been consulted. Accordingly, first applicant demanded that the SAPS agreed to the suspension of the implementation and the new structure, transfers and placements.
80. On 30 June 2016 my attorney addressed a letter to the second respondent on my behalf, duly assisted by POPCRU. A copy is



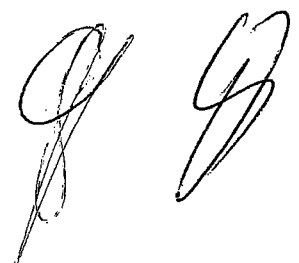
annexed hereto marked "JV19". In the letter he described how I had been informed that I was requested to report for duty at a new post with immediate effect. He noted the content of my letter to the respondents on the following day and the second respondent's reply on 22 June 2016. He recorded that I had not been given any reasons for the proposed transfer and that I denied that there was any consultation in the manner of an interview as suggested by SAPS. It was recorded that I was never offered an opportunity to submit representations in terms of the transfer agreement prior to my receipt of the letter of transfer. It was pointed out that after receipt of that letter (if the fourth respondent was relying on urgency) I was still entitled to a period of 21 days within which to make representations (until 13 July 2016); that is, I submit, before a final decision could lawfully be taken. My attorney undertook to provide such representations by 13 July 2016. He requested that I should remain in my position until a final decision based on my representation was reached. This request was ignored.

81. Furthermore, on 5 July 2016 my attorney wrote to the fourth respondent requesting certain information that had also been requested on behalf of second applicant. He also requested any copies of my individual performance assessment which might

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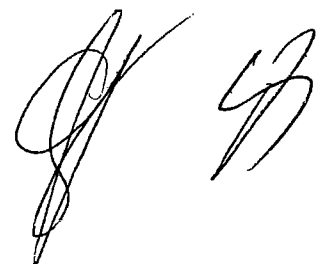
have indicated that I was under performing which warranted my re-deployment. A copy of this letter is annexed hereto marked "JV20".

82. On 6 July 2016 fourth respondent replied to my attorney. A copy of his letter is annexed hereto marked "JV21". This letter was in identical terms to the letter addressed to my attorney on the same day by fourth respondent in relation to the second applicant. Unlike second applicant, however, I was never afforded an opportunity to make representations in fourth respondent's letter which had given me notice of my transfer. An opportunity to submit representations was given to me for the first time on 6 July 2016 in fourth respondent's letter.
83. Fourth respondent suggested that reasons had been given to me in her notice letter, dated 13 June 2016. This contention was founded on the words "*based on a service delivery needs of the South African Police Service.*" I submit that this phrase constituted nothing more than a purported objective of the transfer. It did not amount to reasons as required by law and clause 10 of the transfer agreement.



84. On 8 July 2016 my attorney addressed a reply to fourth respondent in which it was denied that I had been afforded the rights vested in employees in accordance with clause 10.1.3 of the transfer agreement. It was emphasised that I had received no communication that "*my transfer was being considered*" prior to 13 June 2016. It was alleged (as is apparent from the content of the written notice on that day) that the decision to transfer me had already been taken. Again it was denied that there had been no consultation with me. The fourth respondent was informed that I could not advise my attorney because SAPS had seen fit to use vague terms such as "*service delivery needs*" and "*redeployment*". Details and particulars of the alleged service delivery needs were requested. They remain outstanding. That situation pertains to this day. This letter is attached as annexure "JV22".

85. On 13 July 2016 my representations were duly presented to the first three respondents. A copy is annexed marked "JV23". After the expiration of another 21 days they did not respond, as is stated in second applicant's affidavit. Instead the respondents proposed a meeting which had to be aborted after fourth respondent and General Ntshiea refused to engage in any



discussions in the presence of our attorney and insisted on meeting with second applicant and I separately.

86. I associate myself with second applicant's submissions in regard to exhausting internal remedies. The time for application of the terms of the transfer agreement are well past. There is no appeal procedure. The decisions to transfer us endanger the public in the immediate future. The termination of this dispute by the Court is a matter of urgency in the public interest .

87. In all the circumstances I submit that I was entitled to proceed to this Court for specific performance of my contract of employment; review, declaratory and other relief claimed. I submit that I have made out a case for the relief prayed for in the Notice of Motion.



JEREMY ALAN VEAREY

I certify that:

1. the deponent has acknowledged that:
 - 1.1 he knows and understands the contents of this affidavit;
 - 1.2 he has no objection to taking the prescribed oath;
 - 1.3 he considers the prescribed oath to be binding on his conscience.



2. The deponent thereafter uttered the words "*I swear that the contents of this affidavit are true, so help me God*".
3. The deponent signed this declaration in my presence at the address set out hereunder on this ^{3rd} day of ^{October} ~~SEPTEMBER~~ 2016.



COMMISSIONER OF OATHS

JANET SNYMAN
COMMISSIONER OF OATHS
PRACTISING ATTORNEY, R.S.A
GENERAL BUILDING 8TH FLOOR
42 BURG STREET, CAPE TOWN
TEL: (021) 422 2334



Appendix C

PERFORMANCE AGREEMENT

ENTERED INTO

by and between

MAJ GEN TE PATEKILE
0626638-0

in his capacity as

ACTING PROVINCIAL COMMISSIONER: WESTERN CAPE
(Hereinafter referred to as the *SUPERVISOR*)

AND

MAJ GEN JA VEAREY
0527129-1

in his capacity as

ACTING DEPUTY PROVINCIAL COMMISSIONER: CRIME DETECTION SERVICE
(Hereinafter referred to as the *EMPLOYEE*)

of the

SOUTH AFRICAN POLICE SERVICE
(hereinafter referred to as the *SAPS*)

AND WHEREAS the parties have agreed to enter into an agreement setting out the performance expected from the Employee by the Supervisor,

NOW THEREFORE the parties agree as follows:



1. Validity Period

The agreement will commence on the **1st** day of **April 2015** and will be valid until the year ending on the **31st** day of **March 2016**.

2. Managerial and Administrative Responsibilities

- 2.1. During the period of this agreement the Employee shall -
- 2.1.1. to the best of his ability and subject to the directions of the Supervisor exercise control over and manage Crime Detection in the Western Cape;
 - 2.1.2. be responsible for the efficient management and administration of Crime Detection in the Western Cape, including the effective utilisation and training of managers, the maintenance of discipline, the promotion of sound labour relations and the proper use and care of government property;
 - 2.1.3. oversee the management of the finances of Crime Detection in the Western Cape in line with the Public Finance Management Act, 1999, and the prescripts of the Department of National Treasury;
 - 2.1.4. oversee the management of Logistical resources according to the prescripts of the PFMA, Treasury regulations, Asset Management Guidelines and departmental instructions;
 - 2.1.5. oversee the transformation process in Crime Detection in the Western Cape in line with the new vision for SAPS and the Public Service as contained in the White Paper on the Transformation of the Public Service and other relevant policy documents;
 - 2.1.6. be responsible for measures aimed at promoting representativeness in Crime Detection in the Western Cape;
 - 2.1.7. provide the necessary support to the Supervisor regarding core responsibilities within the SAPS which falls within his area of responsibility;
 - 2.1.8. voluntarily, outside his normal hours of work, from time to time and whenever necessary or required, devote such portion of his time, attention and expertise to the affairs of the SAPS, as could, in the circumstances, be reasonably expected of him;
 - 2.1.9. be responsive to the policy, information and support requirements and priorities of the Supervisor and provide the Supervisor with advice that is relevant, accurate and timely;
 - 2.1.10. consult with other relevant role players likely to be affected by strategic initiatives, resource management and service delivery decisions taken by the Employee;
 - 2.1.11. contribute to a constructive relationship between relevant role players and ensure a free flow of timely and reliable information on significant issues;
 - 2.1.12. ensure integration among key resource strategies of Crime Detection in the Western Cape and their alignment with the Medium-Term Expenditure Framework;
 - 2.1.13. perform all functions, duties and responsibilities given to him by general statutory direction (notably the Constitution, 1996, the South African Police Service Act, 1995, the Public Service Act, 1994 and the Public Finance Management Act, 1999), specific legislation applicable to the core responsibilities of his position and related regulations;
 - 2.1.14. be accountable for service delivery and performance in Crime Detection in the Western Cape

and ensure that -

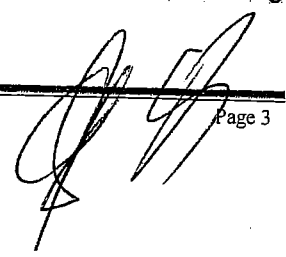
- 2.1.14.1. powers and responsibilities are clearly specified and exercised at appropriate levels within Crime Detection in the Western Cape;
- 2.1.14.2. appropriate internal controls and reporting systems are established and maintained;
- 2.1.14.3. management information systems are created to provide timely and accurate management information and that information on the business and functions of Crime Detection in the Western Cape is available;
- 2.1.14.4. security arrangements, appropriate to the information systems of the SAPS, are implemented in Crime Detection in the Western Cape;
- 2.1.14.5. all lawful requirements imposed by way of directives by the Supervisor, Cabinet or Ministerial decisions, Cabinet Office circulars, Treasury Instructions and communications from the Public Service Commission and Auditor-General, are complied with;
- 2.1.15. oversee the development of ongoing mechanisms and systems to-
 - 2.1.15.1. effectively determine the quality of the service delivered by Crime Detection in the Western Cape;
 - 2.1.15.2. assist the Supervisor in measuring these levels of service delivery; and
 - 2.1.15.3. establish and maintain appropriate internal controls and reporting systems in order to substantiate performance.

2.2. In carrying out his duties the Employee shall -

- 2.2.1. obey and observe all the regulations and reasonable directions which may be given to him from time to time by the Supervisor;
- 2.2.2. carry out to the best of his ability and in utmost good faith, all such duties and functions as may reasonably be assigned to him from time to time by the Supervisor in relation to the affairs of Crime Detection in the Western Cape and generally use his best endeavours to conduct, improve, extend and develop the priorities and objectives of Crime Detection in the Western Cape; and
- 2.2.3. develop and manage Human Resources according to priorities in order to improve service delivery.

3. Key Performance Areas

- 3.1. The parties agree to the key performance areas and supporting priorities and/or deliverables as set out in Annexure A and B to this Agreement.
- 3.2. The parties agree that the key performance areas and supporting priorities and/or deliverables in Annexures A & B will be reviewed at the beginning of each assessment period and/or whenever the work or environment is so altered that the contents thereof are no longer appropriate.
- 3.3. The parties agree to the allocated budget (if applicable as set out in Annexure C) and the Employee endeavors to utilize the allocated budget in accordance with prescripts governing financial expenditure.



Page 3

4. Reporting

- 4.1. The Employee undertakes to report to the Supervisor-
- 4.1.1. regularly on progress made towards achievement of key performance areas, work programmes, resource allocation, performance against budget, service levels, training and development, etc., as outlined in Annexures A, B & C (if applicable); and
- 4.1.2. immediately on any difficulties experienced in relation to the achievement of the key performance areas.
- 4.2. The Supervisor undertakes to co-operate with the Employee to find solutions to any obstacle preventing the achievement of the key performance areas reported to him.

5. Performance Assessment

- 5.1. The parties agree that if the Employee requires skills development, the Supervisor undertakes to allow the Employee a reasonable opportunity to undergo such skills development and will take the extent to which he has had the opportunity to develop his skills into consideration in evaluating his performance.
- 5.2. The Supervisor shall, in addition to the achievement of the key performance areas and within the spirit of this agreement, evaluate the Employee on his overall ability to manage and control the Crime Detection in the Western Cape.
- 5.3. The assessment periods shall be as follows:
- 5.3.1. 2015/04/01 – 2015/09/30.
- 5.3.2. 2015/10/01 – 2016/03/31.
- 5.4. The Employee undertakes to provide the Supervisor, within six weeks after the end of each written assessment period, with -
- 5.4.1. a self-assessment rating on the relevant assessment form;
- 5.4.2. a written evaluation statement indicating achievements in relation to the agreed to key performance areas; and
- 5.4.3. a written evaluation statement indicating achievements outside the scope of his key performance areas.
- 5.5. The Supervisor undertakes to -
- 5.5.1. discuss the performance of the Employee during the period of the performance review and confirm achievements and/or shortcomings;
- 5.5.2. finalise the performance assessment rating of the Employee on the relevant assessment form;
- 5.5.3. provide direction or recommendations to the Employee in relation to his future performance; and
- 5.5.4. indicate whether key performance areas will be varied as a consequence of the performance review.
- 5.6. The Supervisor and Employee both agree to adhere to performance assessment time frames

should they be amended by a higher authority.

6. Resolution of Disputes

- 6.1. The parties agree that any dispute arising from this Agreement shall first be discussed between the Employee and the Supervisor with a view to resolving it. If the dispute cannot be resolved in this manner, it shall be referred for mediation to an independent third party as agreed upon between the parties.
- 6.2. If mediation fails, the parties agree that the dispute resolution procedures, provided for by a relevant collective agreement, shall be invoked.

7. Confidentiality

In carrying out his duties, the Employee undertakes to refrain from revealing any information which he has at his disposal by virtue of his office and concerning which he knows or could reasonably be expected to know that the security or other interests of the Republic require that it be kept secret from any person other than a person to whom he may lawfully reveal it, or to whom it is his duty to reveal it in the interest of the Republic, or to whom he is authorized by the Supervisor or by an officer authorized by him to reveal it and he realizes that he will be guilty of an offence if such information is unlawfully revealed.

8. Delegations

The Supervisor agrees to delegate to the Employee all the powers necessary to enable him to achieve the performance objectives set out in paragraph 2 above and Annexure A.

9. Resources

The Supervisor agrees to provide the Employee with the resources necessary to enable him to manage Crime Detection in the Western Cape effectively and the Employee agrees to manage Crime Detection in the Western Cape as effectively as possible with the available resources.

10. Financial Disclosure

The Employee undertakes to provide to the Minister of Police particulars of all his registerable interests in respect of the period 1 April of the previous year to 31 March of the current year not later than 30 April of each year.

11. Increment Date

As determined by the Minister of Police.

SIGNED by the Employee at _____ on the _____

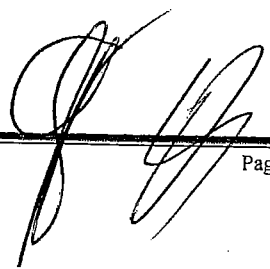
day of _____

Acting Deputy Provincial Commissioner: Crime Detection Service
Maj Gen JA Vearey

SIGNED by the Supervisor at _____ on the _____

day of _____

Acting Provincial Commissioner: Western Cape
Maj Gen TE Patekile

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ACTING DEPUTY PROVINCIAL COMMISSIONER CRIME DETECTION: WESTERN CAPE: 2015/2016 FINANCIAL YEAR
 (Note: Unless stated otherwise, targets must be achieved by 2016/03/31)

KEY DEPARTMENTAL PROGRAMME	Programme 3: Detective Services	
KEY DEPARTMENTAL PURPOSE	Enable the investigative work of the SAPS, including providing support to investigators in terms of forensic evidence and the Criminal Record Centre	
JOB PURPOSE	To ensure effective and efficient crime detection functions within the provincial Crime Detection environment	
KEY PERFORMANCE AREA 1	Oversee the investigation of prioritised serious crime within the Province	Budget = R53 606 800-00 Weight = 40%
PERFORMANCE STANDARD		
DELIVERABLE	KEY ACTION	TARGET
1. Improve the detection rate with regard to the investigation of prioritised reported serious crime.	Monitor the detection rate with regard to reported prioritised serious crime, and ensure that provincial targets for the prioritised crime categories are achieved.	BASELINE Detection rate baselines (Efficiency Index 2015/2016) for the following performance indicators are: Contact crime (excluding trio crimes) = 58.77% Contact crime: Trio crime = 18.68% Property related crime = 16.71% TARGET Detection rate targets (Efficiency Index 2015/2016) for the following performance indicators are: Contact crime (excluding trio crimes) = 58.77% Contact crime: Trio crime = 18.68% Property related crime = 16.71%
2. Improve the cases to court rate with regard to the investigation of prioritised reported serious crime.	Monitor the cases to court rate with regard to reported prioritised serious crime, and ensure that provincial targets for the prioritised crime categories are achieved.	BASELINE Cases to court rate baselines (Efficiency Index 2015/2016) for the following performance indicators are: Contact crime (excluding trio crimes) = 44.5% Contact crime: Trio crime = 14.73% Property related crime = 11.98% TARGET Cases to court rate targets (Efficiency Index 2015/2016) for the following performance indicators are: Contact crime (excluding trio crimes) = 44.5% Contact crime: Trio crime = 14.73% Property related crime = 11.98%
3. Improve the trial-ready case docket rate with regard to the investigation of prioritised reported serious crime.	Monitor the trial-ready case docket rate with regard to prioritised reported serious crime, and ensure that provincial targets for the prioritised crime categories are achieved.	BASELINE Trial-ready case docket baselines (Efficiency Index 2015/2016) for the following performance indicators are: Contact crime (excluding trio crimes) = 68.85% Contact crime: Trio crime = 69.29% Property related crime = 72.53% TARGET Trial-ready case docket targets (Efficiency Index 2015/2016) for the following performance indicators are: Contact crime (excluding trio crimes) = 71.85% Contact crime: Trio crime = 74.86% Property related crime = 74.76%
4. Improve the conviction rate with regard to the investigation of prioritised reported serious crime.	Monitor the conviction rate with regard to prioritised reported serious crime, and ensure that provincial targets for the prioritised crime categories are achieved.	BASELINE Conviction rate baselines (Efficiency Index 2015/2016) for the following performance indicators are: Contact crime (excluding trio crimes) = 83.16% Contact crime: Trio crime = 78.39% Property related crime = 89.24% TARGET Conviction rate targets (Efficiency Index 2015/2016) for the following performance indicators are: Contact crime (excluding trio crimes) = 83.16% Contact crime: Trio crime = 78.39% Property related crime = 89.24%

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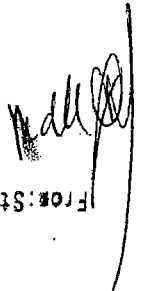
KEY PERFORMANCE AREA 2		Oversee the investigation of other serious crime within the Province		Budget = R13 401 700-00	Weight = 10%
DELIVERABLE		KEY ACTION		PERFORMANCE STANDARD	TARGET
1. Improve the detection rate with regard to the investigation of other reported serious crime.	Monitor the detection rate with regard to other reported serious crime, and ensure that provincial targets for the prioritised crime categories are achieved.	BASELINE Detection rate baselines (Efficiency Index 2015/2016) for the following performance indicators are: Contact related Crime = 46.91% All other serious crime = 34.53% Crimes dependent on policing for detection = 99.91%	BASELINE Detection rate baselines (Efficiency Index 2015/2016) for the following performance indicators are: Contact related Crime = 47.25% All other serious crime = 37.53% Crimes dependent on policing for detection = 99.91%	Detection rate targets (Efficiency Index 2015/2016) for the following performance indicators are: Contact related Crime = 47.25% All other serious crime = 37.53% Crimes dependent on policing for detection = 99.91%	Detection rate targets (Efficiency Index 2015/2016) for the following performance indicators are: Contact related Crime = 47.25% All other serious crime = 37.53% Crimes dependent on policing for detection = 99.91%
2. Improve the cases to court rate with regard to the investigation of other reported serious crime.	Monitor the cases to court rate with regard to other reported serious crime, and ensure that provincial targets for the prioritised crime categories are achieved.	BASELINE Cases to court rate baselines (Efficiency Index 2015/2016) for the following performance indicators are: Contact related Crime = 31.75% All other serious crime = 23.17% Crimes dependent on policing for detection = 99.78%	BASELINE Cases to court rate baselines (Efficiency Index 2015/2016) for the following performance indicators are: Contact related Crime = 32.88% All other serious crime = 26.17% Crimes dependent on policing for detection = 99.78%	Cases to court rate targets (Efficiency Index 2015/2016) for the following performance indicators are: Contact related Crime = 32.88% All other serious crime = 26.17% Crimes dependent on policing for detection = 99.78%	Cases to court rate targets (Efficiency Index 2015/2016) for the following performance indicators are: Contact related Crime = 32.88% All other serious crime = 26.17% Crimes dependent on policing for detection = 99.78%
3. Improve the trial-ready case docket rate with regard to the investigation of other reported serious crime.	Monitor the trial-ready case docket rate with regard to other reported serious crime, and ensure that provincial targets for the prioritised crime categories are achieved.	BASELINE Trial-ready case docket baselines (Efficiency Index 2015/2016) for the following performance indicators are: Contact related Crime = 72.54% All other serious crime = 67.13% Crimes dependent on policing for detection = 58.42%	BASELINE Trial-ready case docket targets (Efficiency Index 2015/2016) for the following performance indicators are: Contact related Crime = 75.54% All other serious crime = 72.88% Crimes dependent on policing for detection = 61.42%	Trial-ready case docket targets (Efficiency Index 2015/2016) for the following performance indicators are: Contact related Crime = 75.54% All other serious crime = 72.88% Crimes dependent on policing for detection = 61.42%	Trial-ready case docket targets (Efficiency Index 2015/2016) for the following performance indicators are: Contact related Crime = 75.54% All other serious crime = 72.88% Crimes dependent on policing for detection = 61.42%
4. Improve the conviction rate with regard to the investigation of other reported serious crime.	Monitor the conviction rate with regard to other reported serious crime, and ensure that provincial targets for the prioritised crime categories are achieved.	BASELINE Conviction rate baselines (Efficiency Index 2015/2016) for the following performance indicators are: Contact related Crime = 89.93% All other serious crime = 96.13% Crimes dependent on policing for detection = 97.84%	BASELINE Conviction rate targets (Efficiency Index 2015/2016) for the following performance indicators are: Contact related Crime = 89.93% All other serious crime = 96.13% Crimes dependent on policing for detection = 97.84%	Conviction rate targets (Efficiency Index 2015/2016) for the following performance indicators are: Contact related Crime = 89.93% All other serious crime = 96.13% Crimes dependent on policing for detection = 97.84%	Conviction rate targets (Efficiency Index 2015/2016) for the following performance indicators are: Contact related Crime = 89.93% All other serious crime = 96.13% Crimes dependent on policing for detection = 97.84%

KEY PERFORMANCE AREA 3		Oversee the investigation of crimes against women and children.		Budget = R13 401 700-00	Weight = 10%
PERFORMANCE STANDARD					
DELIVERABLE		KEY ACTION	BASELINE	TARGET	
1.	Improve the detection rate for crimes against women and children.	Monitor the detection rate for crimes against women and children, and ensure that provincial targets regarding these rates are achieved.	Baselines (Efficiency Index 2015/2016) for detection rate: Cases involving women 18 years and older = 65.46% Cases involving children under 18 years = 69.08%	Targets (Efficiency Index 2015/2016) for detection rate: Cases involving women 18 years and older = 65.46% Cases involving children under 18 years = 69.08%	
2.	Improve the cases to court rate for crimes against women and children.	Monitor the cases to court rate for crimes against women and children, and ensure that provincial targets regarding these rates are achieved.	Baselines (Efficiency Index 2015/2016) for cases to court rate: Cases involving women 18 years and older = 51.53% Cases involving children under 18 years = 48.6%	Targets (Efficiency Index 2015/2016) for cases to court rate: Cases involving women 18 years and older = 51.53% Cases involving children under 18 years = 48.6%	
3.	Improve the trial-ready case docket rate for crimes against women and children.	Monitor the trial-ready case docket rate for crimes against women and children, and ensure that provincial targets regarding these rates are achieved.	Baselines (Efficiency Index 2015/2016) for trial-ready case docket rate: Cases involving women 18 years and older = 69.87% Cases involving children under 18 years = 67.01%	Targets (Efficiency Index 2015/2016) for trial-ready case docket rate: Cases involving women 18 years and older = 71.95% Cases involving children under 18 years = 67.01%	
4.	Improve the conviction rate for crimes against women and children.	Monitor the conviction rate for crimes against women and children, and ensure that provincial targets regarding these rates are achieved.	Baselines (Efficiency Index 2015/2016) for conviction rate: Cases involving women 18 years and older = 85.86% Cases involving children under 18 years = 85.34%	Targets (Efficiency Index 2015/2016) for conviction rate: Cases involving women 18 years and older = 85.86% Cases involving children under 18 years = 85.34%	

10. In and during 1982 TIYO joined Umkhonto we Sizwe, the military wing of the then banned African National Congress ("ANC").
11. TIYO attained the rank of security officer in Umkhonto we Sizwe.
12. In 1990, TIYO returned to South Africa after the unbanning of the ANC.
13. TIYO was thereafter deployed as a bodyguard to various ANC leaders until 1994 when Umkhonto we Sizwe was integrated into the SAPS and the SANDF.
14. Following integration of Umkhonto we Sizwe ("MK") into SAPS, Tiyo by virtue of his skills and experience, was assigned to the post of Warrant Officer within the SAPS.

QUALIFICATIONS

15. Tiyo left formal schooling in Grade 11 (Standard 9) in order to join MK, As a result Tiyo had not completed his matriculation certificate examinations at the time of his integration into the SAPS.
16. In terms of the agreements at the time between the South African National Government and the ANC, all former MK operatives were assessed in terms of their skills and experience and were appointed to suitable posts in either the SANDF or SAPS.




17. In accordance with this process, TIYO was placed at the level of Warrant Officer within Fourth Respondent in 1994.
18. Since that time TIYO has risen through the ranks having passed all formal assessments required for promotion and has attained the rank of Brigadier, which rank he attained in 2008.
19. Since joining MK, TIYO has undertaken various studies more fully set out on his Curriculum Vitae ("Doc1").
20. TIYO was eventually appointed as the Acting Provincial Head: Crime Intelligence Western Cape in February 2012 for the period June 2010 to October 2010 and again from February 2012 until 30 December 2013.
21. As part of his duties, TIYO applied for the registration of an undercover operation named Toffee which focused on the investigation of alleged fraud and corruption within the SAPS management structure in the Western Cape.
22. The undercover operation was registered for a period of 12 (twelve) months.
23. Operation Toffee was registered following reports from various sources that a Cape Town based businessman, Mr Mahomed Saleem Dawjee ("Dawjee"), was allegedly involved in bribery and corruption with senior leaders within the SAPS in the Western Cape.
24. TIYO applied for the registration of Operation Toffee on 22 May 2013 (Doc2).



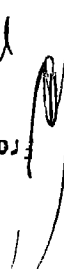
25. As a result of the registration of Operation Toffee, TIYO obtained authorisation in terms of the South African Police Service Act 68 of 1995 and the Regulation of Interception of Communications and Provision of Communication-related Information Act No. 70 of 2002 to monitor and intercept communications.
26. His investigations established:
- 26.1 a corrupt relationship between Dawjee and the Provincial Commissioner, Arno Lamoer of SAPS (Third Respondent);
- 26.2 a corrupt relationship between Dawjee and certain other SAPS managers including Kolindhren Govender, his wife Brigadier Logambal Govender and Brigadier Darius van der Ross.
27. As part of his obligations as the head of Crime Intelligence, TIYO reported into a crime intelligence management structure at a national level.
28. At a national level, crime intelligence at the time was being led by Major-General Chris Ngcobo ("Ngcobo") who was acting as the National Divisional Commissioner: Crime Intelligence based in Pretoria.
29. TIYO, as part of his duties, reported to Ngcobo that there was evidence of a corrupt relationship between Dawjee and several senior SAPS managers, including the Provincial Commissioner, Arno Lamoer.

30. Ngcobo, as part of his duties as the Acting National Divisional Commissioner with Crime Intelligence reported to the National Commissioner Riah Phiyega of the SAPS ("PHIYEGA"), the allegations concerning Lamoer's involvement with fraud and corruption with Dawjee and others.
31. PHIYEGA on 15 October 2013, called Lamoer and in detail discussed with Lamoer the ongoing active investigation monitoring of his cell phone as a part of Operation Toffee.
32. PHIYEGA's call to Lamoer was monitored by Colonel Daniel Lourens ("Daniel Lourens") as detailed in his statement dated 22 October 2013 (Doc3).
33. Daniel Lourens reported to TIYO the call by PHIYEGA to Lamoer to advise him of Operation Toffee and his conversations which were being monitored.
34. TIYO in turn reported to Ngcobo telephonically concerning the discovery by Colonel Daniel Lourens.
35. Ngcobo thereafter asked TIYO to attend in Pretoria to hand over a factual report with regard to PHIYEGA's call to Lamoer.
36. TIYO, on 17 October 2013, went to Pretoria to hand over the factual report to Major-General Ngcobo.
37. On returning to Cape Town, and on 18 October 2013, Lamoer confronted TIYO and advised TIYO that PHIYEGA had informed him of the

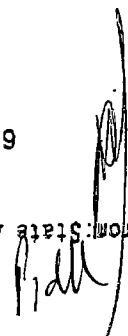
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investigation of Crime Intelligence & Protection Services into Lamoer's relationship with Dawjee.

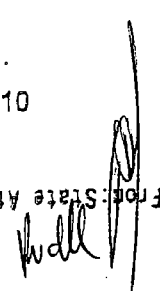
38. On 18 October 2013 TIYO received a notification from the National Commissioner's Office for a meeting with PHIYEGA on 23 October 2013.
39. On 19 October 2013 TIYO received an instruction from Major-General Ngcobo to open a case docket, which was duly done the next day on 20 October 2013.
40. On 21 October 2013 PHIYEGA announced the splitting of the functions of Crime Intelligence and Protection Services which was formally managed on an acting basis by Major-General Ngcobo.
41. On 21 October 2013, she announced the acting appointment of Major General Moutlane.
42. On 21 October 2013, TIYO attended the meeting with the National Commissioner, PHIYEGA at Mapuganaga Building, Pretoria. During this meeting the National Commissioner advised that she had placed Major-General Ngcobo on special leave and that furthermore all Act 70 of 2002 applications (to monitor and intercept communications) were henceforth to be approved by her office.
43. On 22 October 2013 PHIYEGA announced the appointment of Major-General Zulu as the Acting National Divisional Head of Crime Intelligence.

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44. PHIYEGA also advised that Ngcobo had been suspended, allegedly as a result of his qualifications (Ngcobo, like TIYO, was also an MK operative and was deployed in the SAPS rising through the ranks of the SAPS to the position of Major General).
45. Major-General Moutlane ("Moutlane") was appointed in Major-General Ngcobo's stead as the Acting National Divisional Commissioner: Crime Intelligence.
46. On 25 October 2013 Moutlane telephonically requested a factual report concerning the case docket involving PHIYEGA.
47. TIYO in turn requested that the request be reduced to writing.
48. On 26 October 2013 TIYO contacted Legal Services in particular Colonel Chilli (Chilli), Head of Legal Services of Crime Intelligence.
49. On 26 October 2013 Zulu instructed TIYO to provide a factual report concerning the investigation into PHIYEGA. TIYO complied with this request detailing the case number and the nature of the allegations against PHIYEGA.
50. Thereafter on 26 October 2013 TIYO informed the Inspector General of Crime Intelligence of the case which was opened into the allegations against PHIYEGA.
51. Chilli advised TIYO not to comply with the request as the matter was still *sub judicæ*.



52. On 28 October 2013, PHIYEGA in writing advised that all long term acting appointments within SAPS would be terminated.
53. On 29 October 2013, PHIYEGA released a media statement claiming that those people who are investigating her, are faceless people from the Western Cape.
54. On 7 November 2013, TIYO received a media enquiry from Pearly Joubert a journalist with the Mail & Guardian newspaper.
55. On 11 November 2013 an operational meeting was held with Lamoer. The meeting was held with all the Provincial Deputies.
56. TIYO was not invited to the meeting.
57. One of the persons who was invited to the meeting and who did attend was Major General Matakata ("Matakata").
58. Matakata advised TIYO that after the operational meeting, Major-General Jacobs called Major General Japhta, Major General Burger and Major General Matakata to a further meeting.
59. At this further meeting, Major General Jacobs (Jacobs) raised the issue of TIYO.
60. Jacobs advised the further meeting that:
- 60.1 Jacobs had been receiving complaints around TIYO'S qualifications;
- 60.2 Jacobs called into question TIYO'S leadership credentials;



60.3 Jacobs recommended that TIYO be removed from his leadership role.

61. At this further meeting General Jacobs proposed that the Major-Generals there gathered should collectively and jointly submit a recommendation to PHIYEGA requesting TIYO'S removal as Head of Crime Intelligence in the Western Cape emphasising that the issue should be kept confidential and not be shared with TIYO.

62. Matakata objected to this proposed course of action as it was clearly linked to TIYO'S role in opening the docket for investigation involving allegations against PHIYEGA.

63. Matakata was joined in her objections by Major-General Burger.

64. On 17 December 2013, TIYO applied for the post of Crime Intelligence: Provincial Head.

65. On 20 December 2013 he applied for leave, which was approved.

66. On 31 December 2013, he proceeded on annual leave.

67. On 31 December 2013 Lamoer called a meeting with the Crime Intelligence Management at which meeting, Lamoer introduced Major General Jacobs as the new Provincial Head of Crime Intelligence, Western Cape.

68. On 2 January 2014, TIYO received an undated letter advising him of the withdrawal of the Crime Intelligence Post, Western Cape (the post for which he applied on 17 December 2013).

69. On 24 December 2013, Lamoer attended a meeting in Pretoria with PHIYEGA.

70. During this meeting, PHIYEGA and Lamoer conspired to:

70.1 withdraw the post to prevent TIYO from continuing with his application for appointment as a Crime Intelligence Head in the Western Cape;

70.2 appoint Jacobs as the head of Crime Intelligence in the Western Cape;

70.3 instruct Jacobs to find a basis on which TIYO could be disciplined and ultimately dismissed. (SNB)

71. TIYO was then, on his return from leave on 17 January 2014, demoted to the position of Section Commander: Covert Intelligence, a demotion.

