



**JUDICIAL COMMISSION OF INQUIRY INTO ALLEGATIONS OF STATE CAPTURE,
CORRUPTION AND FRAUD IN THE PUBLIC SECTOR INCLUDING ORGANS OF STATE**

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INDEX: SEQ 12/2021

No.	Description	Pages
Application by Arthur Fraser for the Commission to issue summons on the Minister of State Security to produce documentation		
1.	Notice of Motion dated 09 March 2021	01 to 13
2.	Founding Affidavit of Arthur Fraser dated 05 March 2021	14 to 42
3.	Annexures "AF1"	43 to 45
4.	Annexures "AF2"	46 to 51
5.	Annexures "AF3"	52 to 54
6.	Annexures "AF4"	55 to 60
7.	Annexures "AF5"	61 to 63
8.	Annexures "AF6"	64 to 65
9.	Annexures "AF7"	66 to 67

No.	Description	Pages
10.	Annexures "AF8"	68 to 69
11.	Annexures "AF9"	70 to 74
12.	Notice to Abide: Minister of State Security	75 to 76
13.	Notice of Intention to Oppose: Director General of the State Security Agency and The State Security Agency	77 to 78
14.	Answering Affidavit filed by the Second and Third Respondents, Director General of the State Security Agency and The State Security Agency: Affidavit of Ambassador Tony Msimanga dated 07 April 2021	79 to 130
15.	Confirmatory Affidavit of Mr Loyiso Jafta dated 07 April 2021.	131 to 133
16.	Replying affidavit of Arthur Fraser	134 to 151

ORIGINAL

**IN THE JUDICIAL COMMISSION OF INQUIRY INTO ALLEGATIONS OF STATE
CAPTURE, CORRUPTION AND FRAUD IN THE PUBLIC SECTOR INCLUDING
ORGANS OF STATE**

CASE NO:

In the matter between:

ARTHUR FRASER

Applicant

and

MINISTER OF STATE SECURITY

1st Respondent

DIRECTOR-GENERAL:

STATE SECURITY AGENCY

2nd Respondent

STATE SECURITY AGENCY

3rd Respondent



NOTICE OF MOTION



TAKE NOTICE that **ARTHUR FRASER** (hereinafter called the Applicant) intends to make an application to the above Commission for an order in the following terms:

1. To compel the First Respondent in accordance with Rule 10 of the Commission to produce and provide the Applicant the below mentioned documents:
 - 1.1 Copies of the authorisation and all documentation regarding the process followed to review the 28 March 2018 withdrawal of the security clearance of Dr SI Dintwe, Inspector General of Intelligence;
 - 1.2 Copies of the Ministerial Payment Directive and Delegation of Powers (MPD) as approved by the respective Ministers responsible for Intelligence for the period 2004 to 2018. In this regard I expect to be furnished with no less than three MPD's approved and implemented for specific periods of time during the 2004 – 2018 timeline.
 - 1.3 Copies of the Operational Policies and Operational Directives as approved by the relevant Ministers responsible for Intelligence approved and implemented for specific periods of time during the 2004 – 2018 timeline.
 - 1.4 Copies of documentation and approvals or authorisations for the restructuring of the Civilian Intelligence Services from 2009 up to 2020.
 - 1.5 A copy of the outcome and decision of the investigation done by the Ministry in respect of complaints of sexual harassment registered with the Minister against Mr Loyiso Jafta, Acting Director General State Security Agency.
 - 1.6 A copy of the file containing intelligence on His Excellency, President Cyril Matamela Ramaphosa, on his business and political activities as well as his associates.

- 2 To compel the Second and Third Respondents in accordance with Rule 10 of the Commission to produce and provide the Applicant the below mentioned documents:
 - 2.1 A copy of the outcome of the investigation into the basis for the 28th March 2018 withdrawal of the security clearance of Dr S I Dintwe, Inspector General of Intelligence;
 - 2.2 A copy of the complete dossier on the 2017 – 2018 investigation and decision by the Director General, State Security Agency to withdraw the security clearance of Dr S I Dintwe, Inspector General of Intelligence;
 - 2.3 Copies of the approved Strategic Plans, approved Annual Performance Plans, and approved Annual Reports for the National Intelligence Agency (NIA) and State Security Agency (SSA) for the following financial years: 2004/05; 2005/06; 2006/07; 2007/08; 2008/09; 2009/10; 2016/17; 2017/18 and 2018/19, including the Auditor General Reports issued for the stated financial years.
 - 2.4 Copies of the approved Operational Standard Operating Procedures for the following financial years: 2004/05; 2005/06; 2006/07; 2007/08; 2008/09; 2009/10; 2016/17; 2017/18 and 2018/19.
 - 2.5 A copy of the National Intelligence Agency Management Handbook, 2007.
 - 2.6 Copies of all documentation relating to project "Moloi Tshaba Ke fete" together with related projects: Project Peruku, project Roctober, project Firewood, and project Tringas from its inception and including its strategic objectives, intelligence objectives and operational objectives, budget allocations, names of the project members, to operational reports and products.
 - 2.7 Copies of all documentation relating to project "Yellow Bone" from its inception including strategic objectives, intelligence objectives, operational

objectives, names of the project members, to operational reports and products.

- 2.8 Copies of all documentation relating to project "Roundabout" from its inception including strategic objectives, intelligence objectives, operational objectives, names of the project members, including settlement agreement, to operational reports and products.
- 2.9 Copies of all documentation relating to the investigation into the "Special Browse Mole Report" and all related projects including operation "Warrior" from its inception including strategic objectives, intelligence objectives, operational objectives, names of the project members, to operational reports and products.
- 2.10 Copies of all documentation relating to operation "Maqedindaba" from its inception including strategic objectives, intelligence objectives, operational objectives, names of the project members, to operational reports and products.
- 2.11 Copies of all documentation relating to operation "Anaconda" from its inception including strategic objectives, intelligence objectives, operational objectives, names of the project members, to operational reports and products.
- 2.12 Copies of all documentation relating to project "Ukuthula" from its inception including strategic objectives, intelligence objectives, operational objectives, names of the project members, to operational reports and products.
- 2.13 Copies of all documentation relating to project "Flower" from its inception including strategic objectives, intelligence objectives, operational objectives, names of the project members, to operational reports and products.
- 2.14 Copies of all documentation relating to the project in the Northern Cape in relation to NIA investigations of alleged corruption in the Northern Cape

Department of Health from its inception including strategic objectives, intelligence objectives, operational objectives, names of the project members, to operational reports and products, as well as related liaison documentation with law enforcement agencies.

- 2.15 Copies of all documentation relating to operation "Exploit" from its inception including strategic objectives, intelligence objectives, operational objectives, names of the project members, to operational reports and products.
- 2.16 Copies of all documentation relating to operation "Redemption" from its inception including strategic objectives, intelligence objectives, operational objectives, names of the project members, to operational reports and products.
- 2.17 Copies of all documentation relating to operation "Scope" from its inception including strategic objectives, intelligence objectives, operational objectives, names of the project members, to operational reports and products.
- 2.18 Copies of all documentation relating to project "Nemo" from its inception including strategic objectives, intelligence objectives, operational objectives, names of the project members, to operational reports and products.
- 2.19 Copies of all documentation relating to project "Veza" from its inception including strategic objectives, intelligence objectives, operational objectives, names of the project members, to investigative reports and products.
- 2.20 Copies of all documentation relating to project "Optimism" from its inception including strategic objectives, intelligence objectives and operational objectives, names of the project members, to operational reports and products.

- 2.21 Copies of all documentation relating to an SABC journalist and the United States of America's Department of Defence, including the source file and contract.
- 2.22 Copies of all documentation relating to the disciplinary process, review and setting aside of the dismissal / disciplinary and related actions taken against Herbert Woodbridge and Johan Karsten, relating to the Neil Van Heerden, and Philip Du Toit matter.
- 2.23 Copies of all documentation relating to the purchase of a grabber and other interception equipment from a Bloemfontein based service provider.
- 2.24 Copy of the Authorisation by Minister Kasrils for the National Intelligence Agency's Principal Agent Network (PAN).
- 2.25 Copies of all the presentations made by different Chief Directorates of the National Intelligence Agency PAN programme (2006 - 2010) and the minutes of all the meetings and workshops that these presentations were made.
- 2.26 Copy of the approved Business Analysis Investigation: Realignment of the Cover Support Unit (CSU) in 2007.
- 2.27 Copies of all submissions and authorisations for the purchase of surveillance vehicles in 2008.
- 2.28 Copies of all submissions of every Chief Directorate to the CSU for covert support.
- 2.29 Copies of the inventories for the allocation of all laptops procured by the CSU.
- 2.30 Copies of all documentation relating to operation "Survivor" from its inception including strategic objectives, intelligence objectives, operational objectives, names of the project members, to operational reports and products.

- 2.31 Copies of all documentation relating to all projects that Niel Barnard was involved in with the National Intelligence Agency (NIA), the South African Secret Service (SASS) and the State Security Agency (SSA) from its inception including strategic objectives, intelligence objectives, operational objectives, names of the project members, to operational reports and products.
- 2.32 Copies of all documents relating to contracts entered into between NIA and/or SASS and/or National Communications (NC) and/or SSA with Kalliston, including all payments and settlements.
- 2.33 Copies of all documentation relating to the SSA internal investigation into allegations of sexual harassment registered against Mr Loyiso Jaftha, Acting Director General SSA.
- 2.34 A copy of the complete dossier on the transfer of Mr Dawie Besselaar from Musanda to Bloemfontein.
- 2.35 Copies of all documentation relating to the various SSA internal investigations into allegations of serious misconduct (fraud) by Mr George Hlungwane, General Manager Operational Training, Intelligence Academy.
- 2.36 Copies of all documentation relating to the SSA internal investigation into allegations of serious misconduct (fraud) by Ms Portia Modisane, Provincial Head Free State.
- 2.37 Copies of all documentation relating to the SSA internal investigation into allegations of serious misconduct (espionage) by Mr Willie Conradie and Mr Marlin Jonhson, members Operational Support.
- 2.38 Copies of all documentation relating to the SSA internal investigation into allegations of serious misconduct (unauthorised allocation of R200 million) by Mr Maxwell Damane, Manager Finance Division.

- 2.39 Copies of all documentation relating to the SSA internal investigation into allegations of serious misconduct (relating to the procurement of properties) by Mr Maxwell Damane, Manager Finance Division.
- 2.40 Copies of all documentation relating to the SSA internal investigation into allegations of serious misconduct (fraud) by:
- 2.40.1 Mr Sipho Blose, Acting DB02;
 - 2.40.2 Ms Nozuko Bam, currently Acting DB02;
 - 2.40.3 Ms Tshedza Rambau Operational Support Officer: Office of DB02;
 - 2.40.4 Mr Patrick Selebi Operational Support Officer: Office of DB02;
 - 2.40.5 Mr Vuyani Mlati Target Index Officer (DB02); and
 - 2.40.6 Ms Malerato Segoane Secretary DB02.
- 2.41 A copy of the file containing intelligence on His Excellency President Matamela Cyril Ramaphosa containing his business, political and personal activities and associates.
- 2.42 A copy of Mr Sipho Blose (Blose)'s assessment that determined and confirmed that he was unfit to hold the position of General Manager, let alone Deputy Director-General;
- 2.43 A copy of all the documents and reports, including the authorisation, records of all submissions and payments, false documents, travel records including all the related travel itineraries created by Blose in the project masterminded and managed by him that resulted in a report that falsely claimed that Prof Thuli Madonsela, Mr Sello Julius Malema and Mr Joseph Mathunjwa were agents and/or members of the Central Intelligence Agency of the United States of America. To this end, we kindly request that you also provide us with a copy of Prof Madonsela's false CIA membership or appointment card manufactured by Blose;
- 2.44 A copy of the affidavit deposed to by Mr Loyiso Jafta and submitted to the Commission aimed at implicating our clients in wrongdoing as well as a

copy of the subpoena or instruction issued to him by the Commission at his (Mr Jafta)'s insistence, advice and/or request;

- 2.45 A copy of the opinion received by the SSA or its predecessor from Langa Attorneys on the contract between Mr Yusuf Patel and the National Intelligence Agency (NIA) as part of the PAN Program, as well as the records of all the payments made to Langa Attorneys in this regard appointed on the instruction of Messrs Gibson Njenje and Lloyd Mhlanga;
- 2.46 A copy of the investigation report, if any, produced by Langa Attorneys as a result of his aforementioned instruction;
- 2.47 Copies of the investigation conducted by Adv Mahlodi Sam Mofhe, into the conduct of Mr Lloyd Mhlanga and leading to his ultimate removal from the Ministry of State Security;
- 2.48 Copies of the investigation conducted by the Coordinator of Intelligence, Ambassador Tony "Gab" Msimanga, into the unauthorised travel by Mr Gibson Njenje with a service provider to France and leading to his ultimate removal or departure from the Ministry of State Security;
- 2.49 Copies of the submission, authorisation and reports of the travel by Mr Gibson Njenje during the latter part of 2018 to the Democratic Republic of Congo with Mr Thabiso Thiti;
- 2.50 A copy of the investigation conducted by the Inspector-General of Intelligence, Dr Setlhomamaru Dintwe into the allegations that Mr Lloyd Mhlanga was earning a salary from both the SSA and the Department of International Relations and Cooperation;
- 2.51 Copies of all the documents related to a project initiated by Amb Moe Shaik for the funding, establishment, capacitating of CNBC Africa and the secondment of SSA members to it and which members remain on SSA's payroll despite not being engaged for over ten (10) years. These members remain at home. In particular, our clients request for a copy of the funding

agreement of CNBC Africa between the then South African Secret Service (SASS) or its successor, the SSA and Mr. Rakesh Wahi;

- 2.52 Copies of all documents related to a project initiated by Amb Moe Shaik which resulted in the funding for the purchase from the founder and editor, Raymond Louw and publisher, David Niddrie of the then failing online publication, Southern African Report by Mopani Media and the appointment of Ms Karima Brown as its editor for South Africa and the inclusion of David Niddrie, Karima Brown, Vukani Mde and Pierre van der Hoven as its shareholders;
- 2.53 Copies of all intelligence documents and reports of a counterintelligence/counterespionage investigation that indicated the undeclared and/or unregulated contact by Mr Inayet "Inzo" Ismail (Ismail) with an Israeli national and the justification of his continued deployment to the USA despite these reports;
- 2.54 Copy of the submission approving the utilisation of Ismail in project Veza, notwithstanding a pending investigation into such serious allegations of misconduct;
- 2.55 Copies of the records of all the payments of an allowance to Ismail for acting as Deputy Director-General: Counter-Intelligence while he was simultaneously posted abroad;
- 2.56 The records of the payments to Ismail of his foreign allowance despite him being in the Republic participating in Project Veza and acting as Deputy Director-General: Counter-Intelligence;
- 2.57 The records of Ismail's travels to the USA during the time that he was Acting Deputy Director-General: Counter-Intelligence and leading Project Veza;
- 2.58 Copy of SSA's applicable Foreign Dispensation Policy;

- 2.59 The record of all payments of Mr Charles Nqakula's salary and/or other emoluments by SSA while employed as the National Security Advisor in the Presidency and the legislative authority for these payments;
 - 2.60 All reports and correspondence for the period 2017 to 2021 regarding governance, audit and risk management concerns;
 - 2.61 Documents related to the handling by Herbert Woodbridge and Johan "Cassie" Carstens of Neil van Heerden and Phillip Du Toit, a convicted abalone poacher, including the investigation and disciplinary enquiries by NIA in or around 2007 into the 2 handlers; their conviction, dismissal and subsequent reinstatement.
- 3 Costs to be paid by any party opposing this Application.
 - 4 Further and/or alternative relief.

TAKE NOTICE FURTHER that the Applicant has appointed **KGOROEADIRA MUDAU INC** at the undermentioned address at which he will accept notice and service of all process in these proceedings.

FURTHER TAKE NOTICE THAT if you intend opposing this application you are required:

- a. To notify the Applicant's attorneys in writing on or before the 13th March 2021;
- b. And within 10 days after you have given notice of your intention to oppose the Application, to file your Answering Affidavits, if any.
- c. And further that you are required to appoint in such notification an address at which you will accept notice and service of all process in these proceedings.

If no such notice of intention to oppose be given, the Application will be made on the 23rd March at 10h00.

SIGNED at Rosebank on this _____ day of March 2021.

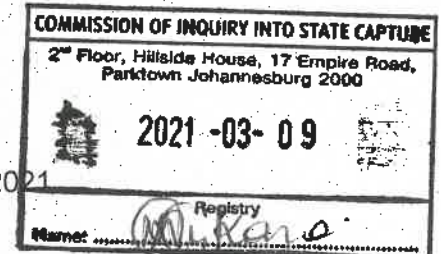

 ATTORNEY FOR APPLICANT
KGOROEADIRA MUDAU INC

Office 26, 3rd Floor 158 Jan Smuts Building
 9 Walters Street
 Rosebank
 P.O. Box 31884
 BRAAMFONTEIN

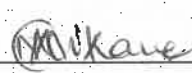
Tel: 011 268 5807 Fax: 086 519 4846

Ref: M Kgoroeadira

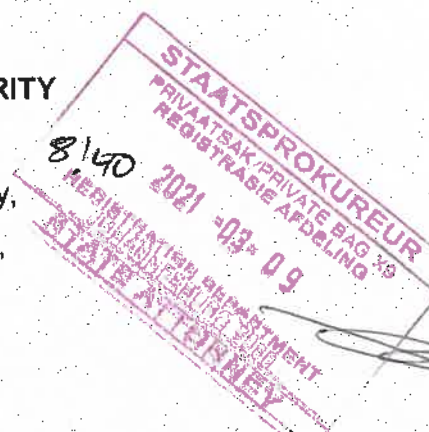
To: The Chairperson: State Capture Commission
 JOHANNESBURG



Received copy hereof on this 09 day of March 2021


 State Capture Commission

And To: **MINISTER OF STATE SECURITY**
FIRST RESPONDENT
 C/O Office of the State Attorney,
 10th Floor, North State Building,
 85 Albertina Sisulu Street
 Johannesburg, 2001



Received copy hereof on this _____ day of March 2021

 State Attorney

And To: **DIRECTOR-GENERAL: STATE SECURITY AGENCY**
SECOND RESPONDENT
 C/O Office of the State Attorney,
 10th Floor, North State Building,
 85 Albertina Sisulu Street
 Johannesburg, 2001



Received copy hereof on this _____ day of March 2021

 State Attorney

And To: **STATE SECURITY AGENCY**
THIRD RESPONDENT
 C/O Office of the State Attorney,
 10th Floor, North State Building,
 85 Albertina Sisulu Street
 Johannesburg, 2001



Received copy hereof on this _____ day of March 2021

 State Attorney

**IN THE JUDICIAL COMMISSION OF INQUIRY INTO ALLEGATIONS OF STATE
CAPTURE, CORRUPTION AND FRAUD IN THE PUBLIC SECTOR INCLUDING
ORGANS OF STATE**

CASE NO:

In the matter between:

ARTHUR FRASER

Applicant

and

MINISTER OF STATE SECURITY

1st Respondent

**DIRECTOR-GENERAL:
STATE SECURITY AGENCY**

2nd Respondent

STATE SECURITY AGENCY

3rd Respondent

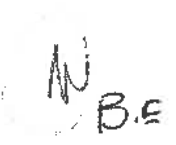
FOUNDING AFFIDAVIT

I, the undersigned

ARTHUR FRASER

do hereby make oath and say:

1. I am an adult male employed as the National Commissioner of the Department of Correctional Services of the Republic of South Africa and previously employed as the Director-General and Accounting Officer of the State Security

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Agency ("the Agency") employed in terms Section 3 (3) of the Intelligence Services Act.