72. On 30 December 2013, PHIYEGA announced that all persons within Crime Intelligence who had been acting in a position for more than two years, would be permanently appointed in that position.

73. At that time TIYO had been acting for more than 2 years.

74. On 28 January 2014, TIYO fell ill and was booked off on sick leave as a result of a major depressive episode.
75. Believing his treatment to have been unfair, TIYO on 2 January 2014 wrote to the Inspector General of Intelligence, requesting her intervention.
76. Believing his treatment to have been unfair, TIYO with the assistance of POPCRU filed a grievance on 5 January 2014.
77. Believing his treatment to have been unfair, on 31 March 2014, POPCRU, on behalf of TIYO referred a dispute to the Safety and Security Sectoral Bargaining Council detailing the withdrawal of the post as a residual unfair labour practice.
78. In preparation for the arbitration, it became clear to POPCRU that the facts on which TIYO sought to rely indicated that the true nature of his dispute concerned section 186(2)(d) namely an occupational detriment as a result of a protected disclosure.
79. TIYO relies on the disclosures he made to Major General Ngcobo as part of his obligations and as part of the procedure required by Tiy's employer, the SAPS, as his protected disclosure.
80. In this regard TIYO alleges that the disclosure was made in good faith, was in accordance with the procedure prescribed by SAPS namely reporting it to the Acting Head : National Divisional Commissioner, Major General Ngcobo and was done in furtherance of his duties and in the course and scope of his employment with the SAPS.



LEGAL ISSUES

81. Whether TIYO made a protected disclosure as contemplated in the Protected Disclosures Act No. 26 of 2000 in particular section 6 read together with the definition of Protected Disclosure in section 8 read together with the definition of disclosure in section 1.
82. Whether TIYO has been subjected to an occupational detriment as contemplated. The definition of occupational detriment in section 1 of the PDA in particular items (b), (d), (g) and (i).

RELIEF SOUGHT

83. A declaration that TIYO has made a protected disclosure;
84. A declaration that TIYO has been subjected to an occupational detriment;
85. Appointment to the post of Provincial Head : Crime Intelligence alternatively upgrading of TIYO's rank from Brigadier to Major-General together with all the attendant salary increases and benefits as backdated to 30 December 2013;
86. Compensation in a sum to be determined by this Honourable Court;
87. Further and / or alternative relief;
88. Costs of suit.

Signed and dated at CAPE TOWN on this 5th day of DECEMBER 2014.

HEROLD GIE ATTORNEYS

Per: 

R L BROWN

Attorneys for Applicant

Wembley 3

80 McKenzie Street

Cape Town

8001

Ref: RLB/TIY1/0001

Tel: 021 464 4700


Direct fax: 021 464 4871

Email: rbrown@heroldgie.co.za


TO: The Registrar
LABOUR COURT
113 Loop Street
CAPE TOWN
8001

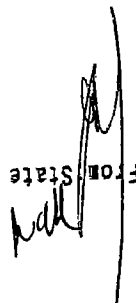
BY HAND

AND TO: **THE MINISTER OF SAFETY & SECURITY**
First Respondent
c/o The State Attorney
22 Long Street
CAPE TOWN
8001

2014-12-15


AND TO: **THE NATIONAL COMMISSIONER OF THE SOUTH AFRICAN POLICE SERVICES**
Second Respondent
c/o The State Attorney
22 Long Street
CAPE TOWN
8001

2014-12-15




JV3

CURRICULUM VITAE MAJOR GENERAL JEREMY ALAN VEAREY

PERSONAL DETAILS

Address: 2 Montreal Road
MOWBRAY
7700

Telephone Numbers:
Home: 021 689 8126
Cell Phone: 082 559 4661
Office: 021 417 7150/1/392

Identity number: 630424 5224 08 4

Drivers Licence: Code B

Persal number: 0527129-1

Rank: Major General

Marital Status: Married

Home Language: English

Education: Matric (Grade 12) – 1981
John Ramsey Senior Secondary School
BISHOP LAVIS

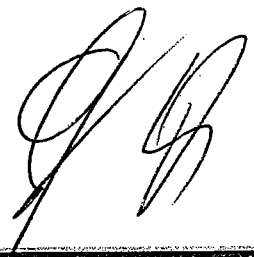
SUBJECTS: English
Afrikaans
Biology
Economics
Mathematics
History
Woodwork

TERTIARY EDUCATION

NAME OF INSTITUTION: University Of Western Cape (1982 – 1984)
Secondary Teachers Diploma

SUBJECTS: English
Psychology
Damelin College - 1992
CAPE TOWN

QUALIFICATION: Diploma
SUBJECT Security Management (Distinction)



TRAINING EXPERIENCE

Name of training: VIP Protection, **ZIMBABWE**
British Secret Intelligence Service and Special Air Services
Year: 1990

Name of training: Intelligence Management: **UNITED KINGDOM**
British Secret Intelligence Service
Year: 1993

Name of training: Intelligence Methodology & Instructors course, Central
Intelligence Organisation, **ZIMBABWE**
Year: 1994

INTERNAL TRAINING COURSES

Name of course: SAPS Detective Service Course, **PAARL COLLEGE**
Year: 1996

Name of course: Executive Leadership Programme Joie de Vivre – **PAARL**
Year: 2008 - April

Name of course: African Institute for Mentoring
Year: 2009

Name of course: Crime Intelligence Orientation Programme
PAARL COLLEGE
Year: June 2009

Name of course: Western Cape Executive Leadership Programme
University of Stellenbosch Business School
STELLENBOSCH
Year: July 2009

Name of course: Legal Principles
Year: December 2009

Name of course: Use of firearm
Year: 2010

Name of course: Fitness Orientation Evaluation
Year: 2011

Name of course: Domestic Violence
Year: 2012

Name of course: Executive National Security Programme
Institution for ENSP
SANDF COLLEGE

EMPLOYMENT HISTORY

PRESENT EMPLOYER: *South African Police Service (1st April 1995 to present)*

POSITION: *DEPUTY PROVINCIAL COMMISSIONER: CRIME DETECTION SERVICES
09 FEBRUARY 2015 TO PRESENT*

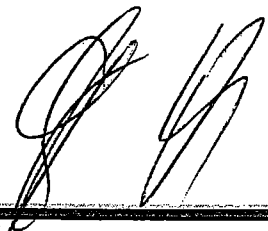
- Supervise, manage and exercise administrative control of the Crime Detection environment in the province.
- Manage the Crime Detection environment in the province in line with the financial prescripts of the Department of Treasury.
- Oversee the management of logistical resources according to the prescripts of the PFMA, Treasury Regulations, and Asset Management Guidelines etc.
- Oversee the transformation and strategic processes within Crime Detection in line with the vision of the SAPS, Annual Strategic Plan, White Paper on Transformation of the Public Service.

POSITION HELD: *CLUSTER COMMANDER OF CAPE TOWN: 25 AUGUST 2014 TO 06
FEBRUARY 2015*

- Ensure that all Station Commissioners remain liable for effective and efficient operational police function in their respective police station precincts within a demarcated cluster.
- Manage the utilization of information supplied by a Crime Intelligence Station within a demarcated cluster (Intelligence Products)
- Ensure the effective and efficient Management Information Centre (MIC) within the demarcated cluster.
- Manage the direction of the planning and ensure the execution of all policing related Operational between the members, Department of Justice, Crime Prevention and Security (JCPS) clusters.
- Ensure the implementing and executing of crime prevention measures and intervention programmes in accordance with the strategies, priorities and regulatory frameworks of the SAPS.
- Manage the investigating of crime in accordance with the strategies, priorities and regulatory framework of the SAPS
- Manage and control the human, physical and financial resources.

POSITION HELD: *CLUSTER COMMANDER OF MITCHELLS PLAIN: 1 MARCH 2010 TO 22
AUGUST 2014 and PROVINCIAL COORDINATOR OF OPERATION
COMBAT: JANUARY 2013 TO FEBRUARY 2015*

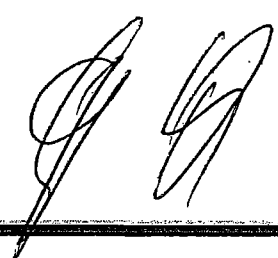
- Be responsible for the efficient management and administration of Mitchell's Plain Cluster and Operation Combat, including the effective utilisation and training of managers, the maintenance of discipline, the promotion of sound relations and the proper use and care of government property.



- o Oversee the management of the finances of Mitchell's Plain Cluster and Operation Combat in line with the Public Finance Management Act, 1999, and the prescripts of the Department of National Treasury.
- o Be responsible for measures aimed at promoting representativeness in Mitchell's Plain and Operation Combat.
- o Ensure integration among key resources strategies of Mitchell's Plain Cluster and Operation Combat and their alignment with the Medium-Term Expenditure Framework.
- o Ensure that all Station Commissioners remain liable for effective and efficient operational police function in their respective police station precincts within a demarcated cluster.
- o Manage the utilization of information supplied by a Crime Intelligence Station within a demarcated cluster (Intelligence Products).
- o Ensure the effective and efficient Management Information Centre (MIC) within the demarcated cluster.
- o Manage the direction of the planning and ensure the execution of all policing related Operational between the members, Department of Justice, Crime Prevention and Security (JCPS) clusters.
- o Ensure the implementing and executing of crime prevention measures and intervention programmes in accordance with the strategies, priorities and regulatory frameworks of the SAPS.
- o Manage the investigating of crime in accordance with the strategies, priorities and regulatory framework of the SAPS
- o Manage and control the human, physical and financial resources.
- o Management information systems are created to provide timely and accurate management information and that information on the business and functions of Mitchell's Plain Cluster and Operation Combat.

POSITION HELD: STATION COMMISSIONER OF MITCHELLS PLAIN SAPS 19 MARCH 2007 TO 29 FEBRUARY 2010

- o Manage the provision of a proactive, policing service to discourage the occurrence of all crimes within the station (Crime Prevention)
- o Manage the provision of effective and efficient visible policing services to address crime
- o Manage the rendering of a general policing administrative service to the community through the Community Service Centre and safeguarding and detention of prisoners in custody.
- o Manage the provision of effective investigative service to deal with committed crime within the station precinct (Detective Services)
- o Manage the detection of crime committed within the station precinct.
- o Manage the provision of Crime Information Analysis service to determine crime patterns/tendencies to direct subsequent crime combating actions / operations.
- o Manage and control the Human, Physical and Financial Resources at the Station. (HRM, FINANCE AND SCM)
- o Manage the provision of effective communication and liaison services within the station.
- o Manage the formulation of the strategic station plan to combat crime.
- o Manage administrative processes relating to station functions.



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POSITION HELD: STATION COMMANDER OF CLAREMONT: AUGUST 2006 TO MARCH 2007

- Station Commissioner Claremont SAPS as well as the Project Manager for the Tracing Team.
- Manage the provision of proactive policing service to discourage the occurrences of crime within the station
- Manage the community participation in preventing crime by ensuring the establishment and maintenance of Community Police Forums' (CPF) Business and CBO partnerships
- Attend PCCF meeting and submit feedback reports on a weekly basis
- Render an intelligence driven visible policing service to stabilize or decrease the incidence of crime
- Manage the rendering of a general policing administrative service to the community through the Community Service Centre and safeguarding and detention of prisoners in custody
- Manage the provision of effective investigative service to deal with committed crime within the Station precinct (Detective Service)
- Manage the detection of crime committed within the station precinct
- Manage the provision of crime information analysis service to determine crime pattern /tendencies to direct subsequent crime combating actions/operations (CIA)
- Project Manager – Tracing Unit for Claremont and later Mitchells Plain Murder and Attempted Murder
- To locate and detain all wanted suspects in the Claremont precinct area as per list issued and report successes on a weekly basis in the PCCF Meetings. Claremont – 969 Mitchells Plain – 59

POSITION HELD: ZONE DIRECTOR: MARCH 2006 AND AUGUST 2006

- Zone Director (Wynberg Zone – 6 stations)
- Prevent, combat and investigate crime, maintain public order, protect and secure inhabitants of Wynberg Zone and their property.
- To uphold and enforce law and administer the service in the Zone.
- To ensure that the Operational Policing Priorities as set out in the Strategic Plan of the SAPS for 2005 to 2010, the National Crime Prevention Strategy, the Service Delivery Improvement program and all relevant functions are executed within the Zone.
- Provide strategic capability and leadership in monitoring and overseeing the alignment of the station functions in order to focus primarily on strategic operational objectives and secondarily organisational objectives within the relevant zone.
- Ensure the development and implementation of innovative service delivery measure by managing and overseeing alignment of designated police stations with strategic management focus areas.
- Ensure the development and implementation of an effective and efficient information management system.
- Ensure the implementation and facilitation of change management by ensuring effective and appropriate utilization of human, physical and financial resources
- Ensure the management and co-ordination of special operations and projects in the Zones
- Establish, promote and maintain a positive image of the SAPS in the Zone

POSITION HELD: DEPUTY AREA COMMISSIONER – ZONE COMMANDER OR NYANGA AND ATHLONE: FEBRUARY 2005 TO MARCH 2006

- Deputy Area Commissioner (Zone Director Nyanga and Athlone Zone).
- To improve and sustain service delivery to internal and external clients of the Zones as determined by the National Crime Combating strategy, The People Orientate Sustainable Strategy.
- To manage and maintain the operational and support functions within the Zones in order to combat and reduce crime.
- Provide strategy capability and leadership in monitoring and overseeing the alignment of the station functions in order to focus primarily on strategic operational objectives and secondarily organisational objectives within the relevant zone.
- Ensure the development and implementation of innovative service delivery measures by managing and overseeing alignment of designated police stations with strategic management focus areas.
- Ensure development and implementation of effective and efficient information management system.
- Ensure the implementation and facilitation of change management by ensuring effective and appropriate utilization of human, physical and financial resources.
- Ensure the management and co-ordination of special operations and projects in the Zones
- Establish, promote and maintain a positive image of the SAPS in the Zone.

POSITION HELD: DEPUTY AREA COMMISSIONER: MAY 2004 UNTIL 31 JANUARY 2005

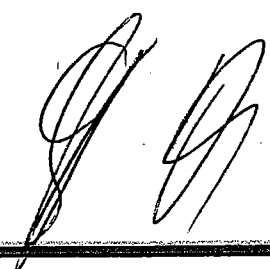
- Deputy Area Commissioner, Operational (Detective Service, Crime Prevention, crime Intelligence and Evaluation Services) Area East Metropole, Bellville.
- Manage and develop effective operational mechanisms within the Detective Service, Crime prevention, Crime Intelligence and Evaluation Services at Area East Metropole. Manage and control physical and human resource within Detective Service, Crime Prevention, Crime Intelligence and Evaluation Services, acting in the capacity of the Area Commissioner in the absence of the Area Commissioner.

POSITION HELD: STATION COMMANDER OF ELSIES RIVER: MARCH 2003 UNTIL MAY 2004

- S/Superintendent, Station Commissioner at Elsie's River SAPS.
- Manage and control all physical and human resources and overall management of buildings and premises. Management of crime prevention, crime intelligence, investigation of crime and data integrity. Manage the formulation and development of community policing services, operational response and patrolling.

POSITION HELD: COMMANDER OF SLASHER – GANG INVESTIGATION UNIT: JANUARY 2000 TO FEBRUARY 2003

- Commander : Slasher : Gang Investigation Unit
- Suspended (Departmental cases) August 2002 until 2003

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- 0000020
- Managing the unit of 30 investigators responsible of 4 600 murder and attempted murder gang related case dockets from 1984 to 2000 as well as new dockets during the above mentioned period.

POSITION HELD: PROVINCIAL EVALUATION SERVICES: NOVEMBER 1999 TO JANUARY 2000

- Provincial Evaluation Services, Western Cape. Responsible for in service and disciplinary investigators against members from the rank of S/Supt and higher on the instruction of Deputy Provincial Commissioner Blaauw.

POSITION HELD: PROVINCIAL COMMANDER: INTELLIGENCE COMMANDER: 1997 TO OCTOBER 1999

- Provincial Commander – Intelligence Co-ordination (Nodal Point).
- Responsible for the managing and co-ordination of covert and overt crime information internally and externally. SAPS representative at NICOC in the province (National Intelligence Co-ordinating Committee).

POSITION HELD: DEPUTY COMMANDER OF CRIME INTELLIGENCE - COVERT UNIT: 1 April 1995 until 1997

- Deputy Commander covert unit Crime Intelligence Western Cape
- The planning and managing of covert operations within the mandate of the CIS.

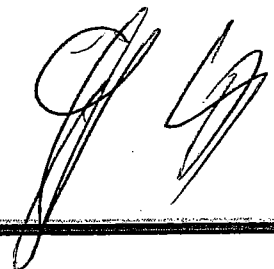
NOVEMBER 1984 UNTIL JUNE 1994

- African National Congress
Umkhanto We Sizwe, ANC Head Office

INTELLIGENCE HISTORY

JULY 1990 – DECEMBER 1994

- Member of the Regional Directorate of the DIS in the Western Cape.
- Management of associated personnel and directly involved in covert collection in the Crime Intelligence field. Counter intelligence operations, covert collection in the political intelligence field.
- Training of Western Cape bases DIS members in intelligence methodology.
- Management of strategic transitional negotiations and collaboration with departmental intelligence of the SANDF and SA Police. Involvement in a strategic "think tank", with members of the CIS in the province, tasked with the responsibility for formulating a policy proposal redefining the role of crime intelligence in policing based on an integrated and holistic process of crime information management.



SECURITY HISTORY

POSITION HELD: REGIONAL MANAGER OF VIP PROTECTION SECTION OF DIS WESTERN CAPE: JULY 1990 AND 1993

- o Regional manager of the VIP protection section of DIS Western Cape.
- o Planning and managing of all operations directed at the protection of the Senior Leadership of the ANC when in the Western Cape with primary responsibility for the personal protection of then President of the ANC and members of the NEC of the ANC, adhoc personal protection of the President of the ANC when on international official visits. Training of Western Cape based VIP protection officers of the DIS in close quarter protection techniques.


PREVIOUS EXPERIENCE

POSITION HELD: TEACHER (ENGLISH AND VOCATIONAL GUIDANCE): DEPARTMENT OF EDUCATION AND CULTURE: 1985

- o Valhalla Senior Secondary School
Third Street
ELSIES RIVER

POSITION HELD: TEACHER (STANDARDS 4 & 5 AND CLASS TEACHER STANDARD 4): DEPARTMENT OF EDUCATION AND CULTURE: 1985 MARCH 1987 TO AUGUST 1987

- o West End Primary School
Merrydale Avenue
Lentegeur
MITCHELLS PLAIN



Two handwritten signatures in black ink, one appearing to be 'J' and the other 'G', located in the bottom right corner of the page.

REFERENCES

1. Major General Molo
Deputy Provincial Commissioner: Crime Detection Services
South African Police Service
EASTERN CAPE

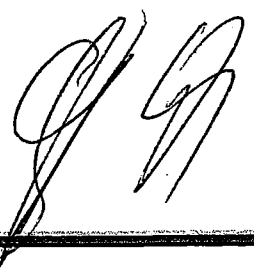
Tel: 040 608 8421

Cell: 082 5594680

2. Major General Peter Jacobs
Provincial Head: Crime Intelligence
South African Police Service
WESTERN CAPE

Tel: 021 935 9607

Cell: 082 778 9659



0627115-1/1
Maj General Ntshira
012 393 1504

Major General PA Jacobs
P/A Office of the Provincial Commissioner
WESTERN CAPE

Dear Major General Jacobs

LATERAL TRANSFER AND APPOINTMENT AS PROVINCIAL HEAD, CRIME INTELLIGENCE: WESTERN CAPE

Your lateral transfer, in the interest of the service delivery needs of the South African Police Service with effect from 1 January 2014 to the post Provincial Head, Crime Intelligence Western Cape is under consideration

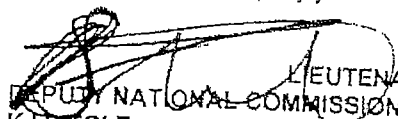
The interests of the Service require that you assume duty as the Provincial Head: Crime Intelligence Western Cape on 1 January 2014 where after you may submit a representation within 21 days, stating reasons why this transfer should not be effected

This transfer is subject to the following:



- the verification of your qualifications;
- suitability which may be affected by your record of conduct (departmental/criminal);
- confirmation that the contents of Head Office letter 4/14/1 dated 29 May 2013 together with SO (General) 107 has been noted and complied with – see attachment;
- a positive outcome of the vetting process; and
- your acceptance of the post.

Kindly complete the attached certificate, if you are in agreement with the appointment

My best wishes accompany you.


 LEUTENANT GENERAL
 DEPUTY NATIONAL COMMISSIONER: POLICING
 KJ SITOLE

Date: 2013-12-30

CERTIFICATE OF ACCEPTANCE OF SENIOR POST : SOUTH AFRICAN POLICE SERVICE

IT IS HEREBY CERTIFIED THAT FULL NAME : Peter Anthony Jacobs

IDENTIFICATION NUMBER : 65112715150084

PERSAL NUMBER : 0527115-1 RANK: Majlgenl

Accepts the appointment in post: Provincial Head : Crime Intelligence : Western Cape

as Majlgenl (rank) on salary level 14
and:

1. has no personal or other circumstances which may adversely effect my ability to function in the post offered;
2. has no criminal or disciplinary actions pending;
3. Have noted the contents of Head Office letter 4/14/1 dated 29 May 2013, together with SO (General) 107 and has declared all previous criminal or disciplinary cases accordingly.
4. will sign a performance agreement within one month from taking up the post;
5. has declared all boards and/or entities on which I serve;
6. is not involved in a business or has any interests which may in any way create a conflict of interests;
7. confirms that I am in possession of a valid light motor vehicle driver's licence;
8. knows and understands that if any negative information appears from the security clearance, the fingerprint search or verifying of qualifications, even after my successful appointment, which would or could have negatively influenced the appointment had it been known beforehand, a process to declare the appointment null and void may be instituted;
9. may forfeit the appointment if I do not take up the post offered to me, within the time period specified by the National Commissioner;
10. are aware of the fact that:
 - * if my name appears on either one of the National Registers of the Sexual Offences Act, 2007 (Act No 32 of 2007) and the Children's Act, 2005 (Act No 38 of 2005) the appointment to a post in one of the identified categories, will be considered as null and void.
 - * my appointment is subject to confirmation by the Provincial/Divisional Commissioner that I am still suitable in all respects;
 - * that the appointment letter will only be issued by Head Office after receipt of certain information (this certificate and a certificate from the Provincial Divisional Commissioner);
 - * salary amendments (if any) will only receive attention thereafter; and
11. has no objection in entering into an employment contract (where applicable).

SIGNATURE OF CANDIDATE [Signature]
 NAME IN PRINT PA JACOBS SIGNED ON : (DATE) 2013/12/13
 AT: (PLACE) Cape Town

[Signature] ndll

INDIVIDUAL SURNAME: [REDACTED] NAME OF OFFICE: [REDACTED]

MANAGEMENT OF INTERNAL ENVIRONMENT WEIGHT: 10

COMPETENCY	SELF-RATING	SUPERVISOR RATING	AGREES RATING
TOTAL MANAGEMENT OF INTERNAL ENVIRONMENT COMPETENCY ASSESSMENT WEIGHT	(67)	(67)	(67)
1. COMMUNICATION	4	4	4
2. ORGANIZATION	4	4	4
3. PLANNING	4	4	4
4. SUPERVISION	4	4	4
5. TRAINING	4	4	4
6. PERSONNEL MANAGEMENT	4	4	4
7. FINANCIAL MANAGEMENT	4	4	4
8. MATERIALS MANAGEMENT	4	4	4
9. QUALITY CONTROL	4	4	4
10. SAFETY	4	4	4
TOTAL COMPETENCY ASSESSMENT	(87)	(87)	(87)
SELF-RATING	3.75		
SUPERVISOR RATING		3.75	
AGREES RATING			3.75

SECTIONAL SENIOR MANAGER

DATE: [REDACTED]

[Handwritten Signature]

Score 3.75 = 4

[Handwritten Signature]
Rath

REVIEW OF THE PERFORMANCE APPRAISAL (NOT COMPULSORY)

1. Additional comments to the senior manager regarding the performance appraisal interview.

2. Additional comments of the supervisor regarding the performance appraisal interview.

3. Development required or remedial support (if applicable).

SIGNATURE: SENIOR MANAGER
DATE:





Full

SIGNATURE: SUPERVISOR
DATE:

Guide

- See comments relating to entering PERSAL numbers. Comments are visible once you place the cursor over the relevant cell.
- See comments relating to entering dates. Comments are visible once you place the cursor over the relevant cell.
- Remember to select the applicable financial year.
- Remember to select the applicable assessment period.
- Remember to weight relevant KPA's (aligned to the performance agreement). If a KPA is not being assessed in a semester, do not weight it!

I, JEREMY ALAN VEAREY state under oath in English:

1

I am a South African citizen with identity number 6304245224084 resident at 2 Montreal Road Mowbray with cell contact number 0825594661. I am employed by the South African Police Service and hold the rank of Major General with service number 0527129-1 in the capacity as Acting Deputy Provincial Commissioner for Detection in the Western Cape province.

2

On 14 April 2016 Col Trout of our provincial SAPS Media Liason office gave me a media enquiry from the City Press, attached as per Annexure A. This enquiry alleged that I had received R2 million from Radovan Krejcir. I responded thereto via the SAPS Media Liason office in which I denied these allegations as per Annexure B.

3

Hereafter, I also established on 15 April 2016 that the Weekend Argus and Burger newspapers also had information on the same allegations about me as that of the City Press. I also discovered that these two newspapers also had documents containing other allegations in which I am accused of having a corrupt relationship with Jerome Booyesen, an alleged leader of the Sexy Boys gang and alleged business associate of Mark Lifman and Radovan Krejcir. On 15 April 2016 I informed Lieutenant General Jula, Provincial Commissioner of SAPS Western Cape about these media allegations and told him that I was going to address it with the respective media platforms involved.

4

On 15 April 2015 I met with the editor of the Weekend Argus, Chiara Carter, as well as the journalist who was to write an article on these allegations, Caryn Dolley, at their office. At this meeting they also provided me with copies of two statements by another person that had been leaked to them recently attached as per annexures C and D. Statement C was in English and made by a deponent identified only as "Queenie" as commissioned on 26 February 2016 by Advocate Jerome Morris with date stamp bearing the words "DEPARTMENT OF COMMUNITY SAFETY" and "OFFICE OF THE OMBUDSMAN". Caryn Dolley asked me about the allegations at paragraph 11 of statement C that accused me of having being told by Jerome Booyesen of the Sexy Boys gang to apply for the post of Provincial Commissioner in the Western Cape. It also alleged that I had called Jerome Booyesen in February 2016 and told him that I will "keep him informed" as I was "in charge of the Western Cape for that weekend". I denied these allegations.

5

At the same meeting I also read statement D that, according to the journalist, had also been made by "Queenie" in Afrikaans. I saw that this statement was incomplete and did not identify the name of the deponent or certification particulars thereon. It neither contained any allegations of corruption about myself but spoke to the same facts about the murder of a certain "Nigger" that "Queenie" alleged to have been involved in. I recognised that the "Nigger" referred to in both statements was the alias of Nathaniel Moses, deceased leader of the Mobsters gang whose murder is being investigated by the office of the Provincial Detectives under my command. Although I did I not confirm this to the journalist in question, I realised that statement D was an incomplete copy of the actual statement in the murder docket. After this meeting I contacted Lieutenant Colonel Ockhuis of the Provincial Gang Investigation Task Team and tasked him to determine how a statement from one of his team's cases had leaked. He consequently reported to me that "Queenie" and an official from the office of MEC Dan Plato, later confirmed to be Jermayne Andrews, had obtained a copy of Statement D from Warrant Officer Groenewald after visiting the team's offices at Faure POPS base at an unspecified date.

6

On 16 April 2016 the Weekend Argus published an article by Caryn Dolley on the aforementioned allegations attached as per Annexure E. I noticed that the article also referred to a "dossier" compiled by MEC Plato in 2012 that also alleged that I had "worked with gang bosses". The article

J.V.

also stated that this "dossier" had been "circulated to some journalists". The article also states the following -

"In 2013, Plato provided some journalists with a seemingly explosive affidavit by an informer, Pierre Mark Anthony Wyngaardt, from Tafelsig. It also claimed Vearey was linked to gangsters and alleged senior ANC members and police officers were involved in drug trafficking and other crimes. But when Weekend Argus tracked down Wyngaardt he described himself as a prophet who was guided by angels."

The same Weekend Argus article of 16 April 2016 also referred to the Theron allegations I had denied in the City Press enquiry as follows:

"Sensationally information in an affidavit claims Vearey received more than R2 million Czech fugitive Radovan Krejcir, who is serving a lengthy prison sentence and whom Vearey says he has never met or had dealings with."

7

In a consequent article by the same journalist on the Theron matter published in the Weekend Argus of Sunday 24 April 2016 as per Annexure F, it states the following:

"This reporter met Theron in 2012 in Plato's old office in St George's. Afterwards Theron approached me with information, asking for money in exchange."

"This week Plato admitted to Weekend Argus that he had dealt with Theron and had received information from him until about two weeks ago."

The same journalist also wrote another article in the Weekend Argus of Sunday 24 April 2016 (Annexure G) titled "Gang boss won't be a pawn" referring to a "Warrant Officer Titus" and "Major General Greg Goss" by quoting a 28 Gang leader called Ralph Stanfield as follows:

"Detective Titus is known to me because several years ago he made the vexatious allegations that I was being protected by General Vearey.";

"It is also apparent that I'm caught in the middle of a dispute between General Vearey and (Major General Greg Goss who heads up the Mitchells Plain Cluster of police stations) who seem to be vying for certain positions in the police..."; and

"I have no relationship with General Vearey."

The same article further states on a matter related to criticism by Major General Goss of the detective performance in "his son's murder" that "Plato supported Goss on this matter."

If what is alleged in this particular article is indeed as reported, then possible wider involvement in attempts to discredit me and peddle malicious rumors in public allegedly involving the SAPS members mentioned must be investigated.

8

On Saturday 23 April 2016 the Weekend Argus of that date revealed new information on attempts to maliciously defame my person (Annexure H). In an article titled "Clip reveals secret chat, Vearey mentioned in recorded talk between Plato, Wyngaardt, journalist Caryn Dolley reveals that the media has a voice recording of a conversation between MEC Plato and Pierre Mark Wyngaardt in which I am discussed. The article quotes MEC Plato as follows:

"I admit I had meetings with Wyngaardt".

9

An article in the same newspaper of 23 April 2016 (Annexure I), also revealed that the office of the Provincial Police Ombudsman, Advocate Pikoli, had been linked to the "Queenie" affidavit by way of unauthorised action by one of its staff, Advocate Jerome Norris who had both used a discontinued stamp purporting to be that of the Ombudsman to date the statement in question. The article reports on this matter as follows:

"(Norris) was expressly prohibited by Advocate Pikoli from associating the (affidavit) with the office of the WC police ombudsman."; and

"As such (Pikoli) is unhappy with the manner in which his office's name was dragged into the matter."

These statements constitute confirmation of what Advocate Pikoli told me in person when, on his request, I met him at his office on 19 April 2016. At this meeting I requested that he show me all his office stamps. He did so and I pointed out the discontinued date stamp used on the "Queenie" affidavit by Advocate Jerome Morris from his office who both took and commissioned it. Advocate

J.V

Pikoli then admitted to me that his office had been compromised in this matter and undertook to release a press statement that was consequently published in the 23 April 2016 Weekend Argus article.

10

On Thursday 28 April 2016 at 18:24 I received the following sms on my official cell number 0825594661 from cell telephone number 0825042058 - "Call me urgently asap". I called the number and recognised the voice as that of a transexual 28 gang member who calls her/himself "Queenie". I know "Queenie" from him/her having provided information as a casual source on gangs to both me and Lieutenant Colonel Ockhuis of the Provincial Gang Investigation task team in the past, as well as being the deponent in the statement he/she made in the Nathaniel Moses @ Nigger murder (Annexure D). In our telephone conversation "Queenie" denied ever having made a statement to Advocate Jerome Morris (Annexure C) and claimed that he/she had never made any allegations of any nature against me to anyone. I told her to tell this to those who claim she had made such allegations. She also told me that she has a "video" she wants to hand only to me, but I told her I was not interested.

11

On Tuesday 3 May 2016 at 13:06 I received the following sms on my official cell number 0825594661 from cell telephone number 0825042058 that I recognised to be that of "Queenie": - "Hello jy moet die video sien skokkend" (translation - Hallo you must watch the video it is shocking). I called "Queenie" and asked her what video she was referring to. She then asked me whether she must give the video to Plato and I told her to do what she pleases. At this stage I suspected that she was speaking to me on speaker-phone mode and ceased the call. I do not know what this video is about and request further investigation to clarify.

12

It is evident to me that MEC Plato and his so-called sources ranging from Pierre Mark Wyngaardt and "Queenie" linked to the gangs in the province, have sought to discredit me in public by initiating the spread of malicious rumors about me in the media. In this regard admissions by the Weekend Argus newspaper cited confirm this to be the case by way of admissions by Caryn Dolley of the Weekend Argus that she had met one of the so-called sources by the name of Pierre Theron in his MEC Plato's old office. It is also apparent that the leaking of statements on these allegations by the office of MEC Plato is indicative of the fact that the due process to be followed in investigating these allegations had been pre-empted and prematurely prejudiced despite Plato's claims that he had reported the information they contained to official channels. In my opinion this constitutes an abuse of office on the part of MEC Plato who misuses his authority to circumvent due process with malicious intent against me. I therefore require investigation of both his conduct in this matter as well as those of others alleged to be in collusion with him, including SAPS officers involved.

13

Furthermore, an article in the Cape Times newspaper of Thursday 5 May titled "Plato mum on Krejcir informant" (Annexure J) referred to an affidavit made by Pierre Theron in October 2015 as follows:

"Prior to that Plato had initially paid Theron R1 500 for a cellphone during their first meeting in June 2012, and subsequently deposited R4 000 on July 11; R10 000; R600 on October 2; R1 000 on October 15; R2 500 on November 1; R400 on December 24; and R400 on January 8, 2013 into his Nedbank account."

The Cape Times article repeats information from a previous article in "Die Burger" newspaper dated Wednesday 4 May 2016 (Annexure K) in which MEC Plato is reported as admitting to paying Pierre Theron as follows:

"Plato het die betaling van R3 500 en die R600 erken."

The "Die Burger" article also mentions the name of Colonel Deon Beneke so as to suggest that he had taken the statement in question from Pierre Theron. This issue was reported to me by Brigadier Harri, the Provincial Head of Detective Services Western Cape, on Tuesday 4 May 2016 in which she stated that she had received a call from Colonel Deon Beneke who reported that was called by the a journalist from "Die Burger" who enquired about a statement he had taken from

J.V.

Pierre Theron. Brigadier Harri reported to me that Colonel Beneke told her that he had indeed taken such a statement from Pierre Theron but had referred media enquiries in this regard to the Provincial media liaison office. If it is correct that MEC Plato paid Pierre Theron for information as an informant, this must be investigated to determine whether this constitutes an irregular and/or unauthorized use of public funds in contravention of the Public Finance Management Act on his part. To my knowledge the Provincial Legislature and its MEC's have no legal mandate to conduct intelligence operations in which informants are paid from public funds for information they gather and provide.

14

I consider all allegations made against me by Pierre Theron, Pierre Mark Wyngaardt and "Queeny" as fabrications facilitated by the office of MEC Dan Plato with the intent of defaming my person maliciously in the public media in disregard of due process required to test the truth of these allegations. This therefore requires further investigation in order to determine whether elements of the crimes of criminal defamation and/or defeating the ends of justice are prevalent. I believe that the recurring malice involved here might be politically influenced by the following opinion raised by Premier Helen Zille in her correspondence dated 27 February 2015 (Annexure L) to the then Provincial Commissioner, Lieutenant A Lamoer in objection to my appointment as Acting Provincial Commissioner Crime Detection:-

"... The Western Cape Government and many of our municipalities are currently controlled by the Democratic Alliance, of which I am also currently the leader and hence, to promote a person within the SAPS into the position of Acting Deputy Provincial Commissioner, who has openly stated his support for the official opposition in the province, places any subsequent decision by him regarding SAPS' deployment of personnel at political rallies, marches, riot control, etc. in question."

15

Apart from political interference in a SAPS appointment process evident here, it is noteworthy that this matter was not raised as an objection by MEC Dan Plato when he was part of the interview panel for the post of Provincial Commissioner of the SAPS in the Western Cape on 30 December 2015. Instead, it was discounted by the MEC when he indicated that he was satisfied with my answer to Lieutenant General Phalane, Acting National Commissioner of the SAPS, on my political affiliation. And neither did MEC Plato confront me with any allegations of corruption or links with gangs and ANC politicians that had already been reported to him by his "informants" before the advent of the interview panel. I regard MEC Plato's duplicity as disingenuous in this instance and question his objectivity in proceedings related to the interview and appointment process in question. In this regard I also request further investigation into whether his actions might have compromised such proceedings and the process to my possible disadvantage.

15


I reserve my right to further steps in terms of charges of criminal defamation, future civil litigation, and reporting this matter to the office of the Public Protector for further investigation.

I know and understand the contents of this declaration.



I have no objection to taking the prescribed oath.

I consider the prescribed oath to be binding on my conscience.

I swear that the contents of this statement are true so help me God.



SUID-AMPTOR	DEPUTY
10 MAY 2015	
CRIME DETECTION SERVICE WESTERN CAPE	
SOUTH AFRICAN POLICE SERVICE	

From: Abram Mashego [mailto:Abram.Mashego@citypress.co.za]
Sent: 14 April 2016 16:57
To: WC:Media Liaison
Subject: media inquiry
Importance: High

Dear Lt Col Traut

Following our brief discussion please forward the following questions to Major General Jeremy Veary. I am currently writing a story based on an affidavit which has been handed to the Radovan Krejcir investigation team. In the affidavit, the witness claims that major-gen Veary received R2 million from Radovan Krejcir.

My questions are as follow:

- 1: Did Veary receive any money from Krejcir? If so, we would appreciate if an explanation could be provided.
- 2: Does Veary have any dealings with Krejcir? If so, we would appreciate if that could be explained.

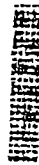
My deadline is Saturday 9:00

Kind regards,



Abram Mashego
senior journalist

E: abram.mashego@citypress.co.za
W: www.citypress.co.za
C: 0739169169
T: 011-713-9500
F: 086-734-0657
Twitter @abrammashego



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Should you be unable to access the link provided, please email us for a copy at csc@optinet.net

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Annexure B**WC:DPC Crime Detection Services Secretary**

Subject: FW: media inquiry

From: WC:Media Liaison
Sent: 15 April 2016 10:36
To: Vearey Jeremy - Major General; vearey.jeremy@gmail.com
Cc: WC:DPC Crime Detection Services Secretary
Subject: FW: media inquiry

From: WC:Media Liaison
Sent: 15 April 2016 09:47
To: WC:DPC Crime Detection Services Secretary
Subject: RE: media inquiry

Draft copy – not submitted to the media

Dear Abram

Your enquiry was forwarded to Major General Jeremy Vearey and he responded as follows:



"This is fabricated nonsense like similar fabrications before by so called prophets after seeing visions and being informed by angels. This is another of those fantasy fictions. Such fictions have been dismissed before by the Public Prosecutor of the Western Cape as completely without credibility and unreliable.

As for Radovan Krejcir, I do not know him beyond media articles and have never had any dealings with him, let alone meet with him.

I reserve my right to take civil action against anyone who chooses to publish such fantasies without having verified its contents and publish this reply in full text." – Major General Jeremy Vearey

Regards

Lieutenant Colonel André Traut
Corporate Communication
SAPS Western Cape Media Centre
Contact numbers : 021 417 7423 & 0833001752
E-mail : wcmmedia@saps.org.za



J.V.

I "Queenie" states under oath in English.

1.

I am an adult person of sober and currently residing at an address unknown to me. I can be contacted on cell- 082 504 2058.

2.

The affidavit which I am about to depose to is to the best of my knowledge and beliefs to be true and correct.

3.

I have been involved with the "28" and "26" gangs for the past 15 years. During this time I became well acquainted with their operations, the persons involved in their criminal activity, the various "hits" on persons that was carried out and the names of senior police officers, correctional services and the navy.

4.


The most recent event of criminal activity perpetrated by the "26" gang under the command of Jérôme Booyesen, (herein after referred to as JB) was the murder of a drug kingpin known to me as "Nigger" who lives in the Strand area which took place on 15/01/2016. "Nigger" was shot in a hired vehicle from Avis which I personally had to acquire through the rental agency under the instruction of JB. The vehicle was to serve as a second get-away car for the shooters, both who are known to me as "Krake" and Ricardo Adams.

5.

I have been involved in their criminal activities but this hit which was instructed by Jerome Booyesen took it's toll on me and because the murder was perfectly planned. I then made a detailed statement to 3 police officers with the names of Kleinbooi, Groenewald and Joubert who according to my understanding is stationed at the Provincial Detectives office in Cape Town under the command of Major General Veary.

6.

The murder was planned to perfection right down to the very last detail and would most likely end up being an unsolved murder. The police officers on the payroll of "JB" already informed him about how many vehicles are on patrol in the area where the hit was planned to take place as well as how



J.V

6. (cont)

many fire-arms are in the safe at the station, how many officers are on duty in the charge office.

7.

Before the murder of "Nigger", the branch commander of Strand detectives handed over his hand radio to the gangsters and reported it as stolen. The gang still has the radio and listen to the activities of the police everyday, they even have the charger. I am unsure of his name but I think it is Plaatjies, he is dark of complexion, short and of average build.

8.

I was picked up by Const. Groenewald and two other officers and was taken to the police offices in Faure where I gave them a detailed statement of the planning and eventual murder of "Nigger". I had just given the statement when one of the police officers "Van Sitters" who I know to be on the payroll came in and saw me. The next day I was called by one of "JB" associates by the name of "Gersh" who threatened me stating that I am giving statements to the police and I will be killed.

9.

I received several threats since then on my cellphone that I was going to be killed which forced me to go and hide in another province but even then I was tracked to Gauteng and the only people I was in contact with was the police officers who took me there because they wanted to make arrests and thought I would be safer in Gauteng.

10.

The police tried to get me into the witness protection program because I was identified as a section 204 witness but when they made the application to the National Prosecuting Authority it was rejected by their head office due to allegations that I committed a crime 18 years ago and was therefore not eligible to be part of the program. I now fear for my life and have to move constantly in order not to be found. My whereabouts are only known to a few people at this stage.

11.

J.V.

11. (cont.)

I do not trust anyone in the police because I know that there are police officers all over the Western Cape who are on Jerome Booyesen's payroll. I also know that Jerome Booyesen told Major-General Veary to apply for the position of Provincial Commissioner because they could influence the process and have him appointed but for some reason this was thwarted by police management without even knowing about the desire of "JB" to have Veary as the Provincial Commissioner. I can also confirm that "JB" has contacts in the South African Police Services Head Office in Pretoria. During the month of February 2016 the current Provincial Commissioner was going to Pretoria and Major General Veary called "JB" and told him that he is in charge of the Western Cape for that weekend to keep him informed. I do not know why "JB" had to know this but because of my knowledge I know that he has people on his payroll in the Navy, SANDF as well as correctional services. I know this

12.

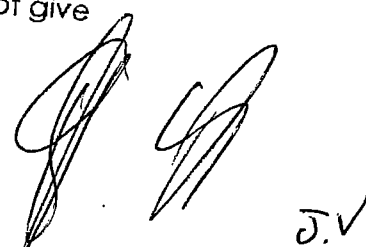
because I had to at times go and pay these corrupt officials. Jerome Booyesen's stranglehold over the gangsters extends to these corrupt officials. I know many of their names but the others I would be able to recognise if I should see them. The corruption extends to all stations in the Western Cape but I wish to also state that there are many good officials who refuse to get involved with this syndicate.

13.

I wish to place on record that Jerome Booyesen runs an entire network of corruption, eg: in the prisons I often use to take drugs to prisons and hand it over to the correctional officers. There is also a Navy guy who smuggles drugs and guns to foreign countries on their vessels for Jerome Booyesen. There is a vessel leaving this weekend of 26/02/2016 with drugs on board. This officer gave the names of the officers on board this vessel leaving from Simons Town as well as the amount of fire-arms in the ship safe. I can acquire more information. There is also a senior official who works directly under the Admiral Mahlombe who is a captain. We normally call him on cellphone number - 076 866 0419 and he then facilitates the entire operation for Jerome Booyesen on these navy vessels.

14.

Illegal fire-arms were also placed on these vessels to leave the country after the guns were used in crimes here in the Western Cape. I cannot give



14. (cont.)

specific amounts but I recall on one occasion an amount in excess of 70 fire-arms left on one of these ships. I will find out more specifics if need be.

15.

I also know about Marius Fransman who is good friends with Jerome Booyesen, and I know that he gave Marius money to host a party. Jerome Booyesen also has contacts in the South African Police Services Intelligence unit. I trust nobody and will only speak to a limited amount of people which includes the MEC Plato and the Premier.

16.

I want this information to remain in a closed circle of people until I am placed in a secure location because I need to remain safe until I can testify in a court. The entire security cluster is at risk because of corrupt officials' relationship with Jerome Booyesen. They continue to receive huge amounts of money and the extent of the influence of "JB" has no bounds.

17.

I am prepared to give my full co-operation with this investigation and divulge more information and assist in identifying including the those crimes which I was a part of and



18.

their methods of operation. I will even give the names of politicians who I had to give money to in exchange for favours. Even though I was a part of or witnessed many murders and other crimes that is a part of my past which I cannot do anything about to change but I want to secure my future. I called Const. Groenewald for a copy of the statement which I made to him but he said that I cannot get it because he has instructions not to give anybody including myself who made the statement. I do not know who gave the instruction to Groenewald.

19.

I am in desperate need of protection and fear for my life. I constantly receive death threats on my cellphone and I am aware that they trying their utmost to find me.

20.

  J.V

20. (cont.)

I know and understand the contents of the above statement.

I have no objection to taking the prescribed oath.

I consider the prescribed oath to be binding on my conscience.

[Handwritten signature]

"QUEENIE" (real name known to author)

I hereby certify that the above statement was taken down by my in the presence of the deponent. The deponent has acknowledged that she knows and understands the contents hereof. This statement was sworn to before me and the deponent's signature was placed thereon in my presence at Cape Town on 26/02/2016 at 12:35

[Handwritten signature]
Add
0686268
0102025

COMMISSIONER OF OATHS.

Add George Norval

FULL NAMES AND SURNAME

35 Water Street Cape Town

BUSSINESS ADDRESS

DEPARTMENT OF COMMUNITY SAFETY
WESTERN CAPE
26 FEB 2016
OFFICE OF THE OMBUDSMAN

[Handwritten initials]

J.V

1.

asse man, 35 jaar oud en woonagtig te Worcester, adres weerhou as gevolg / kontak nommer is huidiglik 082 504 2058.

2.

dert kinder jare, solank as wat ek kan onthou. Ek het groot geword in Riv
ea wat 'n bekende bende geteisterde area was, en het tussen bendes opgegroei.
are betrokke geraak met misdaad en bekend en bevriend geraak met polisie led
ea. Ek was gearrester in die vroeë 1990's vir Diefstal en het al dieper betrokke
de. Die bendes, in 'n groot mate die "28" bendes het gesien dat ek 'n "link" v
en het my begin gebruik om inligting by die polisie te kry en het ek dan
r aan die bendes oorgedra.

3.

eugdigte verhoorafwagting in die Worcester gevangenis en het dan daar oo
ou aangesien ek gay was en seksuele gunsies gedoen het vir die gevangenes.
yself "naam" gemaak tussen die bendes. Ek kan nie die datum onthou nie r
in die jaar 2005 was wat ek gevonniss was vir Bedrog. Ek was tot Tien(1
raf gevonniss. Dit was in Port Elizabeth en ek was aangehou by die St
Ek was dan ook later oorgeplaas en aangehou in Patensie, Rooihel, Kiu
Middeldrift, Mtanzane, Oos London en vandaar oorgeplaas na Dotreght, Stre
angahung, Helderstroom, Brandvlei, Allandale, Goodwood en die Buffelja
k het korrupsie en korrupte beamptes met bende lede expose in baie van die

3....

skillende gevangenis waar ek aangehou was. As gevolg daarvan was my lewe soms bedreig. Kom dat ek so baie geskui en oorgeplaas was.

4.

het kontak gehad met die Nasionale Kommissaris en Minister van Korrektiewe Dienste op dié stadium en direk aan hulle inligting gegee. Ek het hulle op hul privaat selfoon nommers kontak wat ek deur bronne gekry het. Ek het teen Korrektiewe Dienste personeel lede getuig in departementele verhore sowel as arbitrasie sake. As gevolg van my getuie was verskeie lede ontslaan. Ek het 'n noue band begin vorm met al Drie(3) die bende kampe binne die gevangenis, naamlik die "26", "27" en "28" kampe. Op daardie manier het die bendes my vertrou en probeer gebruik om die "Vuil Mapuza", korrupte lede, uit te werk en te ontslaan. Ek was bekend as die "Wag" van die kampe, mense wat die vroue wyfie en het seksuele verhoudings gehad slegs met die lede van die verskillende bendes. Ek het op verskeie geleenthede afslag van my vonnis gekry as gevolg van verdienstelike optredes met betrekking tot inligting wat ek gegee het soos wanneer amptes met die mes gesteek moes word. Die media het vinnig te hore gekom wanneer beamptes ontslaan was, en ek het die bynaam in die plaaslike media verwerf as die "Whistle Blower" in die gevangenis. My naam het vinnig versprei in die pers en ek het vinnig die bynaam "Jany Madikizela, die vuurvreter" gekry.

5.

Brandvlei Gevangenis het ek vir Ricardo, sy van nou onbekend maar slegs bekend aan my as "Katjies" ontmoet. Ek het gehoor dat hy een(1) van Jerome Booysen @ "Donkie" se hit men was. "Donkie" was bekend aan my as die leier van die "26" bendegroep. Ek dink dat dit ongeveer vier(4) of Vyf(5) jaar gelede was. Ek en "Katjies" het baie close geraak en het seksuele verhoudings gehad in die geheim. Deur "Katjies" het ek bevriend geraak met "Donkie" en "Katjies" het vir "Donkie" gesê dat ek 'n goeie "lyn" was na buite en binne die gevangenis. "Katjies" het "Donkie" se dwelm besigheid binne Brandvlei Gevangenis bestuur. "Donkie" het dwelms laat insmokkel deur amptes na binne die gevangenis en dit dan verkoop met behulp van "Katjies" wat dit coordinate

5....

my werk was om bewaardes wat dalk te bang raak en nie meer wil help met die smokkel nie, te vlek en te rapporteer. Hulle, die bendes het geweet dat ek hoë aansien in die media het en s bang vir my. Daarom dat "Katjies" my as 'n goeie "lyn" adverteer het by "Donkie". My houding met "Donkie" het vinnig gegroei soveel so dat ek hom later op sy persoonlike selfoon a skakel en baie dinge gepraat.

6.

kan ongelukkig nie die datum of Gevangenis onthou waar ek op daardie stadium in aanhouding s nie, maar ek was gevonniss toe ek vir George "Geweld" ontmoet. Ek het vinnig geleer dat hy die lot baas van die "28" bendegroep was en 'n Generaal in die kamp is. Omdat ek die "wyfie" was bekend was as die "Blom van die Umzimkwana" kon ek hom nie weier vir seks nie. Dit het teken dat ek die vrou was en hy my moes gebruik vir seks. Ons het seksuele verhoudings gehad. het bekend geraak in die "28" kamp as "Mama Logoloz". "Geweld" van die "28" kamp het my gin vertrou met sy familie en my voorgestel aan sy niggie en ma en ons het later vriende geraak. het my so vertrou dat hy my vertel het dat sy vrou 'n verhouding met sy mede beskuldigde, skuldigde Een(1). Hy het later gereeld ook kontak met my gehad nadat ek vrygelaat was en my vra om sy hofverrigtinge by te woon en dan moes ek sy vrou dophou. Ons verhouding was so sterk het my finansiëel versterk het selfs terwyl hy op verhoor was.

7.

edurende 2012 was ek vrygelaat op parool en huidiglik nog op parool. My parool verstrek 2017. het begin koppel met "Geweld" se familie en my verhouding met hom so aan die gang probeer ou. Ek het ook nou saam met "Donkie" begin werk. "Donkie" het my begin gebruik by sy klubs at hy het en waar hy aandele het soos by, Valeries in Kuilsrivier, Hollywood in Brackenfell, burg's in Lang Str, Kaapstad, Baghdad in Langs Straat, Kaapstad en "169" in Lang Straat, apstad. Ek het die entertainment gereel by die klubs en selfs geld ontvang vir die dwelm verkope die klub by die verskeie mense wat daar werk en het dan die geld aan "Donkie" oorhandig. dat die klub toe was vir besigheid het ek altyd saam met "Donkie" gedrink en ek het soms vir om ook "Blowjobs" gegee. Ek was bewus van al "Donkie" se netwerke met verskillende

7...

nokkelaars en sy dwelm verkope. Sedert my vrylating was ek baie in kontak met verskeie mense en het ook seksuele favours gedoen.

8.

Die week tussen Maandag, 2016-01-11 en Vrydag, 2016-01-15, ek kan nie die presiese dag onthou nie. Ek het by 'n vriend, Jean Pierre se huis gaan kuier in Belhar. Die betrokke huis is net om die hoek van "Donkie" se ma se huis. Terwyl ek daar was het Anwar, jare lange vriend en "hitmen" aan "Donkie" daar verby gekom en my kom haal om na sy huis te gaan. Hy het my gesê dat ek 'n swin @ "Gern" my wil sien by sy huis. Ek het aangeneem dat "Gern" vir hom gesê het waar ek was aangesien ek en "Gern" telefonies in kontak was daardie dag.

9.

Ek en Anwar het begin drink en daarna het "Gern" ook daar aangekom. Ek het toe gehoor dat "Otto" ook oppad was daarheen. Ek ken vir "Gern" deurdat hy 'n DJ was by klub "411" in die Strand. Ek ken hom ongeveer Twee(2) jaar en weet dat hy 'n Kaptein in die "26" bende kamp is onder beheer van "Donkie". Ek weet dat hy op "Donkie" se payroll was. Ek en hy het ook soms seksuele verhoudings gehad. Ek weet waar hy woon saam met sy ouers in Strand of Gordonsbaai en ek was ook al by sy huis.

10.

Ek ken vir Enrico Otto @ "Otto" ook as DJ by dieselfde klub en weet dat hy 'n "28" Mobster bende lid is. Ek weet dat hy nou ook 'n DJ is by klub Hempies in Kleinvelei waar "Nigger" die baas is en beheer van die "Mobster" bende groep is. "Otto" het ook opgedaag en ons almal het begin gesels.

11.

"Gern" het nou begin praat en vir ons vertel dat hy opdrag gegee was deur "Donkie" dat "Nigger" in daardie week nog moet val, menende moet dood gemaak moet word. "Otto" het dit confirm en gesê dat hy klaar gewys was dat hy by moet wees en dat die moord daardie komende Vrydag moet gebeur. Ek het toe gehoor dat "Nigger" vir "Donkie" 'n kop aangesit het in besigheid maar weet

11....

presies wat gebeur het nie. Ek wou weet hoe so klein "naaiertjie" vir "Donkie" kon iets doen hulle het gesê dat "Nigger" 'n naai was. "Otto" het verduidelik dat hy reeds 'n ontmoeting het met "Nigger" daardie Vrydag en hy wil by wees en sien hoe "Nigger" geskiet word. "Otto" het gesê hulle die moord beplan by 'n braai waar "Nigger" gereël is om te wees. My werk was gewees om vir "Nigger" weg te lok van die braai om vir hom 'n "blowjob" te gee en dan sou hy geskiet word. Ek het gevra wie vir "Nigger" gaan skiet en "Gern" het net gesê dat iemand klaar uitgeteken was om die skietwerk te doen. Dit sou by die braai plek in die Strand gebeur het, eenkant weg van die mense waar ek sou besig gewees het om vir "Nigger" 'n "blowjob" te gee. "Otto" het my gesê dat ek mos vir "Krake" ken, menende dat hy die skieter is. Ek ken vir Craig Fredericks @ "Krake" 'n Mobster bendelid ook onder beheer van "Nigger". "Otto" het gesê dat "Krake" vir "Nigger" ses(6) keer deur sy kop moet skiet. Dit het bedoel dat almal moet weet dat die "26" bende dit edoen het.

12.

Ek het 'n grap gemaak en nog gespot dat hy te lig in die broek was om vir "Nigger" te skiet. "Otto" het gesê dat die naai, "Nigger" nie hierdie keer moet oorleef nie want Drie(3) weke terug was daar 'n mislukte poging op "Nigger". Ek het verstaan dat hy toe al moes dood gemaak gewees het. "Otto" het met "Gern" gepraat en gevra wat hy laas met die rewolwer gemaak het wat in die laaste voorval gebruik was. Ek het nie geweet van watter voorval hulle praat nie. "Gern" sê toe dat "Donkie" lankal die Drie(3) guns gereel het en dat hy nie hoef te worry nie. Ons was toe klaar gepraat oor wat gaan gebeur en het begin praat oor wie die vleis gaan betaal ensovoorts. Anwar het toe 'n oproep op sy selfoon gekry en hy het vir ons gesê dat dit "Donkie" was. Ek het nog uit die agtergrond op "Donkie" geskreeu om te groet. Anwar het verduidelik dat alles gereel was en bevestig toe dat "Donkie" reeds die vuurwapens reg gekry het. Hy het toe die foon vir "Gern" gegee wie toe verder praat met "Donkie". Ek kon hoor hoe "Gern" vir "Donkie" sê dat die vuurwapens wat gebruik gaan word rewolwers moes wees. Toe hy klaar met "Donkie" gepraat het, het hy gesê dat alles reg was en "Donkie" het blykbaar gesê dat die guns na ander mense gaan wys as dit getoets word. Alles was nou klaar gepraat en die onbekende persoon wat vir "Otto" gebring het, het steeds buite gewag. "Otto" het toe gery saam met die man.

Handwritten signature and initials in the bottom right corner of the page.

13.

'n rukkie het "Donkie" weer gebel op Anwar se foon en praat toe met my. "Donkie" sê vir my t hulle my by die gastehuis in Gordonsbaai gaan inboek na die skietvoorval om my weg te kry iar dat hy weer met my sal praat. Ek het geweet van watter gastehuis hy praat omdat ek al ntevore daar was en dan was ek getaak om geld te ontvang van besigheids mense. Hulle het geld r my gegee wat in koevertle was en ek oorhandig dit later terug aan "Donkie". "Otto" het my toe 200 kontant gegee en gesê dat dit my payment was. Die geld was in R200 note. Hy het my ook sê dat ons van die skietvoorval later die aand by die klub in Kleinvlei, klub Hempies bymekaar aan kom en ek het uitgesien daarna.

14.

Op Woensdag of Donderdag, 2016-01-14 het ek 'n oproep gekry van "Donkie" van sy selfoon ommer wat gestoor is op my foon en hy vertel my toe dat ek 'n kar moet gaan huur in Kuilsrivier m gebruik te word tydens die moord van "Nigger". Hy het vinnig gepraat en gesê dat "Gern" die etails vir my sal gee en die kontant om te betaal vir die huur motor maar dat ek my eie bestuurder net lisensie moet gebruik. Ek het al vantevore vir "Donkie" motors gehuur by Avis en by Hertz op my Standard Bank kredietkaart maar hy wou hê dat ek met kontant moes betaal die keer. Ek het ingestem en gesê dat ek sal maak soos hy en "Gern" sê.

15.

"Gern" het my 'n rukkie later gebel van 'n onbekende telefoon nommer op my foon en begin toe eelings tref oor die motor wat ek moet huur. Hy het my 'n kantoor en selfoon nommer gegee van Cape Car Rental in Kuilsrivier en gesê dat ek hulle moet bel en reelings moet finaliseer waneer ek die motor gaan kom optel. Hy het my verder verduidelik dat hy my die Vrydag oggend die geld sou gee, R2000 vir die motor se huur. Hy het my verduidelik dat hy my die volgende oggend, Vrydag ou kom haal by my huis en dan sou neem na my driver in Parow. Ek en die driver moes dan die rental kar gaan haal en dan later vir hom moet ontmoet in Parow.

16.

Ek het die rental plek gebel 'n paar keer daardie dag om die reelings te tref maar ek was gesê dat daar nie n kar beskikbaar was vir die Vrydag nie. Ek het dan weer vir "Gern" so ingelig en hy het

gesê dat alles goed was met die plek, dat hulle weg vir 'n kar om van 'n inleerplek af te gaan naardat ek weer later met hulle moet praat. Om ongeveer 17:30 het ek 'n oproep gekry van iemand anders by die rental plek, 'n blanke vrou wie vir my gesê het dat daar nou wel 'n kar ngekom het van die motorwerke af en dat ek die motor 09:30 die volgende oggend k'n optel. Die persoon het my op my selfoon geskakel. Dit het ingepas by alles wat "Gern" vir my gesê het.

17.

Op Vrydag, 2016-01-15 vroeg die oggend was ek tuis in Strandfontein toe "Gern" my kom optel. Ek het gesien dat "Otto" saam met hom in sy kar was. Dit was 'n BMW en ek het die motor erken as myne. Ek het nie geweet dat "Otto" saam sou gewees het nie en gedink dat hy die dag saam met Nigger sou wees. Die tyd toe ek in klim het Otto agter ingeklim en ek voor saam met "Gern". Hy gee my toe R2000 en die reeling was dat ons nou my driver sou gaan optel en dan na die car rental plek sou gaan in Kuilsrivier. "Gern" sê my toe dat hy my by die driver gaan aflaai want hy moes gou êrens anders gaan. Hy het nie gesê waarheen hy gaan nie maar ons spreek toe af dat hy vir my sal kry in Parow oorkant die Golf baan nadat ek die driver weer afgelaai het by sy huis. "Gern" het nie geweet wie my driver sou wees nie en ook nie vir hom geken nie. Omtrent Drie(3) strate weg van my huis het "Otto" toe uitgeklim en saam met Drie(3) onbekende mans ingeklim in 'n Mostert Geel motor. Ek weet ongelukkig nie watter tipe motor dit was nie. "Otto" het toe gesê dat hy moet "march" na waar "Nigger" reeds in die Strand was. Ek en "Gern" ry toe nou alleen oppad Parow e waar ek my driver, Derek gaan optel. Derek is nie 'n bendelid nie en pa van die Idols wenner, Jody Williams. Derek het ook niks geweet van ons planne nie en moes slegs teken by die car rental agency omdat ek nie 'n bestuurders lisensie gehad het nie. Hy sou slegs gebruik word vir sy bestuurders lisensie en ek sou hom gaan aflaai en dan alleen tot by "Gern" gaan. Dit was nie die eerste keer dat ek 'n motor in opdrag van "Donkie" huur met Derek as driver nie. Derek het egter nooit geweet waarom enige iets gaan nie.

18.

Terwyl ek en "Gern" ry sê hy my toe dat hy nie gesien wil word by Derek nie en dat hy my daar naby sou aflaai. Ek het ingestem en ek reël toe met Beulah Schuma, ook op die payroll van "Donkie" om my te op te tel in Voortrekker weg, Parow oorkant die Parow Polisie stasie en dan met

18....

vir my en Derek te neem na die car rental firma in Kuilsrivier. Beulah is 'n Superintendent in die Verkeers Department van die Tierwaterskloof Munisipaliteit, Caledon. Sy woon in Belhar en dit is dan ook dieselfde huis waar Anwar my vroeër in die week opgetel het toe ons die beplanning gedoen het. Beulah is getroud met Jean Pierre. Haar werk vir "Donkie" behels om die "bende" in te lig waar padblokkades sal wees indien hulle dwelms vervoer enige plek in die Wes Kaap en help met boetes terug te trek. Sy gee ook voertuig eienaarskap besonderhede soos identiteits nommers en adresse van enige iemand wie "Donkie" hulle wil opcheck. Ek weet dat sy goed betaal word deur "Donkie".

19.

"Gern" laai my toe af waar ons bespreek het en Beulah wag toe al vir my in haar Grys Opel Corsa motor. "Gern" het so paar motors agter haar parkeer en ek weet nie of hulle mekaar gesien het nie. Ek weet dat hulle mekaar ken. Ek het by haar ingeklim en vir Derek net 'n entjie vandaar opgetel waar hy gewag het op die hoek oorkant die polisie stasie in Parow. Derek het toe ingeklim en ek het vir Beulah voorgestel as my niggie. Hulle ken mekaar glad nie. My airtime op my foon was op gewees en ek bel toe van Derek se selfoon af na die car rental plek en confirm toe dat ek oppad was. Ek en Derek het ingegaan by die car rental plek terwyl Beulah buite gewag het in haar motor.

20.

Cape Car rental het ek en Derek die dokumentasie voltooi en hy het as die bestuurder geteken. Ek het R2000 kontant wat ek by "Gern" gekry het betaal vir die huur van die motor en hulle het my toe 'n Wit VW Polo gegee. Toe Beulah sien dat ons reggekom het, het sy gery. Ek het haar nie weer gesien nie. Derek het die kar bestuur en ons ry toe tot naby sy huis waar hy toe uitklim en ek het verder bestuur na waar ek vir "Gern" moes ontmoet. Ek het vir Derek gesê dat ek Strand toe gaan en dit is al wat hy geweet het. Ek kan nie regtig kar bestuur nie en sukkel-sukkel maar. Ek het gery tot by 'n kerk gebou in die parkeer area oorkant Ajax sokker klub in Parow, waar "Gern" reeds gewag het in sy BMW. Ek sien toe dat daar nog 'n motor saam met "Gern" staan, 'n Wit Toyota Conquest of Tazz. Ek het Twee(2) mense in die Tazz/Conquest gesien. 'n Onbekende bruin man en "Gern" se verloofde, slegs bekend aan my as "Tifa". "Gern" het ingeklim as die bestuurder by my in die gehuurde kar en "Tifa" het sy BMW gery. Almal ry toe en "Tifa" het gesê dat sy later in die

Handwritten signature and initials, possibly 'S.V.' or similar, located at the bottom right of the page.

20....

and by ons gaan aansluit. Ek weet nie of sy op daardie stadium geweet het van die beplanning vir "Nigger" te vermoor nie. Sy en "Nigger" se blanke meisie, naam onbekend aan my, is goeie endinne. Dit was nou ongeveer 10:00 die oggend.

21.

os ons ry het "Gern" met my begin praat oor hoekom hy so vir "Nigger" haat. Hy het bly sê dat "Nigger" 'n poes was en my gevra waarom ek ook vir "Nigger" afsuig. Hy vertel my toe dat hy en "Nigger" se besigheid wil oorvat en gehelp gaan word deur "Donkie". Ek ken vir Enrico Cardo Adams @ "Cardo" as 'n "28" bendelid en lid van die Mobsters bendegroep onder beheer van "Nigger". Ek weet dat Cardo smokkelhuise het in Happy Valley en ken hom ook van die klub by Kampies in Kleinvlei en klub 411 in die Strand. Hy het altyd die dwelms kom verkoop by die klubs. Ek het geweet dat hy en "Nigger" gesplit het aan die einde van 2015 maar ek weet nie waarom die sissie gegaan het nie.

22.