2. Save where otherwise stated or appears from the context, the facts deposed to in this affidavit are within my own personal knowledge and belief, and are true and correct. Where I make submissions of a legal nature, I do so on the advice of my legal representatives, which advice I accept as correct.

THE PARTIES

3. I am the Applicant in this matter.
4. The First Respondent is the Minister of State Security, appointed as such in accordance with the provisions of section 209(2) of the Constitution of the Republic of South Africa, 1996 and whose principal address is Bogare Building, 2 Atterbury Road, Menlyn, PRETORIA and who is cited on the basis that she is the political head of the State Security Agency.
5. The Second Respondent is the Director-General of the State Security Agency whose principal address is Musanda Complex, Delmas Road, PRETORIA.
6. The Third Defendant is the State Security Agency, a national department of the Republic of South Africa, whose continued existence is provided for in section 3 of the Intelligence Services Act 65 of 2002, as amended and whose primary address is Musanda Complex, Delmas Road, PRETORIA.



PURPOSE OF THIS APPLICATION

7. The purpose of this application is to obtain an order in terms of the Notice of Motion to which this affidavit forms an annexure, for the Chairperson, in terms of section 3(1) of the Commissions Act 8 of 1947, read with Regulation 10(6) and Rule 10.1 of the Rules of the Judicial Commission of Inquiry Into Allegations of State Capture, Corruption and Fraud In the Public Sector Including Organs of State, to summon the Respondents to produce and provide me with certain documents that are specified in this affidavit and which are in their possession or under their control and which have a bearing on the allegations made against me in at this Commission and/or which have a bearing matters being investigated by the Commission.

BACKGROUND

8. On or about the 10th July 2020, I learnt through the media that Ambassador Mzuvukile Maqetuka (Maqetuka) had testified at the Commission and had made certain allegations implicating me in wrongdoing.
9. I further learnt that Mr Gibson Njenje (Njenje) and Ambassador Rieaz "Moe" Shaik (Shaik) had also testified at the Commission also implicating me in wrongdoing.
10. Up to that stage I had not been provided with any Rule 3.3 Notices before the hearing of the evidence from Maqetuka, Njenje and/or Shaik.
11. Shocked and surprised at this turn of events, I instructed my legal representatives to contact the Commission and establish why I was not informed as per the Commission's Rules and seek all the information relevant to the evidence by Maqetuka, Njenje and Shaik.



B.E.

12. Consequent to my instructions to them, my lawyers appeared at the Commission on the 20th July 2020 where they advised the Chairperson that I had not been served with a Rule 3.3 Notice regarding the evidence of Maqetuka, Njenje and Shaik and where it was agreed with the Chairperson that I would be provided with Maqetuka's corrected or supplementary affidavit as soon as it is available and that within 14 days thereof, I would elect whether I want to elect whether to give evidence, call any witness or cross-examine any of them. To date I have still not received Maqetuka's affidavit as promised.
13. In preparation for my submission to this Commission, I instructed my attorneys to address letters to the First Respondent and Mr Loyiso Jafta (Jafta), the Acting Director-General of the State Security Agency (SSA), among others, to request that they declassify certain documents to enable me to respond at the Commission to the allegations made against me by Maqetuka, Njenje and Shaik.
14. Accordingly, on the 5th August 2020, my attorneys addressed letters to the First and Second Respondents, among other people and/or institutions. The redacted copies of these letters were sent to the Chairperson of this Commission, the Honourable Judge Raymond Mnyamezeli Mlungisi Zondo for his information. I attach hereto copies of the letters to the First and Second Respondents marked "AF1" and "AF2" respectively. I further attach hereto copies of the redacted letters to the Chairperson marked "AF3" and "AF4".
15. From the First Respondent, I requested the following documents:
 - 15.1 Copies of the authorisation and all documentation regarding the process followed to review the 28 March 2018 withdrawal of the security clearance of Dr SI Dintwe, Inspector General of Intelligence.



B.E

- 15.2 Copies of the Ministerial Payment Directive and Delegation of Powers (MPD) as approved by the respective Ministers responsible for Intelligence for the period 2004 to 2018. In this regard I expect to be furnished with no less than three MPD's approved and implemented for specific periods of time during the 2004 – 2018 timeline.
 - 15.3 Copies of the Operational Policies and Operational Directives as approved by the relevant Ministers responsible for Intelligence approved and implemented for specific periods of time during the 2004 – 2018 timeline.
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 - 15.5 A copy of the outcome and decision of the investigation done by the Ministry in respect of complaints of sexual harassment registered with the Minister against Mr Loyiso Jafta, Acting Director General State Security Agency.
 - 15.6 A copy of the file containing intelligence on His Excellency, President Cyril Matamela Ramaphosa, on his business and political activities as well as his associates.
16. From the Second Respondent, I requested the following documents:
- 16.1 A copy of the outcome of the investigation into the basis for the 28th March 2018 withdrawal of the security clearance of Dr S I Dintwe, Inspector General of Intelligence;
 - 16.2 A copy of the complete dossier on the 2017 – 2018 investigation and decision by the Director General, State Security Agency to withdraw the security clearance of Dr S I Dintwe, Inspector General of Intelligence;

A handwritten signature inside a circle, with the letters 'BE' written next to it.

- 16.3 Copies of the approved Strategic Plans, approved Annual Performance Plans, and approved Annual Reports for the National Intelligence Agency (NIA) and State Security Agency (SSA) for the following financial years: 2004/05; 2005/06; 2006/07; 2007/08; 2008/09; 2009/10; 2016/17; 2017/18 and 2018/19, including the Auditor General Reports issued for the stated financial years.
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- 16.7 Copies of all documentation relating to project "Yellow Bone" from its inception including strategic objectives, intelligence objectives, operational objectives, names of the project members, to operational reports and products.
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- 16.9 Copies of all documentation relating to the investigation into the "Special Browse Mole Report" and all related projects including operation "Warrior" from its inception including strategic objectives,



B.E

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- 16.10 Copies of all documentation relating to operation "Maqedindaba" from its inception including strategic objectives, intelligence objectives, operational objectives, names of the project members, to operational reports and products.
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B.E

- 16.16 Copies of all documentation relating to operation "Redemption" from its inception including strategic objectives, intelligence objectives, operational objectives, names of the project members, to operational reports and products.
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A handwritten signature inside a circle, with the initials "B.E." written below it.

operational objectives, names of the project members, to operational reports and products

- 15.32 Copies of all documents relating to contracts entered into between NIA and/or SASS and/or National Communications (NC) and/or SSA with Kalliston, including all payments and settlements
- 15.33 Copies of all documentation relating to the SSA internal investigation into allegations of sexual harassment registered against Mr Loyiso Jafta, Acting Director General SSA.
- 15.34 A copy of the complete dossier on the transfer of Mr Dawie Besselaar from Musanda to Bloemfontein.
- 15.35 Copies of all documentation relating to the various SSA internal investigations into allegations of serious misconduct (fraud) by Mr George Hlungwane, General Manager Operational Training, Intelligence Academy.
- 15.36 Copies of all documentation relating to the SSA internal investigation into allegations of serious misconduct (fraud) by Ms Portia Modisane, Provincial Head Free State.
- 15.37 Copies of all documentation relating to the SSA internal investigation into allegations of serious misconduct (espionage) by Mr Willie Conradie and Mr Marlin Jonhson, members Operational Support.
- 15.38 Copies of all documentation relating to the SSA internal investigation into allegations of serious misconduct (unauthorised allocation of R200 million) by Mr Maxwell Damane, Manager Finance Division.
- 15.39 Copies of all documentation relating to the SSA internal investigation into allegations of serious misconduct (relating to the procurement of properties) by Mr Maxwell Damane, Manager Finance Division



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15.40 Copies of all documentation relating to the SSA internal investigation into allegations of serious misconduct (fraud) by:

- 15.40.1 Mr Sipho Blose, Acting DB02;
- 15.40.2 Ms Nozuko Bam, currently Acting DB02;
- 15.40.3 Ms Tshedza Rambau Operational Support Officer: Office of DB02;
- 15.40.4 Mr Patrick Selebi Operational Support Officer: Office of DB02;
- 15.40.5 Mr Vuyani Mlati Target Index Officer (DB02); an Ms Malerato Segoane Secretary DB02.

17. A copy of the file containing intelligence on His Excellency President Matamela Cyril Ramaphosa containing his business, political and personal activities and associates.

18. These documents are necessary to enable me to respond to the allegations levelled against me and assist the Commission uncover the true nature and extent of state capture and I am convinced that the Respondents are in possession thereof.

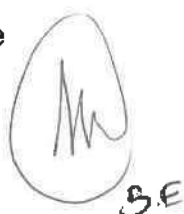
19. To date, the Respondents have ignored, failed and/or refused to provide me with the intelligence, documents and/or information that I have requested and have not favoured me with any reason for their ignorance, failure and/or refusal to comply with my request. In the circumstances, I submit that their conduct is aimed at unlawfully, unreasonably and/or unduly frustrating the Commission from fulfilling its mandate.

20. Given the urgency of this matter and the neutrality of the Chairperson in the quest to find all facts relevant to his mandate as well as his persuasive authority, on the 28th August 2020, my attorneys addressed a letter,



erroneously dated the 4th August 2020, requesting the Chairperson's assistance in persuading the First and Second Respondents, among others, to comply with my request. I attach hereto a copy of the above letter marked "AF5".

21. In response, on the 28th August 2020, my attorneys received an email from Ms. Brigitte Shabalala, then the Acting Secretary of the Commission, advising that our letter had been forwarded to the Chairperson, presumably the Chairperson of the Commission DCJ Mlungisi Zondo. I assume therefore that the Chairperson has since, at least the 28th August 2020, been aware of my request. For completeness sake, I attach hereto a copy of the email received from the then Acting Secretary of the Commission, Ms. Brigitte Shabalala marked "AF6".
22. The above failure notwithstanding, in or around November 2020, it came to my attention that my letter to the Second Respondent had become leaked and was widely circulated in the social media. I thereafter instructed my lawyers to address a letter to both the First and Second Respondents to request them in the light of the sensitive information therein contained, to investigate the source of the leak and for them to take steps to ensure that our communication with them thereon is protected from unauthorised disclosure. I attach hereto copies of these letters marked "AF7" and "AF8" respectively.
23. As has become customary, no responses were received from the First and Second Respondents thereon.
24. On the 26th November 2020, I received a Notice in terms of Rule 3.3 of the Commission's Rules indicating that one Johan van Loggerenberg was scheduled to testify at the Commission on or about the 2nd to the 3rd December 2020 and whose testimony was likely to implicate me. I confirm that without the

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intelligence, documents and/or information requested in "AF1" and "AF2", I am unable to sensibly and fully exercise my rights whether to elect whether to personally give evidence, call any witnesses to give evidence on my behalf or to cross examine any witness.

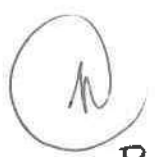
25. Similarly, during January 2021 I received Notices in terms of the Commission's Rule 3.3 advising that Dr Sydney Mufamadi, Mr Lloyd Mhlanga, Mr Sipho Blose and Mr Y were going to testify at the Commission from the 25th to the 29th January 2021 and would possibly implicate me.
26. It may be noted that the statements from Dr Mufamadi, Mr Lloyd Mhlanga, Mr Sipho Blose and Mr Y were only written between October and November 2020, yet they were prioritised. On the other hand, the Commission has thus far failed to prioritise my request to it.
27. Similarly, it is quite astonishing that one of these prioritised witnesses, Mr Sipho Blose is implicated in "AF2".
28. In view of the above potential witnesses, their possible evidence, and in order to enable me to prepare and submit my statement to the Commission, I instructed my attorneys to request from the Second Respondent the declassification and provision to me the following intelligence information and/or products:
 - 28.1 A copy of Mr Sipho Blose (Blose)'s assessment that determined and confirmed that he was unfit to hold the position of General Manager, let alone Deputy Director-General;
 - 28.2 A copy of all the documents and reports, including the authorisation, records of all submissions and payments, false documents, travel



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records including all the related travel itineraries created by Blose in the project masterminded and managed by him that resulted in a report that falsely claimed that Prof Thuli Madonsela, Mr Sello Julius Malema and Mr Joseph Mathunjwa were agents and/or members of the Central Intelligence Agency of the United States of America. To this end, we kindly request that you also provide us with a copy of Prof Madonsela's false CIA membership or appointment card manufactured by Blose;

- 28.3 A copy of the affidavit deposed to by Mr Loyiso Jafta and submitted to the Commission aimed at implicating our clients in wrongdoing as well as a copy of the subpoena or instruction issued to him by the Commission at his (Mr Jafta)'s insistence, advice and/or request;
- 28.4 A copy of the opinion received by the SSA or its predecessor from Langa Attorneys on the contract between Mr Yusuf Patel and the National Intelligence Agency (NIA) as part of the PAN Program, as well as the records of all the payments made to Langa Attorneys in this regard appointed on the instruction of Messrs Gibson Njenje and Lloyd Mhlanga;
- 28.5 A copy of the investigation report, if any, produced by Langa Attorneys as a result of his aforementioned instruction;
- 28.6 Copies of the investigation conducted by Adv Mahlodi Sam Moufhe, into the conduct of Mr Lloyd Mhlanga and leading to his ultimate removal from the Ministry of State Security;
- 28.7 Copies of the investigation conducted by the Coordinator of Intelligence, Ambassador Tony "Gab" Msimanga, into the unauthorised travel by Mr Gibson Njenje with a service provider to France and leading to his ultimate removal or departure from the Ministry of State Security;



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- 28.8 Copies of the submission, authorisation and reports of the travel by Mr Gibson Njenje during the latter part of 2018 to the Democratic Republic of Congo with Mr Thabiso Thiti;
- 28.9 A copy of the investigation conducted by the Inspector-General of Intelligence, Dr Setlhomamaru Dintwe into the allegations that Mr Lloyd Mhlanga was earning a salary from both the SSA and the Department of International Relations and Cooperation;
- 28.10 Copies of all the documents related to a project initiated by Amb Moe Shaik for the funding, establishment, capacitating of CNBC Africa and the secondment of SSA members to it and which members remain on SSA's payroll despite not being engaged for over ten (10) years. These members remain at home. In particular, our clients request for a copy of the funding agreement of CNBC Africa between the then South African Secret Service (SASS) or its successor, the SSA and Mr. Rakesh Wahi;
- 28.11 Copies of all documents related to a project initiated by Amb Moe Shaik which resulted in the funding for the purchase from the founder and editor, Raymond Louw and publisher, David Niddrie of the then failing online publication, Southern African Report by Mopani Media and the appointment of Ms Karima Brown as its editor for South Africa and the inclusion of David Niddrie, Karima Brown, Vukani Mde and Pierre van der Hoven as its shareholders;
- 28.12 Copies of all intelligence documents and reports of a counterintelligence/counterespionage investigation that indicated the undeclared and/or unregulated contact by Mr Inayet "Inzo" Ismail (Ismail) with an Israeli national and the justification of his continued deployment to the USA despite these reports;

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- 28.13 Copy of the submission approving the utilisation of Ismail in project Veza, notwithstanding a pending investigation into such serious allegations of misconduct;
- 28.14 Copies of the records of all the payments of an allowance to Ismail for acting as Deputy Director-General: Counter-Intelligence while he was simultaneously posted abroad;
- 28.15 The records of the payments to Ismail of his foreign allowance despite him being in the Republic participating in Project Veza and acting as Deputy Director-General: Counter- Intelligence;
- 28.16 The records of Ismail's travels to the USA during the time that he was Acting Deputy Director-General: Counter-Intelligence and leading Project Veza;
- 28.17 Copy of SSA's applicable Foreign Dispensation Policy;
- 28.18 The record of all payments of Mr Charles Nqakula's salary and/or other emoluments by SSA while employed as the National Security Advisor in the Presidency and the legislative authority for these payments
- 28.19 All reports and correspondence for the period 2017 to 2021 regarding governance, audit and risk management concerns;
- 28.20 Documents related to the handling by Herbert Woodbridge and Johan "Cassie" Carstens of Neil van Heerden and Phillip Du Toit, a convicted abalone poacher, including the investigation and disciplinary enquiries by NIA in or around 2007 into the 2 handlers; their conviction, dismissal and subsequent reinstatement.
- 28.21 I attach hereto a copy of my attorneys' letter dated the 23rd January 2021 to the Second Respondent marked "AF9".



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29. Once again, there has been no response to my attorneys.
30. The above notwithstanding, I was surprised to be implicated in wrongdoing by the Second Respondent and Ms K, witnesses that were called without a prior Rule 3.3 Notice being served upon me with regards to them or their evidence. This is despite the fact that I had requested a copy of the Second Respondent's statement.
31. As Dr Mufamadi, the Second Respondent and Ms K were testifying, portions of some of the documents that I had requested were being declassified simultaneous with their evidence.
32. I submit that the failure and/or refusal to provide me with the documents that I requested, has nothing to do with their sensitivity or classification. After all, on the 23rd January 2021, prior to the testimony of Dr Mufamadi being heard, my attorney applied to the Commission for the hearings regarding the Third Respondent to be held *in camera*, which application was opposed with the concurrence of the Second Respondent.
33. I confirm that I am more than eager to submit my statement to the Commission and to apply to cross examine Ambassadors Maqetuka and Shaik, Dr Mufamadi, the Second Respondent, Messrs Njenje, Mhlanga, Blose, Y, Van Loggerenberg and Ms K. To this end, my statement is almost complete bar the documents and/or information sought. I am available to share a copy of this statement with the Chairperson on an extremely confidential basis taking into account that it remains incomplete and may change.



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34. I am more than eager to expose the machinations of these people who I believe are guilty of abusing their positions in government to favour and unlawfully enrich themselves, their friends and/or associates, to favour or disadvantage certain political parties and/or factions of political parties, steal from the public purse and pursue their sexual predator tendencies with impunity.