"Gern" vertel my toe dat hy en Cardo die moord van "Nigger" lankal reeds beplan het saam met "Otto" en dat daar ongeveer Drie(3) weke terug 'n mislukte poging was op "Nigger" se lewe. Ek weet niks daarvan nie maar gehoor dat "Nigger" se Mercedes Benz iets daarmee te doen gehad het, daarom dat "Nigger" 'n huurmotor moes kry. "Otto" wou die drank lisensie van "Nigger" oorvat en Cardo kon dit nie op sy naam doen nie. Terwyl ons gery het, het ek vir "Gern" 'n "blowjob" gegee op sy versoek en ons het baie gepraat. "Gern" vertel my toe verder dat "Donkie" hom baie vertrou omdat hy vir "Donkie" se broer, net bekend aan my as "Kanakkie", wie tans in die veldstroum Gevangenis is, versterk met geld en airtime. "Gern" het gesê dat "Kanakkie" nou onnekortl vrygelaat gaan word op parool en dat hy en "Kanakkie" dan 'n lyn gaan koppel. Menende aan dat hy en "Kanakkie" saam in besigheid gaan. Hy het gesê dat hy dan moeilikheid verwag tussen "Donkie" en "Kanakkie" omdat "Kanakkie" en "Donkie" nie eye to eye sien nie.

23.

"Gern" het my op 'n paar geleenthede gesê dat "Nigger" baie by "Donkie" gaan oorslaap het en dat "Donkie" se "Nigger" baie close geraak het. Hy het verduidelik dat "Nigger" op 'n paar geleenthede "Donkie" se

J.V.

25....

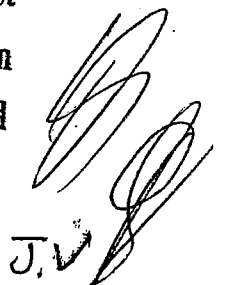
' het vir "Otto" gevra met watter motor hulle tot daar sou gaan en "Otto" het gesê dat hulle "Nigger" se meisie se kar sou gaan. Ek weet nie watter motor dit sou wees nie.

26.

" het toe met "Donkie" oor die telefoon gepraat en verduidelik dat alles nou verander het. Ek hoor dat "Donkie" kwaad was en "Gern" het my gesê dat "Donkie" geforce het dat die moord nog moet geskiet omdat die manne wat moes skiet al reg was. Hy wou fokkal hoor nie. " en "Otto" het daarna die heelyd met mekaar gepraat oor die selfoon en so het hulle planne gemaak. "Gern" het vir "Otto" gesê dat die bakkie waarin die shooters was, al gesoek word deur die polisie en dat die bakkie nie die heelyd daar kon staan nie. Ek het begin uitvra oor die bakkie. "Gern" het gesê dat die Corsa Bakkie die vorige dag gesteel was in 'n roof, en dat hulle vinnig moet speel. Ek weet nie waar die roof was nie en wou nie alles vra nie. Die besluit was toe gemaak dat hulle die moord by Avis moet gebeur. Op 'n stadium het "Donkie" weer gebel en met my geselskap. Hy het gesê dat ek alles moet doen soos wat "Gern" vir my sê en hy was baie kort af.

27.

" en "Otto" reël toe dat die skieters vir "Nigger" moet dood skiet by Avis wanneer hy die motor gaan optel en "Otto" het ingestem. "Gern" beplan toe dat ek hom moet aflaai by die Hof en dat iemand hom daar sou optel. Hy sê toe dat ek verby Avis moes ry en die gehuurde motor in 'n systraat moet los as 'n tweede getaway kar indien die bakkie waarin die skieters was, parkeer was of iets verkeerd gaan. Hy het gesê dat ek dan net in die hoofweg moet afloop na die Strand SAPD en dat hy sal reël dat ek opgetel moet word. Hy en "Gern" het dit alles op die telefoon gelykterpreek terwyl ons gery het. Ek en "Gern" het toe verby Avis Car rental in die Strand gery om te kyk hoe dit daar lyk en "Gern" het toe besluit waar ek die kar moet los. Hy en "Otto" het gestry om te besluit waar ek die motor se sleutel moes los en "Otto" wou gehad het dat ek dit in die ignition moes los. "Gern" het gesê dat ek dit in die asbakkie moet los. Twee(2) shooters, waarvan ek mos weet dat die een(I) "Krake" sou wees, sou afgelaai word oorkant Avis waar hulle oor die pad sou stap en hulle vir "Nigger" sou skiet. Hulle sou dan weer met die Corsa bakkie gery het tot in die Strand SAPD stasie se pad en die bakkie dan daar sou los. "Bullet" sou die bestuurder wees. Ek weet nie



J.V.

e hulle dan vandaar sou weggegaan het nie. Ek ken vir "Bullet" as 'n "26" hit men van "Donkie" het hom al by "Donkie" se huis ontmoet. Ek ken nie sy regte naam nie.

28.

ern" het my gesê dat ek nie moet worry nie omdat hulle polisie lede het wat op die payroll is wat die aanklag kantoor werk en hulle weet hoeveel polisie manne aandiens was, hoeveel voertuie in die area is en ook waar die arsenaal in die aanklagkantoor toegesluit is. "Gern" het gebragg oor hoeveel polisie lede hulle betaal, hy en "Donkie". Hy het ook gesê dat hulle 'n Polisie radio laat tel het uit Kolonel Plaatjies se kantoor. 'n Vroue polisie reservis naamlik Mel Robertson, het geklaar die radio gesteel. Hulle luister blykbaar in op die polisie se gesprekke daarmee. Ek het dit nie geken nie, maar later die dag ontmoet.

29.

as ek en "Gern" ry in Avis se pad, het ek en hy afgedraai in 'n sy straat. Ek ken nie die naam nie maar dit was oorkant Avis, oppad na die hof waar ek hom sou aflaai. Ek sien toe vir "Krake" stap in die pad en ons stop toe by hom. Hy het toe agter in die motor saam met ons geklim en "Gern" duidelik toe vir hom waar ek die huur kar gaan los. Ek kan regtig nie onthou watter klere hy gehad het nie. "Gern" gee toe vir "Krake" 'n Rooi Vodacom T-hemp wat "Gern" vroeër die aand by my gekry het. "Gern" het die oggend toe hy my optel by die huis, vir 'n T-hemp gevra dat hy vir die shooters kan gee sodat hulle na die skietvoorval kan klere wissel. Ek het my vriend se T-hemp gevat en vir "Gern" gegee. "Krake" het toe die hemp by "Gern" gevat. Die hemp was Rooi Vodacom insignia in Wit, op die bors gedeelte. Ek kan nie onthou of dit 'n kort of langmou T-hemp was nie. "Krake" het nie baie gepraat nie en net gesê dat die manskappe reg is en wag vir "Gern" om te kom. Volgens my sou dit nou gebeur enige oomblik. "Krake" het uitgeklim en op ons het gery.

30.

ern" het gesê dat sy alibi gaan wees dat hy by die huis is tydens die skietery, dat sy pa kamtig by die toneel sou ry en hom vertel wat gebeur het. "Gern" sou dan haastig na die polisie stasie kom en my daar kry. Ek het hom by die Hof afgelaai en gery na waar ek die kar moes los. Ek was

bang en gery tot in 'n ander sy straat. Ek het uitgeklim, my sak gevat en geloop tot op die oorkantse hoek van Avis waar ek die winkel kon sien. Ek het ongeveer Twintig(20) minute gewag en sien toe dat "Nigger" binne 'n kar sit voor die Avis kantoor. Ek kon sien dat hy agter die bestuurders kant van die kar sit en 'n onbekende man langs hom staan en praal. Ek sien toe vir "Cardo" en vir "Krake" skielik aangehardloop kom to reg voor die kar waarin "Nigger" sit. Hulle het elkeen guns in hulle hande gehad en begin skiet op "Nigger" waar hy binne die kar sit. Cardo het tot omtrent langs "Nigger" gestaan en skiet. Alle het baie vinnig gebeur en ek kon sien dat "Otto" en die man wat langs "Nigger" gestaan het, inhardloop by die winkel. "Krake" en Cardo het toe teruggehardloop in die rigting van waar hulle gekom het en ek het nie verder gewag nie. Ek het nie geweet dat Cardo betrokke sou wees nie en het geskrik toe ek vir hom daar sien.

31.

Ek het geskrik en was bang en hardloop to terug na waar die huurmotor gestaan het. Ek het reguit gery na die polisie stasie en net gepanic. By die polisie stasie het ek in die aanklagkantoor gaan sit. Ek het toe begin chat met Kaptein FC Van Wyk, die media beampte van die Polisie per whatsapp van my selfoon af. Ek het hom nog nooit ontmoet nie en ken mekaar net deur facebook en mutual vriende in die media. Ek het hom gevra om iemand te vra om my te kom sien want ek stress en ek wou "gepimp" het. Ek was bereid om te vertel wat hier gebeur het. Ek het skielik weer besef dat ek dit nie kan doen nie en van besluit verander. Terwyl ek gewag het vir "Gern" het 'n vroue polisie beampte, nou bekend aan my as Kst Ross my genader en saam met my uitgestap na onder die bome voor die polisie stasie. Ek kan nie sê hoe lank dit was wat ek gewag het of hoe lank dit nou al na die skietery was nie. Sy moes my herken het en my gesê dat "Gern" oppad was daarheen en dat "Otto" klaar daar was, aangebring deur die polisie en dat hulle hom ondervra. Sy het my gesê dat speurders van die Kaap sy selfone gevat het maar dat hy net vir ondervraging daar was by hulle. Ek het afgelei dat sy ook involve moes gewees het met die beplanning aangesien sy dan nou praat van "Gern" en "Otto" en hoe anders sou sy geweet het dat hy my daar sou kry.

32.

Ek en sy het toe weer in die polisie stasie gestap en sy het by my gestaan en gesels. Sy het yswater vir my gebring en geweet hoekom ek onder stress was. "Gern" en sy verloofde, "Tifa" het toe by

die stasie aangekom en hy het Twee(2) bokse pizzas saam gebring. Hy het met my en Ross gepraat en gevra waar "Otto" was want hy wou pizza vir hom gee. Ross het toe vir Kst Mel Robertson gesê om die pizzas vir "Otto" te neem. Hy en Mel het toe die pizza gevat en geloop en ek het aangeneem dat hy saam met Mel tot by "Otto" sou gaan. Na 'n rukkie het hulle twee(2) weer teruggekom en "Otto" het toe gesê dat die speurder, Joubert vol kak was. Hy het vir Ross en Mel gesê dat hulle ook moet weet dat Joubert elkgeval dood geskiet gaan word en op 'n hitlist is. "Gern" was happy en gesê dat die "26" se vlag nou sterk wapper. Menende dat die opdrag reg uitgevoer was. Ek het eker gemaak dat dit onder die kamera was van die polisie stasie. Ek het toe al planne gemaak om die polisie te expose wat saam met die bendes werk.

33.

"Gern" het toe voor "Tifa" en Kst Ross gesê dat ek daar moes wag tot Ross van diens gaan, 18:00. Ek moes dan saam met haar huistoe gaan en die naweek daar bly. Ek het besef dat dit al voorheen eplan was want dit het gelyk of Ross reeds daarvan kennis dra. Hy het ook gesê dat hy my daar sal om haal oor die naweek. Ons het gesien dat die polisie se tactical teams van operasie combat daar opdaag en "Gern" wou weet of hulle, die polisie beamptes, hul name inboek by die stasie. Ross het gesê dat hulle hul eie dienslyste byhou en dat hulle onder Generaal Vearey werk van die Kaap. "Gern" en "Tifa" het toe gery. "Otto" het later buite by my aangesluit toe hy klaar ondervra was en gevra of "Gern" daar was en met my gepraat het. Ross het toe uitgekóm en ek kon sien dat hulle mekaar ken. Ek en Ross het toe gery met die gehuurde motor wat ek steeds gehad het na haar is, ek ken nie die adres maar dit was iewers in die Strand.

34.

Ross se huis het die bure en mense op die yard vir Ross kom vra wat met "Nigger" gebeur het. Ek het net bevestig dat "Nigger" dood geskiet was by Avis. Kst Mel Robertson en nog 'n vroue stabiel wie ek nie ken nie het toe met 'n gemerkte polisie voertuig daar opgedaag en by ons op die huis kom sit en gesels. Mel het toe gevra of "Gern" al opgedaag het want hy sou al daar wees het blykbaar. "Gern" het kort daarna daar opgedaag en met Mel buite gaan gesels. Ek weet nie wat hulle gepraat het nie. "Gern" het my toe R700 gegee vir kos en gesê dat ek die naweek daar

moes bly maar dat hy in kontak sou bly. Hy sou daardie aand gaan DJ het in Kleinvlei by Hempies saam met "Otto". Hy en die polisie beamptes het toe gery.

35.

Oor die naweek het Mel weer met die polisie-van by my opgedaag en sy het gesê dat "Gern" haar gestuur het om te kyk of ek ok is. Sy het toe geld gegee vir Ross en gesê dat dit van "Gern" af kom en dat Ross my moet entertain. Ek en Ross, haar dogter en kêrel het toe gaan shopping doen.

36.

Op die Maandag en Dinsdag na die naweek het Ross nie gaan werk nie want "Gern" het gesê dat sy by my moet bly en ek en sy het gaan braai. Op die Dinsdag het ek sonder Ross se wete na Strand SAPD gegaan en met Kol Plaatjies gaan praat. Ek wou begin praat oor die moord want dit het my gepla. Ek was bang dat ek gearresteer gaan word of dat dit uitkom dat ek betrokke was. Ek het hom gesê dat ek inligting het oor die polisie radio wat van hom gesteel was en hy het 'n vroue blanke kaptein geroep om met my te praat. Ek dink sy was van die intelligensie kantoor. Skielik het Ross daar opgedaag en vir my kom haal. Ek het gewonder hoe sy sou weet dat ek by die polisie stasie was en ek het geskrik. Ek was bang en besluit om nie verder te praat met die polisie nie want almal is involved.

37.

Ross wil toe by my weet oppad terug na haar huis wat ek met die polisie wou gepraat het, en dat sy vir "Gern" gesê het dat ek daar was. Sy wou weet wat ek alles gepraat het en gesê dat sy kinders het om voor te sorg en dat ek haar lewe ook in gevaar stel. "Gern" bel my toe op haar foon. Sy het twee(2) selfone. Hulle het eers gepraat en sy gee toe die foon vir my. Hy wou ook weet wat ek by die polisie stasie gedoen het en ek het 'n verskoning gemaak. Hy sê my toe dat ek moet reël vir 'n xtension op die motor se huur kontrak omdat "Gern" die kar nog wou gebruik om na 'n plaas te gaan. Hy het nie gesê waar dit sou wees nie maar dat ek saam moes gaan. Hulle was albei tevrede met my storie maar ek het bang geraak. Ek het toe finaal besluit om met die polisie te praat. Ek het die Woensdag of die Donderdag weggehardloop en ry toe Strandfontein toe na 'n vriend waar ek eggekruip het. "Gern" het my aanhoudend gebel en wou weet waar ek was. Ek het bly lieg vir

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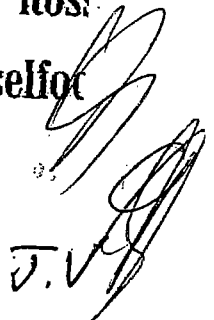
dat ek stress en tyd alleen nodig het. Die Vrydag het "Donkie" my gebel en het half wild met my gepraat en ek was vreesbevange. Ek het gesê dat ek by was. Hy was baie suspicious en ek het toe begin praat met Kolonel Ockhuis reeds in verlede jaar verwys na Kol Ockhuis as iemand wat ek kan vertrou maak om hom te sien. Dit was dan hoe ek begin praat het met die polisie om hierdie inligting te gee.

38.

oggend, 2016-01-26 het "Gern" my gebel en my begin uitvloek en wou wegstasie in die Kaap maak het. Hy was woedend en vreeslik onbeskof gepraat ek en gesê dat ek vrêk maak gaan word. Ek het heelyd probeer ontken dit en hy het gesê dat "Sitters" my daar gesien het. Hy het aangehou om my dit gesê: "Jy is vrêk". Ek vrees vir my lewe en weet dat "Donkie" en sy "me maak omdat ek met die polisie praat.

39.

waarvan ek in hierdie verklaring praat is almal vriende van my en ek het hulle telefoon nommers gestoor op my selfoon. Jerome Booysen @ "Donkie" se selfoon nommer is 068 668 168, "Gern" gebruik sy eie en sy ma se selfone en sy nommers is 073 333 139, Anwar se selfoon nommers is 061 745 2831 en 061 359 8328, Rosalind se selfoon nommer is 076 286 9309, Derick se selfoon nommer is 078 520 7353, Beulah se selfoon nommer is 078 520 7353, Ek ken nie "Krake", Cardo of "Otto" se telefoon nommers nie.



Weekend Argus
Saturday: 2016-04-16

3

Top cop 'on MEC, gangs' hitlist'

Vearey claims Plato and crime bosses are smearing his name

CAPTION

IN AN unprecedented move the province's top gang-buster, Major-General Jeremy Vearey, has gone public about a series of smear campaigns against him, pointing a finger at some of the province's most feared gang leaders as well as politicians, notably Community Safety MEC Dan Plato.

Vearey, who is provincial police deputy commissioner for detectives, told Weekend Argus yesterday since he'd played a key role in having gang boss Nathaniel Moses arrested and convicted for rape, he'd faced death threats from gang kingpins and smear campaigns aimed at denting his reputation.

Vearey warned his investigations are bringing us increasingly close to politicians and I will go there.

He said the situation had intensified recently after detectives arrested people accused of selling arms to gangsters and began a probe into corrupt crime intelligence officers.

Vearey spoke out yesterday after several sets of documents were leaked to media, including Weekend Argus.

Sensational information in an affidavit reportedly claims Vearey

received R2 million from Czech fugitive Slavomir Krizmir, who is serving a lengthy prison sentence and whom Vearey says he has never met or had dealings with.

A separate document leaked to Weekend Argus about an underworld murder in Strand in January alleges Vearey worked with a suspected gang boss.

This affidavit was compiled at Plato's offices and carries a Community Safety departmental stamp.

It relates to the murder of Nathaniel Moses, also known as Nigga, a leader of the Mobsters faction of the 28s gang, and claims a high-profile alleged gang leader who ordered Moses's killing had told Vearey to apply for the position of provincial police commissioner.

The affidavit also alleges a high-profile ANC politician received money from this gang leader to host a party.

Vearey said yesterday this was yet another attempt by Plato to try to falsely implicate him in crimes.

In 2012 Plato compiled a dossier on conversations he said he



BE CAREFUL: Dan Plato.

(Plato) had with a businessman, Jeffrey Franciscus, who died in a car accident in 2011. Names of police officers, including Vearey's, appeared in the dossier which claimed Vearey had worked with gang bosses. The dossier, circulated to some journalists, also detailed

J.V. [Handwritten signature]

Weekend Argus
Saturday: 2016-04-16

4



'FORCING MY HAND': Jeremy Vearey.

alleged political plots. None of this was ever substantiated.
● In 2013, Plato provided some journalists with a seemingly explosive affidavit by an informer, Pierre Mark Anthony Wynngaardt, from Tafelsig. It also claimed Vearey was linked to gangsters and alleged sen-

ior ANC members and police officers were involved in drug trafficking and other crimes. But when Weekend Argus tracked down Wynngaardt he described himself as a "prophet", who was "guided by angels".
The director of public prosecu-

tions declined to pursue the matter. Plato said he had never tarnished Vearey's name and Vearey should simply get on with his investigations. "I've got no vendetta against him," Plato said yesterday.
"If other sources mention (his) name, then he must ask the sources why. I never asked any person to put any information in an affidavit."
Plato said if he came across information implicating police officers, he alerted the provincial police commissioner in writing and handed the information to the Hawks, as he had done with the information passed on to him recently.
Plato said Vearey needed to be careful when it came to making allegations against politicians.
"He may fall flat on his own face. I can't help it if people give me information."
Vearey said yesterday: "I want to warn the MEC; I ignored it before. But I'm going to play this thing out, possibly in the media now."
"I want to warn his office and his political party. None of these mat-

ters - if we been investigating had anything to do with politics. I was doing my job...
"If you want us to play this game out in the media, we will, because you forced us in that direction."
"We will go wherever investigations lead us. We are going where the facts lead us. All of the history of what we know about... these things will be exposed."
"Our investigations are bringing us increasingly close to politicians and I will go there."
Vearey said those running the smear campaigns were intensifying efforts because police were getting closer to uncovering their crimes.
Vearey told Weekend Argus he had over the years investigated several top gangsters, including from the 26s and 28s, inside and outside prison.
About six years ago it emerged gang leaders unhappy about these investigations had conspired to either kill him or discredit him. He had confronted several gang leaders about this.
Vearey said some gangsters mistakenly thought he was targeting only their gang, while others were under the impression he wanted revenge for a cousin he'd witnessed being murdered in 1979.

J.V.

Krejcir snitch 'was at Smit murder scene'

MEC admits dealings with informant

CARYN DOLLEY

COMMUNITY Safety MEC Dan Plato, accused of masterminding a smear campaign against detective head Jeremy Vearey, has admitted his ongoing dealings with an informer who has surfaced in the Radovan Krejcir saga and who has implicated Vearey in the matter.

But he denies being involved in this informer, Pierre Theron, making allegations against Vearey and other senior policemen as well as politicians in an affidavit signed in October 2015.

Theron is known to Weekend Argus which has also had dealings with him.

He has tried to peddle information to a variety of journalists about other crimes.

Theron may be called to testify for the State in Krejcir-related matters and could be indemnified from prosecution.

His affidavit alleges Czech fugitive Krejcir, now serving a lengthy jail term, paid Vearey a total of R6 million, but does not explain what the alleged payments were for.

Vearey, who went public about the affidavit, has denied accepting money from Krejcir even knowing him.

Yesterday, Theron declined comment on the contents of the affidavit.

He told Weekend Argus he was not in hiding or in witness protection as a national Sunday publication reported last week. "Why must I hide?" he asked.

This reporter met Theron in

**'Theron gave
a document
to me two
weeks ago'**

2012 in Plato's old office in St George's Mall. Afterwards Theron approached me with information, asking for money in exchange. Theron said he was homeless and ill.

We refused to pay.

Yesterday Theron said he was still ill. He said he was in contact with Plato.

The Krejcir affidavit surfaced in media circles about a week ago, roughly the same time another affidavit, bearing an unauthorised provincial community safety department and police ombudsman stamp, was leaked to Weekend Argus.

That affidavit alleged Vearey was working with a gang boss who had ordered the murder of a 28s gang leader in Strand in January.

Last week Vearey lashed out at Plato, accusing the MEC of conducting a smear campaign against him. Plato has denied trying to discredit Vearey.

This week Plato admitted to Weekend Argus he had dealt with Theron and had received information from him until about two weeks ago.

But he denied playing a role in compiling or leaking the Krejcir affidavit. "(Theron) did

submit a document to me two weeks ago," Plato said.

He had meetings with Theron in his office.

"I still have his affidavits. I've got recordings," Plato said.

He said when Theron approached him with information, he'd asked Theron to put it into writing and then forwarded this to the police or relevant authorities.

During previous meetings with Plato, Theron provided him with unsubstantiated information about, among other things, the local activities of the Chinese mafia and rhino poaching.

Weekend Argus was present at some of these meetings.

In 2012 Theron provided me with information about:

- Rhino owners who allegedly ordered the dehorning, and in certain cases killing, of their own rhinos. They then allegedly sold the horns. He provided the names of these owners but this was not substantiated.

- The 1977 unsolved murders of National Party politician Robert Smit and his wife Jean-Cora in their Springs home. Theron claimed he was present when the couple were murdered. He provided a drawing. In the recent Krejcir affidavit, Theron also included "a handwritten drawing" to corroborate his statement.

This week national police spokesman Brigadier Vish Naidoo declined to comment on Theron's credibility.

caryn.dolley@inl.co.za

[Handwritten signature]
J.V.

CARTH POOLEY

AN ALLEGED 28s gang leader whose name surfaced in the Jeremy Vearey smear campaign saga has warned he does not want to be "used" in a battle between police and politicians.

Speaking through his legal representative Pete Mitchell, Ralph Stanfield told Weekend Argus: "I will, with respect, not be drawn into, or used as a pawn in, an apparent turf war between certain senior police officials and/or certain politicians.

"If necessary I will deal with the issues in open court." Nine years ago it was alleged that Vearey - then head of the Mitchell's Plain police station and now a major-general and provincial police deputy commissioner for detectives - was involved in a plan to protect Stanfield, who is the nephew of dead Cape Town gang boss Colin Stanfield.

At the time, Vearey denied the allegations and said there was an intricate plot by gang leaders to discredit him.

Last week Vearey repeated this and told Weekend Argus since he played a role in having gang boss Rashied Staggie arrested and convicted for rape, he had been at the receiving end of death threats from gang kungpins and smear campaigns aimed at denting his reputation.

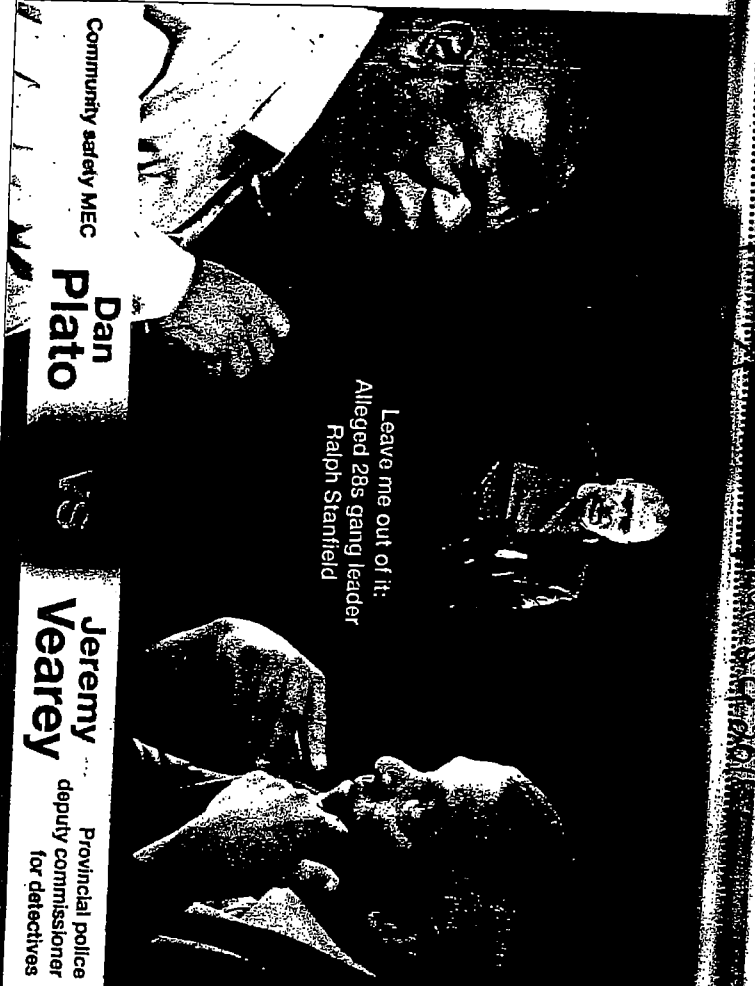
In a separate development, Staggie was rearrested this week on suspicion of possessing stolen whisky, firearms and cigars and is expected to appear in the Cape Town Magistrate's Court tomorrow with three other suspects.

Vearey has also warned gang leaders and politicians, notably Community Safety MEC Dan Plato, that the alleged campaign would not deter police from investigating and firing at them.

He said the campaign against him had intensified recently after detectives arrested people accused of selling arms to gangsters.

It is alleged that members of the Central Firearm Registry in Pretoria created gun licence applications on the police's computer system and then issued the licences to, among others, Stanfield.

Stanfield's name cropped up in an affidavit central to Vearey's claims of a smear



Leave me out of it: Alleged 28s gang leader Ralph Stanfield

Community safety MEC

Dan Plato

Jeremy Vearey

Provincial police deputy commissioner for detectives

'Gang boss' won't be a pawn

campaign, claims which Plato has denied.

That was in 2013, when Plato provided some journalists with a seemingly explosive affidavit by an informer, Pierre Mark Wynngaardt, in which Wynngaardt, a self-professed prophet, claimed he'd kept the and firearms on Stanfield's behalf and alleged Vearey worked with Stanfield.

On Good Friday this year, Stanfield, who was out on R100 000 bail for the firearms case, was arrested on suspicion of having assaulted a police officer at his mother's home in Beacon Valley.

In an affidavit relating to this arrest, Stanfield said police officers including a detective, Rideswan Thius, had arrived at his mother's home.

Members of the gang were armed to the teeth with

'I have no relationship with General Vearey'

Firearms, bulletproof jackets and a whole arsenal of weapons, surrounded my pensioner mother's residence. I don't live there."

Stanfield said he rushed there after his mother was assaulted and his sister handed over. He recognised Thius.

"Detective Thius is known to me because several years ago he made the vexatious allegation that I was being protected by General Vearey."

"He testified this in court in

a matter where I was not an accused," Stanfield's affidavit said.

"This was brought to the attention of General Vearey who himself came to court while Detective Thius was testifying."

A local tabloid at the time reported that Thius had been investigating the murder of Walter van Roodt, allegedly by four 28s gangsters and that Vearey had removed Thius from the case.

Thius had said this happened after Stanfield and his lawyer Noorudien Hassan visited Vearey but Vearey testified poor performance.

Now Stanfield has said he believes Thius was "attempting to settle an old score with me" and Thius had told him he could not rely on Vearey's protection.

"I have no relationship with General Vearey," he said. Stanfield's affidavit said he seemed to be caught up in police huffing.

"It is also apparent that I'm caught in the middle of a dispute between General Vearey and (Mayor-General Greg Goss who heads up the Mitchell's Plain cluster of police stations) who seem to be vying for certain positions in the police."

"I am not going to be a 'whipping boy' for either of them."

Goss recently made the news because he was unhappy with police work on his son's murder - Greg Goss Junior was shot in Estes River in June 2014, but the two suspected killers were released. Plato supported Goss on this matter.

J.V.

2. The employer elected to cancel the meeting.

Time periods:

3. As indicated in our previous letter, we do not condone the non-compliance with time periods prescribed in the employer's policies and directives.

Outcome of Representations:

4. The employer failed to adhere to the time periods mandated by the transfer policy. The non-compliance is unreasonable and unjustified.
5. All our clients rights remain expressly reserved.

Yours faithfully,

Marais Muller Hendricks Inc.

per:

S HENDRICKS

seh@mmha.co.za

fax 086 540 6135

Rick M

South African Police Service  Suid-Afrikaanse Polisie

Private/sak Private Bag	934 PRETORIA	Faks No. Fax No.	012 421 8403
Your reference/My verwysing:	25/7/2/1 (2016/63)	THE NATIONAL COMMISSIONER DIE NATIONALE KOMMISSARIS	
Enquiries/Navrae:	Lt Gen Phahlane	PRETORIA	
Tel:	012 393 2873	0061	

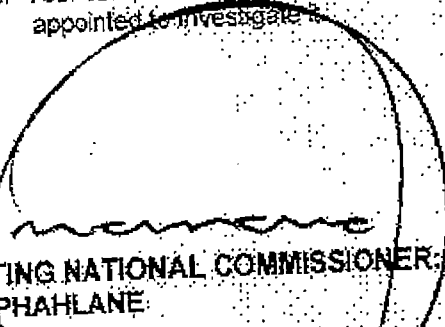
Deputy Provincial Commissioner
Crime Detection
WESTERN CAPE

For attention: Major General J A Vearey

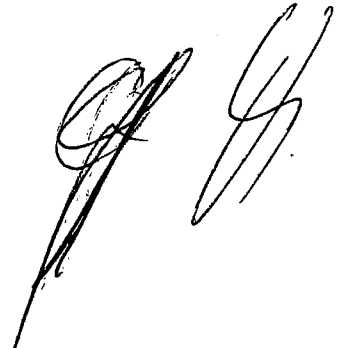
RECENT SPAT BETWEEN YOURSELF AND MEC FOR COMMUNITY SAFETY: WESTERN CAPE: MR D PLATO

This communique serves to confirm:

1. Receipt of your complaint against MEC Plato.
2. You serve the right with regard to approaching the public protector in your private capacity.
3. Your complaint has been considered and Lieutenant General Nkomo has been appointed to investigate.


ACTING NATIONAL COMMISSIONER: SOUTH AFRICAN POLICE SERVICE
JK PHAHLANE

Date: 26 APR 2016



SOUTH AFRICAN POLICE SERVICE



SUID-AFRIKAANSE POLISE DIENS

Privaatsak
Private Bag X 302 PRETORIA 0001

Faks Nr :
Fax No : 012 393 2193

Reference: 33/1/6/1 (3)

THE DIVISIONAL COMMISSIONER
DETECTIVE SERVICE
HEAD OFFICE
PRETORIA
0001

Enquiries: Maj Gen Ramatsoele

012 393 4347

11 July 2016

The Deputy Provincial Commissioner
Crime Detection
WESTERN CAPE

RECENT SPAT BETWEEN YOURSELF AND MEC PLATO FOR COMMUNITY
SAFETY: WESTERN CAPE: MR D PLATO
YOUR MINUTE MAJ GEN VEAREY DATED 5 JULY 2016 AND MINUTE LT GEN PHAHLANE
DATED 28 APRIL 2016

1. I refer to the above mentioned minutes and my discussion with Maj Gen Vearey today 6 July 2016.
2. The purpose of this minute is to inform you that the investigation has been finalised with the available evidence and the report was finally submitted to the office of the Acting National Commissioner on Monday 11 July 2016
3. You can expect further feedback from the office of the Acting National Commissioner.

Kind regards.

MAJOR GENERAL

P. RAMATSOELE

1/ DIVISIONAL COMMISSIONER: DETECTIVE SERVICE (ACD)

DATE: 2016-07-11

SUID-AFRIKAANSE POLISIEDIENS



SOUTH AFRICAN POLICE SERVICE

Private Bag X9004, CAPE TOWN, 8000

Verw. / Ref.	25/7/21(2016/63)
Navrae / Enq.	Major General Vearey
Tel. nr. / no.	021 417 7392
Fax nr. / no.	021 417 7490
E-Pos / Mail	WC:DPC Crime Detection Services PA wc.crimedetectpa@saps.gov.za

THE DEPUTY PROVINCIAL COMMISSIONER
CRIME DETECTION
WESTERN CAPE

The Acting National Commissioner
South African Police Services
PRETORIA

**RECENT SPAT BETWEEN YOURSELF AND MEC FOR COMMUNITY SAFETY:
WESTERN CAPE: MR D PLATO**

1. This correspondence serves to request progress on the investigation on my complaint against MEC Plato with reference to your letter dated 26 April 2016.
2. On 21 June 2016 Major General Ramatsoele, investigating officer appointed by Lieutenant General Nkomo in this matter, informed me that this investigation had been completed and that his report will be submitted to your office by 27 June 2016.
3. I request this report as a matter of urgency as it is essential to further steps on which I am currently consulting legal counsel with a view to laying charges against offending parties.
4. This office will appreciate if your response on this matter, including the investigation report and its recommendations, be provided to me on or before 2016.07.08.

MAJOR GENERAL
ACTING DEPUTY PROVINCIAL COMMISSIONER: CRIME DETECTION
JA VEAREY

Date:

SUID-AFRIKAANSE POLISIEDIENS DEPUTY PROVINCIAL COMMISSIONER
05 JUL 2016
CRIME DETECTION SERVICE WESTERN CAPE
SOUTH AFRICAN POLICE SERVICE

SUID-AFRIKAANSE POLISTEDIENS



SOUTH AFRICAN POLICE SERVICE

Private Bag X9004, CAPE TOWN 8000

Verw./Ref	25/7/2/1(2016/63)
Navrae/Enq.	Major General Vearey
Tel. nr. / no.	021 417 7150/1
Fax nr. / no.	021 417 7490
E-Pos / Mail	WC:DPC CRIME DETECTION PA Wcdpc.cd.sec@saps.gov.za


THE DEPUTY PROVINCIAL COMMISSIONER
CRIME DETECTION SERVICES

WESTERN CAPE

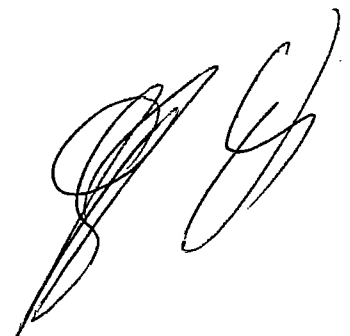
The Acting National Commissioner
South African Police Services
PRETORIA

**OUTSTANDING INVESTIGATION REPORT: RECENT SPAT BETWEEN YOURSELF
AND MEC FOR COMMUNITY SAFETY WESTERN CAPE: D PLATO**

1. This correspondence serves to request progress on the investigation on my complaint against MEC Plato with reference to your letter dated 26 April 2016.
2. See attached letter received on 2016.07.11 from Major General Ramatsoele's office in which he states that he submitted the final report to your office on Monday 11 July 2016.
3. I note with concern that your office did not acknowledge receipt or respond to my previous correspondence dated 2016.07.18 regarding the outstanding investigation report.
4. This office will appreciate if your response on this matter, including the investigation report and its recommendations, be provided to me on or before 2016.08.16.


MAJOR GENERAL
CLUSTER COMMANDER: CAPE TOWN CLUSTER
JA VEAREY

1.0 AUG 2016



PJ 5A

00000086

WC:DPC Crime Detection Services Secretary

From: WC:Provincial Commissioner PA
Sent: 07 June 2016 11:41
To: WC:DPC Crime Detection Services Secretary
Subject: FW: MEETING BETWEEN THE ACTING NATIONAL COMMISSIONER AND CAPE TOWN TOP MANAGEMENT : 10:00 AM ON MONDAY 13 JUNE 2016

Importance: High

Ref. no: 3/1/3/1

**Deputy Provincial Commissioner
Provincial Heads
Cluster Commanders
Western Cape**

As directed by the Provincial Commissioner the following functionaries must be in attendance:

All Deputy Provincial Commissioners
All Cluster Commanders
All Provincial Heads

Date : 2016-06-13
Time : 10 O'clock
Venue : 6th Floor, Board Room
25 Alfred Street
Green Point

All attendees must be seated by 09:30

Kindly acknowledge receipt and confirm attendance.

Sincerely,

Lieutenant Colonel V Maxwell

Office of the Provincial Commissioner: South African Police Service: Western Cape

Tel (021) 417-7388 : Fax (021) 417-7389

BACK TO BASICS

TOWARDS A SAFER TOMORROW

#CrimeMustFall



From: DNC: HRM : PA

Sent: 07 June 2016 10:12

To: WC:Provincial Commissioner PA; WC:Provincial Commissioner Staff Officer

Cc: Ntshiea Lineo - Lieutenant General; Rabie Leon - Major General; National Commissioner : Personal Assistant; National Commissioner : Staff Officer; Selepe Mashadi - Brigadier; Van Niekerk Sylvia; DNC: HRM : Staff Officer; WC:Provincial Commissioner; Noble L; Maake Queen - Colonel; Lethoko GH

Subject: FW: MEETING BETWEEN THE ACTING NATIONAL COMMISSIONER AND CAPE TOWN TOP MANAGEMENT : 10:00 AM ON MONDAY 13 JUNE 2016

Importance: High

Dear Colleague;

1. A meeting is hereby convened between the Acting National Commissioner and Cape Town Provincial Management, the details are as follows:

- ✓ Date : 2016-06-13
- ✓ Time : 10 O'clock
- ✓ Venue : Provincial Commissioner's office (Cape Town)

2. The following functionaries must attend a meeting:

- Provincial Commissioner: Cape Town;
- All Deputy Provincial Commissioners
- All Cluster Commanders: and
- All Provincial Heads:

3. The purpose of the meeting is to discuss placement of Cluster Commanders within the Province in line with the new cluster concept.

4. The dress code is uniform (Office Wear).

5. It is compulsory for all Senior Officers to attend the meeting.

Kind regards

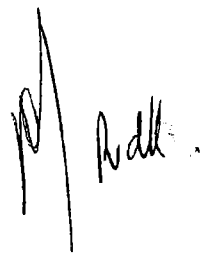
Bongi Sekgothe

PA: Deputy National Commissioner : HRM

South African Police Service

Tel: (012)393-4195

Cell : 082 5221804



South African Police Service



South African Police Service

Private Bag X 94

Fax No: 012 3931486

Your reference:

THE DEPUTY NATIONAL COMMISSIONER

My reference: 527129-1/4

HUMAN RESOURCE MANAGEMENT

Enquiries: Lieutenant General Ntshiea

PRETORIA

Tel: 012 3934230

0601

Major General JA Vearey
C/o The Provincial Commissioner
WESTERN CAPE

Dear Major General Vearey

CONFIRMATION OF PLACEMENT: YOURSELF

Kindly be informed that your placement as the Cluster Commander: Cape Town Central, in terms of the new Cluster concept of the Western Cape, is confirmed with immediate effect.

It is trusted that your placement will continue to contribute to the successful management of the South African Police Service.

My best wishes accompany you.

The Provincial Commissioner
WESTERN CAPE

- 1. Copy for your information.

[Handwritten signature]
**DEPUTY NATIONAL COMMISSIONER: HUMAN RESOURCE MANAGEMENT
BC MGWENYA**

LIEUTENANT GENERAL

**DEPUTY NATIONAL COMMISSIONER: HUMAN RESOURCE MANAGEMENT
BC MGWENYA**

Date: 13 JUN 2016

I hereby confirm that I was informed without any provided reasons therefore. I therefore regard this as irregular.
[Signature]
Major General
J.A. Vearey



JVIO

OF

Street
WYNBERG

26/3/4(201400004) over DPP
9/2/17(1)-4/15

Maj Gen Vearey
021 4678126

(021) 4676350

capetowncluster@saps.org.za

Commissioner
number
Email
Epos

THE CLUSTER COMMANDER
CAPE TOWN CLUSTER
CAPE TOWN

2016-09-13

nt
nt
nt

- A. The Deputy National Commissioner Policing
PRETORIA Att. Lt Gen Masimola
- B. The Deputy National Commissioner National Interventions
PRETORIA Att. Lt Gen Kruser
- C. The Divisional Commissioner Visible Policing
PRETORIA Att. Lt Gen Masiye
- D. The Divisional Commissioner Detectives
PRETORIA Att. Lt Gen Nkomo
- E. The Divisional Commissioner Crime Intelligence
PRETORIA Att. Lt Gen Makhele
- F. The Provincial Commissioner
WESTERN CAPE Att. Lt Gen Jula
- G. The Deputy Provincial Commissioner Detection
WESTERN CAPE Att. Maj Gen Mbotho
- H. The Cluster Commander
WYNBERG Att. Maj Gen Jacobs

PROJECT IMPI REPORT: THE SATE VERSUS A.R RAVES AND I. LAHER

A-H 1. BACKGROUND

1.1 In my previous report date 21 July 2016 with reference S26/3/4(201400004) I reported that ex-SAPS Colonel Prinsloo who was a target of this project had been sentenced to 46 years imprisonment reduced to 18 years on 13 charges related to the illegal supply of 2000 firearms intended for destruction to gangs in the Western Cape.

1.2 Two additional Project Impi accomplices of ex-SAPS Colonel Prinsloo, Alan Raves (registered arms dealer and ex-heritage inspector) and Irshaad Laher (businessman) are currently in court postponed for 11 November 2016 (High Court pre-trial conference) and 28 October 2016 respectively.

1.3 As per SAPS Ballistic Audit dated 5 June 2016, these firearms have been IBIS linked to crimes in gang flashpoint areas of the Western Cape between the periods 2010 to 2016 in the following categories:

- 1066 murders
- 1403 attempted murders
- 315 other crimes

1.4 A victim profile analyses of these cases revealed that a disturbingly high number of murder and attempted murder victims ranged from the ages 18 and younger including infants in the 1 to 7 range (Annexure A).

2. LAUNCH OF PROJECT IMPI: 2013

2.1 Project IMPI was initiated in December 2013 by Major Generals Jacobs and Vearey after the SAPS Ballistic Unit in the Western Cape detected a unique signature in the way some firearms used in gang violence were altered.

2.2 Given the potential scale of corruption involved reportage was restricted as per the MISS requirements.

2.2.1 The National Minister of Police, Min. Nathi Nhleko was briefed shortly before the arrest of former Col Prinsloo.

2.2.2 On 11 January 2015, Major General JA Vearey, Major General PA Jacobs and Captain Ontong briefed the Minister of Police, Mr. NPT Nhleko on Project IMPI on instruction of NASCOM at his Plein Street office.

2.2.3 On 14 August 201⁵, Major General JA Vearey and Major General PA Jacobs attended a briefing to the Port Folio Committee on Police with NASCOM on Operation Combat that included matters related to Operation IMPI.

2.2.4 In 2015 Operation IMPI detected in that SANDF firearms earmarked for destruction and Heritage firearms were also illegally sold by SAPS members.

This led to consultations between Major General JA Vearey, Major General PA Jacobs and Generals from the SANDF. This resulted in the allocation of Military Intelligence support to Operation IMPI.

2.2.5 Major General JA Vearey and Major General PA Jacobs also briefed Acting National Commissioner, Lieutenant General Pahlane on Operation IMPI soon after his appointment in 2015.

2.3 The Project IMPI Team consists of Intelligence, Ballistics (Forensic Science Laboratories), Investigators and Visible Policing, more specifically Designated Firearms Officers (DFO's).

- The lead investigator was Lieutenant Colonel C Ontong with a team of Provincial and Station detectives under his command.
- A team of designated DFO's who inspected suspect arms dealers with the view to uncovering procedural and other irregularities, to augment evidence gathered by detectives.
- The project commander, Major General J Vearey is also the inspecting officer in all related case dockets as per Standing Order 324(G), with Major General P Jacobs original portfolios they are still the designated project management team as officiated in 2013 by the then National Commissioner of the SAPS. The current Acting National Commissioner was briefed on the project in 2015.
- The National Prosecuting Authority (NPA) designated team appointed is led by Adv. Riley Deputy Director of Public Prosecutions, supported by Adv. De Jong.

3. STATUS OF INVESTIGATIONS

3.1 In a letter to the Provincial Commissioner of the SAPS Western Cape dated 19 August 2016 with reference number 9/2/17(1)-14/15 (attached as per annexure B), the Director of Public Prosecutions (DPP) indicates at paragraph 4 that the outstanding accused Alan Raves and Irshaad Laher will be tried in the high court in 2017.

3.2 Although investigation requirements related to the two (2) accused as per paragraph 3.1 supra have been completed, the letter also instructs further investigation in the following areas uncovered by Project IMPI:

- Retrieval of the outstanding balance of firearms still in circulation;
- The illegal import and export of firearms for illicit means and violations of South Africa's arms embargoes and international protocols of which South Africa is a signatory;
- The illegal market for illicit or unauthorised manufacture of by way of use of firearm components that have been stolen;
- The theft of firearms from military bases identified;
- The unlawful reactivation of dismantled firearms;
- Irregularities at licensed arms dealerships identified by the DFOs assigned to Project IMPI;
- The stockpiling of firearms by alleged right-wing groups linked to Alan Raves;
- Corruption at the Central Firearm Registry

3.3 DESTRUCTION OF FIREARMS

3.3.1 The investigation team, under supervision of Major General Veary seized and took control of approximately 5000 firearms from the Gauteng Firearm stores. The investigation revealed that these firearms were to be illegally "destroyed" and then sold to the Cape Town gangs.

3.3.2 On 10 August 2016 Brigadier Motaung from Division Supply Chain requested a meeting with Major Generals Jacobs and Vearey to discuss the possible destruction

PROJECT IMPI REPORT: THE STATE VERSUS A.R RAVES AND I. LAHER

3

of firearms which had been confiscated by Project IMPI at Safe 10 in Silverton and safes 1 and 2 in Germiston. The safes and structures that housed them at these sites had been sealed off as crime scenes in 2014 and its keys kept under control of Project IMPI under instruction that it could only be accessed with the authorisation of Major General Vearey. This authorisation was also subject to consultation with Advocate Riley from the DPP office who is the designated prosecutor for Project Impi. This consultation between Major Generals Jacobs and Vearey, Lieutenant Colonel Ontong and Advocate Riley was consequently done.

- On 18 August 2016, Major General Vearey met Major General Pillay and Brig Motaung from Division Supply Chain in Pretoria. All role players were not present and another meeting was arranged.
- On 23 August 2016 Major General Vearey chaired a meeting with all required role players including Major General J Botma and officers from Gauteng Flash where the firearm destruction matter was discussed. Major Generals Vearey and P. Jacobs then met with Major Generals Manzi and Botma from Division Supply Chain to arrange the inspection of the safes in question.

3.3.3 From 24 to 26 August 2016 first level inspections were done of all firearms in Silverton safe 10. It is intended that Silverton safe 10 and its firearms be handed over to Division Supply Chain between 12 to 16 September. First level inspections will also be conducted at Germiston safes 1 and 2 during this period.

4. CIVIL LITIGATION

- 4.1 As mentioned in paragraph 1.2 supra, [↑] number of people, albeit it in gang related incidents, ~~was~~ ^{were} killed and or seriously wounded with the very same firearms emanating from SAPS SAP 13 stores.
- 4.2 At this meeting dated 23 August 2016, referred to in paragraph 3.3.2 supra, Major General P.C Jacobs from SAPS Legal Services was present to discuss both related legal matters and preparation for possible civil litigation in future. The meeting proposed that he visit the Western Cape for further deliberations in this regard.
- 4.3 It is furthermore projected that the amount of victims and cases are to increase exponentially, as 1012 of the 2000 firearms are still outstanding and as further ballistic analyses reveal more linkages.
- 4.4 On 7 September 2016, Major General P.C Jacobs from SAPS Legal Services interviewed sentenced ex-Colonel Prinsloo who had previously indicated to Major General Vearey how he had exploited loopholes and gaps within the Firearms Act, the Central Firearm Registrar (CFR) system, and related regulations for criminal ends.
- 4.5 On 8 September 2016, Major General P.C Jacobs presented a draft report to Major Generals Vearey and P Jacobs and Lieutenant Colonel Ontong on his deliberations with sentenced ex-Colonel Prinsloo.

The meeting agreed that Major General P.C Jacobs compile a final report with recommendations co-signed by Major Generals Vearey and P Jacobs for submission to our respective principals.

- 4.5.1 The 8 September 2016 meeting also discussed the pending civil litigation issue. In this regard we informed Major General P.C Jacobs about discussions among legal counsel for the accused to obtain the list of cases linked to Project Impi firearms with a view to future civil litigation against the SAPS. The meeting provided Major General P.C Jacobs with a partial list of 208 cases in which victims aged 18 and under were shot with IMPI firearms that only includes the Atlantis, Belhar, Bishop Lavis, Delft, Elsie's River, Kensington, Kleinvlei, Manenberg, Mfuleni, and Mitchells Plain precinct areas. This list will be updated with information on other precinct areas on request in the future.

5. CHALLENGES

- 5.1 The SAPS thus has an urgent legal and ethical obligation to solve all linked crimes, as well as retrieve all these outstanding firearms before they are used in more crimes.
- 5.2 As evident in the previously referred to letter from the Director of Public Prosecutions (DPP) in the Western Cape to the Provincial Commissioner of the SAPS Western Cape dated 19 August 2016 with reference number 9/2/17(1)-14/15, the DPP expresses concern about future delivery by the SAPS on Project IMPI. In this regard he stresses the following in the final paragraph of his correspondence:
- "Due to the nature of and complexity of this criminal matter, it is imperative that Lt Col Ontong remains as the lead investigator of this project with his dedicated team consisting of investigators and DFO."*
- 5.3 Lieutenant Colonel Ontong has reported to the Project Manager of Project IMPI (Major General Vearey) that his provincial investigation team has been reduced to 4 detectives. The four members remained at Specific Crimes Investigation, whilst he has been promoted.

The detectives are thus no longer serving under his direct command. This decision to reduce the team to only 4 investigators to finalise investigations on IMPI firearms linked to 1066 murders, 1403 attempted murders and 314 other cases for the period 2010 to 2014 alone, as well as deal with new cases that might be linked, is irrational.

The same applies to the disrupted chain of command and its inspection responsibilities in terms of Standing Order 324 and 325(g).

- 5.4 Lieutenant Colonel Ontong also reported that Colonel Sutherland had instructed him to only take the current case with accused Raves and Laher through court till

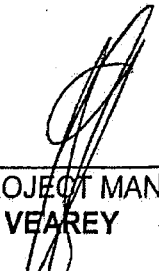
finalisation. This does not take into account the other instructions referred to in the DPP's letter at all. Of particular concern in this regard is the role of the DFO's in the team who are specifically central to the execution of tasks 6.2, 6.4, 6.5, 6.7, and 6.8 as outlined in the DPP's correspondence.

- 5.5 Given that the number of the Project IMPI investigation officers have been reduced considerably without proper regard for the increased scope of workload, compounded by the implication of losing the designated DFO capacity, this, in addition to the problem of dispersed project management and command and control responsibilities, hampers the ability of the Project IMPI team to deliver on its mandate as envisaged by the DPP. Let alone disable the dedicated capacity to retrieve outstanding IMPI firearms still used in the commission of gang related crimes and solve all outstanding related cases.

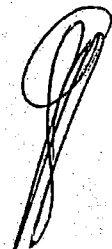

6. RECOMMENDATION

The civil and criminal liability implications for the SAPS in respect of what was uncovered by Project IMPI are self-evident. Given that some information on the extent of SAPS complicity is already in the public court domain in the Prinsloo, Raves and Laher cases, the need for a discerned strategic response is requisite.

In this regard it is noted that the last Project IMPI briefing by Major General J Vearey and Major General P Jacobs to the Acting National Commissioner Lieutenant General Pahlane was in 2015 before this issue reached the public profile level it has since achieved in the Western Cape. It is recommended that an updated briefing be given to clarify direction for the next phase of Project IMPI and related strategic implications.


 MAJOR GENERAL
 PROJECT MANAGER: PROJECT IMPI
 JA VEAREY

2016-09-13

18.	BISHOP LAVIS	300/06/2012	MURDER	GREGORY ABRAHAMS	17	MALE
19.	BISHOP LAVIS	106/05/2013	ATT. MURDER	TYRONE MATANDA	17	MALE
20.	BISHOP LAVIS	624/05/2013	ATT. MURDER	NICODEMUS MATHEWS	16	MALE
21.	BISHOP LAVIS	1057/10/2013	MURDER	MARCELINO BENNET	16	MALE
22.	BISHOP LAVIS	01/12/2013	MURDER	SANTINO VELDSMAN	18	MALE
23.	BISHOP LAVIS	688/02/2014	ATT. MURDER	MORNE MOSES	16	MALE
24.	BISHOP LAVIS	346/06/2014	ATT. MURDER	RAFIEK JOUBERT	17	MALE
25.	BISHOP LAVIS	217/07/2014	ATT. MURDER	DALE PAULSE	18	MALE
26.	BISHOP LAVIS	411/10/2014	ATT. MURDER	ZAHNDRE MORKEL	16	MALE
27.	BISHOP LAVIS	411/10/2014	ATT. MURDER	NURAAAN BROWN	15	MALE
28.	BISHOP LAVIS	409/04/2014	ATT. MURDER	TOURIQUE MOSES	18	MALE
29.	BISHOP LAVIS	387/05/2014	ATT. MURDER	RYAN LOUW	18	MALE
30.	BISHOP LAVIS	688/02/2014	ATT. MURDER	MORNE MOSES	16	MALE
31.	BISHOP LAVIS	531/03/2014	ATT. MURDER	MELVIN BAARTMAN	18	MALE
32.	BISHOP LAVIS	206/09/2014	ATT. MURDER	TAURIQUE ROBERTS	18	MALE
33.	BISHOP LAVIS	811/02/2014	MURDER	AUBREY MEYER	17	MALE
34.	BISHOP LAVIS	833/05/2014	MURDER	SHANE CHARLES	17	MALE
35.	BISHOP LAVIS	833/05/2014	MURDER	IMERAAN PRETORIUS	13	MALE
36.	BISHOP LAVIS	79/07/2014	MURDER	ANDY NKOPODI	18	MALE
37.	BISHOP LAVIS	570/07/2014	MURDER	SAAEZ FORTUIN	17	MALE

38.	BISHOP LAVIS	289/09/2014	MURDER	KASHIEM CERES	3	FEMALE
39.	BISHOP LAVIS	289/09/2014	MURDER	FATIMA SAMUELS	1	FEMALE
40.	BISHOP LAVIS	289/09/2014	MURDER	CHARLES SHANE	17	MALE
41.	BISHOP LAVIS	159/09/2014	MURDER	EDGAR SABLES	15	MALE
42.	BISHOP LAVIS	695/11/2014	MURDER	JOLENE KLEINSMITH	17	FEMALE
43.	BISHOP LAVIS	903/09/2014	MURDER	SHADWYN KHANGE	15	MALE
44.	BISHOP LAVIS	256/07/2014	ATT. MURDER	ASHLEY MANUELS	18	MALE
45.	BISHOP LAVIS	507/10/2014	MURDER	CAROL WILLIAMS	15	FEMALE
46.	BISHOP LAVIS	567/04/2015	ATT. MURDER	WADE ROVERS	17	MALE
47.	BISHOP LAVIS	931/08/2015	ATT. MURDER	YUEN SALIE	17	MALE
48.	BISHOP LAVIS	93/09/2015	MURDER	TAYMAN ARENDSE	18	MALE
49.	DELFT	370/02/20110	ATT. MURDER	LESHAY ARNOLD	3	FEMALE
50.	DELFT	923/11/2012	ATT. MURDER	DIEGO PLAATJIES	2	MALE
51.	DELFT	1830/11/2012	MURDER	RENE GIDEON	14	FEMALE
52.	DELFT	1264/11/2012	MURDER	MOHAMMED KARIEM	17	MALE
53.	DELFT	493/11/2012	MURDER	CHADLEE HARTOGH	17	MALE
54.	DELFT	1503/12/2012	ATT. MURDER	SASHA LEE OTTO	16	FEMALE
55.	DELFT	1155/08/2013	MURDER	ASHWIN MESSIAS	8	MALE
56.	DELFT	1158/01/2014	ATT. MURDER	CHRISTOPHER VAN WYK	18	MALE
57.	DELFT	286/12/2013	ATT. MURDER	RANDAL LOUW	16	MALE

58.	DELFT	1544/07/2014	ATT. MURDER	RAYMOND ADAMS	17	MALE
59.	DELFT	1544/07/2014	ATT. MURDER	HERSHIAN NDONGENI	14	MALE
60.	DELFT	965/12/2013	ATT. MURDER	HERMANUS DRAMAT	18	MALE
61.	DELFT	557/06/2014	ATT. MURDER	CLEMENT SOLOMONS	18	MALE
62.	DELFT	849/07/2014	ATT. MURDER	ALLISTER ARENDSE	14	MALE
63.	DELFT	286/12/2013	ATT. MURDER	RANDALL LOUW	16	MALE
64.	DELFT	02/01/2014	MURDER	RICHARD VAN DER POOL	18	MALE
65.	DELFT	827/12/2013	MURDER	BRANDON LEE	17	MALE
66.	DELFT	827/12/2013	MURDER	SIXOLILE MNTUYEDWA	17	MALE
67.	DELFT	201/10/2014	MURDER	DWAYNE FORTUIN	16	MALE
68.	DELFT	1193/06/2014	MURDER	AZIZA SIMBA	16	FEMALE
69.	DELFT	795/03/2014	MURDER	EDWIN ABRAHAMS	16	MALE
70.	DELFT	719/06/2015	ATT. MURDER	ASHEEDA LAWRENCE	7	FEMALE
71.	DELFT	1192/01/2015	MURDER	KURT CLAASEN	18	MALE
72.	DELFT	364/02/2015	MURDER	WARREN COETZEE	16	MALE
73.	DELFT	459/05/2015	MURDER	AMAHLE THANDABANTU	18	FEMALE
74.	ELSIESRIVER	259/06/2014	ATT. MURDER	GLADWILL LAMBART	17	MALE
75.	ELSIESRIVER	478/06/2014	ATT. MURDER	ADRIAN CAROLUS	18	MALE
76.	ELSIESRIVER	588/05/2014	ATT. MURDER	CRUSANDA HARTNICK	17	FEMALE
77.	ELSIESRIVER	681/03/2014	ATT. MURDER	DOMINIC ADAMS	12	FEMALE

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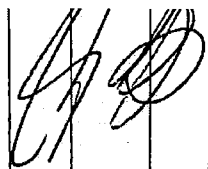
1978.	ELSIESRIVER	187/04/2014	ATT. MURDER	UNKNOWN	1	FEMALE
1979.	ELSIESRIVER	348/02/2014	ATT. MURDER	CARCHITO THOMPSON	13	MALE
1980.	ELSIESRIVER	201/02/2014	ATT. MURDER	CHARLTON WITBOOI	18	MALE
1981.	ELSIESRIVER	383/02/2014	ATT. MURDER	RICHARD JOSEPH	13	MALE
82.	ELSIESRIVER	97/09/2014	ATT. MURDER	RICKNOLL DU PLOY	17	MALE
83.	ELSIESRIVER	164/07/2014	MURDER	YASEEN ARENDSE	16	MALE
84.	ELSIESRIVER	275/02/2014	MURDER	CHARLES DAMON	17	MALE
85.	ELSIESRIVER	275/02/2014	MURDER	BIANCA JACOBS	16	FEMALE
86.	ELSIESRIVER	70/06/2014	ATT. MURDER	MARLIN JONGKER	17	MALE
87.	ELSIESRIVER	181/08/2014	MURDER	GAVEN WITBOOI	15	MALE
88.	ELSIESRIVER	485/02/2015	ATT. MURDER	MITCHELL JACOBS	15	MALE
89.	ELSIESRIVER	44/03/2015	ATT. MURDER	WAYNE SEPTEMBER	18	MALE
90.	ELSIESRIVER	321/07/2015	ATT. MURDER	LUCIANO CLASSEN	18	MALE
91.	ELSIESRIVER	95/11/2015	ATT. MURDER	PETER ANDREWS	11	MALE
92.	ELSIESRIVER	95/11/2015	ATT. MURDER	NIKITA HENDRICKS	10	FEMALE
93.	ELSIESRIVER	95/11/2015	ATT. MURDER	ASHWIN LUKAS	9	MALE
94.	ELSIESRIVER	316/01/2015	ATT. MURDER	SAFIA PETERSEN	9	FEMALE
95.	ELSIESRIVER	373/01/2015	ATT. MURDER	SHAUN CLIFFORD	18	MALE
96.	ELSIESRIVER	373/01/2015	ATT. MURDER	CHANTEY DREYER	17	FEMALE
97.	ELSIESRIVER	373/01/2015	ATT. MURDER	KENNETH VAMBO	17	MALE

98.	ELSIESRIVER	373/01/2015	ATT. MURDER	JOHANNES HAAS	18	MALE
99.	ELSIESRIVER	216/03/2015	MURDER	EUGENE ALEXANDER	15	MALE
100.	ELSIESRIVER	401/03/2015	MURDER	BRENTINO FARO	17	MALE
101.	ELSIESRIVER	69/10/2011	ATT. MURDER	KAYLIN LAMBATJEEN	17	FEMALE
102.	ELSIESRIVER	27/10/2011	MURDER	DILLAN HENDRICKS	17	MALE
103.	ELSIESRIVER	610/05/2012	ATT. MURDER	QUINTON JANSEN	15	MALE
104.	ELSIESRIVER	440/10/2012	ATT. MURDER	GREASHAN CLAASEN	16	MALE
105.	ELSIESRIVER	440/10/2012	ATT. MURDER	REAGON NOKEWES	17	MALE
106.	ELSIESRIVER	440/10/2012	ATT. MURDER	THEO LOSPER	18	MALE
107.	ELSIESRIVER	257/03/2012	MURDER	CHARLTON ADAMS	18	MALE
108.	ELSIESRIVER	561/03/2013	ATT. MURDER	D. LUITERS	17	MALE
109.	ELSIESRIVER	561/03/2013	ATT. MURDER	MARIUS GIAH	18	MALE
110.	ELSIESRIVER	561/03/2013	ATT. MURDER	LAZANNE DIRKS	18	FEMALE
111.	ELSIESRIVER	591/01/2013	ATT. MURDER	HERCHELLE RAFFIE	17	MALE
112.	ELSIESRIVER	590/01/2013	ATT. MURDER	ROMARIO LOUW	18	MALE
113.	ELSIESRIVER	117/11/2013	MURDER	EBRAHIM KHAN	17	MALE
114.	ELSIESRIVER	467/09/2011	ATT. MURDER	ASHLEY VAN HEERDEN	17	MALE
115.	ELSIESRIVER	259/06/2014	ATT. MURDER	GLADWILL LAMPART	17	MALE
116.	ELSIESRIVER	404/10/2014	ATT. MURDER	ZUBAYR DAVIDS	15	MALE
117.	ELSIESRIVER	44/11/2014	ATT. MURDER	RICARDO AMOS	18	MALE

118.	ELSIESRIVER	46/11/2014	ATT. MURDER	CALVIN DAVIDS	16	MALE
119.	GRASSY PARK	592/07/2012	ATT. MURDER	UNKNOWN	1	FEMALE
120.	GRASSY PARK	74/01/2013	ATT. MURDER	SHAUN PETERSEN	15	MALE
121.	GRASSY PARK	158/12/2014	ATT. MURDER	JONATHAN	5	MALE
122.	KENSINGTON	38/04/2013	ATT. MURDER	R VAN WYK	12	MALE
123.	KENSINGTON	104/10/2014	ATT. MURDER	C VAN DER RHEDE	15	MALE
124.	KENSINGTON	28/10/2014	ATT. MURDER	A JAPHTA	14	FEMALE
125.	KLEINVLEI	628/08/2010	ATT. MURDER	AGDURAGMAN ABRAHAMS	18	MALE
126.	KLEINVLEI	1091/11/2012	ATT. MURDER	BRANDON FINCK	17	MALE
127.	KLEINVLEI	790/08/2013	ATT. MURDER	ANTONIO MATROOS	15	MALE
128.	KLEINVLEI	615/12/2012	ATT. MURDER	UNKNOWN	1	MALE
129.	KLEINVLEI	521/02/2013	ATT. MURDER	GARRETH LOTTERING	16	MALE
130.	KLEINVLEI	283/06/2014	ATT. MURDER	KEENAN GEORGE	1	MALE
131.	KLEINVLEI	307/10/2014	ATT. MURDER	JORDAN MAKIELIE	15	MALE
132.	KLEINVLEI	83/09/2014	ATT. MURDER	DINO WATERBOER	3	MALE
133.	KRAAIFONTEIN	659/08/2012	ATT. MURDER	CHERI SOLOMON	17	FEMALE
134.	KRAAIFONTEIN	96/12/2012	ATT. MURDER	DYLLON LATE	17	MALE
135.	KRAAIFONTEIN	474/12/2012	ATT. MURDER	HENRICH BETTIE	18	MALE
136.	KRAAIFONTEIN	210/05/2013	MURDER	HENRICO HOORN	15	MALE
137.	KRAAIFONTEIN	1194/07/2014	ATT. MURDER	UNKNOWN	17	MALE