RELIEF SOUGHT

35. I humbly request the Chairperson to compel the Respondents in terms of Rule 10 of the Commission to produce the below mentioned documents in their possession to enable me to complete my statement to the Commission:

35.1 With regards to the First Respondent:

- 35.1.1 Copies of the authorisation and all documentation regarding the process followed to review the 28 March 2018 withdrawal of the security clearance of Dr SI Dintwe, Inspector General of Intelligence.
- 35.1.2 Copies of the Ministerial Payment Directive and Delegation of Powers (MPD) as approved by the respective Ministers responsible for Intelligence for the period 2004 to 2018. In this regard I expect to be furnished with no less than three MPD's approved and implemented for specific periods of time during the 2004 – 2018 timeline.
- 35.1.3 Copies of the Operational Policies and Operational Directives as approved by the relevant Ministers responsible for Intelligence approved and implemented for specific periods of time during the 2004 – 2018 timeline.

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- 35.1.4 Copies of documentation and approvals or authorisations for the restructuring of the Civilian Intelligence Services from 2009 up to 2020.
 - 35.1.5 A copy of the outcome and decision of the investigation done by the Ministry in respect of complaints of sexual harassment registered with the Minister against Mr Loyiso Jafta, Acting Director General State Security Agency.
 - 35.1.6 A copy of the file containing intelligence on His Excellency, President Cyril Matamela Ramaphosa, on his business and political activities as well as his associates.
- 35.2 With regards to the Second and Third Respondents:
- 35.2.1 A copy of the outcome of the investigation into the basis for the 28th March 2018 withdrawal of the security clearance of Dr S I Dintwe, Inspector General of Intelligence;
 - 35.2.2 A copy of the complete dossier on the 2017 – 2018 investigation and decision by the Director General, State Security Agency to withdraw the security clearance of Dr S I Dintwe, Inspector General of Intelligence;
 - 35.2.3 Copies of the approved Strategic Plans, approved Annual Performance Plans, and approved Annual Reports for the National Intelligence Agency (NIA) and State Security Agency (SSA) for the following financial years: 2004/05; 2005/06; 2006/07; 2007/08; 2008/09; 2009/10; 2016/17; 2017/18 and 2018/19, including the Auditor General Reports issued for the stated financial years.

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Copies of the approved Operational Standard Operating Procedures for the following financial years: 2004/05; 2005/06; 2006/07; 2007/08; 2008/09; 2009/10; 2016/17; 2017/18 and 2018/19.

- 35.2.4 A copy of the National Intelligence Agency Management Handbook, 2007.
- 35.2.5 Copies of all documentation relating to project "Moloi Tshaba Ke fete" together with related projects: Project Peruku, project Roctober, project Firewood, and project Tringas from its inception and including its strategic objectives, intelligence objectives and operational objectives, budget allocations, names of the project members, to operational reports and products.
- 35.2.6 Copies of all documentation relating to project "Yellow Bone" from its inception including strategic objectives, intelligence objectives, operational objectives, names of the project members, to operational reports and products.
- 35.2.7 Copies of all documentation relating to project "Roundabout" from its inception including strategic objectives, intelligence objectives, operational objectives, names of the project members, including settlement agreement, to operational reports and products.
- 35.2.8 Copies of all documentation relating to the investigation into the "Special Browse Mole Report" and all related projects including operation "Warrior" from its inception including strategic objectives, intelligence objectives, operational objectives, names of the project members, to operational reports and products.

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- 35.2.9 Copies of all documentation relating to operation “Maqedindaba” from its inception including strategic objectives, intelligence objectives, operational objectives, names of the project members, to operational reports and products.
- 35.2.10 Copies of all documentation relating to operation “Anaconda” from its inception including strategic objectives, intelligence objectives, operational objectives, names of the project members, to operational reports and products.
- 35.2.11 Copies of all documentation relating to project “Ukuthula” from its inception including strategic objectives, intelligence objectives, operational objectives, names of the project members, to operational reports and products.
- 35.2.12 Copies of all documentation relating to project “Flower” from its inception including strategic objectives, intelligence objectives, operational objectives, names of the project members, to operational reports and products.
- 35.2.13 Copies of all documentation relating to the project in the Northern Cape in relation to NIA investigations of alleged corruption in the Northern Cape Department of Health from its inception including strategic objectives, intelligence objectives, operational objectives, names of the project members, to operational reports and products, as well as related liaison documentation with law enforcement agencies.
- 35.2.14 Copies of all documentation relating to operation “Exploit” from its inception including strategic objectives, intelligence objectives, operational objectives, names of the project members, to operational reports and products.

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- 35.2.15 Copies of all documentation relating to operation "Redemption" from its inception including strategic objectives, intelligence objectives, operational objectives, names of the project members, to operational reports and products.
- 35.2.16 Copies of all documentation relating to operation "Scope" from its inception including strategic objectives, intelligence objectives, operational objectives, names of the project members, to operational reports and products.
- 35.2.17 Copies of all documentation relating to project "Nemo" from its inception including strategic objectives, intelligence objectives, operational objectives, names of the project members, to operational reports and products.
- 35.2.18 Copies of all documentation relating to project "Veza" from its inception including strategic objectives, intelligence objectives, operational objectives, names of the project members, to investigative reports and products.
- 35.2.19 Copies of all documentation relating to project "Optimism" from its inception including strategic objectives, intelligence objectives and operational objectives, names of the project members, to operational reports and products.
- 35.2.20 Copies of all documentation relating to an SABC journalist and the United States of America's Department of Defence, including the source file and contract.
- 35.2.21 Copies of all documentation relating to the disciplinary process, review and setting aside of the dismissal / disciplinary and related actions taken against Herbert Woodbridge and Johan Karsten, relating to the Neil Van Heerden, and Philip Du Toit matter.

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- 35.2.22 Copies of all documentation relating to the purchase of a grabber and other interception equipment from a Bloemfontein based service provider.
- 35.2.23 Copy of the Authorisation by Minister Kasrils for the National Intelligence Agency's Principal Agent Network (PAN)
- 35.2.24 Copies of all the presentations made by different Chief Directorates of the National Intelligence Agency PAN programme (2006 - 2010) and the minutes of all the meetings and workshops that these presentations were made
- 35.2.25 Copy of the approved Business Analysis Investigation: Realignment of the Cover Support Unit (CSU) in 2007.
- 35.2.26 Copies of all submissions and authorisations for the purchase of surveillance vehicles in 2008.
- 35.2.27 Copies of all submissions of every Chief Directorate to the CSU for covert support.
- 35.2.28 Copies of the inventories for the allocation of all laptops procured by the CSU.
- 35.2.29 Copies of all documentation relating to operation "Survivor" from its inception including strategic objectives, intelligence objectives, operational objectives, names of the project members, to operational reports and products.
- 35.2.30 Copies of all documentation relating to all projects that Niel Barnard was involved in with the National Intelligence Agency (NIA), the South African Secret Service (SASS) and the State Security Agency (SSA) from its inception including strategic

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objectives, intelligence objectives, operational objectives, names of the project members, to operational reports and products.

35.2.31 Copies of all documents relating to contracts entered into between NIA and/or SASS and/or National Communications (NC) and/or SSA with Kalliston, including all payments and settlements.

35.2.32 Copies of all documentation relating to the SSA internal investigation into allegations of sexual harassment registered against Mr Loyiso Jafta, Acting Director General SSA.

35.2.33 A copy of the complete dossier on the transfer of Mr Dawie Besselaar from Musanda to Bloemfontein.

Copies of all documentation relating to the various SSA internal investigations into allegations of serious misconduct (fraud) by Mr George Hlungwane, General Manager Operational Training, Intelligence Academy.

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35.2.36 Copies of all documentation relating to the SSA internal investigation into allegations of serious misconduct (unauthorised allocation of R200 million) by Mr Maxwell Damane, Manager Finance Division.

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35.2.38.1 Mr Sipho Blose, Acting DB02;

35.2.38.2 Ms Nozuko Bam, currently Acting DB02;

35.2.38.3 Ms Tshedza Rambau Operational Support Officer: Office of DB0

35.2.38.4 Mr Patrick Selebi Operational Support Officer: Office of DB02;

35.2.38.5 Mr Vuyani Mlati Target Index Officer (DB02); and

35.2.38.6 Ms Malerato Segoane Secretary DB02.

35.2.41 A copy of the file containing intelligence on His Excellency President Matamela Cyril Ramaphosa containing his business, political and personal activities and associates.

35.2.42 A copy of Mr Sipho Blose (Blose)'s assessment that determined and confirmed that he was unfit to hold the position of General Manager, let alone Deputy Director-General;

35.2.43 A copy of all the documents and reports, including the authorisation, records of all submissions and payments, false documents, travel records including all the related travel itineraries created by Blose in the project masterminded and managed by him that resulted in a report that falsely claimed that Prof Thuli Madonsela, Mr Sello Julius Malema and Mr Joseph Mathunjwa were agents and/or members of the Central Intelligence Agency of the United States of America. To this



end, we kindly request that you also provide us with a copy of Prof Madonsela's false CIA membership or appointment card manufactured by Blose;

- 35.2.44 A copy of the affidavit deposed to by Mr Loyiso Jafta and submitted to the Commission aimed at implicating our clients in wrongdoing as well as a copy of the subpoena or instruction issued to him by the Commission at his (Mr Jafta)'s insistence, advice and/or request;
- 35.2.45 A copy of the opinion received by the SSA or its predecessor from Langa Attorneys on the contract between Mr Yusuf Patel and the National Intelligence Agency (NIA) as part of the PAN Program, as well as the records of all the payments made to Langa Attorneys in this regard appointed on the instruction of Messrs Gibson Njenje and Lloyd Mhlanga;
- 35.2.46 A copy of the investigation report, if any, produced by Langa Attorneys as a result of his aforementioned instruction;
- 35.2.47 Copies of the investigation conducted by Adv Mahlodi Sam Moufhe, into the conduct of Mr Lloyd Mhlanga and leading to his ultimate removal from the Ministry of State Security;
- 35.2.48 Copies of the investigation conducted by the Coordinator of Intelligence, Ambassador Tony "Gab" Msimanga, into the unauthorised travel by Mr Gibson Njenje with a service provider to France and leading to his ultimate removal or departure from the Ministry of State Security;
- 35.2.49 Copies of the submission, authorisation and reports of the travel by Mr Gibson Njenje during the latter part of 2018 to the Democratic Republic of Congo with Mr Thabiso Thiti;

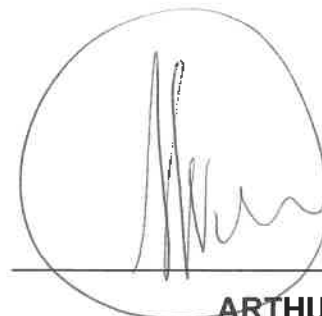


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- 35.2.50 A copy of the investigation conducted by the Inspector-General of Intelligence, Dr Setlhomamaru Dintwe into the allegations that Mr Lloyd Mhlanga was earning a salary from both the SSA and the Department of International Relations and Cooperation;
- 35.2.51 Copies of all the documents related to a project initiated by Amb Moe Shaik for the funding, establishment, capacitating of CNBC Africa and the secondment of SSA members to it and which members remain on SSA's payroll despite not being engaged for over ten (10) years. These members remain at home. In particular, our clients request for a copy of the funding agreement of CNBC Africa between the then South African Secret Service (SASS) or its successor, the SSA and Mr. Rakesh Wahi;
- 35.2.52 Copies of all documents related to a project initiated by Amb Moe Shaik which resulted in the funding for the purchase from the founder and editor, Raymond Louw and publisher, David Niddrie of the then failing online publication, Southern African Report by Mopani Media and the appointment of Ms Karima Brown as its editor for South Africa and the inclusion of David Niddrie, Karima Brown, Vukani Mde and Pierre van der Hoven as its shareholders;
- 35.2.53 Copies of all intelligence documents and reports of a counterintelligence/counterespionage investigation that indicated the undeclared and/or unregulated contact by Mr Inayet "Inzo" Ismail (Ismail) with an Israeli national and the justification of his continued deployment to the USA despite these reports;
- 35.2.54 Copy of the submission approving the utilisation of Ismail in project Veza, notwithstanding a pending investigation into such serious allegations of misconduct;

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- 35.2.55 Copies of the records of all the payments of an allowance to Ismail for acting as Deputy Director-General: Counter-Intelligence while he was simultaneously posted abroad;
- 35.2.56 The records of the payments to Ismail of his foreign allowance despite him being in the Republic participating in Project Veza and acting as Deputy Director-General: Counter- Intelligence;
- 35.2.57 The records of Ismail's travels to the USA during the time that he was Acting Deputy Director-General: Counter-Intelligence and leading Project Veza;
- 35.2.58 Copy of SSA's applicable Foreign Dispensation Policy
- 35.2.59 The record of all payments of Mr Charles Nqakula's salary and/or other emoluments by SSA while employed as the National Security Advisor in the Presidency and the legislative authority for these payments;
- 35.2.60 All reports and correspondence for the period 2017 to 2021 regarding governance, audit and risk management concerns;
- 35.2.61 Documents related to the handling by Herbert Woodbridge and Johan "Cassie" Carstens of Neil van Heerden and Phillip Du Toit, a convicted abalone poacher, including the investigation and disciplinary enquiries by NIA in or around 2007 into the 2 handlers; their conviction, dismissal and subsequent reinstatement.



ARTHUR FRASER

I CERTIFY THAT THE DEPONENT HAS ACKNOWLEDGED THAT HE KNOWS AND UNDERSTANDS THE CONTENTS OF THIS AFFIDAVIT SIGNED BEFORE ME AT JOHANNESBURG ON THIS THE 5th DAY OF MARCH 2021 AND THAT THE REGULATIONS CONTAINED IN THE GOVERNMENT NOTICE NO 1258 OF THE 21ST JULY 1972, AS AMENDED, HAVE BEEN COMPLIED WITH.



COMMISSIONER OF OATHS

JUSTICE ETHELDREDA MATJANI
 PRACTISING ATTORNEY
 EX OFFICIO COMMISSIONER OF OATHS
 KOIKANYANG HOUSE
 NO. 1 NORTH AVENUE
 SANDHURST, JOHANNESBURG 2193



B.E.

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**KGOROeadIRA MUDAU INC**

05 August 2020

To: Honourable Ms A Dlodlo, MP
Minister for State Security
Bogare Complex

Copy To: Honourable Judge Zondo
Chairperson of the Judicial Commission of Inquiry into Allegations of State Capture

Madam

Re: REQUEST FOR DECLASSIFICATION AND COPIES OF INTELLIGENCE INFORMATION

1. We act on behalf of Mr Arthur Fraser, the former Director-General of the State Security Agency (the Agency) and currently the National Commissioner of the Department of Correctional Services.
2. We specifically refer to the evidence on intelligence matters that was presented before the Judicial Commission of Inquiry into Allegations of State Capture, Corruption and Fraud in the Public Sector including Organs of State (State Capture Commission) implicating our client in wrongdoing.
3. We are instructed to record that our client regrets that matters of state security were ventilated in public by former senior officer of the Agency. He is of the view that ordinarily the public ventilation of issues of such nature threatens the very security of the state that he and the former officers in question are obliged to protect.
4. It is public knowledge that during the testimonies of Messrs Moe Shaik, Gibson Njenje and Jeff Maqetuka at the State Capture Commission, it was testified that Mr Fraser was guilty of corruption, state capture and treason, among other things. Consequently, it is his view that this has left him with no option but to openly respond to these patently false allegations.
5. Evidence has been led by Mr Jeff Maqetuka that he was instructed to appear before the State Capture Commission and was assured that classified information would be declassified for them.

6. It is unlikely and inconceivable that this type of authorisation or instruction can be given without the prior consultation with and/or the concurrence of His Excellency the President and the Honourable Minister as the political head for the State Security Agency. In the circumstances, we are instructed to request, as we hereby do, confirmation from the Honourable Minister that the Honourable Minister had been consulted and had concurred with the abovementioned authorisation or instruction given.
7. Further, we are instructed to request the declassification of certain classified documentation and require to be furnished with copies, inter alia of the following documentation, which our client is aware are in the possession of the Agency:
 - 7.1 Copies of the authorisation and all documentation regarding the process followed to review the 28 March 2018 withdrawal of the security clearance of Dr SI Dintwe, Inspector General of Intelligence.
 - 7.2 Copies of the Ministerial Payment Directive and Delegation of Powers (MPD) as approved by the respective Ministers responsible for Intelligence for the period 2004 to 2018. In this regard I expect to be furnished with no less than three MPD's approved and implemented for specific periods of time during the 2004 – 2018 timeline.
 - 7.3 Copies of the Operational Policies and Operational Directives as approved by the relevant Ministers responsible for Intelligence approved and implemented for specific periods of time during the 2004 – 2018 timeline.
 - 7.4 Copies of documentation and approvals or authorisations for the restructuring of the Civilian Intelligence Services from 2009 up to 2020.
 - 7.5 A copy of the outcome and decision of the investigation done by the Ministry in respect of complaints of sexual harassment registered with the Minister against Mr Loyiso Jafta, Acting Director General State Security Agency.
 - 7.6 A copy of the file containing intelligence on His Excellency, President Cyril Matamela Ramaphosa, on his business and political activities as well as his associates.
8. Kindly be advised that the abovementioned list is not exhaustive and our client reserves the right to request more information.
9. Further be advised that we have directed a separate request to the Director – General of the Agency in respect of those documents that are relevant to him and his powers.

10. May we kindly have these documents by not later than midday on Friday the 14th August 2020.

Yours faithfully,

Electronically generated and not signed

Kgoroeadira Mudau Inc

Per: RGM Kgoroeadira

AF 2

**KGOROEADIRA MUDAU INC**

05 August 2020

To: Mr Loyiso Jafta

Acting Director-General: State Security Agency
Musanda

Copy To: Honourable Judge Zondo

Chairperson of the Judicial Commission of Inquiry into Allegations of State Capture

Sir

Re: REQUEST FOR DECLASSIFICATION AND COPIES OF INTELLIGENCE INFORMATION

1. We act on behalf of Mr Arthur Fraser, the former Director-General of the State Security Agency (the Agency) and currently the National Commissioner of the Department of Correctional Services.
2. We specifically refer to the evidence on intelligence matters that was presented before the Judicial Commission of Inquiry into Allegations of State Capture, Corruption and Fraud in the Public Sector including Organs of State (State Capture Commission) implicating our client in wrongdoing.
3. In order to prepare his statement and evidence to the State Capture Commission, our client instructs us to request, as we hereby do, the declassification of classified documentation and to be furnished with copies, inter alia, of the following documentation as would have been declassified:
 - 3.1 A copy of the outcome of the investigation into the basis for the 28 March 2018 withdrawal of the security clearance of Dr S I Dintwe, Inspector General of Intelligence.
 - 3.2 A copy of the complete dossier on the 2017 – 2018 investigation and decision by the Director General, State Security Agency to withdraw the security clearance of Dr S I Dintwe, Inspector General of Intelligence.
 - 3.3 Copies of the approved Strategic Plans, approved Annual Performance Plans, and approved Annual Reports for the National Intelligence Agency (NIA) and State Security Agency (SSA)

for the following financial years: 2004/05; 2005/06; 2006/07; 2007/08; 2008/09; 2009/10; 2016/17; 2017/18 and 2018/19, including the Auditor General Reports issued for the stated financial years.