138.	KRAAIFONTEIN	1600/12/2014	ATT. MURDER	READON JACOBS	15	MALE
139.	KRAAIFONTEIN	1699/09/2015	MURDER	RENALDO RUITERS	17	MALE
140.	KUILSRIVER	205/09/2015	ATT. MURDER	DONOVAN PLANK	17	MALE
141.	LENTEGEUR	30/12/2013	MURDER	HOPE VAN DER MERWE	6	FEMALE
142.	LENTEGEUR	589/06/2014	ATT. MURDER	NIZAAM DANIELS	18	MALE
143.	LENTEGEUR	123/11/2014	ATT. MURDER	NEIL VAILLU	18	MALE
144.	LENTEGEUR	542/12/2013	MURDER	TOHEAR WILLIAMS	18	MALE
145.	LENTEGEUR	49/03/2014	MURDER	ALEX TANTER	18	MALE
146.	LENTEGEUR	398/03/2015	ATT. MURDER	DYLAN PETERSEN	18	MALE
147.	LENTEGEUR	650/02/2015	MURDER	DYLAN MCKENNA	18	MALE
148.	MANENBERG	612/10/2012	ATT. MURDER	KALIM BARTLETT	15	MALE
149.	MANENBERG	99/07/2013	ATT. MURDER	MACTAVIA WIENER	12	FEMALE
150.	MANENBERG	245/08/2013	MURDER	DILLIAN CORNELIUS	16	MALE
151.	MANENBERG	242/08/2014	ATT. MURDER	LORENZO LINKS	17	MALE
152.	MANENBERG	12/08/2014	ATT. MURDER	SAYDEN BAILEY	16	MALE
153.	MANENBERG	290/10/2014	ATT. MURDER	ISMAIL PETONEA	14	MALE
154.	MANENBERG	819/11/2014	ATT. MURDER	SHEDWIN BAILEY	14	MALE
155.	MANENBERG	484/09/2014	MURDER	MOEGAMAT KENNY	17	MALE
156.	MANENBERG	609/10/2014	MURDER	RYAN PETERSEN	16	MALE
157.	MANENBERG	291/05/2015	ATT. MURDER	ADEENAN REENSBURG	16	MALE

158.	MANENBERG	1114/11/2012	ATT. MURDER	OSCAR CASE	15	MALE
159.	MFULENI	186/01/2015	ATT. MURDER	ARRIES MORENZO	18	MALE
160.	MFULENI	629/01/2011	ATT. MURDER	CHARLES HUYSAMER	17	MALE
161.	MFULENI	775/04/2012	ATT. MURDER	ENSLIN SWART	15	FEMALE
162.	MFULENI	802/06/2012	MURDER	LURIALDO LOUW	18	MALE
163.	MFULENI	149/12/2012	MURDER	NATASHA ADAMS	16	FEMALE
164.	MFULENI	643/02/2013	ATT. MURDER	NADEAN MENTOOR	18	FEMALE
165.	MFULENI	49/05/2013	ATT. MURDER	UNKNOWN	1	FEMALE
166.	MFULENI	964/06/2013	ATT. MURDER	PORSHA KLAASTE	9	FEMALE
167.	MFULENI	873/07/2013	MURDER	JASON J. KOERIES	18	MALE
168.	MFULENI	725/07/2013	ATT. MURDER	OMAR M. MOHAMED	16	MALE
169.	MFULENI	719/02/2013	ATT. MURDER	EDWARD MARTIN	17	MALE
170.	MFULENI	158/07/2013	MURDER	MELVINO DE KOKER	18	MALE
171.	MFULENI	497/07/2013	MURDER	CHARLES HUISERMAN	18	MALE
172.	MFULENI	796/11/2013	ATT. MURDER	ISMAIL VOORGAARD	18	FEMALE
173.	MFULENI	394/07/2013	ATT. MURDER	BROOKLYN KOOPMAN	5	MALE
174.	MFULENI	397/07/2014	ATT. MURDER	LONWABO GOGELA	18	MALE
175.	MFULENI	397/07/2014	ATT. MURDER	NOMHLE GOGELA	13	FEMALE
176.	MFULENI	656/09/2014	ATT. MURDER	MARCE ISSACS	7	MALE
177.	MFULENI	751/09/2014	ATT. MURDER	DARREN ABRAHAMS	18	MALE

178.	MFULENI	751/09/2014	ATT. MURDER	ISAACS BANOTINISA	18	MALE	
179.	MFULENI	103/10/2014	ATT. MURDER	SOMELELA DIYONTA	18	MALE	
180.	MFULENI	672/10/2014	ATT. MURDER	JONHDRE PIENAAR	18	MALE	
181.	MFULENI	450/10/2014	ATT. MURDER	CHESLYN STANLEY	16	MALE	
182.	MFULENI	351/06/2014	ATT. MURDER	FICKS JACK	5	MALE	
183.	MFULENI	398/09/2014	ATT. MURDER	JAMPIER SOLOMONS	18	MALE	
184.	MFULENI	241/11/2013	MURDER	MERELIN MALGAS	17	FEMALE	
185.	MFULENI	790/09/2014	MURDER	GATRO NTSOKOTO	16	MALE	
186.	MFULENI	703/09/2014	MURDER	REAGAN LOTTERING	18	MALE	
187.	MFULENI	678/01/2015	MURDER	DYLAN FRANCIS	18	MALE	
188.	MFULENI	49/06/2015	MURDER	MARK P. HENDRICKS	16	MALE	
189.	MFULENI	772/11/2014	MURDER	LIHLE MGWAYI	6	MALE	
190.	MILNERTON	325/01/2014	MURDER	COURTNEY DANIELS	14	FEMALE	
191.	MILNERTON	325/01/2014	MURDER	NATHAN MAY	16	MALE	
192.	MITCHELL'S PLAIN	382/06/2011	MURDER	NAZEED SADAN	18	MALE	
193.	MITCHELL'S PLAIN	585/06/2012	ATT. MURDER	BRIAN BOER	17	MALE	
194.	MITCHELL'S PLAIN	1123/11/2012	ATT. MURDER	DAMION REYNOTSE	18	MALE	
195.	MITCHELL'S PLAIN	642/12/2012	ATT. MURDER	TOHIR LOUBSER	17	MALE	
196.	MITCHELL'S PLAIN	2056/05/2012	ATT. MURDER	NISHAAT WESSELS	16	MALE	
197.	MITCHELL'S PLAIN	731/09/2012	ATT. MURDER	VALENTINO VISSER	18	MALE	

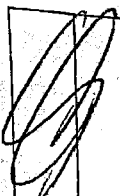

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198.	MITCHELL'S PLAIN	731/09/2012	ATT. MURDER	CHARNE VAN WYK	18	FEMALE
199.	MITCHELL'S PLAIN	1463/08/2012	ATT. MURDER	OWEN PAULSE	17	MALE
200.	MITCHELL'S PLAIN	1717/10/2012	ATT. MURDER	PETER MANUEL	15	MALE
201.	MITCHELL'S PLAIN	668/12/2012	MURDER	EZRA ISAACS	18	MALE
202.	MITCHELL'S PLAIN	660/07/2013	ATT. MURDER	UNKNOWN	7	MALE
203.	MITCHELL'S PLAIN	844/11/2013	ATT. MURDER	DAMAIN SWART	17	MALE
204.	MITCHELL'S PLAIN	936/06/2013	ATT. MURDER	ABDUL GALANT	18	MALE
205.	MITCHELL'S PLAIN	125/12/2013	MURDER	DUDLEY RICHARDS	17	MALE
206.	MITCHELL'S PLAIN	2083/05/2013	MURDER	JADEY MAGERMAN	16	MALE
207.	MITCHELL'S PLAIN	964/12/2013	ATT. MURDER	JEAN-PIERRE LA STRADE	16	MALE
208.	MITCHELL'S PLAIN	1646/01/2014	ATT. MURDER	SAFIEK ANDREWS	17	MALE
209.	MITCHELL'S PLAIN	95/10/2014	ATT. MURDER	MOEGAMAT GRYSMAN	8	MALE
210.	MITCHELL'S PLAIN	95/10/2014	ATT. MURDER	SHAKIER VALENTYN	7	MALE
211.	MITCHELL'S PLAIN	202/10/2014	ATT. MURDER	YAZEET BROWN	17	MALE
212.	MITCHELL'S PLAIN	202/10/2014	ATT. MURDER	MOGAMAT JULIES	2	MALE
213.	MITCHELL'S PLAIN	202/10/2014	ATT. MURDER	MOGAMAT M. JULIES	3	MALE
214.	MITCHELL'S PLAIN	330/12/2013	ATT. MURDER	IKRAAM ALLIE	14	MALE
215.	MITCHELL'S PLAIN	330/12/2013	ATT. MURDER	LETHANIO ABRAHAMS	18	MALE
216.	MITCHELL'S PLAIN	177/03/2014	MURDER	GARTH MEYER	18	MALE
217.	MITCHELL'S PLAIN	492/03/2014	MURDER	JUCINTA MATROS	12	FEMALE

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218.	MITCHELL'S PLAIN	492/03/2014	MURDER	KYLINE MARCUS	15	FEMALE
219.	MITCHELL'S PLAIN	492/03/2014	MURDER	NAZIEM CUPIDO	16	MALE
220.	MITCHELL'S PLAIN	492/03/2014	MURDER	EBRAHIM TILLINGS	18	MALE
221.	MITCHELL'S PLAIN	709/04/2014	MURDER	JASON HARKERS	18	MALE
222.	MITCHELL'S PLAIN	798/07/2014	MURDER	JAYLEN SCHROEDER	10	MALE
223.	MITCHELL'S PLAIN	477/10/2014	MURDER	ZAHIER GAMIT	15	MALE
224.	MITCHELL'S PLAIN	477/10/2014	MURDER	IMARAN DICKSON	16	MALE
225.	MITCHELL'S PLAIN	562/01/2014	MURDER	ASHLEY LUITERS	16	MALE
226.	MITCHELL'S PLAIN	562/01/2014	MURDER	ALDINO HUGO	17	MALE
227.	MITCHELL'S PLAIN	1342/06/2014	MURDER	ERNEST HARTNICK	16	MALE
228.	MITCHELL'S PLAIN	245/08/2015	ATT. MURDER	RASHIED THORN	16	MALE
229.	MITCHELL'S PLAIN	1087/02/2015	ATT. MURDER	MISHEL ISAACS	18	MALE
230.	MITCHELL'S PLAIN	1403/07/2015	ATT. MURDER	SHAHIED JACOBS	16	MALE
231.	MITCHELL'S PLAIN	1646/01/2015	MURDER	LUCAS DIRKS	18	MALE
232.	MUIZENBERG	320/10/2014	ATT. MURDER	LENSLEY GABRIEL	13	MALE
233.	PAARL EAST	316/08/2013	MURDER	SHELDON BEZUIDENHOUT	17	MALE
234.	PAROW	512/05/2014	MURDER	IEGSHAAN VAN STADEN	1	MALE
235.	PHILLIPI	462/07/2012	ATT. MURDER	IMEROEN BRINK	15	MALE
236.	PHILLIPI	533/08/2011	ATT. MURDER	RUJJAAD KADER	13	MALE
237.	PHILLIPI	334/09/2012	ATT. MURDER	LIANA VAN WYK	6	FEMALE

238.	PHILLIPI	209/10/2012	ATT. MURDER	TASRIQ GAFFOOR	18	MALE
239.	PHILLIPI	651/09/2012	ATT. MURDER	EIMAN ZUBAIR	18	MALE
240.	PHILLIPI	492/09/2012	ATT. MURDER	AVRON ANDRIES	18	MALE
241.	PHILLIPI	249/07/2012	ATT. MURDER	BRANDON STRAUSS	18	MALE
242.	PHILLIPI	03/11/2012	ATT. MURDER	RAMEEZ SOLOMONS	14	MALE
243.	PHILLIPI	535/06/2012	ATT. MURDER	KAUTOR ALEXANDER	3	FEMALE
244.	PHILLIPI	121/02/2013	ATT. MURDER	JUNAINA MATTHEWS	18	MALE
245.	PHILLIPI	527/10/2013	ATT. MURDER	RAEEZ DAVIDS	17	MALE
246.	PHILLIPI	563/12/2012	ATT. MURDER	KEANAN	17	MALE
247.	PHILLIPI	55/12/2012	ATT. MURDER	MIKYLE ABDULAH	15	MALE
248.	PHILLIPI	425/06/2013	MURDER	UMAR PARKER	15	MALE
249.	PHILLIPI	196/09/2013	MURDER	ANTASHIA SAXIN	14	FEMALE
250.	PHILLIPI	605/10/2013	MURDER	THAKEER JACOBS	13	MALE
251.	RAVENSMEAD	570/02/2014	ATT. MURDER	AMBER BOOYSEN	15	FEMALE
252.	RAVENSMEAD	368/03/2014	MURDER	LEE SHAAAN KRIGA	17	FEMALE
253.	RAVENSMEAD	666/05/2014	ATT. MURDER	GILLMORE BOWERS	17	MALE
254.	RAVENSMEAD	742/11/2014	ATT. MURDER	JOSEPH APRIL	16	MALE
255.	RAVENSMEAD	422/06/2014	ATT. MURDER	BYRON OLIPHANT	18	MALE
256.	RAVENSMEAD	631/11/2014	ATT. MURDER	GILLIAN TAYLOR	8	FEMALE
257.	RAVENSMEAD	307/02/2015	ATT. MURDER	KEENAN SLAAI	15	MALE

258.	RAVENSMEAD	560/05/2015	ATT. MURDER	MARLON LE ROUX	15	MALE	
259.	RAVENSMEAD	466/05/2015	ATT. MURDER	DONDREY LOUW	15	MALE	
260.	RAVENSMEAD	466/05/2015	ATT. MURDER	DONWILL LOUW	16	MALE	
261.	RAVENSMEAD	466/05/2015	ATT. MURDER	RALTON BRINKHUYNS	17	MALE	

ANNEXURE B

Office of the Director of Public Prosecutions



The National Prosecuting Authority of South Africa
Tjebens Afdelingshoofkantoor in Kaapstad
Die Nasionale vervolgingsgesag van Suid-Afrika

Ref No: 9/2/17(1)-4/15
Enquiries: Ms A Braaf

2016-08-19

The Provincial Commissioner
SAPS: Western Cape
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PROJECT IMPI: THE STATE VERSUS A.R. RAVES AND I. LAHER

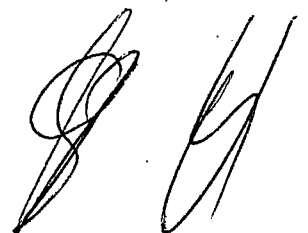
The abovementioned matter refers.

1. Lieutenant Colonel C J Ontong has advised Advocate Shareen Riley of my office that as from 22.08.2016 he will no longer be the lead investigator and or form part of Project Impi.
2. The progress and results achieved in this investigation since December 2013 when it was initiated by Major Generals Jacobs and Veary, has led to high level arrests of a senior police official (Prinsloo), an arms dealer (Raves) and a prominent businessman, Irshad Laher.
3. These arrests as evident from the recent media reports ignited strong public debate and strengthened public confidence in the ability of SAPS to effectively and successfully investigate organised criminal enterprises that engage in the smuggling of firearms, corrupt activities and money laundering.
4. The next and crucial phase of this project is the prosecution of the aforementioned accused in the High Court next year.
5. The removal of Lt Colonel Ontong from the project at this stage could prove to be detrimental in the successful conclusion of this project for the following reasons:
 - 5.1 As the lead investigator under the command of Major General Veary, he has conducted all the searches, sought intelligence advice, pursued all the significant leads and information, located and secured evidence, arrested all the accused, identified, located and interviewed witnesses including expert witnesses and obtained the majority of the statements in the docket.

Justice in our society, so that people can live in freedom and security.

As the lead investigator he was also instrumental in either himself or guided his team of investigators to locate and secure evidence and identify and preserve the crime scenes. At all stages of the project he was responsible for the operational requirements of the project and organization of further investigative support such as arranging uniform ops and crime operational support.

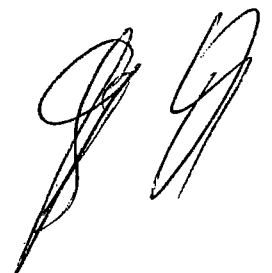
- 5.2 Lt Col Ontong has effectively managed not only the investigators on his team but also the witnesses that are integral to the investigation. He has secured the cooperation of several accomplice witnesses that will testify in terms of Section 204 of the Criminal Procedure Act and has built and maintain these relationships during the duration of this project. It is therefore required that he continues to identify the needs of the witnesses, offer support and assistance in meeting those needs. He is currently protecting and managing the witnesses. He is busy organising witness protection for the family members of an accomplice witness. He is also managing the possible risk of harm by actively engaging with the legal representative of another accomplice witness who has become uncooperative.
- 5.3 Since Lt Col Ontong was responsible for the integrity of the investigative process, in particular the collation, request for examination of the exhibits and storage of it, Advocate Riley will require his immediate assistance with the pre-trial discovery process and exhibit preparation for trial. To demonstrate the importance of this, Advocate Riley has received on 11.08.2016 a further request for exhibit material from the legal representative of Alan Robert Raves and has requested Lt Col Ontong's assistance in this regard.
6. Although the project was initially projected to last until the arrest of all the perpetrators who sold and purchased the firearms that were intended for destruction, the developments in the investigation prompted the reassessment of the scope of the project's activities by broadening its parameters to include the following investigations:
 - 6.1 Finding the outstanding balance of firearms that were sold to street gangs that are still in circulation and continue to contribute towards gang related crime in the Western Cape.
 - 6.2 The witnesses have highlighted how loopholes in the firearm legislation and regulations are used to facilitate trans- border smuggling of firearms to other countries from South Africa. Further investigation is therefore required into the import and export of firearms by individuals and or arms dealers for illicit means and the possible violation of South Africa's arms embargoes and international protocols of which South Africa is a signatory.



- 6.3 The investigation of the arms dealer, Alan Raves, has demonstrated that firearms could possibly be stockpiled for crimes against the state by right wing groups.
- 6.4 The investigation of the arms dealer, Alan Raves, has demonstrated that there is a market for the illicit or unauthorized manufacture of by the use of firearm components that were imported or stolen.
- 6.5 Corruption at the Central Firearm Registry and by DFOs at the stations.
- 6.6 The theft of firearms from military bases stockpiled possibly for crimes against the state by right wing groups.
- 6.7 The unlawful reactivation of dismantled or deactivated firearms.
- 6.8 The discovery of irregularities at licensed arms dealerships by the DFOs on this project.

Due to the nature and complexity of this criminal matter, it is imperative that Lt Col Ontong remains as the lead investigator of this project with his dedicated team consisting of investigators and DFOs.

pp/Bew
DIRECTOR OF PUBLIC PROSECUTIONS: WESTERN CAPE



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SWORN STATEMENT

Clive Joseph ONTONG states under oath in English:

1.

I am a Lieutenant Colonel in the South African Police Service, stationed at the Western Cape Provincial Detectives: Crime Investigation Service, Corporation Street, Cape Town with contact number 082 460 1200

2.

During 2013 I was approached by Maj Gen Jacobs to do an investigation into the influx of firearms in the Western Cape, especially the Cape Town and surrounding areas. During the initial phase I was briefed by members of the ballistics unit as to the similarity of the discovered firearms. The firearms could however not be traced back, because of various factors that will be disclosed in the Criminal Court. This case is still pending and will be heard in the High Court, Western Cape Division. I was teamed up with Sergeant Witbooi and we started the initial enquiries and investigation. This was done in a covert manner because of the sensitivity of the case being investigated. All feedbacks were given directly to Maj Gen Jacobs, at that stage the Deputy Provincial Commissioner for Visible Policing (Operational Response) and Maj Gen Vearey, the previous Provincial Commander of Operation Combat. An Advocate from the office of the Director of Public Prosecutions (DPP), namely Advocate Riley, was appointed and she was later joined by Adv De Jongh. This was the start of Project Impi.

3.

There were investigative leads indicating that the firearms were possibly being smuggled from Gauteng and when Maj Gen Jacobs were transferred to take the position of Provincial Head of Crime Intelligence (CI), two Crime Intelligence operatives were also permanently assigned to the Project. Much more information flowed into the project as a result of this and bigger steps were taken. The team of detectives was increased to eight and more CI personnel were allocated to work on the Project as the impact of the firearms in the hands of gangs was seen on statistics that were compiled, especially the statistics on murder and attempted. Through team work between crime intelligence and detectives the possible suspects working in the Firearm Liquor and Second Hand Goods Control (FLASH) were identified. Through a full blown intelligence operation various suspects were placed under surveillance and this ultimately lead to the arrest of Christiaan Prinsloo, at that stage the head of firearms control in Gauteng FLASH. He has since entered into a plea and sentence agreement and was sentenced to 18 years imprisonment. A team of five Designated Police Officers (DFO's) from the FLASH environment were also added to the team and

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SWORN STATEMENT

received in-service training on how to especially inspect firearm dealers and check for suspicious transactions on the Police electronic firearm system called the "Enhanced Firearm System". I was placed in command of the team which later consisted of 11 detectives and 5 DFO's

4.

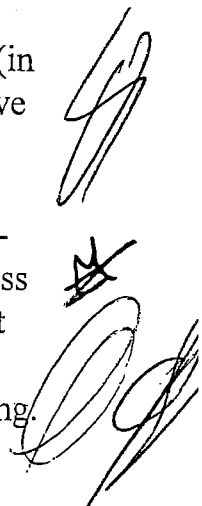
Through this intelligence driven investigation a magnitude of information were received and this lead to the arrest of a firearms dealer in Gauteng and a business man from the Western Cape. The latter had links with gangs and this was only discovered through intelligence operations. Good ground was gained on the existence of the illegal firearm trade, not only in the Western Cape, but also in the country as a whole. The arrest of the firearms dealer opened an investigation into the theft of firearms from the SANDF and the legalization thereof through corrupt/illegal activities within the SAPS and the SANDF. These investigations lead to a joint investigation between the SAPS (Western Cape Detectives and CI Head Office) and the SANDF after high level meetings that took place.

5.

The integrated approach to the investigation of firearm related crime lead to excellent sharing of intelligence between the two Departments and various groups were identified which in which there were indications of illegal firearms trade linked to Corrupt activities within the SAPS, especially the Central Firearms Registration Centre (CFR). Various arrests for this have been made within the CFR in respect of corrupt activities during the processing and issuing of firearm licenses. (A case is also pending before court in the Western Cape which was uncovered during Operation Combat and Project Impi.) The persons within the groups were identified and the need exist to investigate them, especially on how they import and export illegal firearms into the Republic of South Africa. It was further discovered that certain persons are in possession in large amounts of fully automatic military firearms which are licensed (suspiciously). There are indications that these people belong to Rightwing groups and an urgent need to investigate this exist.

6.

I have since been promoted on 2016-08-01 to the rank of Lieutenant Colonel (in a post that I applied for in February 2016) and am still working in the Detective Environment, but not in the area of firearms. The case against Mr Alan Raves and Irshaad Laher are pending in court and I am still the investigator of it and have to conclude certain investigations in it and see it through court. On 2016-09-09 I made an application to go to Gauteng on investigation to have a witness placed on witness protection and finalize other investigations. I was told by Lt Col Geldenhuys from the Provincial finance office that Project Impi was not renewed and he would not make funds available. I thus could not go to Gauteng.

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SWORN STATEMENT

I reported this to the Project Manager, Maj General Vearey and am since waiting for the project to be renewed in order for funds to be made available. The team of detectives is currently resorting under the Provincial Gang Investigations team and I do not know what the exact position with the DFO's are. I am also aware that all the information on the firearms that are seized is currently going to the Directorate for priority Crime Investigation (DPCI) and that no further information regards to the firearm investigations are given to the Provincial Detective teams. I am however still in consultations with the detectives and DFO's that worked on the team and the DPP advocate on an ad hoc basis focusing on the finalization of the court case.

7.

I know and understand the content of this statement
I have no objection to the taking of the prescribed oath
I find the prescribed oath binding to my conscience.

I certify that the above statement was read in front of me and that the deponent has acknowledged that he knows and understands the contents of this statement. This statement was sworn to and the deponent's signature print was placed thereon in my presence.

At Cape Town ON 2016-09-23 AT 09: h 20.

SIGNATURE-COMMISSIONER OF OATH

ANDREW TOBIAS.

FULL FIRST NAMES AND SURNAME
SA POLICE SERVICE
SPECIFIC CRIMES
CORPORATION STREET
CAPE TOWN

RANK: Colonel

JV12

Kelvin George Sampson make oath-

I am a Captain in the South African Police Service, stationed at the Western Cape, Provincial Detectives: Operation Combat, 35 Squadron, Belhar, with contact number 082 469 2934.

I am a Designated Firearms Officer (*hereinafter referred to as the DFO*) appointed in terms of Section 124(2) (h) of the **Firearms Control Act, 2000** (Act nr. 60 of 2000). I have been appointed as a DFO at the Western Cape, Provincial office, FLASH on 2002-02-01 until 2014-05-18. My primary task was to conduct compliance inspections at Government institutions which included Provincial Traffic, Metro Police as well as non-government institutions which included firearm dealers, gunsmiths and security companies in possession of firearms.

On 2015-04-01, I was appointed by Major General J. Vearey the Acting Deputy Provincial Commissioner of the detectives, Western Cape to assist the Provincial Detectives, Special Projects: Firearms with all firearm related investigations. My task is to ensure that the private license holder/s and Government as well as Non-Government institutions, comply with the provisions of the **Firearms Control Act, 2000** (Act nr. 60 of 2000) '*hereinafter referred to as the Act* and the **Firearms Control Regulations, 2004**, *hereinafter referred to as the Regulations*.

Due to the magnitude and the sensitivity of the firearm investigations the following four (4) members were appointed on 2015-04-17 to assist me with the investigations at the provincial detectives:

- 0457162-2 Warrant Officer SJ Petersen
- 0544294-0 Sergeant NA Prins
- 7002751-0 Sergeant ZS Tukani
- 7011611-3 Sergeant VJ Smith

The increase in the work load at the office of the Provincial FLASH, Western Cape with regard to the renewal of firearm licenses, was the primary reason we were task was to assist the Provincial detectives with sensitive investigations where institutions or private individuals fails or failed to comply with the provisions of the **Act and Regulations**.

This included the following institutions and private individuals.

- Government Institutions:

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- SA Police Service
- SA National Defense Force (Army, Navy and Air force)
- Provincial Traffic
- Metro Police
- Law Enforcement
- Non-Governmental Institutions:
 - Firearm dealers
 - Gunsmiths
 - Security companies
- Private individuals
 - Private collectors of firearms (Category A,B and C)
 - Dedicated Hunters and Sport shooters
- Imported and Exported firearms (Firearm Dealers; Gunsmiths; Private Collectors & Dedicated hunters and Sport shooters)
- Identification of Foreign or Military firearms

As a DFO I have access to the Central Firearm Registry System computer program of the SA Police Service, **the Enhance Firearm Registry System hereinafter referred to as "EFRS"**.

The status functions that I can perform on the EFRS are for enquiry purposes and are more advance then the functions of the DFO's at station or provincial level. This is to assist the detectives with DFO statements for court purposes which include the following investigations:

- Corruption and false information on firearm applications
- Firearm license applications of private individuals link to Organize Crime
- Tracing and identifying of recovered or abandoned firearms
- Search and seizure operations
- Fraudulent or False license cards
- Extra serial numbers found on firearms
- Unlicensed firearms recovered or found in possession of individuals that were stolen from Government or Non-Government departments e.g. security companies
- Identify license holders of firearms recovered of deceased persons
- Check and verify the details of the firearm license holder and the particulars of the firearm.
- The date a firearm was reported stolen, recovered or handed back to the license holder as well as the case number of the police station or the SAP 13 number (the SA Police Service register number which are utilized to record exhibits handed in as

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- evidence for safe storage e.g. firearms and ammunition).
- Identify ownership of firearms on **"Government Department 1"** indicates that the firearm licensed in the name of a private license holder or a government /non-government institution (e.g. the SA Police Service or a security company) have been removed from His's/her's/their name(s) and is ready for destruction e.g. where the particular firearm have been voluntarily surrendered by the firearm license holder(s) or a firearm link to a case that have been forfeited to the SA Police Service.
- Firearms recovered and registered on **"Government Department 10"** indicates that the firearm has been destroyed and that the particulars of the firearm owner have been removed from firearm system. The Head of the Provincial Office, FLASH who destroyed the firearm then provide a certificate that the firearm was destroyed and no longer exist. If such a firearm is recovered it is a strong indication that the firearm that was send for destruction has been stolen whilst in possession of SAPS and/or that a false certificate could have been handed in that the firearm have been destroyed by the Head of the Provincial Office, FLASH.

It also serves to mention that prior to us being appointed as DFO's to assist the Provincial detectives, the detective's investigation the case discovered that former police officer, Colonel Prinsloo provided firearms that were ready for destruction which were kept in the safe at Silverton Supply Chain Store, to Mr. Allan Robert Raves, ID nr 6503055004086 whom he proclaimed to be a firearm heritage inspector of SARHA (South African Heritage Association).

It was later discovered that A.R. Raves residing at 11 Duggie Morkel Street, Unitas Park, Vereeniging, Gauteng Province were indeed a Firearm Dealer and an A-Category, private collector. One of the investigating officers of the Western Cape Provincial Detectives: Specific Crimes then confiscated a total of 507 firearms in possession of Mr. A.R. Raves, after they discovered ammunition in his possession under a pool table in a building next to his residence, which was highly irregular.

Mr. A.R. Raves then applied at the Gauteng North; High Court for the return of these confiscated firearms, because the search warrant was illegal. The 507 confiscated firearms were then handed back to Mr. A.R. Raves.

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We were then tasked to conduct a physical inspection of all the firearms, registers and documents in possession of Allan Robert Raves, ID nr 6503055004086 at his residence at nr 11 Duggie Morkel Street, Unitas Park, Vereeniging, Gauteng Province from Tuesday 2015-05-26 until the Thursday 2015-05-28.

This included the firearms for self- defense, dedicated sportsman as well as dedicated hunter, firearms in his private collection, the firearms of his firearm dealership, Gama Arms, institution code: 100401 which are on the same premises. We also inspected the firearms of other institutions or private firearm license holders kept in his dealership for safekeeping. The following registers were also inspected; the firearm dealer's stock register, safekeeping register and the ammunition register.

A.R Raves had the following firearms in his possession:

- 191 Private firearms licensed in his name
- 141 firearms in his firearm dealership
- 74 firearms in his dealership for safekeeping

Total firearms inspected were 406

After the physical inspection of the firearms and register we then came back to the Western Cape to check and verify if the firearms in possession of AR Raves are registered in his name or the firearm dealership and if the firearms kept in the dealership for safekeeping had the necessary documentation confirming that these can be stored in his firearm dealership. With the inspection of the firearms we also verified if any of the firearms recovered were either on Government 1 or 10 indicating that the firearm was previously in the SAPS13 store at a police station. We then check through our 87 boxes of packing notes (indicating that the firearm was received for destruction) to see if there were any packing notes which would strengthen our case.

Prior to the inspection, it serves to mention that I also received a list of firearms in which the Ballistic expert, Warrant officer Quinton Bothman of the Forensic Science Laboratory, Platteklouf, Western Cape identified discrepancies that he found on the same firearms with the previous confiscation.

After verifying the firearms we physically inspected with the EFRS we also discovered various discrepancies which led us to apply for a J50 (arrest warrant) for A.R.Raves as well as a search and seizure warrant which we executed on the 19th of August 2015. We confiscated 109 firearms at 11 Duggie Morkel Street, Unitas Park, Vereeniging, Gauteng Province. Due to the role we played and the discrepancies we identified in the registers of Gama Arms we conducted further inspections at the under-mentioned firearm dealer's and confiscated the firearms at the identified firearm dealers and gunsmiths.

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Blunderbuss Firearm Dealer:

- 2 x light machine guns
- 3 x assault rifles
- 2 x sub machine guns
- 3 x bolt action rifles

Champion Firearm Dealer:

- 1 x 12 gauge shotgun

Classic Arms Firearm Dealer:

- 2 x bolt Action rifles

Hire arms Firearm Dealer:

- 1 x heavy Machine Gun
- 1 x light Machine Gun
- 4 x bolt action rifles

JJ Wapens Firearm Dealer and Gunsmith:

- 1 x assault Rifle
- 1 x hand machine carbine
- 1 x bolt action rifle

We also discovered that 33 firearms kept in the safe custody register in the Firearm dealership of Gama Arms of which A.R.Raves is the responsible person was recorded in the name of the Durban Light Infantry, a unit of the SA National Defense Force. He previously mentioned during the inspection that the firearms were there for safekeeping and that the SANDF stored the firearms at his dealership. He however later wanted to register the firearms on his dealer's code at Central Firearm Register, Pretoria which is highly irregular. These 33 firearms were also confiscated with search and seizure warrants.

Due to our role in the investigation of the Provincial Enquiry 3/12/2013 which is linked to National Head Office, NINU Enquiry CAS 4/08/2014 and the Parow CAS 73/05/2015, Old Colonel C. Prinsloo entered into a plea bargain with Department of Public Prosecutors. He was then subsequently sentenced to a total of 18 years direct imprisonment and R1 221 600 confiscated by the Asset Forfeiture Unit. We then proceeded to arrest a further accused, namely I Laher. He was link to Old Colonel C. Prinsloo.

The search and seizure warrant was executed by me, the DFO's and detectives. The successes we achieved with this investigation led to a new working methodology where in future we envisage the DFO's, detectives and crime intelligence working together to ensure that firearm related case dockets is successfully prosecuted in a court of law.

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Cases successfully prosecuted or that led to arrest with the assistance of the DFO's in the Western Cape. See attached **Annexure as per KGS 1**

- Parow CAS 666/04/2016
- Stellenbosch CAS 504/05/2016
- Elsie's River CAS 20/03/2016
- Paarl CAS 223/09/2016
- Napier CAS 106/07/2016

Notwithstanding the good working relationships with the various DFO's and provincial detectives, our successes turned into distress and uncertainty when both Major General's P.A. Jacobs and J. Vearey were moved to cluster post respectively. There were huge uncertainties amongst our members especially the DFO's as we were told that we will be send back to our police stations although the investigations were not finalized as the other two accused A.R. Raves must still appear in the High court on 2016-11-04 and I Laher in the Bellville Regional court on 2016-10-18.