- 3.4 Copies of the approved Operational Standard Operating Procedures for the following financial years: 2004/05; 2005/06; 2006/07; 2007/08; 2008/09; 2009/10; 2016/17; 2017/18 and 2018/19.
- 3.5 A copy of the National Intelligence Agency Management Handbook, 2007.
- 3.6 Copies of all documentation relating to project "Moloi Tshaba Ke fete" together with related projects: Project Peruku, project Roctober, project Firewood, and project Tringas from its inception and including its strategic objectives, intelligence objectives and operational objectives, budget allocations, names of the project members, to operational reports and products.
- 3.7 Copies of all documentation relating to project "Yellow Bone" from its inception including strategic objectives, intelligence objectives, operational objectives, names of the project members, to operational reports and products.
- 3.8 Copies of all documentation relating to project "Roundabout" from its inception including strategic objectives, intelligence objectives, operational objectives, names of the project members, including settlement agreement, to operational reports and products.
- 3.9 Copies of all documentation relating to the investigation into the "Special Browse Mole Report" and all related projects including operation "Warrior" from its inception including strategic objectives, intelligence objectives, operational objectives, names of the project members, to operational reports and products.
- 3.10 Copies of all documentation relating to operation "Maqedindaba" from its inception including strategic objectives, intelligence objectives, operational objectives, names of the project members, to operational reports and products.
- 3.11 Copies of all documentation relating to operation "Anaconda" from its inception including strategic objectives, intelligence objectives, operational objectives, names of the project members, to operational reports and products.

- 3.12 Copies of all documentation relating to project “Ukuthula” from its inception including strategic objectives, intelligence objectives, operational objectives, names of the project members, to operational reports and products.
- 3.13 Copies of all documentation relating to project “Flower” from its inception including strategic objectives, intelligence objectives, operational objectives, names of the project members, to operational reports and products.
- 3.14 Copies of all documentation relating to the project in the Northern Cape in relation to NIA investigations of alleged corruption in the Northern Cape Department of Health from its inception including strategic objectives, intelligence objectives, operational objectives, names of the project members, to operational reports and products, as well as related liaison documentation with law enforcement agencies.
- 3.15 Copies of all documentation relating to operation “Exploit” from its inception including strategic objectives, intelligence objectives, operational objectives, names of the project members, to operational reports and products.
- 3.16 Copies of all documentation relating to operation “Redemption” from its inception including strategic objectives, intelligence objectives, operational objectives, names of the project members, to operational reports and products.
- 3.17 Copies of all documentation relating to operation “Scope” from its inception including strategic objectives, intelligence objectives, operational objectives, names of the project members, to operational reports and products.
- 3.18 Copies of all documentation relating to project “Nemo” from its inception including strategic objectives, intelligence objectives, operational objectives, names of the project members, to operational reports and products.
- 3.19 Copies of all documentation relating to project “Veza” from its inception including strategic objectives, intelligence objectives, operational objectives, names of the project members, to investigative reports and products.
- 3.20 Copies of all documentation relating to project “Optimism” from its inception including strategic objectives, intelligence objectives and operational objectives, names of the project members, to operational reports and products.

- 3.21 Copies of all documentation relating to an SABC journalist and the United States of America's Department of Defence, including the source file and contract.
- 3.22 Copies of all documentation relating to the disciplinary process, review and setting aside of the dismissal / disciplinary and related actions taken against Herbert Woodbridge and Johan Karsten, relating to the Neil Van Heerden, and Philip Du Toit matter.
- 3.23 Copies of all documentation relating to the purchase of a grabber and other interception equipment from a Bloemfontein based service provider.
- 3.24 Copy of the Authorisation by Minister Kasrils for the National Intelligence Agency's Principal Agent Network (PAN).
- 3.25 Copies of all the presentations made by different Chief Directorates of the National Intelligence Agency PAN programme (2006 - 2010) and the minutes of all the meetings and workshops that these presentations were made.
- 3.26 Copy of the approved Business Analysis Investigation: Realignment of the Cover Support Unit (CSU) in 2007.
- 3.27 Copies of all submissions and authorisations for the purchase of surveillance vehicles in 2008.
- 3.28 Copies of all submissions of every Chief Directorate to the CSU for covert support.
- 3.29 Copies of the inventories for the allocation of all laptops procured by the CSU.
- 3.30 Copies of all documentation relating to operation "Survivor" from its inception including strategic objectives, intelligence objectives, operational objectives, names of the project members, to operational reports and products.
- 3.31 Copies of all documentation relating to all projects that Niel Barnard was involved in with the National Intelligence Agency (NIA), the South African Secret Service (SASS) and the State Security Agency (SSA) from its inception including strategic objectives, intelligence objectives, operational objectives, names of the project members, to operational reports and products.

- 3.32 Copies of all documents relating to contracts entered into between NIA and/or SASS and/or National Communications (NC) and/or SSA with Kalliston, including all payments and settlements.
- 3.33 Copies of all documentation relating to the SSA internal investigation into allegations of sexual harassment registered against Mr Loyiso Jafta, Acting Director General SSA.
- 3.34 A copy of the complete dossier on the transfer of Mr Dawie Besselaar from Musanda to Bloemfontein.
- 3.35 Copies of all documentation relating to the various SSA internal investigations into allegations of serious misconduct (fraud) by Mr George Hlungwane, General Manager Operational Training, Intelligence Academy.
- 3.36 Copies of all documentation relating to the SSA internal investigation into allegations of serious misconduct (fraud) by Ms Portia Modisane, Provincial Head Free State.
- 3.37 Copies of all documentation relating to the SSA internal investigation into allegations of serious misconduct (espionage) by Mr Willie Conradie and Mr Marlin Jonhson, members Operational Support.
- 3.38 Copies of all documentation relating to the SSA internal investigation into allegations of serious misconduct (unauthorised allocation of R200 million) by Mr Maxwell Damane, Manager Finance Division.
- 3.39 Copies of all documentation relating to the SSA internal investigation into allegations of serious misconduct (relating to the procurement of properties) by Mr Maxwell Damane, Manager Finance Division.
- 3.40 Copies of all documentation relating to the SSA internal investigation into allegations of serious misconduct (fraud) by:
 - 3.40.1 Mr Sipho Blose, Acting DB02;
 - 3.40.2 Ms Nozuko Bam, currently Acting DB02;
 - 3.40.3 Ms Tshedza Rambau Operational Support Officer: Office of DB02;
 - 3.40.4 Mr Patrick Selebi Operational Support Officer: Office of DB02;
 - 3.40.5 Mr Vuyani Mlati Target Index Officer (DB02); and

3.40.6 Ms Malerato Segoane Secretary DB02.

3.41 A copy of the file containing intelligence on His Excellency President Matamela Cyril Ramaphosa containing his business, political and personal activities and associates.

4 May we kindly have these documents by not later than midday on Friday the 14th August 2020.

Yours faithfully,

Electronically generated and not signed
Kgoroeadira Mudau Inc

Per: RGM Kgoroeadira

Af 3



KGOROADIRA MUDAU INC

05 August 2020

To: Honourable Ms A Dlodlo, MP
Minister for State Security
Bogare Complex

Copy To: Honourable Judge Zondo
Chairperson of the Judicial Commission of Inquiry into Allegations of State Capture

Madam

Re: REQUEST FOR DECLASSIFICATION AND COPIES OF INTELLIGENCE INFORMATION

1. We act on behalf of Mr Arthur Fraser, the former Director-General of the State Security Agency (the Agency) and currently the National Commissioner of the Department of Correctional Services.
2. We specifically refer to the evidence on intelligence matters that was presented before the Judicial Commission of Inquiry into Allegations of State Capture, Corruption and Fraud in the Public Sector including Organs of State (State Capture Commission) implicating our client in wrongdoing.
3. We are instructed to record that our client regrets that matters of state security were ventilated in public by former senior officer of the Agency. He is of the view that ordinarily the public ventilation of issues of such nature threatens the very security of the state that he and the former officers in question are obliged to protect.
4. It is public knowledge that during the testimonies of Messrs Moe Shaik, Gibson Njenje and Jeff Maqetuka at the State Capture Commission, it was testified that Mr Fraser was guilty of corruption, state capture and treason, among other things. Consequently, it is his view that this has left him with no option but to openly respond to these patently false allegations.
5. Evidence has been led by Mr Jeff Maqetuka that he was instructed to appear before the State Capture Commission and was assured that classified information would be declassified for them.

6. It is unlikely and inconceivable that this type of authorisation or instruction can be given without the prior consultation with and/or the concurrence of His Excellency the President and the Honourable Minister as the political head for the State Security Agency. In the circumstances, we are instructed to request, as we hereby do, confirmation from the Honourable Minister that the Honourable Minister had been consulted and had concurred with the abovementioned authorisation or instruction given.
7. Further, we are instructed to request the declassification of certain classified documentation and require to be furnished with copies, inter alia of the following documentation, which our client is aware are in the possession of the Agency:
 - 7.1 Copies of the authorisation and all documentation regarding the process followed to review the XXXXXXXXXXXXXXXX withdrawal of the security clearance of XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX.
 - 7.2 Copies of the Ministerial Payment Directive and Delegation of Powers (MPD) as approved by the respective Ministers responsible for Intelligence for the period 2004 to 2018. In this regard I expect to be furnished with no less than three MPD's approved and implemented for specific periods of time during the 2004 – 2018 timeline.
 - 7.3 Copies of the Operational Policies and Operational Directives as approved by the relevant Ministers responsible for Intelligence approved and implemented for specific periods of time during the 2004 – 2018 timeline.
 - 7.4 Copies of documentation and approvals or authorisations for the restructuring of the Civilian Intelligence Services from 2009 up to 2020.
 - 7.5 A copy of the outcome and decision of the investigation done by the Ministry in respect of complaints of sexual harassment registered with the Minister against XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX.
 - 7.6 A copy of the file containing intelligence on XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX, on his business and political activities as well as his associates.
8. Kindly be advised that the abovementioned list is not exhaustive and our client reserves the right to request more information.
9. Further be advised that we have directed a separate request to the Director – General of the Agency in respect of those documents that are relevant to him and his powers.

10. May we kindly have these documents by not later than midday on Friday the 14th August 2020.

Yours faithfully,

Electronically generated and not signed

Kgoroadira Mudau Inc

Per: RGM Kgoroadira

AF4



KGOROEDIRA MUDAU INC

05 August 2020

To: **Mr Loyiso Jafta**

Acting Director-General: State Security Agency
Musanda

Copy To: **Honourable Judge Zondo**

Chairperson of the Judicial Commission of Inquiry into Allegations of State Capture

Sir

Re: **REQUEST FOR DECLASSIFICATION AND COPIES OF INTELLIGENCE INFORMATION**

1. We act on behalf of Mr Arthur Fraser, the former Director-General of the State Security Agency (the Agency) and currently the National Commissioner of the Department of Correctional Services.
2. We specifically refer to the evidence on intelligence matters that was presented before the Judicial Commission of Inquiry into Allegations of State Capture, Corruption and Fraud in the Public Sector including Organs of State (State Capture Commission) implicating our client in wrongdoing.
3. In order to prepare his statement and evidence to the State Capture Commission, our client instructs us to request, as we hereby do, the declassification of classified documentation and to be furnished with copies, inter alia, of the following documentation as would have been declassified:
 - 3.1 A copy of the outcome of the investigation into the basis for the XXXX XXXXXXXX XXXX withdrawal of the security clearance of XXX XXX XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX.
 - 3.2 A copy of the complete dossier on the 2017 – 2018 investigation and decision by the Director General, State Security Agency to withdraw the security clearance of XXX XXX XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX.
 - 3.3 Copies of the approved Strategic Plans, approved Annual Performance Plans, and approved Annual Reports for the National Intelligence Agency (NIA) and State Security Agency (SSA)

for the following financial years: 2004/05; 2005/06; 2006/07; 2007/08; 2008/09; 2009/10; 2016/17; 2017/18 and 2018/19, including the Auditor General Reports issued for the stated financial years.

- 3.4 Copies of the approved Operational Standard Operating Procedures for the following financial years: 2004/05; 2005/06; 2006/07; 2007/08; 2008/09; 2009/10; 2016/17; 2017/18 and 2018/19.
- 3.5 A copy of the National Intelligence Agency Management Handbook, 2007.
- 3.6 Copies of all documentation relating to project "XXXXX XXXXXX XX XXXX" together with related projects: Project XXXXXX, project XXXXXXXX, project XXXXXXXXXX, and project XXXXXXXX from its inception and including its strategic objectives, intelligence objectives and operational objectives, budget allocations, names of the project members, to operational reports and products.
- 3.7 Copies of all documentation relating to project "XXXXXX XXXX" from its inception including strategic objectives, intelligence objectives, operational objectives, names of the project members, to operational reports and products.
- 3.8 Copies of all documentation relating to project "XXXXXXXXXX" from its inception including strategic objectives, intelligence objectives, operational objectives, names of the project members, including settlement agreement, to operational reports and products.
- 3.9 Copies of all documentation relating to the investigation into the "XXXXXX XXXXXX XXXX XXXXXXXXXX" and all related projects including operation "XXXXXXXX" from its inception including strategic objectives, intelligence objectives, operational objectives, names of the project members, to operational reports and products.
- 3.10 Copies of all documentation relating to operation "XXXXXXXXXX" from its inception including strategic objectives, intelligence objectives, operational objectives, names of the project members, to operational reports and products.
- 3.11 Copies of all documentation relating to operation "XXXXXXXX" from its inception including strategic objectives, intelligence objectives, operational objectives, names of the project members, to operational reports and products.

- 3.12 Copies of all documentation relating to project "XXXXXXXX" from its inception including strategic objectives, intelligence objectives, operational objectives, names of the project members, to operational reports and products.
- 3.13 Copies of all documentation relating to project "XXXXXXXX" from its inception including strategic objectives, intelligence objectives, operational objectives, names of the project members, to operational reports and products.
- 3.14 Copies of all documentation relating to the project in the XXXXXXXXXX XXXX in relation to NIA investigations of alleged corruption in the XXXXXXXXXX XXXX Department of Health from its inception including strategic objectives, intelligence objectives, operational objectives, names of the project members, to operational reports and products, as well as related liaison documentation with law enforcement agencies.
- 3.15 Copies of all documentation relating to operation "XXXXXXXX" from its inception including strategic objectives, intelligence objectives, operational objectives, names of the project members, to operational reports and products.
- 3.16 Copies of all documentation relating to operation "XXXXXXXX" from its inception including strategic objectives, intelligence objectives, operational objectives, names of the project members, to operational reports and products.
- 3.17 Copies of all documentation relating to operation "XXXXXX" from its inception including strategic objectives, intelligence objectives, operational objectives, names of the project members, to operational reports and products.
- 3.18 Copies of all documentation relating to project "XXXX" from its inception including strategic objectives, intelligence objectives, operational objectives, names of the project members, to operational reports and products.
- 3.19 Copies of all documentation relating to project "XXXX" from its inception including strategic objectives, intelligence objectives, operational objectives, names of the project members, to investigative reports and products.
- 3.20 Copies of all documentation relating to project "XXXXXX" from its inception including strategic objectives, intelligence objectives and operational objectives, names of the project members, to operational reports and products.

- 3.21 Copies of all documentation relating to an XXXX journalist and the XXXXXX XXXXXX XX XXXXXX's Department of Defence, including the source file and contract.
- 3.22 Copies of all documentation relating to the disciplinary process, review and setting aside of the dismissal / disciplinary and related actions taken against XXXXX XXXXX and XXXXXX XXXXXX, relating to the XXXXXX XXX XXXXXX, and XXXXXX XXXX XXXXXX matter.
- 3.23 Copies of all documentation relating to the purchase of a grabber and other interception equipment from a Bloemfontein based service provider.
- 3.24 Copy of the Authorisation by Minister Kasrils for the National Intelligence Agency's Principal Agent Network (PAN).
- 3.25 Copies of all the presentations made by different Chief Directorates of the National Intelligence Agency PAN programme (2006 - 2010) and the minutes of all the meetings and workshops that these presentations were made.
- 3.26 Copy of the approved Business Analysis Investigation: Realignment of the Cover Support Unit (CSU) in 2007.
- 3.27 Copies of all submissions and authorisations for the purchase of surveillance vehicles in 2008.
- 3.28 Copies of all submissions of every Chief Directorate to the CSU for covert support.
- 3.29 Copies of the inventories for the allocation of all laptops procured by the CSU.
- 3.30 Copies of all documentation relating to operation "XXXXXXXXXXXX" from its inception including strategic objectives, intelligence objectives, operational objectives, names of the project members, to operational reports and products.
- 3.31 Copies of all documentation relating to all projects that XXXXX XXXXXXXXXXXX was involved in with the National Intelligence Agency (NIA), the South African Secret Service (SASS) and the State Security Agency (SSA) from its inception including strategic objectives, intelligence objectives, operational objectives, names of the project members, to operational reports and products.

- 3.32 Copies of all documents relating to contracts entered into between NIA and/or SASS and/or National Communications (NC) and/or SSA with XXXXXXXXXX, including all payments and settlements.
- 3.33 Copies of all documentation relating to the SSA internal investigation into allegations of sexual harassment registered against XXX XXXXXX XXXXXX, XXXXXXXXXX XXXXXXXXXX SSA.
- 3.34 A copy of the complete dossier on the transfer of XXX XXXXX XXXXXX from Musanda to Bloemfontein.
- 3.35 Copies of all documentation relating to the various SSA internal investigations into allegations of serious misconduct (fraud) by XXXXXXXXXXXXXXXXXXXX, General Manager XXXXXXXXXXXX XXXXXXXXXXXXXXXX, XXXXXXXXXXXX XXXXXXXXXXXXXXXX.
- 3.36 Copies of all documentation relating to the SSA internal investigation into allegations of serious misconduct (fraud) by XXX XXXXX XXXXXXXXXXXXXXXX, Provincial Head XXXXXX XXXXXXXX.
- 3.37 Copies of all documentation relating to the SSA internal investigation into allegations of serious misconduct (espionage) by XX XXXXXXXX XXXXXXXXXXXXXXXX and XX XXXXXXXX XXXXXXXX, members of XXXXXXXXXXXX XXXXXXXXXXXXXXXX.
- 3.38 Copies of all documentation relating to the SSA internal investigation into allegations of serious misconduct (unauthorised allocation of R200 million) by XX XXXXXXXX XXXXXXXX, Manager Finance Division.
- 3.39 Copies of all documentation relating to the SSA internal investigation into allegations of serious misconduct (relating to the procurement of properties) by XX XXXXXXXX XXXXXXXX, Manager Finance Division.
- 3.40 Copies of all documentation relating to the SSA internal investigation into allegations of serious misconduct (fraud) by:
 - 3.40.1 XX XXXXX XXXXX, Acting XXXX;
 - 3.40.2 XX XXXXXXX XXXX, currently Acting XXXXX;
 - 3.40.3 XX XXXXXXXX XXXXXXXX Operational Support Officer: Office of XXXXXX;
 - 3.40.4 XX XXXXXXXX XXXXXXXX Operational Support Officer: Office of XXXXX;

3.40.5 XXX XXXXXXXX XXXXXXXXXX Target Index Officer (XXXXXXX); and

3.40.6 XX XXXXXXXXXX XXXXXXXXXX Secretary XXXXXXXX.

3.41 A copy of the file containing intelligence on XXXX XXXXXXXXXX XXXXXXXXXX XXXXXXXXXX containing his business, political and personal activities and associates.

4 May we kindly have these documents by not later than midday on Friday the 14th August 2020.

Yours faithfully,

Electronically generated and not signed

Kgoroeadira Mudau Inc

Per: RGM Kgoroeadira

AFS.



KGOROEADIRA MUDAU INC

04 August 2020

The Honourable Judge Zondo

Chairperson of the Judicial Commission of Inquiry into Allegations of State Capture

Per email: bridgittes@commissionsc.org.za

Re: REQUEST FOR THE CHAIRPERSON'S ASSISTANCE: DECLASSIFICATION AND COPIES OF CLASSIFIED INFORMATION

1. We refer to the above matter as well as the previous letters to different entities requesting that they declassify certain classified information and/or documents and provide same to our client in order to enable him to refute the allegations made against him before the State Capture Commission and to present his evidence thereon.
2. The following have been the responses by the relevant addressees:
 - 2.1 The Presidency: On Sunday the 16th of August 2020 and at 20h28, an email dated the 14th August 2020 was received from the Presidency inter alia seeking the indication by our client of the substance and relevance of the evidence that he intends to present to the Commission. We responded thereto per letter dated the 19th August 2020 advising that the request is impermissible. No further response was received from the President or Presidency.
 - 2.2 Minister of State Security: We received a letter from the Ministry of State Security dated the 5th August 2020 acknowledging receipt of our letter and advising that the contents of our letter would be brought to the Minister's attention. No further response was received from the Minister or the Ministry.
 - 2.3 The Joint Standing Committee on Intelligence (JSCI): We received from the JSCI that it is not mandated to declassify classified documents and that its reports are not classified. We are obtaining client's instructions thereon.

- 2.4 Inspector-General of Intelligence: On the 5th August 2020, we received an email from the Office of the Inspector-General of Intelligence acknowledging receipt of our letter and advising that the contents of our letter would be brought to the attention of the Inspector-General of Intelligence. No further response was received from the Inspector-General of Intelligence.
- 2.5 Director-General of the State Security Agency: On the 5th August 2020, we received an email from the State Security Agency acknowledging receipt of our letter. No further response was received from the State Security Agency.
3. It is our client's view that failure by the above entities and/or individuals hampers and/or prevents him from finalising his own presentation and thereby denies the Commission an opportunity to receive information relevant to the pursuit of its mandate.
4. In the circumstances, our client instructs us to request, as we hereby do, the assistance of the Chairperson to persuade the President, the Minister of State Security, the Inspector-General of Intelligence and the Director-General of the State Security Agency to comply with his request.
5. May we kindly hear from you?

Yours faithfully,

Electronically generated and not signed

Kgoroeadira Mudau Inc

Per: RGM Kgoroeadira

Copy To: The Presidency
Union Building

Copy To: Ministry: State Security
Bogare Complex

Copy To: **The Joint Standing Committee on Intelligence**
Parliament of the Republic of South Africa

Copy To: **Office of the Inspector-General of Intelligence**
Bogare Complex

Copy To: **State Security Agency**
Musanda

AF 6

rapulane@kgoroeadiramudauinc.co.za

From: Brigitte Shabalala <BrigitteS@commissionsc.org.za>
Sent: Friday, 28 August 2020 16:22
To: <http://webmail.kgoroeadiramudauinc.co.za>
Cc: Ntombe Mbuqe; Olebogeng Marumo; Comelita van der Bergh;
 info@kgoroeadiramudauinc.co.za; dg@ssa.gov.za; Ruth Banda; Geoffrey Mphaphuli;
 Arthur.Fraser@dcs.gov.za
Subject: RE: Re: REQUEST FOR THE CHAIRPERSON'S ASSISTANCE: DECLASSIFICATION AND COPIES OF CLASSIFIED INFORMATION

Dear Sir/Madam

I hereby acknowledge receipt of your letter with thanks. It has forwarded to the Chairperson.

Kind regards
 K.B Shabalala

Acting Secretary



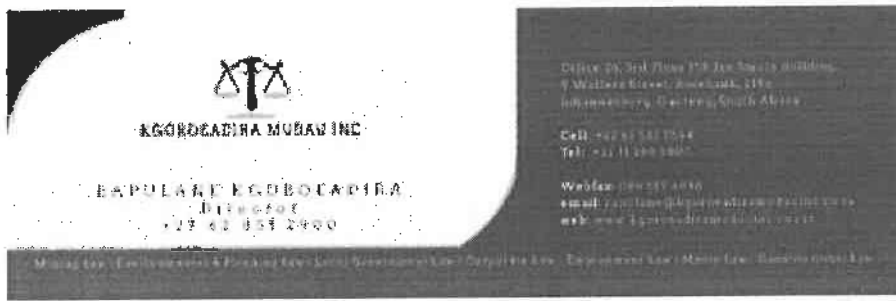
COMMISSION OF INQUIRY INTO STATE CAPTURE | Hillside House, 3rd Floor, 17 Empire Road, Parktown,
 Johannesburg, 2193 | Gauteng | South Africa | email: secretary@commissionsc.org.za | www.sastatecapture.org.za; |
 Mobile +27(0)71320 8293

From: <http://webmail.kgoroeadiramudauinc.co.za> <rapulane@kgoroeadiramudauinc.co.za>
Sent: Friday, 28 August 2020 14:54
To: Brigitte Shabalala <BrigitteS@commissionsc.org.za>
Cc: Ntombe Mbuqe <nmbuqe@parliament.gov.za>; Olebogeng Marumo <MarumoO@ssa.gov.za>; Comelita van der Bergh <cvanderbergh@parliament.gov.za>; info@kgoroeadiramudauinc.co.za; dg@ssa.gov.za; Ruth Banda <rb.bunder@gmail.com>; Geoffrey Mphaphuli <Geoffrey@presidency.gov.za>; Arthur.Fraser@dcs.gov.za
Subject: Re: REQUEST FOR THE CHAIRPERSON'S ASSISTANCE: DECLASSIFICATION AND COPIES OF CLASSIFIED INFORMATION

Chairperson

Attached hereto please find a copy of our correspondence for your urgent attention.

Regards,



Sent from Mail for Windows 10

AF 7



KGOROEADIRA MUDAU INC

23 November 2020

To: Honourable Ms A Dlodlo, MP
Minister for State Security
Bogare Complex

Copy To: Honourable Judge Zondo
Chairperson of the Judicial Commission of Inquiry into Allegations of State Capture

Madam

Re: REQUEST FOR DECLASSIFICATION AND COPIES OF INTELLIGENCE INFORMATION

1. We note with concern that our letter hereon dated the 5th August 2020 and addressed to the Acting Director-General was leaked to the media and the public at large.
2. It is common cause that this letter contains sensitive information of the State Security Agency, including but not limited to information relating to national security intelligence, intelligence collection methods, sources of information and the identity of some of the members of the Agency and which information the Director-General, is in terms of section 10(4)(a) of the Intelligence Services Act 65 of 2002, as far as is reasonably practicable, enjoined to take steps to ensure that it is protected from unauthorised disclosure.
3. We are instructed that for a few months now, portions of that letter were widely circulated within Musanda.
4. We confirm that that letter was only sent to the office of the Acting Director-General and a redacted copy sent to the Office of Chairperson of the Judicial Commission of Inquiry into Allegations of State Capture.
5. It is our client's view that such leaks have a potential to undermine the legitimacy of the Commission and may discourage some witnesses from providing it with some invaluable information relevant to it.
6. In the circumstances, you are kindly requested to institute an investigation into the source of

the leaks, the identity or identities of the individual(s) responsible therefor and the purpose of their conduct.

Yours faithfully,

Electronically generated and not signed

Kgoroadira Mudau Inc

Per: RGM Kgoroadira

AF 8

**KGOROeadIRA MUDAU INC**

23 November 2020

To: Mr Loyiso JaftaActing Director-General: State Security Agency
Musanda**Copy To: Honourable Judge Zondo**

Chairperson of the Judicial Commission of Inquiry into Allegations of State Capture

Sir

Re: REQUEST FOR DECLASSIFICATION AND COPIES OF INTELLIGENCE INFORMATION

1. We note with concern that our letter hereon dated the 5th August 2020 and addressed to you was leaked to the media and the public at large.
2. It is common cause that this letter contains sensitive information of the State Security Agency, including but not limited to information relating to national security intelligence, intelligence collection methods, sources of information and the identity of some of the members of the Agency and which information you are, in terms of section 10(4)(a) of the Intelligence Services Act 65 of 2002, as far as is reasonably practicable, enjoined to take steps to ensure that it is protected from unauthorised disclosure.
3. We are instructed that for a few months now, portions of that letter were widely circulated within Musanda.
4. We confirm that that letter was only sent to your office and a redacted copy sent to the Office of Chairperson of the Judicial Commission of Inquiry into Allegations of State Capture.
5. It is our client's view that such leaks have a potential to undermine the legitimacy of the Commission and may discourage some witnesses from providing it with some invaluable information relevant to it.
6. In the circumstances, we request that you take steps to ensure that our communication with you hereon is protected from unauthorised disclosure.

Yours faithfully,

Electronically generated and not signed

Kgoroeadira Mudau Inc

Per: RGM Kgoroeadira

AF 9



KGOROEADIRA MUDAU INC

23 January 2021

To: **Mr Loyiso Jafta**
 Acting Director-General: State Security Agency
 Per email: DG@ssa.gov.za

Copy To: **Honourable Judge Zondo**
 Chairperson of the Judicial Commission of Inquiry into Allegations of State Capture
 Per email: secretary@commissionsc.org.za

Sir

Re: **REQUEST FOR DECLASSIFICATION AND COPIES OF INTELLIGENCE INFORMATION**

1. We confirm that we act on behalf of Mr Arthur Fraser, Adv. Bongani Bongo, Mr Jabulani Maduma, Mr Graham Engel, Mr Prince Makhwathana, Ms Marthie Wallace, Ms Molleen Mnana and Ms Roxane Human who have all been implicated in various acts of misconduct by a number of witnesses at the instance and encouragement of a few individuals employed by the State Security Agency (SSA) and who are scheduled to testify at the Commission from the 25th to the 29th January 2021.
2. As previously indicated to you, our clients are more than willing to assist the Commission and in so doing, clearing their names and reputations that are unfairly besmirched. To this end, they intend submitting their statements to the Commission and cross-examining these individuals.
3. Regard being had to your letters to some of them instructing them to cooperate with the Commission and not withhold information from it on the grounds of its possible classification or security concerns, our clients acknowledge and appreciate your intention to assist the Commission.
4. In view of the above, our clients firmly believe that your office will not frustrate the Commission or be party to any action aimed at withholding information to it.
5. In order to enable our clients to prepare and submit their statements, we are instructed to request from you, as we hereby do, the declassification and provision to them, the following intelligence information and/or products:

- 5.1 A copy of Mr Sipho Blose (Blose)'s assessment that determined and confirmed that he was unfit to hold the position of General Manager, let alone Deputy Director-General;
- 5.2 A copy of all the documents and reports, including the authorisation, records of all submissions and payments, false documents, travel records including all the related travel itineraries created by Blose in the project masterminded and managed by him that resulted in a report that falsely claimed that Prof Thuli Madonsela, Mr Sello Julius Malema and Mr Joseph Mathunjwa were agents and/or members of the Central Intelligence Agency of the United States of America. To this end, we kindly request that you also provide us with a copy of Prof Madonsela's false CIA membership or appointment card manufactured by Blose;
- 5.3 A copy of the affidavit deposed to by Mr Loyiso Jafta and submitted to the Commission aimed at implicating our clients in wrongdoing as well as a copy of the subpoena or instruction issued to him by the Commission at his (Mr Jafta)'s insistence, advice and/or request;
- 5.4 A copy of the opinion received by the SSA or its predecessor from Langa Attorneys on the contract between Mr Yusuf Patel and the National Intelligence Agency (NIA) as part of the PAN Program, as well as the records of all the payments made to Langa Attorneys in this regard appointed on the instruction of Messrs Gibson Njenje and Lloyd Mhlanga;
- 5.5 A copy of the investigation report, if any, produced by Langa Attorneys as a result of his aforementioned instruction;
- 5.6 Copies of the investigation conducted by Adv Mahlodi Sam Moufhe, into the conduct of Mr Lloyd Mhlanga and leading to his ultimate removal from the Ministry of State Security;
- 5.7 Copies of the investigation conducted by the Coordinator of Intelligence, Ambassador Tony "Gab" Msimanga, into the unauthorised travel by Mr Gibson Njenje with a service provider to France and leading to his ultimate removal or departure from the Ministry of State Security;
- 5.8 Copies of the submission, authorisation and reports of the travel by Mr Gibson Njenje during the latter part of 2018 to the Democratic Republic of Congo with Mr Thabiso Thiti;
- 5.9 A copy of the investigation conducted by the Inspector-General of Intelligence, Dr Setlhomamaru Dintwe into the allegations that Mr Lloyd Mhlanga was earning a salary from both the SSA and the Department of International Relations and Cooperation;
- 5.10 Copies of all the documents related to a project initiated by Amb Moe Shaik for the funding, establishment, capacitating of CNBC Africa and the secondment of SSA members to it and which members remain on SSA's payroll despite not being engaged for over ten (10) years. These members remain at home. In particular, our clients request for a copy of the funding

- agreement of CNBC Africa between the then South African Secret Service (SASS) or its successor, the SSA and Mr. Rakesh Wahi;
- 5.11 Copies of all documents related to a project initiated by Amb Moe Shaik which resulted in the funding for the purchase from the founder and editor, Raymond Louw and publisher, David Niddrie of the then failing online publication, Southern African Report by Mopani Media and the appointment of Ms Karima Brown as its editor for South Africa and the inclusion of David Niddrie, Karima Brown, Vukani Mde and Pierre van der Hoven as its shareholders;
 - 5.12 Copies of all intelligence documents and reports of a counterintelligence/counterespionage investigation that indicated the undeclared and/or unregulated contact by Mr Inayet "Inzo" Ismail (Ismail) with an Israeli national and the justification of his continued deployment to the USA despite these reports;
 - 5.13 Copy of the submission approving the utilisation of Ismail in project Veza, notwithstanding a pending investigation into such serious allegations of misconduct;
 - 5.14 Copies of the records of all the payments of an allowance to Ismail for acting as Deputy Director-General: Counter-Intelligence while he was simultaneously posted abroad;
 - 5.15 The records of the payments to Ismail of his foreign allowance despite him being in the Republic participating in Project Veza and acting as Deputy Director-General: Counter-Intelligence;
 - 5.16 The records of Ismail's travels to the USA during the time that he was Acting Deputy Director-General: Counter-Intelligence and leading Project Veza;
 - 5.17 Copy of SSA's applicable Foreign Dispensation Policy;
 - 5.18 The record of all payments of Mr Charles Ngakula's salary and/or other emoluments by SSA while employed as the National Security Advisor in the Presidency and the legislative authority for these payments;
 - 5.19 All reports and correspondence for the period 2017 to 2021 regarding governance, audit and risk management concerns;
 - 5.20 Documents related to the handling by Herbert Woodbridge and Johan "Cassie" Carstens of Neil van Heerden and Phillip Du Toit, a convicted abalone poacher, including the investigation and disciplinary enquiries by NIA in or around 2007 into the 2 handlers; their conviction, dismissal and subsequent reinstatement.

6. Further, we are instructed to request your permission to consult with Adv Mahlodi Sam Mofhe, the Head of SSA's Domestic Branch on his instructions regarding Project Veza and his subsequent harassment, defamation and/or victimisation.
7. Our clients believe that the testimony of the following individuals will be useful in uncovering the corruption, fraud, theft, abuse of power and usurpation of the Commission's mandate conducted by some of the witnesses that have been carefully selected and coordinated to create a false impression against our clients while protecting others from scrutiny and request that they be subpoenaed.
 - 7.1 Mr Donovan Nel;
 - 7.2 Mr Randal Johnson;
 - 7.3 Ms Retha Theunissen;
 - 7.4 Mr Russel Haines;
 - 7.5 Mr Jaco Schoeman (former Chief Director of Internal Security);
 - 7.6 Mr Marlin Johnson;
 - 7.7 Mr Willem "Uli" Conradie;
 - 7.8 Mr Patrick Selebi;
 - 7.9 Mr Vuyani Mlati;
 - 7.10 Ms Malerato Segoana;
 - 7.11 Mr Jacques Grobbelaar, a hacker;
 - 7.12 Mr Charles Ngakula;
 - 7.15 Mr Willem Hanekom;
 - 7.16 Ms Natasha De Lange;
 - 7.17 Mr Louis van der Merwe;
 - 7.18 Ms Jo-Anne Freeme;
 - 7.19 Ms Cavitha Maharaj;
 - 7.20 Current members of the SSA Audit and Risk Committee.
8. Our clients believe that you will extend the enthusiasm you have shown in the investigations against them towards their efforts to present the Commission with the complete picture of the capture of the SSA.

Yours faithfully,

Electronically generated and not signed
Kgoroadira Mudau Inc

Per: RGM Kgoroeadira

**IN THE JUDICIAL COMMISSION OF INQUIRY INTO ALLEGATIONS OF
STATE CAPTURE, CORRUPTION & FRAUD IN THE PUBLIC SECTOR
INCLUDING ORGANS OF STATE**

CASE NO:

In the matter between:

ARTHUR FRASER

APPLICANT

And

THE MINISTER OF STATE SECURITY

1ST RESPONDENT

DIRECTOR-GENERAL: STATE SECURITY AGENCY

2ND RESPONDENT

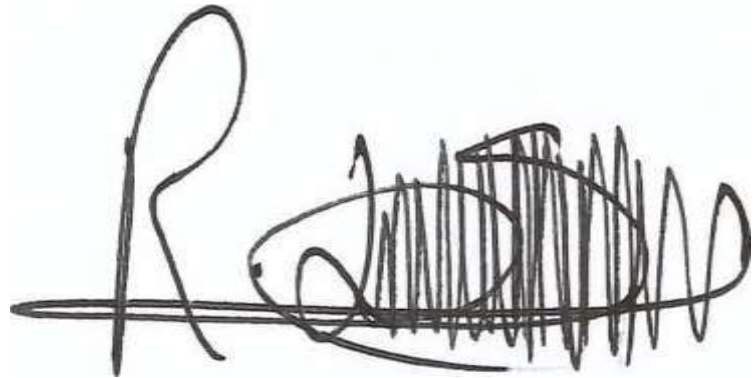
STATE SECURITY AGENCY

3RD RESPONDENT

NOTICE TO ABIDE

KINDLY TAKE NOTICE that the First Respondent will not oppose the above application and will abide by the ruling of the Honourable Chairperson in the above application.