The instruction to reduce or send the DFO's back to their respective police stations will have a major effect on the successful prosecution of cases where firearms is involved. The detectives and the DFO's have become interdependent on each other because when a new case docket is registered where suspects were found in possession of firearms and ammunition without a valid license, permit or authorisation, the DFO's is immediately task to verify if he suspect is a licensed firearm owner or does he have a competency to be in possession of the firearm or ammunition. A comprehensive statement is then provided to the detective investigating the case.

The working methodology between the Provincial detectives and the DFO's will ensure that case dockets can be finalized quicker and also be successfully prosecuted. We can identify certain discrepancies on firearms, licences and expose corruption with regard to firearm license applications in the following:

- Inspections conducted by the local stations DFO'S but there were no discrepancies identified
- Firearms had two of more serial numbers which were not mentioned on the firearm license application. A firearm could be built up without the necessary authorisation
- Where serial numbers of firearms were removed or tampered with and new serial number placed on the firearms
- The identity of firearms were changed by recording wrong caliber codes on the firearm license application(SAP271)

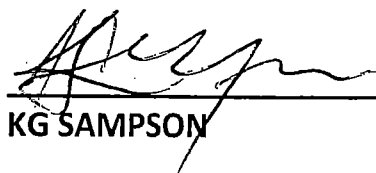
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- Duplicate firearms that are created on the EFRS
- Identify corrupt relationship that were forged between DFO's at station level or with members working at Central Firearm Control, Pretoria

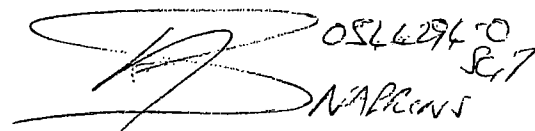
There are still many investigations pending and we are still in the process of providing further statements in this regard.

I know and understand the content of this statement
 I have no objection to the taking of the prescribed oath
 I find the prescribed oath binding to my conscience.

 CAPTAIN
 KG SAMPSON

I certify that the above statement was taken down by me and that the deponent has acknowledged that he knows and understands the contents of this statement. This statement was sworn to and the deponent's signature print was placed thereon in my presence.

At BELHAR on 2016-09-23 at 12 h 00

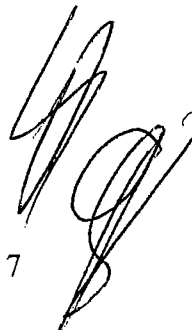
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SIGNATURE-COMMISSIONER OF OATH

NICHOLAS ALFRED PRENS

FULL FIRST NAMES AND SURNAME
 SA POLICE SERVICE
 PROVINCIAL DETECTIVES
 SPECIFIC CRIMES
 CAPE TOWN

RANK: Sgt



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BACK TO BASICS
TOWARDS A SAFER TOMORROW



#CrimeMustFall



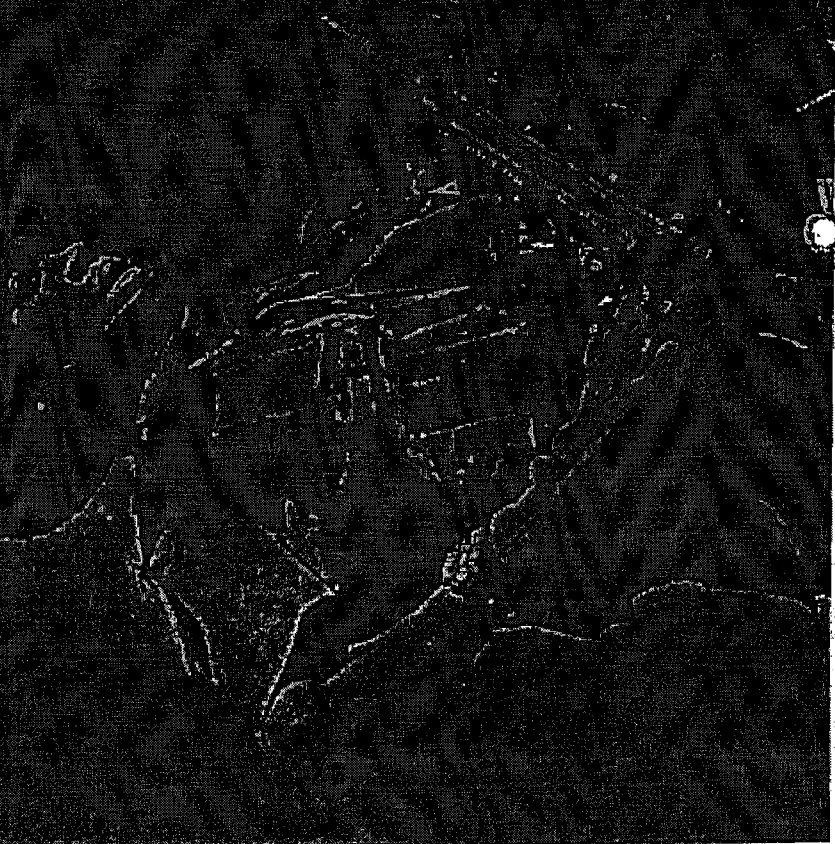
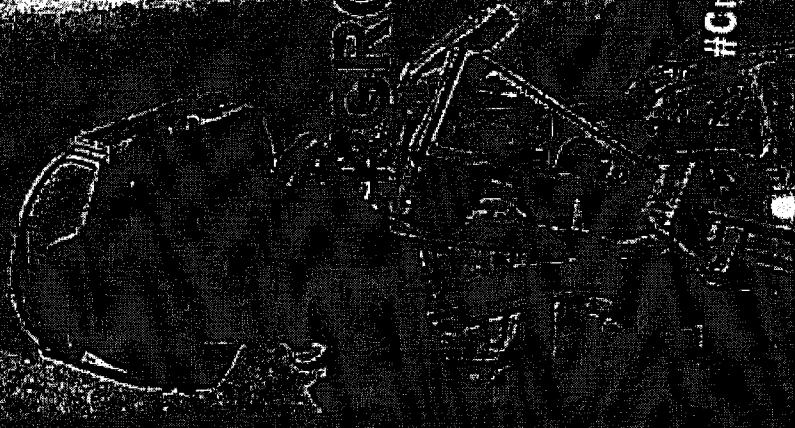
BACK TO BASICS
TOWARDS A SAFER TOMORROW

Section

1

GROUND

#CrimeMustFall



BACK TO BASICS
TOWARDS A SAFER TOMORROW



- During June 2016, Colonel Chris Prinsloo (55) was sentenced for stealing and reselling firearms to "gangsters" / syndicates in the Western Cape.
- He was, following a plea agreement sentenced to a period of 18 years imprisonment following a plea and sentence agreement with the State after being arrested on 11 charges ranging from theft to racketeering and money laundering.
- He was arrested in January 2015. The weapons stolen were in police custody and were destined to be destroyed. The weapons were ballistically tested as part of the destruction process.
- Some 400 firearm magazines and 10 000 rounds were found in Prinsloo's possession during the time of arrest.
- A total of 2 400 firearms were allegedly stolen and some R2 million "earned" over a period of eight years from the transactions.
- Prinsloo resigned shortly after the arrest and it is understood that he agreed as part of the plea bargain that the his pension after some 35 years₃ of service may be paid out to the State.

BACK TO BASICS
TOWARDS A SAFER TOMORROW



- The Ballistics Unit of the Forensics Science Laboratory identified 22 firearms which have in a professional manner been identically altered in a manner to avoid detection that the firearms were previously submitted to the FSL for ballistic sampling.
- It became clear that the firearms were intended for destruction and were syphoned from police possession and ended up in the gang violence in the Western Cape.
- 19 of the firearms previously belonged to the police and three had been privately owned.
- Two other suspects, namely a certain Raves, one Laher, identified by Prinsloo as the person to whom he sold the firearms are still to be prosecuted.
- It is clear that a huge number of persons have died as a result of shooting incidents where these stolen firearms were used.
- The South African Police Service is duty bound to ensure that any loopholes which allowed the theft of the firearms in its custody be plugged as soon and as effectively possible.

BACK TO BASICS
TOWARDS A SAFER TOMORROW



- Some 200 + of these firearms have been recovered, but more than 1200 of the firearms still need to be recovered.
- Any further crime being committed with these firearms will potentially increase the risk of litigation against the SAPS.
- In terms of the Constitutional Court judgment in respect of the Von Beneke matter, the SAPS might be held liable for the consequences of Prinsloo's action, in respect of persons killed as a result of shooting incidents where the stolen firearms were used.
- Following the arguments in the Von Beneke matter Prinsloo was on duty when the theft was committed, There was a legal duty on the SAPS to ensure the safe custody of the firearms in question until destruction thereof. This is strengthened by the fact that the National Commissioner of the SAPS is the Registrar of Firearms and all the duties which that entail. It may be argued that the SAPS must have foreseen that the theft of such weapons might lead to crime and the killing of persons. Such liability rests upon vicarious liability and a duty to care.

BACK TO BASICS
TOWARDS A SAFER TOMORROW



- Major General PC Jacobs (Legal and Policy Services) had been approached by Major General Veary, Major General Peter Jacobs, Major General Mantsi as well as Major General Bothma to assist with the matter taking into account the possible litigation against the SAPS.
- It is understood that up to 1 000 murders might already have been committed with the firearms involved.
- It must be made clear that the SAPS cannot take steps such as not linking firearms stolen from it and thereafter used in crime in order to mitigate litigation against it.
- The scope of the possible litigation is enormous, should the deceased have been breadwinners and were either killed or injured leading to present and future medical costs, pain as well as a loss of income.
- Whatever the extent and outcome of the litigation, the SAPS is further duty bound to ensure-
 - That the stolen firearms still in the hands of criminals be retrieved as soon as possible.
 - That all possible steps are been taken as soon as possible in order to prevent a recurrence of the corruption and crimes that were committed.
- An interview was conducted on 8 September 2016 by Maj Gen PC Jacobs with Mr. Prinsloo in the presence of the Investigating Officer, Colonel Ontong, after consultation with Major General Groenewald responsible for Litigation in the SAPS.
- Mr Prinsloo is providing, in terms of his plea bargain his assistance in addressing the issue.
- Issues identified hereunder might have already been addressed through corrective steps but are reflected as reported



BACK TO BASICS
TOWARDS A SAFER TOMORROW



#CrimeMustFall

BACK TO BASICS
TOWARDS A SAFER TOMORROW



- The process of marking firearms that cartridge cases had been submitted for IBIS testing is highly suspect and there is no eventual controls built into the process to ensure firearms have been ballistically tested before destruction thereof. (no check-up whether laboratory report had been received back.
- In the Norwood matter, IBIS testing at FSL (Pretoria) were negative, but when tested in Western Cape showed positive.
- Full automatic firearms (machine guns) are registered as bolt action firearms and immediately thereafter a request for correction is registered. This leads thereto that sometimes the details of the firearms is then changed on the system without the person being allowed to possess a fully automatic firearm. Sometimes the same firearm is registered then as both a bolt action and automatic firearm. These processes seem not to be audited for possible corruption.



BACK TO BASICS
TOWARDS A SAFER TOMORROW

- The type of ovens available to melt firearms were not available anymore. This led to the use of Reclaim to "mince" weapons. Although it was found that numerous weapons went through the reclaim process without any damage and the then Provincial Commissioner Lt Gen Petros) had been alerted to the fact, he continued to use the process. Some "destroyed" weapons in the Reclaim destruction process were later recovered at Boipatong, and Sharpeville police stations.
- There are various changes that can be made to a firearm to prevent detection that the firearm had previously been ballistically profiled (IBIS tested). These detail had been kept secret but became known more widely. This process was used in the commission of the crimes in the Prinsloo matter. If ballistics have not identified the 22 firearms that were identically altered, the crime might not have been detected.
- It is understood that firearms are not sent in all cases to ballistics for IBIS testing, but that the firearm is fired and cartridge cases are obtained for submission to ballistics. 9

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2015
2016



BACK TO BASICS
TOWARDS A SAFER TOMORROW

- There is not the specialist knowledge about firearms at police stations to effectively inspect dealers.
- The change of dedicated police stations and DFOs at certain stations to all stations have spread the knowledge and experience of firearms issues so wide that it has become a problem. This is exacerbated by the huge turn-over of DFOs.
- It appears as if, when irregularities are reported, that not enough effort is put into investigation and prosecution or rectification of shortcomings. (see recommendations) Examples: A matter where a stolen SANDF R1 rifle had been registered afterwards on the system had been reported 4 years ago the Brigadier Mangwane, but nothing happened. Suspect issuing of some 600 section 21 permits by Brigadier Chosi had been reported long ago to Brigadier Xaba (then Col) but nothing happened.

BACK TO BASICS
TOWARDS A SAFER TOMORROW



- The importation of already deactivated firearms seems to be problematic as well, in respect of criteria and monitoring to ensure compliance with requirements in the Firearms Control Regulations. This is especially the case with Eastern European weapons which can be easily altered to be functional again.
- Hundreds of cap-and-ball firearms were imported and put into circulation when "antique firearms definition allowed the same to be possessed without a licence. The definition of muzzle loading firearm inserted in 2006 in the Act requires cap and ball firearms to be licensed but it emanated that some transitional provisions are required in this regard (in draft Bill). The cap-and ball firearms are however, in circulation and apparently not registered.
- In respect of air guns there are also problems relating to No. 2 air guns and the requirement relating to the muzzle energy and proof thereof. Recommendations in this regard received in the process of drafting the Firearms Control Amendment Bill.

BACK TO BASICS
TOWARDS A SAFER TOMORROW



- The fact that investigations into firearms matters are being conducted by CFR capacity and not dedicated, trained and experienced unit, has the result that there is no objectivity and desire to successfully investigate and prosecute firearm related matters. There is an impression that matters are swept under the carpet to prevent embarrassment for the CFR/SAPS.
- Prinsloo previously had discussions relating to the fact that foreigners who visit South Africa and temporarily import firearms sometimes leave their firearms when departing sometimes as a present for the guide, other times as part of a scheme to import scarce weapons. A proposal was made following the consultations that the matter could relatively easily be resolved by proper interaction between the SAPS and the Department of Home Affairs in that the SAPS must ensure that the issuing of any firearm permit be endorsed on the temporary resident permit (TRP) issued to the foreigner. When the foreigner leaves without the firearms the matter can be followed up upon departure through interaction between SAPS and the Department of Home Affairs. This matter needs to be followed up and a system needs to be put in place with the cooperation of Home Affairs.



- Mr Prinsloo states that he has previously reported irregularities relating to the issuing of dedicated status as sports shooters by the company NSA but nothing has happened. Through the NSA dedicated status can be obtained through an Internet application.
- Mr Prinsloo indicated that the associations enabled through the Act and Regulations to certify dedicated status have not clear and transparent criteria for granting such status.
- It must be underlined that in the time of Brig Mangwani as Head of the CFR, the NSA issue had also been reported to her by Major General PC Jacobs on the basis of complaints from the firearms fraternity itself when commenting on the draft Bill Nothing seems to have been done about it.

BACK TO BASICS
TOWARDS A SAFER TOMORROW



- It is recommended by Prinsloo that a dedicated structure and facility to deal with destruction of firearms be set up in each Province
- This must be manned by trained and experienced members who are properly vetted and before appointment agree to be polygraphed as often as required in respect of their functioning. There must preferably be two persons responsible who must be jointly accountable .
- The necessary safes must be acquired at each Province to effectively deal with the receipt, identification (by a firearms expert), etching, obtaining samples for IBIS testing, keeping of firearms until due for destruction and where necessary until criminal case has been finalised.
- X A hydrolic press must be available at each Province where the firearms can be effectively destroyed by pressing it where after it will be useless as a firearm and can be melted.
- X The destruction process should be electronically monitored and can be supported with properly documented photographs taken at the destruction process.
- A series of CAT 7 "Slap up" safes which comply with the requirement of the Firearms Control Regulations can be used. These are apparently relatively inexpensive..
- Firearms in the different stages of processing could be recorded and kept safely in these safes under the control of the designated officials.
- Proposals on such a decentralised Provincial system had been made in a document handed by Prinsloo to Maj Gen Veary.

BACK TO BASICS
TOWARDS A SAFER TOMORROW



- The integrity of the process of taking of ballistic samples must be ensured.
- Electronic monitoring of the safes must prevent any tampering or changes to the firearms.
- The return of IBIS testing must be checked and a better system put in place to ensure that each and every firearm is ballistically tested before destruction. Firearms must not be moved to firearms for destruction before receipt of the ballistic test or finalisation of the case.
- Firearms should not be handled unnecessarily and movement thereof must be restricted as far as possible.
- Firearms must be kept as short time as possible at the police stations.
- Lock up facilities (safes) in compliance with the Firearms Control Regulations must be available in SAPS 13 stores at stations and personnel in charge must be vetted.
- Dedicated functionality to monitor transactions (eg high numbers of application for correction of details on licenses) and dedicated investigating capacity which falls outside the CFR must be established.
- A National Instruction on the process to be followed in checking the status of the firearm when seized must be drafted. (Details Col Ontong)

BACK TO BASICS
TOWARDS A SAFER TOMORROW



- The practice (in conflict with the Firearms Control Regulations) that only a photograph can be submitted instead of a safe inspection, should be stopped.
- There should be a clear provision in the Act that where a license or permit had been obtained through submission of wrong information, not following correct procedures (eg licence submitted in another place or Province as where the applicant lives, may be withdrawn. (it is an offence to make a false statement etc, but the provision should be wide enough to allow SAPS to cancel the license where corrupt practices is followed.
- A comprehensive Guideline and National Instruction must be prepared to establish necessary structures and processes for safe manner of disposal of firearms.
- Independent audit processes outside the CFR with the necessary knowledge and experience must be established
- Training and empowerment of DFOs urgently required, also to do the necessary inspections at dealers
- Ensure biometric access to the Provincial facility accessible only be designated persons

BACK TO BASICS
TOWARDS A SAFER TOMORROW



- The issue that GLOCK pistols, AK 47 semi-automatic variants can be changed through components obtained via the Internet must to fire fully automatic or in bursts must be investigated. Offence to change without Registrar's permission.
- The irregularities regarding providing dedicated status by NSA must be investigated and steps taken regarding their accreditation.
- It must be ensured that the providing of dedicated status by associations are uniform and transparent and not through Internet processes.
- Importation of deactivated firearms must be investigated and processes put in place to ensure that these cannot be converted in functional firearms.

BACK TO BASICS
TOWARDS A SAFER TOMORROW



- The issuing of section 21 permits must be restricted to the highest possible level and as an absolute exception..

11/14

JV14

SUID-AFRIKAANSE POLISIEDIENS



SOUTH AFRICAN POLICE SERVICE

Private Bag X9004, CAPE TOWN, 8000

Verw. / Ref.	0527129-1
Navrae / Enq.	Major General Vearey
Tel. nr. / no.	021 417 7392
Fax nr. / no.	021 417 7490
E-Pos / Mail	WC:DPC Crime Detection Services PA wc.crimedetectpa@saps.gov.za

THE DEPUTY PROVINCIAL COMMISSIONER
CRIME DETECTION
WESTERN CAPE

- A. Lt Gen Phalane
Acting National Commissioner
South African Police Service
- B. Lt Gen Jula
The Provincial Commissioner
South African Police Service

APPOINTMENT AS CLUSTER COMMANDER: CAPE TOWN MAJOR GENERAL JA VEAREY 0527129-1

- A. 1. I refer to the notice of appointment as Cluster Commander: Cape Town dated 13 June 2016.
2. The above appointment is a unilateral decision to transfer me from the post of Deputy Provincial Commissioner: Detective Services without following due process as provided for in the Transfer Policy of the South African Police Service. It is *de facto* a demotion in status – i.e backwards from provincial management to cluster level with limited jurisdiction, powers and responsibilities.
3. I respectfully submit that the unilateral appointment in this instance is an unfair labour practice as defined in section 186(2) of the Labour Relations Act in that the appointment is substantially and procedurally unfair.
4. Kindly inform me whether the unilateral appointment will be rescinded by no later than 30 June 2016. I further implore you to suspend the implementation of the appointment with immediate effect pending the outcome of the decision to rescind the unilateral decision.
5. I reserve my right to fair labour practices and to follow the dispute resolution process as contemplated in the Grievance Procedure and the Safety and Security Sectoral Bargaining Council (SSSBC) relating to unfair transfer and demotion.
- A. For your attention.
- B. For your information.

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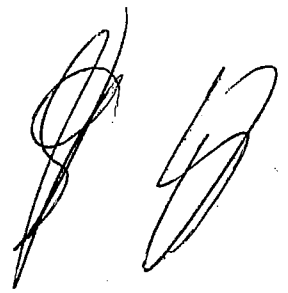
APPOINTMENT AS CLUSTER COMMANDER: CAPE TOWN MAJOR GENERAL 0527129-1



ACTING DEPUTY PROVINCIAL COMMISSIONER:
JA VEAREY

MAJOR GENERAL
CRIME DETECTION

Date: 2016-06-14



JV 15

JV 15

SUID-AFRIKAANSE POLISIEDIENS



SOUTH AFRICAN POLICE SERVICE

Private Bag X9004, CAPE TOWN 8000

Verw / Ref.	527128-1/4
Navras / Enq.	Major General Vearey
Tel. nr. / no.	021 417 7392
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E-Pos / Mat	WC DPC Crime Detection Services PA wc.dimedetectoa@saaps.gov.za


THE DEPUTY PROVINCIAL COMMISSIONER
CRIME DETECTION
WESTERN CAPE

The Provincial Commissioner
WESTERN CAPE

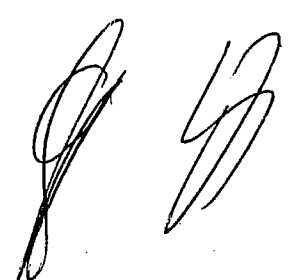
CONFIRMATION OF PLACEMENT: MAJOR GENERAL JA VEAREY

1. In our cellphone conversation on 2016 06 15 you asked me whether I had moved from the Provincial Office yet and you informed me that you were going to contact Major General J Brandt to move to the office of the DPC Crime Detection from next week
2. This serves to place on record that I informed you of the following in response to the telephone conversation in the course thereof.
 - 2.1 That the issue of my placement as Cluster Commander of Cape Town Cluster is being challenged after legal advice as for my letter dated 2016 06 14 to both Lt General Pahlane, Acting National Commander and yourself
 - 2.2 You alluded to the fact that I had agreed to the placement and I indicated that this is not so and had commented on the matter on the written notice that I received signed by Lt General Mgwenga on 2016 06 13 (Attached as per Annexure A)
 - 2.3 I reiterate that my letter to the office of the Acting National Commissioner and yourself clearly indicates at paragraph 4 that I request that my unilateral appointment be rescinded no later as 2016 06 30
3. Subsequent to our telephonic conversation I have also established that the post of the DPC Crime Detection Western Cape will be advertised soon
- 3.1. I have also determined that Major General J Brandt has been informed that he will be moving into the office of the DPC Crime Detection next week
4. I submit that your actions as described in this letter are irregularly pre-emptive and unprocedurally premature I regard this as a continuation of the chain of unfair labour practice as referred to in my letter dated 2016 06 14.
 - 4.1. The conduct on your behalf may therefore amount to be continued as setting the conditions for a constructive dismissal or unfair labour practice
5. I hope that constructive dismissal is not the intended path behind your actions and I will be taking this matter under further legal scrutiny

6. Kindly respond to this letter before Major General J Brandt or any other officer moves into the office of the OPC Crime Detection at your office.


ACTING DEPUTY PROVINCIAL COMMISSIONER: CRIME DETECTION
JA VEAREY

Date: 2016-06-15



JV16

JV16

S.P.S. 002-0222

S.P.S.

SUID-AFRIKAANSE POLISIEDIENS



SOUTH AFRICAN POLICE SERVICE

Private Bag X9004, CAPE TOWN, 8000

Verw. / Ref.	0527129-1/4
Navrae / Enq.	Major General Vearey
Tel. nr. / no.	021 417 7392
Fax nr. / no.	021 417 7490
E-Pos / Mail	WC:DPC Crime Detection Services PA wc.crimedetectpa@saps.gov.za

THE DEPUTY PROVINCIAL COMMISSIONER
CRIME DETECTION
WESTERN CAPE

The National Commissioner
SAPS
PRETORIA

The Provincial Commissioner
SAPS
WESTERN CAPE

MEDIA ENQUIRY REGARDING MY PLACEMENT AS CLUSTER COMMANDER AT CAPE TOWN CLUSTER

1. This serves to note with concern that information related to the above placement that I am currently in dispute of has reached media attention.
 - 1.1 On 2016-06-17 at 09:08 I received a call from a person identifying herself as Bianca Capazorio from the Sunday Times newspaper who enquired as to whether I had been "demoted".
 - 1.2 Bianca also indicated that she had already spoken to Brig Potelwa about the matter who referred her to the office of the Acting National Commissioner.
 - 1.3 Bianca then revealed that Brigadier Selepe, Spokesperson for the Acting National Commissioner, had provided her with a response in writing on the same matter.
 - 1.4 I declined to comment on this matter and asked her to send me proof of the above mentioned response. She did so as per attached annexure.
2. I do not know what other information was given to Bianca for publication, but consider the mere fact that Brigadier Selepe responded beyond the import of a mere "no comment" as confirming my disputed placement to a journalist who would not otherwise have been able to strengthen the credibility of her speculation without official comment.

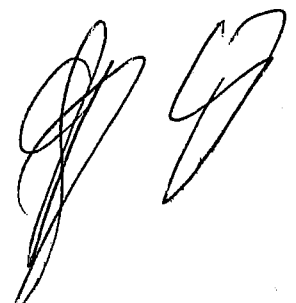
- 2.1 The comments given go against the import of the very principle of Brigadier Selape's statement in the same response that – "These processes remain internal and thus cannot be canvassed in the public space."
3. In the light of the above mentioned I believe that Brigadier Selape's response on this matter may pre-emptively affect further internal processes related to my disputed placement. I therefor request that this matter not be commented on in the media by the SAPS until such internal due processes have been concluded.
- 3.1 This therefor also serves to note that I will be taking this media enquiry matter under further legal and union advisement.



ACTING DEPUTY PROVINCIAL COMMISSIONER: CRIME DETECTION
JA VEAREY

MAJOR GENERAL

Date: 2016.06.17



ANNEXURE

From: Bianca Capazorio [mailto:CapazorioB@sundaytimes.co.za]
Sent: 17 June 2016 09:38 AM
To: WC:Prov Detective Services
Subject: FW: Sunday Times media query: Jeremy Vearey

Good day General Vearey;
Please find below the emailed response from National.
I originally put the questions to Brig. Potelwa but she referred them to Brig. Selepe.
Thanks and kind regards
Bianca.

From: Mashadi Selepe [mailto:mashadi.selepe@icloud.com]
Sent: 16 June 2016 01:57 PM
To: Novela Potelwa; Bianca Capazorio
Subject: Re: Sunday Times media query: Jeremy Vearey

Good morning, please be advised that the transfer and placement of personnel is a process managed in compliance with the policies of the department. Deployment of Senior Managers and members of the service at all levels is processed with the objective of ensuring service delivery improvement balancing the needs of the organization and the affected individuals. Political influence and/ or pressure from any quarter is not a consideration. Redeployment of managers and employees cannot be construed as a demotion. These processes remain internal and thus cannot be canvassed in the public space.

Kind regards

Brigadier Mashadi Selepe
Spokesperson Acting National Commissioner

Sent from my iPhone

On 16 Jun 2016, at 1:40 PM, Novela Potelwa <novela247@gmail.com> wrote:

Good Day Brig

Please find media query from the Sunday Times.

Regards

Brig Potelwa

----- Forwarded message -----

From: "Bianca Capazorio" <CapazorioB@sundaytimes.co.za>
Date: 16 Jun 2016 11:54
Subject: Sunday Times media query: Jeremy Vearey
To: "novela247@gmail.com" <novela247@gmail.com>
Cc: "potelwan@saps.gov.za" <potelwan@saps.gov.za>

South African Police Service

South African Police Service

Private Bag, X94 Pretoria

Fax No: 012 393 1823

Your reference:

THE DEPUTY NATIONAL COMMISSIONER

My reference: 0527129-1/4

HUMAN RESOURCE MANAGEMENT

Enquiries: Lt Gen Ntshiea

PRETORIA

Tel: 012 393 2315

0091

2016 -06- 2 2

Major General JA Vearey
c/o The Provincial Commissioner
WESTERN CAPE

Dear Major General Vearey

**CONFIRMATION OF APPOINTMENT AS CLUSTER COMMANDER: CAPE TOWN
CENTRAL: YOURSELF**

Your letter, dated 14 June 2016 in response to this office's evenly numbered letter, dated 13 June 2016, refers.

According to available records, you were appointed as the Cluster Commander: Cape Town Central during August 2014. The post of Deputy Provincial Commissioner: Crime Detection Western Cape became temporarily vacant due to the suspension of the appointed incumbent in the post. The latter lodged an appeal against his dismissal.

An acting incumbent was initially appointed to the post after the suspension of the incumbent pending the disciplinary proceedings (Major General Molo), and with his transfer to the Eastern Cape during February 2015 you were, according to this office's records, requested by the then Provincial Commissioner: Western Cape to temporarily oversee the functions of Deputy Provincial Commissioner: Crime Detection: Western Cape.

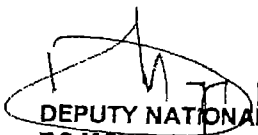
It has always been the intention of management to advertise the post for filling, should the incumbent of the post be dismissed, and after the outcome of the appeal (dismissal of the incumbent recently confirmed), the post became permanently vacant. Management accordingly decided that the post will be advertised and to re-deploy you back to your post as Cluster Commander: Cape Town Central.

The new cluster concept has subsequently been introduced and it has been decided, after interviewing you on 13 June 2016, to confirm your placement as the Cluster Commander: Cape Town Central (the post that you officially occupy) as communicated vide this office's evenly numbered letter, dated 13 June 2016.

**CONFIRMATION OF APPOINTMENT AS CLUSTER COMMANDER: CAPE TOWN
CENTRAL: YOURSELF**

The post of Deputy Provincial Commissioner: Crime Detection Western Cape will be advertised in due course.

Yours faithfully



DEPUTY NATIONAL COMMISSIONER: HUMAN RESOURCE MANAGEMENT

BC MGWENYA

Date: 2016/06/22

LIEUTENANT GENERAL

JA Veary 1 - Str App - 2016



JV 18



MARAIS MÜLLER HENDRICKS
ATTORNEYS

JV 18

Our Reference ZA7933/CH- MG - JA VEAREY

Your Reference 527129-1/4

Date 29 JUNE 2016

"URGENT"

SOUTH AFRICAN POLICE SERVICE

The Office of the Deputy National Commissioner
(Human Resource Management)

Dear Lieutenant General BC Mgwanya

RE: PLACEMENT MAJOR GENERAL JA VEARY

We refer to the above and confirm that we act on behalf of Major General J A Vearey.

Our instructions are that:

1. On or during 8 June 2016 our client received a notice calling on senior police personnel to attend a meeting scheduled for 13 June 2016 at Paarl, Western Cape;

tel +27 21 423 4250 fax +27 21 424 8269 docex 94, Cape Town www maraismullerhendricks.co.za
address 4th Floor General Building, 42 Burg Street, Cape Town 8001 PO Box 4793, Cape Town 8000

MARAIS MÜLLER HENDRICKS INC. No 1997/012640/21

DIRECTORS

CS HENDRICKS LLB LLM (LABOUR LAW) DIP PENOLOGY - P RALL BA LLB - TR DE WET B COM LLB - SJ BURGER BA LLB DIP TAX PRAC DIP EST
AJ MARAIS BA LLB CJ GROBBELAAR BA LLB - GM DE WET B MUS LLB - PJ TRUTER BA LLB DIP EST DIP INSOLVENCY LAW OJM SIEBERHAGEN B COM LLB
LM DIP LABOUR LLM LJ SMITH B PROC - P BRINK BA LLB - MJ TITUS BCOM LLB S RALL-WILLEMSE BA LLB - P NIEMANN BCOM LLB

CONSULTANTS

MTS HOFMEYR BA LLB - A J VAN ZYL B COM LLB DIP TAX PRAC

PROFESSIONAL ASSISTANTS

CJ TWYNAM LLB - M REINDERS BCOM LLB - RW STEWART LLB ADV DIP LABOUR LAW - S ISAACS LLB - L O'CONNOR B COM LLB
ACF KNOETZE BA LLB - L SMIT BA LLB

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JV 18

2. Our client attended the meeting during which he was informed in writing that:
 - a. *"Your placement as the Cluster Commander: Cape Town Central, in terms of the new Cluster concept of the Western Cape, is confirmed with immediate effect"*.
3. Our client objected to the transfer, redeployment and/or placement and submitted a grievance to that effect;
4. Our client was not afforded the opportunity to submit representations as contemplated in the SSSBC agreement, 5 of 1999;
5. Please note that we have now received instructions from Popcru to lodge an urgent application in terms of which Popcru will, inter-alia, challenge the lawfulness of the transfers, redeployment and/or placement of members affected by the decisions taken by the Acting National Commissioner on 13 June 2016. Our instructions are that the transfers, redeployment and/or placement of members emanates from the implementation of a new structure on which POPCRU and/or SAPU was never consulted.
6. In the above premises we demand that your office agree to the suspension of the implementation of the new structure, transfers and placements pending the outcome of a review of the decisions taken on 13 June 2016, failing which we will have no option but to approach the court for urgent interim relief. We await your undertaking in the aforementioned regard by no later than 15h00, Thursday 30 June 2016.