DATED AND SIGNED AT PRETORIA ON THIS THE 07TH DAY OF APRIL 2021.



SECOND & THIRD RESPONDENTS ATTORNEYS

STATE ATTORNEY PRETORIA
316 SALU BUILDING
CNR FRANCIS BAARD & THABO SEHUME STR
ENTRANCE AT THABO SEHUME
PRIVATE BAG X91
PRETORIA, 0001

REF: 0750/2020/Z64

TEL: 012 309 1623

MOBILE: 071 870 2442

EMAIL: rsebelemetsa@justice.gov.za /
ramatics@gmail.com

Dx: 298 PRETORIA

ENQ: MR. R.J(JOSEPH) SEBELEMETSA

TO: THE CHAIRPERSON: STATE CAPTURE COMMISSION
JOHANNESBURG

**AND
TO:**

KGOROEADIRA MUDAU INC

OFFICE 26, 3RD FLOOR 158 JAN SMUTS BUILDING
9 WALTERS STREET
ROSEBANK
P O BOX 31884
BRAAMFONTEIN
TEL: 011 268 5807
FAX: 086 519 4846

EMAIL: info@kgoroeadiramudauinc.co.za /
rapulane@kgoroeadiramudauinc.co.za

REF: M Kgoroeadira

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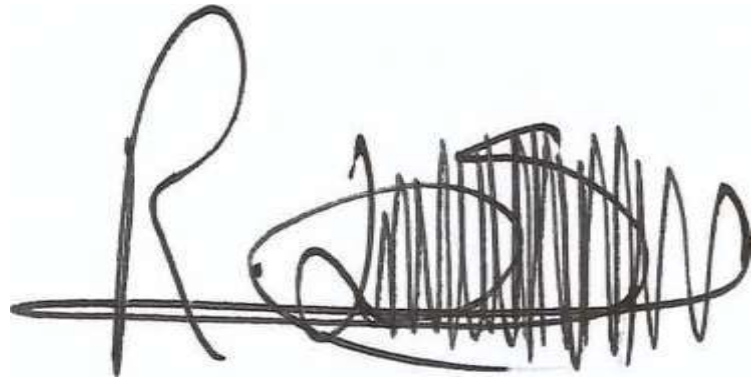
STATE SECURITY AGENCY

3RD RESPONDENT

NOTICE OF INTENTION TO OPPOSE

BE PLEASED TO TAKE NOTICE THAT, the Second and Third Respondents intend to oppose this application and that they have appointed the under mentioned address of their attorneys for the service upon them of any pleadings or other documents in this matter.

DATED AND SIGNED AT PRETORIA ON THIS THE 17TH DAY OF MARCH 2021.



SECOND & THIRD RESPONDENTS ATTORNEYS

STATE ATTORNEY PRETORIA
316 SALU BUILDING
CNR FRANCIS BAARD & THABO SEHUME STR
ENTRANCE AT THABO SEHUME
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1ST RESPONDENT

DIRECTOR-GENERAL: STATE SECURITY AGENCY

2ND RESPONDENT

STATE SECURITY AGENCY

3RD RESPONDENT

FILING NOTICE

DOCUMENT: SECOND AND THIRD RESPONDENTS ANSWERING AFFIDAVIT

**FILED BY: SECOND & THIRD RESPONDENTS ATTORNEYS
STATE ATTORNEY PRETORIA
316 SALU BUILDING
CNR FRANCIS BAARD & THABO SEHUME STR
ENTRANCE AT THABO SEHUME
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PRETORIA, 0001
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EMAIL: rsebelemetsa@justice.gov.za**

Dxc 298 PRETORIA

ENQ: MR. R.J(JOSEPH) SEBELEMETSA

**TO: THE CHAIRPERSON: STATE CAPTURE COMMISSION
JOHANNESBURG**

**AND
TO:**

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**IN THE JUDICIAL COMMISSION OF INQUIRY INTO ALLEGATIONS OF
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In the matter between:

ARTHUR FRASER

Applicant

and

MINISTER OF STATE SECURITY

1st Respondent

DIRECTOR-GENERAL: STATE SECURITY

AGENCY

2nd Respondent

STATE SECURITY AGENCY

3rd Respondent

2ND AND 3RD RESPONDENTS' ANSWERING AFFIDAVIT

I, the undersigned,


AMBASSADOR TONY MSIMANGA

do hereby declare the following under oath and state that:

I.S.P



1. I am an adult male employed by the State Security Agency ("the Agency"), as the Acting Director-General. By virtue of such appointment, I am the Accounting Officer of the Agency with its Main Office situated at Musanda Complex, Delmas Road, Pretoria, Gauteng Province.
2. Save where otherwise indicated, the facts set out in this affidavit are within my personal knowledge and are both true and correct. To the extent that I rely on the facts which are not within my personal knowledge, I verily believe them to be true and correct.
3. Any legal submissions made herein, are based on the guidance and advice provided by the legal representatives of the 2nd and 3rd Respondents ("the Respondents") in this matter which advice I verily believe and accept.
4. By virtue of my position, I am authorised to depose to this affidavit, to oppose relief sought by the Applicant and to seek appropriate relief on behalf of the Respondents. I am cited as the 2nd Respondent in this matter. The 2nd and 3rd Respondents are opposing this application.
5. I have read the papers of Mr Arthur Fraser ("the Applicant") particularly his Founding Affidavit in this application together with annexures thereto which were served on my predecessor, Mr Loyiso Jafta ("Mr Jafta") and filed with the Commission.

I. S. P. 

NATURE OF THE APPLICATION

6. The Applicant has made application to the Commission seeking an order In the following terms:

6.1 Compelling the Respondents in accordance with Rule 10 of the Commission to produce and provide him with copies of all the documents as set out in paragraphs 1.1 – 1.6 Including 2.1 – 2.61 of the Notice of Motion;

6.2 That any party opposing the application pay the costs of the application; and

6.3 Further and/or alternative relief.

7. Before I deal with the allegations contained in the Applicant's Affidavit, I intend providing the Commission with the following brief background which, I believe, is essential In providing the context within which my response to the Applicant's allegations and contentions should be understood.

BRIEF BACKGROUND

8. The Applicant was previously employed by the 3rd Respondent in various capacities including being the Deputy Director-General: Operations and ultimately the Director-General of the Agency. He is accordingly, acutely aware of the sensitivity of the operations conducted by the Agency. He is also well aware that in my capacity as acting Director-General I have a legal obligation to protect the information in the custody and/or under the control of the Agency, in particular, security intelligence, collection methods thereof, sources and the identities of the members of the Agency. He is also aware of the procedure whereby a former member of the Intelligence Services requests access to classified information.
9. On account of the nature of the operations and activities of the 3rd Respondent, it is inconceivable and above all untenable that the Commission would be expected to grant approval for the immediate production and declassification of the bulk of the documentation required by the Applicant, especially those documents that relate to categories of information which, by law, have to be protected. The Applicant is certainly fully aware of this fact. However, in spite of the said knowledge, the Applicant seeks an order requiring the production and declassification of a sizeable number of documents, which would have to be made available to him and/or declassified at the risk of compromising state security, without specifying the precise details of information that has a bearing on his specific case and without following the prescribed procedure.

10. I am advised that Mr Jafta as the then Accounting Officer of the Agency has always been willing to co-operate with the Commission and, has indeed co-operated in the past when Information that was relevant to the Commission's scope of work was sought by the Commission's officials. It is considered apposite, at this juncture, to emphasise that such co-operation was and will always be strictly limited to information which falls within the scope of the Commission's work or its terms of reference. Under no circumstances may this principle be compromised.
11. It is therefore, crucial that In his request for information, the Applicant must specify Information and/or documents required by him with sufficient detail or particularity to place the Agency in a position to determine which information is Indeed material to the Applicant's case which should, as such, be made available to enable him to protect his rights. As things stand, on perusal of the Applicant's papers, it has been noted that the bulk of his application for information does not provide sufficient particulars regarding the relevance of the required documents and/or information to the Commission's scope of work or allegations that were made against him at the Commission. This makes it difficult for the Agency to appropriately respond to the allegations and/or the Applicant's contentions as contained in his Affidavit. A quick example In this regard is the request for information allegedly relating to the allegations of sexual

harassment against Mr Jafta. The information required in this regard is certainly beyond the remit of the Commission's work.

12. The Applicant seeks an order compelling the Respondents to provide him with voluminous information most of which entails methods and operations of the Agency without providing sufficient particulars or details of the relevance or necessity for such information to protect his rights. Some of the information required would inevitably disclose the personal information of the operatives and/or members of the Agency.
13. I submit that the Applicant has failed to make out a case for the granting of the relief sought by him in this application. This is in particular, based on the fact that the information provided in his application makes it difficult to determine the relevance of the requested information to the Commission's scope of work. It is accordingly, my respectful submission that the Honourable Chairperson of the Commission must dismiss this application.
14. However, in my capacity as acting Director-General, I am willing to co-operate with and, where possible, provide the Applicant with documents that are considered relevant to the Commission's scope of work and which may enable him to address the Commission with regard to allegations that were made against him in the Commission. To this end, I am willing,

acting in the best interests of the Agency and the Commission, to afford the Applicant access to the relevant files and/or documents.

15. This may take place in the form of the Applicant's visit to the premises of the Agency where he would be allowed access and perusal of the documents, under supervision, during which process he will be required to specify precisely which documents he would like to be declassified. Such documents may only be those that are relevant to the Commission's scope of work and/or which are relevant to the allegations that were made against him in the Commission, which as such, will enable him to refute such allegations.
16. Such process will have to be in compliance with the provisions of Chapter XXIV of the Regulations in terms of the Intelligence Services Act 65 of 2002. This process would then be followed by the official internal processes in relation to the consideration of the Applicant's need for declassification and the manner in which such documents or information would be made available to him, which would include redaction of sensitive information. If necessary, the prescribed process may be expedited.
17. I am advised that Mr Jafta, in a written response to the Applicant's attorneys' letter to the Office of the Director-General of the Agency dated

5 August 2020, advised and invited the Applicant to follow the appropriate procedure to enable the Agency to properly consider his request for information. In the said letter, dated 23 August 2020, (which was sent to the Applicant's attorneys on 21 September 2020), Mr Jafta also extended an invitation to the Applicant for consultation with him to discuss how best the matter could be dealt with. However, this advice and invitation came to naught as the Applicant did not follow the said advice and ignored the invitation. A copy of the aforesaid letter from Mr Jafta to the Applicant is attached hereto and is marked Annexure "TM 1". The Chapter XXIV Regulation attached to the said letter is annexed hereto and is marked Annexure "TM 2". Proof of despatch of the said letter by email on 21 September 2020 is attached hereto and is marked Annexure "TM 3".

18. In what follows below, I deal with the allegations made by the Applicant in his Affidavit. However, in doing so I will not be in a position to deal with each and every allegation in detail as the Applicant has, in any event failed, to provide details in relation to relevance of the requested information to the Commission's work. However, my failure to deal with any allegation in detail must not be construed as an admission thereof. The said allegations must be regarded as having been denied.
19. I now deal with the allegations contained in the Applicant's Affidavit *seriatim*.

AD PARAGRAPHS 1 – 2

20. Save to deny the allegation that all the facts contained in this Affidavit are true and correct, I note the rest of the allegations that are made in these paragraphs.

AD PARAGRAPHS 3 - 6

21. I note the allegations that are made in these paragraphs.

AD PARAGRAPH 7

22. Save to deny the averment to the effect that all the documents and/or information sought by the Applicant have a bearing on the allegations that were allegedly made against the Applicant in the Commission or on matters that are being investigated by the Commission, I note the purpose of the application and the rest of the allegations made in this paragraph.

AD PARAGRAPHS 8 – 12

23. I have no knowledge of the allegations that are made in these paragraphs.

AD PARAGRAPHS 13 - 14

24. I note the allegations that are made in these paragraphs. I am advised, as already stated in paragraph 17 above, that Mr Jafta responded, in Annexure "TM 1" hereto, to the Applicant's attorneys' letter referred to in paragraph 14 which is marked Annexure "AF 2" by advising the Applicant on the manner in which his request for information should be made, as set out in Annexure "TM 2" hereto, and inviting him for consultation to discuss the matter. However, such advice and invitation were not responded to by the Applicant.

AD PARAGRAPH 15.1

25. I note the allegations that are made in this paragraph. This report may be made available to the Applicant subject to the process referred to in paragraphs 14 – 16 above.

AD PARAGRAPH 15.2

26. I note the allegations that are made in this paragraph. However, I deem it necessary to state that the documents on the Ministerial Payment and Delegation of Powers contain, *inter alia*, Information in relation to Ministerial delegation of powers within the Agency which contain pertinent particulars on who is authorised to consider and approve which process or operation within the Agency. As such it would be impossible to declassify these documents or to redact any Information contained therein without negative security implications.
27. Accordingly, these documents cannot be declassified or made public documents without compromising security. However, the Applicant's needs may be considered in accordance with paragraphs 14 – 16 above.

AD PARAGRAPH 15.3


28. I note the allegations that are made in this paragraph. However, the Operational Policies and Directives contain Information in relation to methods and operations within the Agency. These documents cannot be declassified and/or made public without compromising state security. However, the Applicant's needs may be considered in accordance with paragraphs 14 – 16 above.

AD PARAGRAPH 15.4

29. I note the allegations that are made in this paragraph. The documents required by the Applicant in this paragraph, *inter alia*, contain information on the structure of the Agency. The restructuring process was mostly about the modification of the structure and methods within the Agency. The contents thereof contain information on, *inter alia*, the structure and the nature of the activities of different Units including the reporting lines. The declassification of these documents and/or making them public may reveal some of the Agency's methods and operations which is not desirable in terms of security protocols.

AD PARAGRAPH 15.5

30. I note the allegations that are made in this paragraph. I am advised that a sexual harassment complaint against Mr Jafta was registered with both the Minister of State Security ("the Minister") and the Inspector-General of Intelligence. I am further advised that the matter was investigated by the Inspector-General who found no substance in the complaint. It is however, not clear as to what the relevance of the information in relation to this matter is to the Commission's work and/or allegations that were allegedly made against the Applicant in the Commission.

I.S.P. 

31. I accordingly submit that the Commission should not entertain the Applicant's request for information mentioned in this sub-paragraph.

AD PARAGRAPH 15.6

32. I note the allegations that are made in this sub-paragraph. I am not aware of any operations that were undertaken relating to the President of the Republic of South Africa. It is also not evident to me what bearing this information, if it exists, (which I doubt), has on the allegations that were made against the Applicant in the Commission.
33. I am accordingly, I advised that the Commission should not entertain the Applicant's demand in relation to information mentioned in this sub-paragraph.

AD PARAGRAPHS 16 – 16.2

34. I note the allegations that are made in these paragraphs. I am advised that the documents and/or the dossier referred to in sub-paragraph 16.2 contain a lot of information and it is not clear which specific piece of information or document in the said dossier is relevant to the Applicant's demand for information. I accordingly, submit that the Applicant's demand

in this regard may be dealt with in terms of the approach that is briefly set out in paragraphs 14 – 16 above.

AD PARAGRAPHS 16.3 – 16.4

35. I note the allegations that are made in these paragraphs. It is, however, important to state that the documents referred to in these paragraphs cannot be declassified without compromising state security. All the documents stated in these paragraphs, *inter alia*, contain methods and operations undertaken within the Agency and these cannot be made public. Any information that is considered relevant to the Commission's work can only be made available to the Applicant subject to the process referred to in paragraphs 14 – 16 above.

AD PARAGRAPH 16.5

36. I note the allegations that are made in this paragraph. It is not clear which information that is contained in this document is of relevance to the Commission's work. Accordingly, any information that is considered relevant to the Commission's work can only be made available to the Applicant subject to the process referred to in paragraphs 14 – 16 above.

AD PARAGRAPHS 16.6 – 15.18 ("16.18")

37. I note the allegations that are made in these sub-paragraphs. It is however, not clear which specific piece of information or document that forms part of each of these projects is relevant to the Commission's scope of work or the allegations that were made against the Applicant in the Commission. I therefore, submit that any relevant information and/or document forming part of these projects may only be made available to the Applicant subject to the process set out in paragraphs 14 – 16 above.

AD PARAGRAPH 15.19 ("16.19")

38. I note the allegations that are made in this sub-paragraph. I submit that there will be no problem in making available to the Applicant the documents and/or Information that are part of the Project Veza which already form part of the documents that are at the disposal of the Commission. I, however, submit that any Information in relation to the Veza project that is currently not in the public domain may only be made available to the Applicant subject to the process that is set out in paragraphs 14 – 16 above.

AD PARAGRAPHS 15.20 – 15.25 ("16.20 – 16.25")

I.S.P. A

39. I note the allegations that are made in these sub-paragraphs. It is however, not clear which specific piece of information or document that forms part of each of these projects is relevant to the Commission's scope of work or the allegations that were made against the Applicant in the Commission. I therefore, submit that any relevant information and/or document forming part of these projects may only be made available to the Applicant subject to the process set out in paragraphs 14 – 16 above.

AD PARAGRAPH 15.26 – 15.29 ("16.26 – 16.29")

40. I note the allegations that are made in these sub-paragraphs. It is not clear which specific information in the documents referred to in these sub-paragraphs is relevant to the Commission's work or the allegations that were allegedly made against the Applicant in the Commission. I therefore, submit that any relevant information forming part of these documents may only be made available to the Applicant subject to the process set out in paragraphs 14 – 16 above.

AD PARAGRAPHS 15.30 – 15.32 ("16.30 – 16.32")

41. I note the allegations that are made in these sub-paragraphs. It is however, not clear which specific piece of information or document that forms part of each of these projects is relevant to the Commission's scope of work or the allegations that were made against the Applicant in the Commission. I therefore, submit that any relevant information and/or document forming part of these projects may only be made available to the Applicant subject to the process set out in paragraphs 14 – 16 above.

AD PARAGRAPH 15.33 ("16.33")

42. I note the allegations that are made in this sub-paragraph. I repeat what I have already stated above, namely that:

42.1 A sexual harassment complaint was registered with both the Minister and the Inspector-General of Intelligence. The matter was investigated by the Inspector-General who found no substance in the complaint. It is, however, not clear as to what the relevance of the information in relation to this matter is to the Commission's work and/or allegations that were made against the Applicant.

43. I accordingly, submit that the Commission should not entertain this demand.

AD PARAGRAPHS 15.34 – 15.40 ("16.34 – 16.40")

44. I note the allegations that are made in these sub-paragraphs. It is however, not clear which specific piece of information or document that forms part of each of the investigations referred to in these sub-paragraphs, is relevant to the Commission's scope of work or the allegations that were allegedly made against the Applicant in the Commission. It is also concerning that these investigations are in relation to members of the Agency whose names and identities have to be protected from unauthorised disclosure.
45. I therefore, submit that copies of these investigations will be collated and any relevant information and/or document forming part thereof may only be made available to the Applicant subject to the process set out in paragraphs 14 – 16 above.

AD PARAGRAPH 17

46. I note the allegations that are made in this paragraph. As stated above, I am not aware of any operations that were undertaken on the President of the Republic of South Africa, let alone, an operation that has a bearing on

the allegations that were made against the Applicant in the Commission. I do not believe that such a file exists.

47. I am accordingly, advised that the Commission should not entertain the Applicant's demand in this paragraph. In any event, as stated above, I do not believe that the demanded information exists. If, however, the Applicant is aware of the existence of such a file, I call upon him to assist me in locating it.

AD PARAGRAPH 18

48. Save for noting the reason why the Applicant is demanding the said documents, I deny the allegation that all the said documents are relevant to the Commission's scope of work and/or that they are all relevant to the allegations that were made against the Applicant in the Commission.

AD PARAGRAPH 19

49. I deny the allegations that are made in this paragraph. I, in particular, deny the allegation that no response was ever provided to the Applicant in respect of his request for information. As stated above, on 21 September 2020, a response was provided to the Applicant's very first request for

information dated 5 August 2020. In the said response the Applicant was advised of the appropriate manner in which his request to the Agency had to be made to enable the Agency to deal therewith, which procedure the Applicant was well aware of. However, the Applicant never reverted to the Agency in accordance with the advice and invitation.

50. The Applicant's contention to the effect that the Respondents' conduct by failing to provide him with a response is aimed at unlawfully, unreasonably and/or unduly frustrating the Commission in fulfilling its mandate, is therefore, without substance and I reject it. On the contrary, it is the Applicant's dilatoriness in refusing to follow prescribed procedure that is unreasonably and unduly frustrating the Commission in fulfilling its mandate.

AD PARAGRAPHS 20 - 21

51. I note the allegations that are made in these paragraphs. I repeat that the Applicant simply ignored the letter Annexure "TM 1" hereto from the Acting Director-General.

AD PARAGRAPHS 22 - 23

52. Save to deny the allegation that it has become customary for the Agency not to respond to the Applicant's communication, I note the rest of the allegations that are made in these paragraphs. I am, however, advised that there was no need to respond to the Applicant's letter as referred to in these paragraphs as, in the said letter, the Acting Director-General was merely being advised to take steps to ensure that the communication between the Applicant and the Agency is protected from unauthorised disclosure. This is the principle that guides the operations within the Agency and the Applicant is himself well aware of the said fact.
53. I am further advised that the Applicant's Attorney, was the source of the leak of the Applicant's letter to the Agency dated 23 January 2021. The Attorney apparently forwarded the said letter to his WhatsApp group and later advised his said group that the said letter was posted erroneously as it was meant for client.

AD PARAGRAPH 24

54. Save to deny the allegation that the Applicant is unable to sensibly and fully exercise his rights to elect whether to personally give evidence, call any witness to give evidence on his behalf or to cross examine any witness, I note the rest of the allegations which are made in this paragraph. The Applicant is put to the proof of the said allegations and/or

contentions. I reiterate that had the Applicant responded to Annexure "TM 1" timeously, the issue of these documents would have been resolved last year.

AD PARAGRAPHS 25 - 27

55. I have no knowledge of the allegations made in these paragraphs and do not admit them.

AD PARAGRAPHS 28 – 28.2

56. I note the allegations made in these sub-paragraphs. The availability of the documents referred to in these paragraphs will first have to be determined. The said documents may only be made available to the Applicant subject to the process set out in paragraphs 14 – 16 above.

AD PARAGRAPH 28.3

57. I am advised that the Applicant is not truthful in alleging the existence of a subpoena or instruction that was issued by the Commission at Mr Jafta's insistence, advice and/or request. The Applicant is therefore, put to the proof of the said allegations. Furthermore, I note the rest of the

allegations that are made in this sub-paragraph. Lastly, I submit that a copy of the affidavit that formed part of Mr Jafta's evidence at the Commission is in the public domain as it forms part of the Commission's official documents to which the Applicant has access. However, Mr Jafta has no problem in providing the Applicant with a copy of the said Affidavit.

AD PARAGRAPH 28.4 – 28.16

58. I note the allegations that are made in these paragraphs. It is however, not clear which specific information or document that forms part of each of the investigations and/or documents referred to in these paragraphs, is relevant to the Commission's scope of work or the allegations that were made against the Applicant in the Commission. It is also concerning that these investigations, including some documents, are in relation to members of the Agency. Their names and identities have to be protected from unauthorised disclosure.
59. I therefore, submit that efforts will be made to secure copies of these investigations and/or documents and any relevant information contained therein that is considered material to the Applicant's needs may only be

made available to the Applicant subject to the process set out in paragraphs 14 – 16 above.

AD PARAGRAPH 28.17

60. I note the allegations that are made in this sub-paragraph. The policy referred to in this paragraph, *inter alia*, contains the Agency's methods and operations which must as far as possible be protected from unauthorised disclosure. A copy of this policy cannot be declassified and/or made public without any negative implications for state security. Provision of any information relevant to the Applicant's need may only be considered in accordance with the procedure set out in paragraphs 14 – 16 above.

AD PARAGRAPH 28.18

61. I note the allegations that are made in this sub-paragraph. I am advised that the Agency does have a record regarding payment of salary to Mr Ngakula. It is however, not clear which specific information or document that forms part of the said record is relevant to the Commission's scope of work or the allegations that were made against the Applicant in the

Commission. Access to the said records may accordingly, only be granted in accordance with the approach set out in paragraphs 14 – 16 above.

AD PARAGRAPHS 28.19 – 28.21 and 29

62. I note the allegations that are made in these sub-paragraphs and paragraph. It is however, not clear which specific information which forms part of each of the documents or reports referred to in paragraphs 28.19 – 28.20, is relevant to the Commission's scope of work or the allegations that were made against the Applicant in the Commission. I therefore, submit that Applicant may be granted access to these documents subject to the process set out in paragraphs 14 – 16 above.

AD PARAGRAPHS 30 - 33

63. Save for denying the allegation regarding refusal to provide the Applicant with the requested documents as contended in paragraph 32, I note the rest of the allegations that are made in these paragraphs.

AD PARAGRAPH 34

64. I note the allegations that are made in this paragraph. It is however, regrettable that the Applicant has thought it fit to make such serious and outrageous allegations without providing any shred of evidence in support thereof. It is incumbent on the Applicant in the light of his current and past positions in the government service to provide the law enforcement authorities with information regarding persons who *"are guilty of abusing their positions in government to favour and unlawfully enrich themselves, their friends and/or associates, to favour or disadvantage certain political parties and/or factions of political parties, steal from the public purse and pursue their sexual predator tendencies with impunity"*.
65. The Applicant should have furnished the said information and is invited to provide evidence to support the allegations made in this paragraph. I submit that these utterances by the Applicant including his demand for the bulk of information or documents without providing proof of any relevance of such information or documents to the Commission's work makes this application vexatious.


AD RELIEF SOUGHT**AD PARAGRAPHS 35 – 35.2.61**

66. I note the allegations made in these paragraphs. I refer the Honourable Chairperson to the submissions that I have already made above in relation to how the Applicant's demand for each of these documents and/or Information should be dealt with.

CONCLUSION

67. I submit that the Applicant has failed to make out a case for relief sought in this application, in particular, an order compelling the Respondents to produce and provide the information and/or documents referred to in the Notice of Motion.
68. I furthermore, submit that had the Applicant heeded the advice that was given and invitation that was extended to him by Mr Jafta in Annexure "TM 1", his request for information would have been dealt with by the Agency six months ago and there would have been no need for this application.

WHEREFORE, I request that the Honourable Chairperson of the Commission dismiss this application with costs *alternatively*, that an order be granted directing that the matter be dealt with in accordance with the process that is set out in paragraph 14 – 16 above.



DEPONENT

I certify that the Deponent acknowledged that he knows and understands the contents of this affidavit, that he has no objection to the making of the prescribed oath and that he considers this oath to be binding on his conscience. I also certify that this affidavit was signed in my presence at PRETORIA on this the 7th day of **APRIL 2021** and that the Regulations contained in Government Notice R1258 of 21 July 1972, as amended by Government Notice R1648 of 19 August 1977, have been complied with.


COMMISSIONER OF OATHS

FULL NAMES:
STREET ADDRESS:
CAPACITY:
AREA:

IAN SAKILE PHADU
COMMISSIONER OF OATHS
Practising Attorney R.S.A
296 PRETORIUS ST. PT

ANNEXURE "TMI"



state security

State Security Agency
REPUBLIC OF SOUTH AFRICAPrivate Bag X87, PRETORIA, 0001 State Security Agency Headquarters, Musenda, Delmas Road, PRETORIA
Tel: (012) 427 4000, Fax: (012) 427 4851, www.ssa.gov.za

23 August 2020

Mr RGM Kgoroodira
Kgoroodira Mudau Inc.
P.O. Box 31884
BRAAMFONTEIN
2017rapulane@kgoroodiramudauinc.co.za

Dear Mr Kgoroodira

REQUEST FOR DECLASSIFICATION AND COPIES OF INTELLIGENCE INFORMATION

1. Your letter dated 5 August 2020 refers.
2. It is not stated with regard to which evidence before the Judicial Commission of Inquiry into State Capture, Corruption and Fraud in the Public Sector including Organs of State you are referring to and in which your client has been implicated in wrongdoing.
3. The manner in which an application for disclosure of classified information or material must be processed is set out in section 27 (4) of the Intelligence Services Act, 2002 (Act 65 of 2002) read with Chapter XXIV *Restrictions of Former Members of the Intelligence Services Regulations, 2014*.
4. Kindly find attached a copy of the afore mentioned Chapter XXIV of the Regulations which directs the manner in which the application should be made.

Sikungu Setetsahapha Kumbuso
Sikungu ka Mkhondo ka Kumbuso
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Sikungu ka Mkhondo ka Kumbuso
Sikungu ka Mkhondo ka Kumbuso


I.S.P

5. The Acting Director-General is available for a consultation with your client to advise him on the consideration of his application for permission to disclose classified information or material in accordance with section 27(3) of the above mentioned Act.
6. Your co-operation will be appreciated.

Yours sincerely,



Mr L. Joffe
Acting Director-General

I.S.P. 

ANNEXURE "TM 2"

CHAPTER XXIV

RESTRICTIONS OF FORMER MEMBERS

1. PURPOSE

The purpose of this Chapter is to regulate the manner in which any former member of the Agency may apply -

- (a) for consent to disclose classified information in terms of the Act; and/or
- (b) for a clearance certificate permitting employment in the private security industry.

2. CONFIDENTIALITY

No person who comes into possession of information as a result of an application or appeal made in terms of this Chapter may disclose such information unless -

- (a) the Director-General consents to such disclosure; or
- (b) such disclosure is authorised by the Act, this Chapter or a Court order.

3. APPLICATION FOR CONSENT TO DISCLOSE CLASSIFIED INFORMATION

(1) Application

- (a) Any former member who applies for the disclosure of classified information in terms of the Act must do so according to form 1 contained in Appendix A.
- (b) The application must *inter alia* contain -
 - (i) details of the classified information which form the subject of the application;
 - (ii) the reasons for disclosure of the information;
 - (iii) the purpose for which the information will be used;
 - (iv) details of any person who may receive the information;
 - (v) the manner in which the information will be disclosed.
- (c) If the Director-General is of the opinion that he or she has been provided with insufficient information in the application, he or she may -
 - (i) reject the application; or
 - (ii) request further written information.

I.S.P

(2) Hearing

- (a) The Director-General may, at his or her discretion, request the former member to appear at a hearing for the purpose of considering the application.
- (b) The Director-General must determine the date for and place of the hearing.
- (c) The former member may attend the hearing, but at his or her own expense.
- (d) If the former member refuses or fails to attend a hearing when he or she was requested by the Director-General to do so according to regulation 3(2)(a), the Director-General may make his or her decision on the information available.

(3) Decision and record of hearing

- (a) The Director-General must make a decision within a period not exceeding 30 consecutive days upon receiving the application.
- (b) The Director-General must inform the former member of his or her decision, in writing, within a period of twenty (20) consecutive days after reaching a decision.
- (c) The decision of the Director-General, accompanied by a record of the hearing must be provided to the former member who applied. This notification must include -
 - (i) the name and address of the former member;
 - (ii) a brief description of the application;
 - (iii) If the application is approved, the conditions upon which the consent is provided, which must include -
 - (aa) the manner of disclosure;
 - (bb) the information that may be disclosed;
 - (cc) to whom the information may be disclosed.
 - (iv) the date of the decision;
 - (v) If the application is unsuccessful, the reason(s) for the Director-General's decision;
 - (vi) the right of the former member to appeal against the Director-General's decision and/or the conditions to the Minister.
- (d) The Director-General must keep record of all applications made to him or her as well as of decisions made by him or her.

I.S.P



4. APPLICATION FOR A CLEARANCE CERTIFICATE PERMITTING EMPLOYMENT IN THE PRIVATE SECURITY INDUSTRY

(1) Application

- (a) A former member who applies for a clearance certificate to render a security service in terms of the Act must do so according to form 2 contained in Appendix A.
- (b) The application must contain the following -
 - (i) detailed description of the nature of the service to be rendered;
 - (ii) skills, knowledge or information gained while in the service of the Agency that may be utilised by him or her in rendering the intended service;
 - (iii) detail of the person(s), if any, in whose service he or she will be;
 - (iv) details of the business, if any, he or she plans to start;
 - (v) person(s) to whom the intended service will be provided.

(2) Decision

- (a) The Director-General must make a decision within a period not exceeding 30 consecutive days upon receiving the application.
- (b) Where the Director-General is of the opinion that the information provided is insufficient, he or she may request further information.
- (c) The Director-General must inform the former member of his or her decision in writing within a period of twenty (20) consecutive days after reaching a decision as well as his or her right to appeal to the Minister.


5. APPEALS

(1) Right to appeal

- (a) A former member may appeal to the Minister against the decision of the Director-General in terms of regulations 3 or 4.
- (b) The appeal must be lodged with the Minister within a period of 30 consecutive days upon receipt of the decision of the Director-General.

(2) Appeal format


- (a) An appeal against a decision of the Director-General must be lodged according to form 3 contained in Appendix A.
- (b) The appeal format must set out the relevant facts concisely as well as the grounds for the appeal.
- (c) An appeal against a decision of the Director-General must be accompanied by the record of the hearing contemplated in regulation 3.

I.S.P. 

4

- (d) The appeal must be served on the Director-General.
 - (e) The Director-General must forward all relevant documentation to the Minister and former member who applied within a period of twenty (20) consecutive days upon receipt of the appeal.
 - (f) The former member may supplement his or her appeal within a period of fourteen (14) consecutive days upon receiving documentation in terms of regulation 5(2)(e).
- (3) The decision of the Minister
- The Minister concludes the appeal by informing the former member who applied and the Director-General of his or her decision in writing.

FORM 1

I.S.P. 

APPENDIX A

APPLICATION BY A FORMER MEMBER OF THE AGENCY FOR CONSENT TO DISCLOSE
CLASSIFIED INFORMATION

Application in terms of section 27 of the Act, read with Chapter XXIV

A former member of the Agency may apply to the Director-General to consider an application for consent to disclose classified information. The former member must complete this form and send it to the Director-General:

Complete this form in full. If you need more space to answer the questions then complete your answers on another sheet of paper and attach it to this form.

1. Personal Information

1.1 Name

1.2 Employee number

1.3 Address

1.4 Tel number (h)

1.5 Tel number (w)

1.6 Cell number

1.7 Fax number

2. Employment history with the Agency

2.1 Name of employer

2.2 Directorate/Division/Unit

2.3 Occupational group

2.4 Highest post level attained

2.5 Name of immediate supervisor

2.6 Date of commencement of employment

2.7 Date of termination of employment

I.S.P 

3. Nature of classified information


3.1 *What classified information do you want to disclose?*

3.2 *Why do you want to disclose this classified information?*

I.S.P ~~8~~

3.3 For what purpose will this information be used?

3.4 Who will receive this information?

I.S.P 

3.5 *How do you intend to disclose the information?*

4. **Further details**

Is there any other information you wish to draw to the Review Board's attention?


Signature _____ Date _____

FOR OFFICIAL PURPOSES
Decision of the Director-General

The Director-General decided on _____ (date)

- ☐ *to request the applicant to submit further information*
- ☐ *to request the applicant to attend a hearing*
- ☐ *to accept the application on certain conditions*
- ☐ *to approve the application*
- ☐ *to reject the application*

Signature _____ Date _____

I.S.P 

APPENDIX A

FORM 2

APPLICATION BY A FORMER MEMBER OF THE AGENCY FOR A CLEARANCE
CERTIFICATE

Application in terms of section 28 of the Act, read with Chapter XXIV

A former member of the Agency may apply to the Director-General for a clearance certificate to enter employment in the private security industry. The former member must complete this form and send it to the Director-General:

Complete this form in full. If you need more space to answer the questions then complete your answers on another sheet of paper and attach it to this form.

1.

Personal information

1.1

Name

1.2

Employee number

1.3

Address

1.4

Tel number (h)

1.5

Tel number (w)

1.6

Cell number

1.7

Fax number

2.

Employment history with the Agency

2.1

Name of employer

2.2

Directorate/Division/Unit

2.3

Occupational group

2.4

Highest post level attained

2.5

Name of immediate supervisor

2.6

Date of commencement of employment

2.7

Date of termination of employment

I.S.P 

3. Nature of proposed services in the private security industry

3.1 *What type of services will you be expected to render?*

3.2 *What skills, knowledge or information that you gained while in the Agency will be utilized?*

I.S.P ~~SS~~

4. New employer/proposed business details

If you will be employed in the private security industry, complete questions 4.1 and 4.2. If you plan to start your own business in the private security industry, complete questions 4.3 and 4.4.