Yours faithfully,

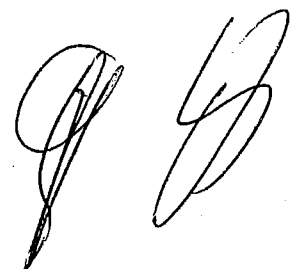
Marais Muller Hendricks Inc.

per:

C HENDRICKS

cliveh@mmha.co.za

fax 086 540 6135





MARAIS MÜLLER HENDRICKS
ATTORNEYS

JV 19

Our Reference ZA7933/CH- MG - JA VEAREY

Your Reference 527129-1/4

Date 30 JUNE 2016

"URGENT"

SOUTH AFRICAN POLICE SERVICE

The Office of the Deputy National Commissioner
(Human Resource Management)

Dear Lieutenant General BC Mgwanya

RE: PLACEMENT MAJOR GENERAL JA VEAREY

1. We address this letter to you on behalf of our client, Major General J Vearey, duly assisted by his Union, POPCRU.

tel +27 21 423 4250 fax +27 21 424 8269 docex 94, Cape Town www.maraismullerhendricks.co.za
address 4th Floor General Building, 42 Burg Street, Cape Town 8001 PO Box 4793, Cape Town 8000

MARAIS MÜLLER HENDRICKS INC. No 1997/9126A0/21

DIRECTORS

CS HENDRICKS LLB LLM (LABOUR LAW) DIP PENOLOGY - P RALL BA LLB - TR DE WET B COM LLB - SJ BURGER BA LLB DIP TAX PRAC DIP EST
AJ MARAIS BA LLB CJ GROBBELAAR BA LLB - GM DE WET B MUS LLB - PJ TRUTER BA LLB DIP EST DIP INSP VENCY LAW OJM SIEBERHAGEN B COM LLB
LSM DIP LABOUR LLM IJ SMITH B PROC - P BRINK BA LLB - MJ TITUS B COM LLB - S RALL-WILLEMSE BA LLB - P NIEMANN B COM LLB

CONSULTANTS

MTS HOFMEYR BA LLB - A J VAN ZYL B COM LLB DIP TAX PRAC

PROFESSIONAL ASSISTANTS

CJ TWYNAM LLB - M REINDERS B COM LLB - RW STEWART LLB ADV DIP LABOUR LAW - S ISAACS LLB - L O'CONNOR B COM LLB
ACF KNEJZE BA LLB - L SMIT BA LLB

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2. Our instructions are that:

2.1 After attending a presentation facilitated by your office on 13 June 2016, he was informed by way of a letter, at the presentation, that he was being redeployed to the post of Cluster Commander: Cape Town Central: Western Cape and that he was requested to report for duty in the new post with immediate effect;

2.2 The following day, on 14 June 2016, our client directed a letter to the Acting National Commissioner and Provincial Commissioner in which he challenges the transfer from his current post to the new post as the Cluster Commander: Cape Town Central as a unilateral decision effectively amounting to a demotion in status, which he identifies as "backwards from provincial management to cluster level with limited jurisdiction, powers and responsibilities";

2.3 On 22 June 2016, the Deputy National Commissioner responded to him.

3. We place on record that our client has not been given any reasons for the proposed transfer and disputes that there was a consultation conducted in the manner of an "interview" as your letter suggests.

4. Further, our client notes that there was no consultation with him in respect of the "intended redeployment". This is why your offices are unaware that his transfer will amount to a demotion.





MARAIS MÜLLER HENDRICKS
ATTORNEYS

5. Our client was also not afforded an opportunity to submit representations in terms of clause 10.1.3 of the Transfer Policy regulated by SSSBC Resolution 5 of 1999, prior to your letter of 22 June 2016. In other words, the provisions of the Transfer Policy, which you allude to, have been adhered to.
6. Since our client received your letter of 22 June 2016 on that day, he is entitled to a period of 21 days within which to make representations concerning the transfer which you unilaterally imposed on him. On our calculations, this 21 day period expires on 13 July 2016.
7. To the extent that the interests of the Service may require him to assume duty before his 21 days expires (even though your letter does not motivate grounds for an urgent transfer), then if necessary he relies on clause 10.1.6.2 of the Transfer Policy, which provides that despite

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AJ MARAIS BA LLB CJ GROBBELAAR BA LLB - GM DE WET BMS LLB - PJ TRUTER BA LLB DIP EST DIP INSOLVENCY LAW DJM SIEBERHAGEN B COM LLB
LLM DIP LABOUR LLM LJ SMITH B PROC - P BRINK BA LLB - MJ TITUS BCOM LLB - S RALL-WILLEMSE BA LLB - P NIEMANN BCOM LLB

CONSULTANTS

MTS HOFMEYR BA LLB - AJ VAN ZYL B COM LLB DIP TAX PRAC

PROFESSIONAL ASSISTANTS

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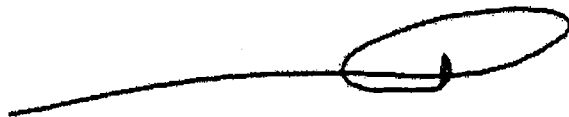


him assuming duty at the new component, he still will have the opportunity to make representations and have them considered within 21 days.

8. Finally, we hold instructions to prepare representations on behalf of Major General Vearey, which representations will be directed to you by no later than 13 July 2016.
9. In the meantime, and in the absence of any reasons motivating for our client's urgent redeployment to Cape Town, we see no reason why our client cannot remain in his current post until these representations and/or any other grievance proceedings are finalised.
10. Please confirm that he may remain in his current post, until all grievances have been resolved since no reasons have been advanced by your office for our client's urgent transfer. Further confirm that your office affords our client time until 13 July 2016 to submit his representations.

Yours faithfully

Marais Muller Hendricks Inc.

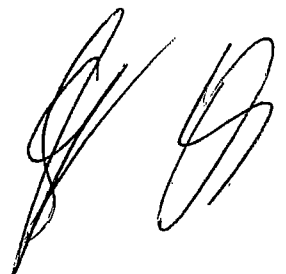


per:

C HENDRICKS

cliveh@mmha.co.za

fax 086 540 6135





MARAIS MÜLLER HENDRICKS
ATTORNEYS

JV 20

JV 20

Our Reference ZA7933/CH- MG - JA VEAREY
Your Reference 527129-1/4
Date 5 JULY 2016

"URGENT"

SOUTH AFRICAN POLICE SERVICE
The Office of the Deputy National Commissioner
(Human Resource Management)

Dear Lieutenant General BC Mgwenya

RE: PLACEMENT MAJOR GENERAL JA VEARY

We refer to our letter dated 30 June 2016 to which were not extended the courtesy of a reply.

1. In addition to what is contained in said letter, particularly paragraph 9 and 10 thereof, to which we require an urgent response, we also urgently request the following information:

tel +27 21 433 4250 fax +27 21 424 8269 docex 94, Cape Town www.maraismullerhendricks.co.za
address 4th Floor General Building, 42 Burg Street, Cape Town 8001 PO Box 4793, Cape Town 8000

MARAIS MÜLLER HENDRICKS INC. No 1997/012640/21

DIRECTORS

C S HENDRICKS LLB LL.M (LABOUR LAW) DIP PENOLOGY · P RALL BA LLB - TR DE WET B COM LLB · S J BURGER BA LLB DIP TAX PRAC DIP EST
A J MARAIS BA LLB C J GROBBELAAR BA LLB · G M DE WET B MUS LLB · P J TRUTER BA LLB DIP EST DIP INSOLVENCY LAW O J M SIEBERHAGEN B COM LLB
LLM DIP LABOUR LL.M L J SMITH B PROC · P BRINK BA LLB · M J TITUS B COM LLB · S RALL-WILLEMSE BA LLB · P NIEMANN B COM LLB

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A C F KNOETZE BA LLB - L SMIT BA LLB

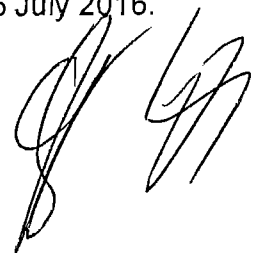
A MEMBER OF



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- 1.1 A copy of the position paper that served at the bargaining council ("SSSBC") as a discussion document to engage labour on the employers proposed restructuring exercise;
 - 1.2 A copy of the organisational design presentation reflecting the proposed new structures;
 - 1.3 A copy of the submission that served before the National Commissioner causing her to approve the structure that is currently being implemented;
 - 1.4 A copy of the document/s from which the "Back to Basics" presentation was drawn for the purposes of the engagement with *inter alia* our client on 13 June 2016.
2. Our client falls within program 3 depicted on the Problem Statement (2) slide on the 13 June 2016 presentation. Please let us have copies of our client's individual performance assessment indicating that he was underperforming which warranted the employer redeploying him to the post of Cluster Commander, Cape Town.
 3. In order to determine the lawfulness of the instruction we hold instructions to interrogate the information requested above.
 4. Please take note that this request is made in terms of the Promotion of Access to Information, Act Act 2 of 2000. Moreover, the information requested will assist our with preparing his defence to the processes and procedure he currently challenges.
 5. Please also furnish us with reasons as to why our client was identified for transfer to the position of Cluster Commander, Cape Town.
 6. We request that your office provide the information by 4pm, Wednesday, 6 July 2016.





MARAIS MÜLLER HENDRICKS
ATTORNEYS

Yours faithfully,

Marais Muller Hendricks Inc.

per:

C HENDRICKS

cliveh@mmha.co.za

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L M D P LABOUF LL M L I SMITH B PROC - P BRINK BA LLB - MJ TITUS BCOM LLB - S RALL-WILLEMSE BA LLB - P NIEMANN BCOM LLB

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ACI KNOETZE BA LLB - L SMIT BA LLB

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JV 21

African Police Service

South African Police Service

Reference: 2016/00000

Reference: 2016/00000

ZA7933/CH-MG-JA Vearey
527129-1/4
Lt Gen Mgwanya
012 393 2315

THE DEPUTY NATIONAL COMMISSIONER
HUMAN RESOURCE
PRETORIA
0001

2016-07-06

MESSRS Marais Muller Hendricks Attorneys
4th Floor
General Building
42 Burg Street
CAPE TOWN
8001

Per telefax: (021) 424-8269

For attention: Mr C. Hendricks

Dear Sir

RE: YOUR CLIENT: MAJOR GENERAL JA VEAREY

Your letters dates 30 June 2016 and 5 July 2016 respectively, refer.

This office does not intend to deal with all the averments in the said letters, but rather to respond to the main issues raised. A failure to deal with each and every averment must not be construed as an admission thereof. The said averments can be dealt with in the appropriate forum at the appropriate time.

It is hereby confirmed that your client has been afforded the opportunity to submit written representations and the South African Police Service commits itself to consider the representations, once received, within the time period prescribed in the Transfer Policy. On consideration of the representations a final decision will be taken and your client will be informed accordingly.

In this regard this office awaits your client's representations by no later than 13 July 2016.

With regard to your further request that your client must remain in the post of Deputy Provincial Commissioner: Crime Detection: Western Cape, pending the finalisation of his representations and/or any other grievance proceedings, this can unfortunately not be acceded to, for the following reasons:

- Clause 10.1.6 of the Transfer Policy does allow an employee to take up a new post and to submit his or her representations whilst he or she assumed duties in the new post;
- Your client has applied for, and has been granted, annual leave up until the 8th of July 2016. The post in question cannot be left unattended, due to operational and service delivery needs.

RE: YOUR CLIENT: MAJOR GENERAL JA VEAREY

It can also be placed on record that in the notice addressed to your client, dated 13 June 2016, it is stated that the redeployment is based on the service delivery needs of the South African Police Service. It is therefore not correct to aver that your client was not given reasons for his redeployment.

The information requested in your letter, dated the 5th of instant, in terms of the Promotion of Access to Information Act, 2002 will be dealt with in terms of the provisions of the said Act and within the time period provided for in section 25 of the Act.

It can however at this stage be mentioned that your client's placement was not necessarily affected by the restructuring exercise as the posts in question existed pre and post the restructuring exercise.

Yours faithfully,


**LIEUTENANT GENERAL
DEPUTY NATIONAL COMMISSIONER: HUMAN RESOURCE MANAGEMENT
BC MGWENYA**

Date: 2016 -07- 06

JA Veary 2 – Snr App -2016

5/12/16



MARAIS MÜLLER HENDRICKS
ATTORNEYS

JV 22

Our Reference ZA7933/CH- MG - JA VEAREY

Your Reference 527129-1/4

Date 8 JULY 2016

"URGENT"

SOUTH AFRICAN POLICE SERVICE

The Office of the Deputy National Commissioner
(Human Resource Management)

Dear Lieutenant General BC Mgwenya

RE: PLACEMENT MAJOR GENERAL JA VEARY

Your letter dated 6 July 2017 refers.

tel +27 21 423 4250 fax +27 21 424 8269 docex 94, Cape Town www.maraismullerhendricks.co.za
address 4th Floor General Building, 42 Burg Street, Cape Town 8001 PO Box 4793, Cape Town 8000

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UM DIP LABOUR LLM M J SMITH B PROC - P BRINK BA LLB - M J TITUS BCOM LLB - S RAI L WILLEMSE BA LLB - P NIEMANN BCOM LLB

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AC KNOETZE BA LLB - L SMIT BA LLB



Ad Paragraph 3

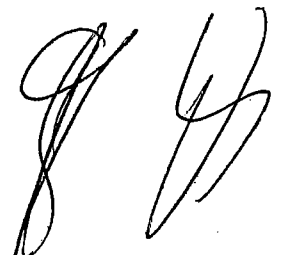
1. Inasmuch as your office is relying on transfer policy SSSBC 5 of 1999, we deny that our client was afforded the rights afforded to employees in accordance with section 10.1.3 thereof. For ease of reference, the section reads:

"10.1.2 The Employee whose transfer is being considered must be informed that the transfer is being considered, and given the reasons for the proposed transfer. He or she must be allowed a reasonable opportunity to make representations concerning the transfer, if he or she wishes to do so. Under normal circumstances a period of twenty-one (21) days will suffice for this purpose. The final decision must be communicated to the employee concerned within twenty (21) days after his or her representation. If the employee accepts the transfer and fails to make any representations, the necessary notice may be issued and the transfer carried out"

2. Our client received no communication that his "transfer is being considered" prior to 13 June 2016. The process was thus flawed at its inception stage;
3. The decision pertaining to his transfer was already taken on 13 June 2016;
4. The suggestion that there were proper consultation, in the aforementioned circumstances, cannot be correct.

Ad Paragraph 5

5. Clause 10.1.6 is clearly reserved for urgent cases. Urgently provide us with the factors the decision maker considered which rendered our client's transfer urgent.





MARAIS MÜLLER HENDRICKS
ATTORNEYS

Ad Paragraph 6

6. We reiterate, our client was not consulted prior to the alleged notice of 13 June 2016. We are unable to advise our client properly since your office opt to use vague terms such as "service delivery needs" and "redeployment". We ask that your office urgently provide the details and/or particulars of said service delivery needs so that our client can address it. As things stand, the alleged reason/s remains outstanding.

We further place on record that our client's adherence to the transfer instruction should in no way be construed as an acceptance thereof. All our client's rights remain expressly reserved.

We await your urgent reply.

Yours faithfully,

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ACF NHOETZE BA LLB - L SMIT BA LLB



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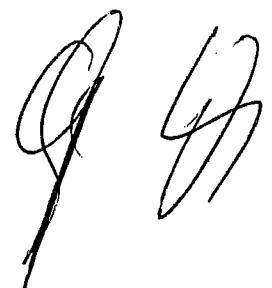
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per:

C HENDRICKS

cliveh@mmha.co.za

fax 086 540 6135

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JV JB

22202256
JV 23

MAJOR GENERAL JA VEAREY

and

NATIONAL MINISTER OF SAFETY AND SECURITY

ACTING NATIONAL COMMISSIONER OF POLICE

PROVINCIAL COMMISSIONER OF POLICE

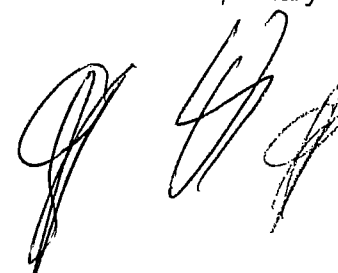
RE: REPRESENTATIONS

1. **BACKGROUND**


- 1.1 On 8 June 2016 the Provincial Commissioner issued a notice calling all Deputy Provincial Commissioners, Cluster Commanders, Provincial Heads and Station Commanders to attend a meeting scheduled for 13 June 2016. See **Annexure "JV1"**.

JV JB

- 1.2 The reason/s or purpose of the meeting was not communicated prior to 13 June 2016 nor was it set out in the notice.
- 1.3 I attended the meeting. My first engagement at the meeting was with Lt Gen Mgwenya, the Deputy National Commissioner. Lt Gen Mgwenya informed that me that I would be transferred to Wynberg Cluster as Cluster Commander. This was communicated to me in the presence of Lt Gen Ntshiea. Needless to say the news of my transfer was unexpected and came as a shock.
- 1.4 I was not given a letter during the brief talk with Lt Gen Mgwenya and was not provided reasons for the transfer.
- 1.5 I immediately challenged the rationale behind the transfer and Lt Gen Mgwenya replied that:
- 1.5.1 *"the Acting National Commissioner will explain the reasons and rationale in the plenary session"*.
- 1.6 Shortly after the brief talk with Lt Gen Mgwenya, all attendees were called to a *"plenary session"* with the Acting National Commissioner. The two (2) Lieutenant Generals referred to above as well as the Western Cape Provincial Commissioner, Lt Gen Jula, all station commanders and cluster commanders were present at the *"plenary session"*.



- 1.7 At that session the Acting National Commissioner, Lt Gen Phahlane summarily promoted 5 Brigadiers to the rank of Major Generals (*these posts and/or ranks were never advertised nor communicated*). The list of the newly appointed Major Generals presents as follows:
- 1.7.1 Brig Lincoln;
 - 1.7.2 Brig Tiyo;
 - 1.7.3 Brig Mamela;
 - 1.7.4 Brig Jordaan; and
 - 1.7.5 Brig Mancini.
- 1.8 The appointments of following two (2) Colonels, who applied for promotion to certain posts, were also confirmed:
- 1.8.1 Col Nkwintshi - Khayelitsha Station Commander; and
 - 1.8.2 Col Ntungela - Delft Station Commander
- 1.9 The above promotions and appointments were made effective as from 1 July 2016.
- 1.10 Lt Gen Phahlane subsequently and in broad terms addressed the attendees on the need for development and implementation of a change management strategy.



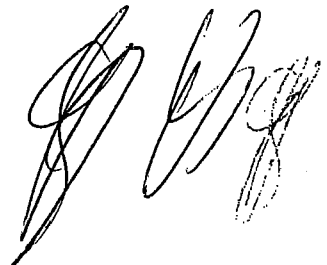
- 1.11 Crucially, and for purposes of these representations, Lt Genl Phahlane did not, *inter-alia*, address:
- 1.11.1 The rationale behind my transfer;
 - 1.11.2 The reason why my transfer was urgent;
 - 1.11.3 Specific and/or detailed operational needs necessitating my transfer;
 - 1.11.4 My selection as a candidate for transfer;
 - 1.11.5 The specific needs of the post of which I was the incumbent;
 - 1.11.6 The specific needs of the post to which I was transferred;
 - 1.11.7 My personal or my portfolio's performance or lack thereof;
- 1.12 Hence, I was not consulted nor was I given reasons for my transfer the during Lt General Phahlane's address.
- 1.13 Subsequently Brig Mitchell (participating member of the national delegation) presented a presentation outlining the suggested "*change strategy*" and the "*structure*". By way of overhead slides, he showed the Western Cape SAPS Structure, as well as a geographic map of Western Cape outlining the geographic location of the Province's policing clusters.
- 1.14 The presentation depicted that the provincial and cluster structures was already populated with ranks, names and surnames together with the cluster posts.



- 1.15 The conclusion that a decision was made to remove/replace me, without consultation or due process, is inescapable. Surely, Brig Mitchell had to have known about the transfers for a substantial period of time in order for him to compile and have the structures approved which begs the question:- Why was I not informed that my transfer is being considered?
- 1.16 Furthermore, as will become clearer later hereunder, the decision was clearly *mala fide* and falls to be set aside.
- 1.17 I disputed my transfer. In this regard I refer **Annexures "JV2"** to **"JV10"**. The averments contained in the correspondence should be read as part of these representation.

2 **REQUEST FOR INFORMATION:**

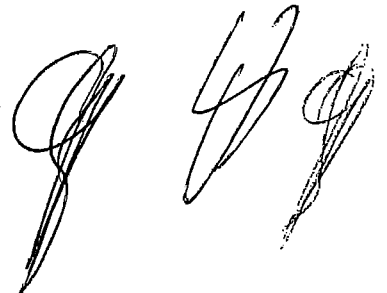
- 2.1 I reiterate, I was not given reasons for the proposed transfer. I dispute that there was a consultation conducted in the manner of a "interview" or otherwise. See Annexure **"JV5"**.

A handwritten signature in black ink, appearing to be 'G. B. G.', located at the bottom right of the page.

2.2 In order to determine the lawfulness of the instruction I instructed my attorneys to request the following information:

- 2.2.1 A copy of the position paper that served at the bargaining council ("SSSBC") as a discussion document to engage labour on the employers proposed restructuring exercise;
- 2.2.2 A copy of the organisational design presentation reflecting the proposed new structures;
- 2.2.3 A copy of the submission that served before the National Commissioner causing her to approve the structure that is currently being implemented;
- 2.2.4 A copy of the document/s from which the "Back to Basics" presentation was drawn for the purposes of the engagement with inter alia our client on 13 June 2016. See **Annexure "JV7"**.

2.4 The reason I require the information is because I intend to challenge the lawfulness of the new organisational structure as presented on the 13 June 2016.



2.5 To date I have not received the requested information nor the reasons for my transfer. As such, I am severely prejudiced in my defence and right to submit detailed representations.

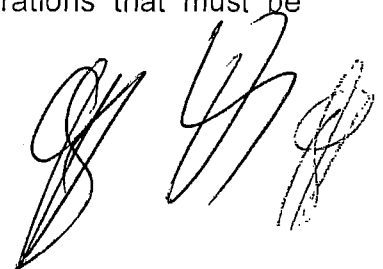
2.6 In the above premises, I have no option but to reserve my rights to supplement these representations upon receipt of the requested information. In the meantime, a definitive decision regarding my transfer would necessarily be kept in abeyance. Failure to do so would inevitably be grossly unfair.

3 LEGAL FRAMEWORK

3.1 SSSBC Resolution 5 of 1999 ("Transfer Policy")

3.1.1 I am advised that, the purpose of the Transfer Policy is to create a framework in which to address transfers and service arrangements in the South African police service in a reasonable and just manner.

3.1.2 Further that, in principle SAPS employees can be transferred but that in considering a transfer, irrespective of the origin of the request, there are certain considerations that must be



taken into account before a final decision is reached. These considerations include the following:

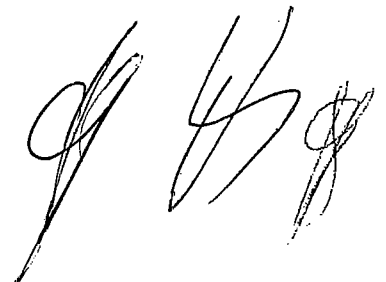
3.1.2.1 there must be a valid and sufficient reason to transfer;

3.1.2.2 the interests of the service;

3.1.2.3 the interests of the individual employee whose transfer is being considered;

3.1.3 I am further advised that the following procedures applies in respect of transfers:

3.1.3.1 employees whose transfers is being considered must be informed that the transfers being considered, and given reasons for the proposed transfer. He or she must be allowed a reasonable opportunity to make representations concerning the transfer that he or she wishes to do so. The final decision must be communicated to the employee concerned within 21 days after his or her representations;

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3.1.3.2 If the employee makes representations Commissioner responsible for considering the transfer must consider the representations;

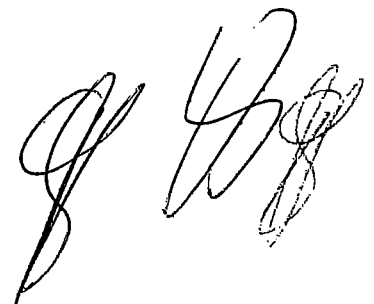
3.1.3.3 After the representations of the employee have been considered, the employee concerned must be informed in writing that the representations were considered, and outcome must be stated. If the representations were unsuccessful, the reasons why the representations are rejected must be set out.

3.1.3.4 In urgent cases, the interests of the service may require that an employee immediately assumes duty at another component.

3.2 The transfer policy highlights two principles to wit: a selection of factors to consider and consultation before a decision is taken. I turn to those in turn:

3.3 **In the interest of the service?:**

3.3.1 It is on record that the reason for the transfer is that it is "*in the interest of the service*" See Annexure "JV1"

Two handwritten signatures in black ink, one on the left and one on the right, both appearing to be initials or short names.

3.3.2 Firstly, I deny that my transfer is in the interest of the service. On the contrary, my transfer goes directly against the interest of the service when the following factors, *inter alia*, are properly considered:

3.3.2.1 My curriculum vitae encapsulating the skill and expertise I bring to the post. See **Annexure "JV11"**;

3.3.2.2 My past performance and good assessment scores;

3.3.2.3 The successes in comparison with the previous timeframes;

3.3.2.4 The extent and depth of my experience;

3.3.2.5 The substantial and successful amount of covert operations launched and/or finalized;

3.3.2.6 The fact that I effectively and efficiently met all targets for undercover projects and overt operations;

3.3.2.7 The recent and ongoing successes relating to the firearm syndicates;

3.3.2.8 The commons cause fact that Cape Town Cluster is actually performing well thus rendering my addition/transfer to the Cluster superfluous and/or of no import;

A handwritten signature in black ink, appearing to be 'J. B. J.', located at the bottom right of the page.

3.3.2.9 A critical post in the context of crime prevention is now left vacant for no apparent good reason;

3.3.2.10 The fact that the transfer, on the facts, amounts to an unlawful demotion considering that:

3.3.2.10.1 My Oversight is reduced from 151 Stations to 8 Stations;

3.3.2.10.2 My Responsibilities are substantially reduced;

3.3.2.10.3 My Scope of authority is substantially reduced;

3.3.2.10.4 My Geographical scope is substantially reduced;

3.3.2.10.5 My Jurisdictional scope is substantially reduced;

3.3.2.10.6 My status is substantially reduced and negatively affected;

3.3.2.10.7 My Reporting lines changed and is substantially affected.

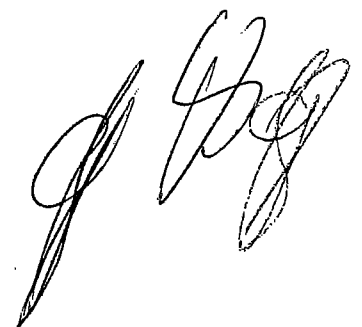
3.3.3 I will amplify the above factors as soon as I receive the requested information.

3.4 **Consultation:**

3.4.1 The mere reference to "the interests of service delivery needs" does not constitute sufficient "reasons for the proposed transfer" taking into account the fact that the purpose for giving reasons is obviously to enable the employee to make representations regarding the proposed transfer.

3.5 The Constitutional Court has found that procedural fairness requires more than allowing parties affected by administrative action to make submissions. They must be given a chance of influencing the decision:

"Procedural fairness is concerned with giving people an opportunity to participate in the decisions that will affect them, and – crucially – a chance of influencing the outcome of those decisions. Such participation is a safeguard that not only signals respect for the dignity and worth of the participants, but is also likely to improve the quality and rationality of administrative decision-making and to enhance its legitimacy."



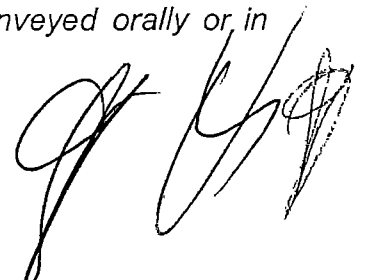
- 3.6 That proper consultation requires a good faith exchange of information, with both parties open to persuasion, is clear from South African and English authorities on the meaning of "consultation".
- 3.7 In **Hayes** the Western Cape High Court considered various dictionary meanings of the words "consult" and "consultation" as follows:

Shorter Oxford English Dictionary

"inter alia, to take counsel together, deliberate, confer while 'consultation' is said to mean, inter alia, the action of consulting or taking counsel together; deliberation, conference..."

- 3.8 In **Maqoma v Sebe NO and Another** Pickard, J observed as follows on the meaning of 'consultation'-

"The word "consultation" in itself does not presuppose or suggest a particular forum, procedure or duration for such discussion or debate. Nor does it imply that any particular formalities should be complied with. Nor does it draw any distinction between communications conveyed orally or in




writing. What it does suggest is a communication of ideas on a reciprocal basis."

3.9 In *Port Louis Corporation v Attorney-General of Mauritius*, quoted the learned Law Lord Morris of Borth-y-Gest held:

"The requirement of consultation is never to be treated perfunctorily as a mere formality. The local authority must know what is proposed; they must be given a reasonable, ample and sufficient opportunity to express their views or to point to problems or difficulties; they must be free to say what they think."

3.10 In *Sinfield and Others v London Transport Executive* the Court held:

"Consultations can be very real value in enabling points of view to be put forward which can be met by modifications of a scheme and sometimes even by its withdrawal. I start accordingly from the viewpoint that any right to be consulted is something that is indeed valuable and should be implemented by giving those who have rights an opportunity to be heard at the formative stage of proposals



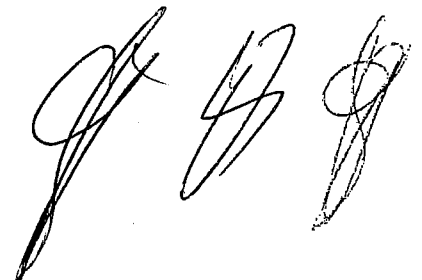
before the mind of the executive becomes unduly fixed."

(emphasis added)

- 3.11 In *R v Secretary of State for Social Services, Ex parte Association of Metropolitan Authorities* the Court held:

"No general principle to be extracted from the case law as to what kind or amount of consultation is required before delegated legislation, of which consultation is a precondition, can validly be made. But in any context the essence of consultation is the communication of a genuine invitation to give advice and genuine receipt of that advice. In my view, it must go without saying that to achieve consultation sufficient information must be supplied by he

- 3.12 In *Nxele v Chief Deputy Commissioner, Corporate Services, Department of Correctional Services* the Labour Appeal Court accepted that the transfer of public servants in terms of s 14 of the Public Service Act constituted administrative action. In that context the LAC held that a public servant must be informed that her transfer is being considered and she must be given reasons for the proposed transfer and an opportunity to make representations before a final decision is made.



3.13 In Nxele, the National Commissioner of Correctional Services had taken a decision to transfer the employee before he had been notified of the contemplated transfer and before he had been given an opportunity to make representations. That, the court held on appeal, was **bad in law and rendered the transfer invalid and unlawful**. The LAC held that the *audi alteram partem* rule applied to transfers in the public service and that the employer had to observe that rule before it can take a decision adversely affecting the employee.

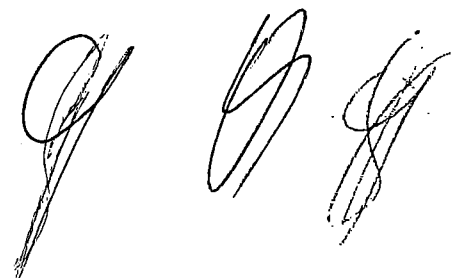
3.14 Furthermore, In Mineworkers' Union / Solidarity obo McGregor v SA National Parks, having considered the employer's decision to make a "policy shift" the Court held:

"This necessitated a change in the applicant's terms and conditions of employment. This the respondent was entitled to do, provided that it was preceded by consultation."

4. PRINCIPAL SUBMISSIONS:

4.1 Request for information:

4.1.1 To achieve meaningful consultation reasons for the transfer must be supplied;



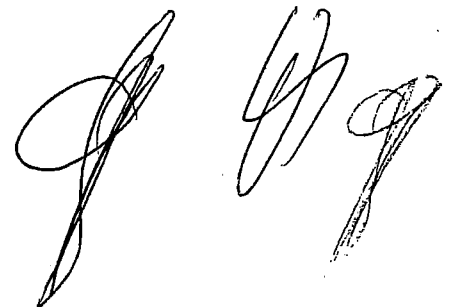
4.1.2 Simply stating that a transfer is *in the interest of the service* do not constitute reasons. It follows that a critical requirement for consultation remains absent.

4.2 Failure to consult:

4.2.1 The circumstances described above leading to the transfer clearly indicates that the decision to transfer was made prior to 13 June 2016.

4.2.2 The fact that I am, after the fact, afforded an opportunity to submit representations do not remedy the flawed decision to transfer. This submission is underscored by the Transfer Policy which stipulates that "employees whose transfers is being considered must be informed that the transfers being considered"

4.2.3 In the aforementioned regard the heading and wording of my transfer notice are decisive. The notice simply do not indicate that the transfer is being considered neither does it contain reasons for a proposed transfer. See **Annexure "JV1"** instructing that:

Two handwritten signatures in black ink, one on the left and one on the right, both appearing to be initials or short names.

- 5.2 The Acting National Commissioner's belated attempt to consult, following on my dispute that I was not consulted, was in the context of *a fait accompli*.
- 5.3 I did not consent to the transfer. I challenge the instruction to assume duty immediately on the grounds that such instruction was unlawful and/or constituted an unfair labour practice. The transfer further is in breach of the policies and procedures of the South African Police Services. I will elaborate on the aforementioned as soon as the requested information comes to hand.
- 5.4 I request that the decision to transfer should, in the aforementioned circumstances, be set aside and I be permitted to resume my duties as Provincial Head Crime Intelligence, Western Cape.



MAJOR GENERAL JA VEAREY

13 JULY 2016