4.1 *Who is your proposed new employer?*

4.1.1 Name _____

4.1.2 Address _____

4.1.3 Tel number _____

4.1.4 Fax number _____

4.2 *Who are your proposed new employer's clients (i.e. to whom will your services be provided)?*

4.3 *What are your business details?*

4.3.1 Name of Company _____

4.3.2 Address _____

4.3.3 Tel number _____

4.3.4 Fax number _____

I.S.P. 

4.4 Who will be your prospective clients (i.e. to whom will your services be provided)?

5. Further details

Is there any other information you wish to draw to the attention of the Director-General?

Signature _____ Date _____


FOR OFFICIAL USE ONLY

Decision of the Director-General

The Director-General decided on _____ (date)

- ☐ to request the applicant to submit further information
- ☐ to approve the application
- ☐ to reject the application

Signature _____ Date _____

I.S.P 

APPENDIX A

APPEAL BY A FORMER MEMBER OF THE AGENCY AGAINST A DECISION OF THE DIRECTOR-GENERAL


Application in terms of section 28 of the Act, read with Chapter XXIV.

A former member of the Agency may appeal to the Minister against the decision of the Director-General not to provide him or her with a clearance certificate to enter employment in the private security industry.

The former member must complete this form and send it to the Director-General:

Complete this form in full. If you need more space to answer the questions then complete your answers on another sheet of paper and attach it to this form.

1.	Personal information	
1.1	Name	
1.2	Employee number	
1.3	Address	
1.4	Tel number (h)	
1.5	Tel number (w)	
1.6	Cell number	
1.7	Fax number	
2.	Employment history with the Agency	
2.1	Name of employer	
2.2	Directorate/Division/Unit	
2.3	Occupational group	
2.4	Highest post level attained	
2.5	Name of immediate supervisor	
2.6	Period of employment	

I.S.P 

3. **The grounds for the appeal**

Specify in your answers to these questions in what respects you disagree with the Director-General's decision.

3.1 *Did the Director-General, in your opinion, fail to consider or give insufficient weight to relevant factors?*

3.2 *Did the Director-General, in your opinion, consider or give weight to irrelevant factors?*

I.S.P 

3.3 *Did the Director-General, in your opinion, make any error of law?*

3.4 *What outcome/result do you seek from this appeal?*

I.S.P

3.5 *Are there any other factual or legal grounds you wish to draw to the attention of the Minister?*

4. **Further Information**

4.1 *The Director-General will forward all relevant documentation to the Minister and to you within twenty (20) days of receipt of this appeal.*

4.2 *You may supplement your grounds to appeal within ten (10) days of receiving this documentation.*

Applicant's signature _____ *Date* _____

FOR OFFICIAL PURPOSES

Decision of the Minister

On the _____ (date) the Minister decided that the appeal was

- ☐ *Successful*
- ☐ *Unsuccessful*

Signature _____ *Date* _____

I.S.P 

ANNEXURE "TM3"

Subject: FW: Re: REQUEST FOR DECLASSIFICATION AND COPIES OF INTELLIGENCE INFORMATION
Attachments: REQUEST FOR DECLASSIFICATION OF DOCUMENTS.pdf

From: DG SSA
Sent: Monday, September 21, 2020 3:47 PM
To: <http://webmail.kgoroadiramudauinc.co.za> <rapulane@kgoroadiramudauinc.co.za>
Subject: RE: Re: REQUEST FOR DECLASSIFICATION AND COPIES OF INTELLIGENCE INFORMATION

Good Day ,

Trust you are well.

Kindly receive attached letter for your attention.

Regards

From: <http://webmail.kgoroadiramudauinc.co.za> [mailto:rapulane@kgoroadiramudauinc.co.za]
Sent: 05 August 2020 01:38 PM
To: DG SSA; info@kgoroadiramudauinc.co.za
Subject: Re: REQUEST FOR DECLASSIFICATION AND COPIES OF INTELLIGENCE INFORMATION

Afternoon,

Attached hereto please find our correspondence for your urgent attention.

Kind regards



Sent from Mail for Windows 10

I.S.P.

**IN THE JUDICIAL COMMISSION OF INQUIRY INTO ALLEGATIONS OF
STATE CAPTURE, CORRUPTION AND FRAUD IN THE PUBLIC SECTOR
INCLUDING ORGANS OF STATE**

CASE No:

In the matter between:

ARTHUR FRASER

Applicant

and

MINISTER OF STATE SECURITY

1st Respondent

DIRECTOR-GENERAL: STATE SECURITY

AGENCY

2nd Respondent

STATE SECURITY AGENCY

3rd Respondent

CONFIRMATORY AFFIDAVIT OF MR LOYISO JAFTA

I, the undersigned,

LOYISO JAFTA

do hereby declare the following under oath and state that:

1. I am an adult male employed by the State Security Agency ("the Agency") as Deputy Director-General. At the time of the serving and filing of the Applicant's paper with the Commission on this matter, I

was holding the position of Acting Director-General of the Agency with its Main Office situated at Musanda Complex, Delmas Road, Pretoria, Gauteng Province.

2. The contents of this Confirmatory Affidavit fall within my personal knowledge and are both true and correct.
3. I have read the Answering Affidavit of the Second and Third Respondents that has been deposed to by the Acting Director-General of the Agency, **AMBASSADOR TONY MSIMANGA**. I confirm the contents thereof in so far as they relate to me including all the responses that have been provided therein in relation to the averments that are made in the Applicant's Founding Affidavit.

DEPONENT

I certify that the Deponent acknowledged that he knows and understands the contents of this affidavit, that he has no objection to the making of the prescribed oath and that he considers this oath to be binding on his conscience. I also certify that this affidavit was signed in my presence at _____ on this the 7th day of **APRIL 2021** and that the Regulations contained in Government Notice R1258 of 21 July 1972, as amended by Government Notice R1648 of 19 August 1977, have been complied with.

COMMISSIONER OF OATHS

FULL NAMES:

STREET ADDRESS:

CAPACITY:

AREA:

**IN THE JUDICIAL COMMISSION OF INQUIRY INTO ALLEGATIONS OF
STATE CAPTURE, CORRUPTION AND FRAUD IN THE PUBLIC SECTOR
INCLUDING ORGANS OF STATE**

CASE No:

In the matter between:

ARTHUR FRASER

Applicant

and

MINISTER OF STATE SECURITY

1st Respondent

DIRECTOR-GENERAL: STATE SECURITY

AGENCY

2nd Respondent

STATE SECURITY AGENCY

3rd Respondent

CONFIRMATORY AFFIDAVIT OF MR LOYISO JAFTA

I, the undersigned,

LOYISO JAFTA

do hereby declare the following under oath and state that:

- 1. I am an adult male employed by the State Security Agency ("the Agency") as Deputy Director-General. At the time of the serving and filing of the Applicant's paper with the Commission on this matter, I**

I.s.p

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was holding the position of Acting Director-General of the Agency with its Main Office situated at Musanda Complex, Delmas Road, Pretoria, Gauteng Province.

2. The contents of this Confirmatory Affidavit fall within my personal knowledge and are both true and correct.
3. I have read the Answering Affidavit of the Second and Third Respondents that has been deposed to by the Acting Director-General of the Agency, **AMBASSADOR TONY MSIMANGA**. I confirm the contents thereof in so far as they relate to me including all the responses that have been provided therein in relation to the averments that are made in the Applicant's Founding Affidavit.



DEPONENT

I certify that the Deponent acknowledged that he knows and understands the contents of this affidavit, that he has no objection to the making of the prescribed oath and that he considers this oath to be binding on his conscience. I also certify that this affidavit was signed in my presence at PRETORIA on this the 7th day of **APRIL 2021** and that the Regulations contained in Government Notice R1258 of 21 July 1972, as amended by Government Notice R1648 of 19 August 1977, have been complied with.



I.S.P

3


COMMISSIONER OF OATHS

FULL NAMES:

STREET ADDRESS:

CAPACITY:

AREA:

IAN SAKILE PHADU
COMMISSIONER OF OATHS
Practising Attorney R.S.A
296 PRETORIUS ST. PTIA



**IN THE JUDICIAL COMMISSION OF INQUIRY INTO ALLEGATIONS OF STATE
CAPTURE, CORRUPTION AND FRAUD IN THE PUBLIC SECTOR INCLUDING
ORGANS OF STATE**

CASE NO:

In the matter between:

ARTHUR FRASER

Applicant

and

MINISTER OF STATE SECURITY

1st Respondent

**DIRECTOR-GENERAL:
STATE SECURITY AGENCY**

2nd Respondent

STATE SECURITY AGENCY

3rd Respondent

REPLYING AFFIDAVIT

INTRODUCTION

I, the undersigned

ARTHUR FRASER

do hereby make oath and say:

PDL
(11)

1. I am an adult male employed as the National Commissioner of the Department of Correctional Services of the Republic of South Africa and previously employed as the Director-General and Accounting Officer of the State Security Agency ("the SSA") employed in terms Section 3 (3) of the Intelligence Services Act.
2. Save where otherwise stated or appears from the context, the facts deposed to in this affidavit are within my own personal knowledge and belief and are true and correct. Where I make submissions of a legal nature, I do so on the advice of my legal representatives, which advice I accept as correct.
3. I deposed to the founding affidavit in this application to compel the respondent to declassify and provide me with the documents identified in my affidavit and the correspondence attached thereto. I have read the answering affidavit filed on behalf of the State Security Agency ("the SSA"). I have noted that the SSA is not opposed to furnishing me with such documents if they are relevant and the procedure is followed to have them declassified.
4. I note further that the SSA in paragraph 16 offers to expedite the process of such declassification as well as the furnishing of the documents required.

PURPOSE OF THE AFFIDAVIT

5. The purpose of this affidavit is to set out the basis upon which I submit that the documents are relevant for the allegations raised by certain witnesses against me. In doing so I will accept the offer made by the SSA in paragraphs 14, 15 and 16 of its answering affidavit. Furthermore, and in view of the time constraints facing the Commission, I will request that the Chairperson sets out a clear time-frame within which such documents must be declassified and furnished to me.
6. I have noted that the First Respondent has filed a notice to abide, which means that she is not opposed to the furnishing of the documents if the Commission so directs.

7. I launched the application to compel in order to obtain an order in terms of section 3(1) of the Commissions Act 8 of 1947, read with Regulation 10(6) and Rule 10.1 of the Rules of the Judicial Commission of Inquiry Into Allegations of State Capture, Corruption and Fraud In the Public Sector Including Organs of State, to summon the Respondents to produce and provide me with certain documents that are specified in this affidavit and which are in their possession or under their control and which have a bearing on the allegations made against me at this Commission and/or which have a bearing matters being investigated by the Commission.
8. In this affidavit I do not deal with each and every allegation contained in the answering affidavit. It suffices to state that I persist in all the allegations contained in my founding affidavit and deny each and every allegation in the answering affidavit, which is inconsistent with the submissions I make therein.
9. In so far as the Respondents contend that the documents I seek may not be relevant, I attach hereto as Annexure **"AF 1 (a)"** my draft statement to the Commission, covering a wide range of issues and with two parts redacted out of my respect for, deference and courtesy to the Head of State in accordance with the ethics of my profession as an intelligence officer. However, I will file the complete and unredacted statement in due course.
10. I have cast the net wide because the testimonies of Mufamadi, Njenje, Maqetuka, Jafta and Ms K all sought to attribute all intelligence failures to me and my tenure. I also attach as Annexure **"AF 1 (b)"** a copy of my response to the Review Panel led by Dr Sydney Mufamadi. I stress that my statement is incomplete without the documents I seek. As a courtesy I have elected to attach it in its current state in order to demonstrate that I seek to assist the Commission and await these documents in order to complete the picture painted in my draft statement.

ESSENTIAL BACKGROUND

11. At the outset, I respectfully submit that the documents identified in my founding affidavit are all relevant for the wide-ranging accusations made against me by several witnesses that testified before the Commission. In particular, I make reference to the testimonies of Ambassador Mzuvukile Maqetuka ("Maqetuka"), Mr Gibson Njenje ("Njenje"), Mr Loyiso Jafta ("Jafta") and Dr Sydney Mufamadi ("Mufamadi").
12. As I state in my founding affidavit I learnt through the media on or about the 10th July 2020 that Maqetuka had testified at the Commission and had made certain allegations implicating me in wrongdoing. I also learnt that Mr Gibson Njenje (Njenje) and Ambassador Riyaaz "Moe" Shaik (Shaik) had also testified at the Commission. They too implicated me in wrongdoing. I had not been provided with any Rule 3.3 Notices before the hearing of the evidence from Maqetuka, Njenje and/or Shaik.
13. The documents in respect of which I seek the present order are set out in the letter of the 5th August 2020, from my attorneys addressed to the First and Second Respondents, among other people and/or institutions. The redacted copies of these letters were also sent to the Chairperson of this Commission for his information. The copies of these letters are attached to my founding affidavit marked "AF1" and "AF2" respectively. I also attached to my founding affidavit copies of the redacted letters to the Chairperson marked "AF3" and "AF4".
14. From the First Respondent, I requested the following documents:
 - 14.1 Copies of the authorisation and all documentation regarding the process followed to review the 28 March 2018 withdrawal of the security clearance of Dr SI Dintwe (Dintwe), Inspector General of Intelligence. These are relevant because a perception is being created that I withdrew Dintwe's security clearance because he was investigating me. Further, Dintwe is now scheduled to testify at the Commission whereat I believe that he will argue that I withdrew his

security clearance in order to circumvent and frustrate his purported investigation. The documents sought will clearly obviate this false narrative.

- 14.2 Copies of the Ministerial Payment Directive and Delegation of Powers (MPD) as approved by the respective Ministers responsible for Intelligence for the period 2004 to 2018. In this regard I expect to be furnished with no less than three MPD's approved and implemented for specific periods of time during the 2004 – 2018 timeline. These are relevant in so far as they indicate the powers that I had in my different positions. At any rate, Jafta has directed that my predecessor, Sonto Kudjoe, who has herself been implicated at the Commission, be provided with some of these documents.
- 14.3 Copies of the Operational Policies and Operational Directives as approved by the relevant Ministers responsible for Intelligence approved and implemented for specific periods of time during the 2004 – 2018 timeline. These are relevant because they will assist in clarifying the State Security Agency and the then National Intelligence Agency's operational corporate governance mechanisms which I am alleged to have violated.
- 14.4 Copies of documentation and approvals or authorisations for the restructuring of the Civilian Intelligence Services from 2009 up to 2020. These are relevant in so far as they show that the restructuring that I am alleged to have introduced is more aligned to legislation as opposed to the restructuring that happened before and after my term which remains outside the prescripts of the law.
- 14.5 A copy of the outcome and decision of the investigation done by the Ministry in respect of complaints of sexual harassment registered with the Minister against Mr Loyiso Jafta, the then Acting Director General: State Security Agency. This document demonstrates that Jafta, in

seeking to make the allegations he made, did so in order to divert attention from his own issues of misconduct;

- 14.6 A copy of the file containing intelligence on His Excellency, President Cyril Matamela Ramaphosa, on his business and political activities as well as those of his associates. This file is relevant in so far as it shows that the President himself is possibly culpable of the matters which the Commission is mandated to investigate;

15. From the Second Respondent, I requested the following documents:

- 15.1 A copy of the outcome of the investigation into the basis for the 28th March 2018 withdrawal of the security clearance of Dr S I Dintwe, Inspector General of Intelligence. Its relevance has already been explained hereabove;
- 15.2 A copy of the complete dossier on the 2017 – 2018 investigation and decision by the Director General, State Security Agency to withdraw the security clearance of Dr S I Dintwe, Inspector General of Intelligence. In addition to what is stated hereabove, the dossier will among other things provide evidence on the serious acts of misconduct against Dintwe. Further, it is the existence of this dossier that made me a target for Dintwe's attacks. It may be noted that I brought the contents of this dossier to the attention of the President and the then Minister of State Security, Ms Dipuo Letsatsi-Duba and they agreed with me then that Dintwe's security clearance could be withdrawn as I did;
- 15.3 Copies of the approved Strategic Plans, approved Annual Performance Plans, and approved Annual Reports for the National Intelligence Agency (NIA) and State Security Agency (SSA) for the following financial years: 2004/05; 2005/06; 2006/07; 2007/08; 2008/09; 2009/10; 2016/17; 2017/18 and 2018/19, including the Auditor General of South Africa Reports issued for the stated financial years. These documents

are relevant because they will disprove the allegations of grand theft and fraud levelled against me at the Commission;

- 15.4 Copies of the approved Operational Standard Operating Procedures for the following financial years: 2004/05; 2005/06; 2006/07; 2007/08; 2008/09; 2009/10; 2016/17; 2017/18 and 2018/19.
- 15.5 A copy of the then NIA's Management Handbook, 2007. This document will show that during my time at NIA and under the leadership of the late Manala Manzini, we established extensive management policies and practices which have since become disregarded;
- 15.6 Copies of all documentation relating to project "Moloi Tshaba Ke fete" together with related projects: Project Peruku, Project Roctober, Project Firewood, and Project Tringas from their inception and including their strategic objectives, intelligence objectives and operational objectives, budget allocations, names of the project members, to operational reports and products. These documents are relevant in that they show how resources were utilised and how misinformation was peddled in an effort to "protect" Kudjoe from her own members of staff;
- 15.7 Copies of all documentation relating to project "Yellow Bone" from its inception including strategic objectives, intelligence objectives, operational objectives, names of the project members, to operational reports and products. Project "Yellow Bone" is relevant as it relates to interference in the activities of a legitimate political party;
- 15.8 Copies of all documentation relating to project "Roundabout" from its inception including strategic objectives, intelligence objectives, operational objectives, names of the project members, including settlement agreement, to operational reports and products. These documents will evidence the irregular and unauthorised establishment, and funding of covert capacity by one or more of the witnesses who

testified at the Commission and further demonstrate the type of resources that were therein recruited;

- 15.9 Copies of all documentation relating to the investigation into the "Special Browse Mole Report" and all related projects including operation "Warrior" from their inception including strategic objectives, intelligence objectives, operational objectives, names of the project members, to operational reports and products. These documents will show the consolidation of information peddler networks and how they weakened and polarised the security cluster. They further sought to, and divided and weakened the ruling party. These elements remain active in SSA and the entire security cluster;
- 15.10 Copies of all documentation relating to operation "Maqedindaba" from its inception including strategic objectives, intelligence objectives, operational objectives, names of the project members, to operational reports and products.
- 15.11 Copies of all documentation relating to operation "Anaconda" from its inception including strategic objectives, intelligence objectives, operational objectives, names of the project members, to operational reports and products. This operation relates to an investigation into tobacco smuggling and money laundering and which Njenje later graduated into a counter-operation against SARS and Johan Van Loggerenberg;
- 15.12 Copies of all documentation relating to project "Ukuthula" from its inception including strategic objectives, intelligence objectives, operational objectives, names of the project members, to operational reports and products. This project relates to the mitigation of the violent protests at institutions of higher learning;

- 15.13 Copies of all documentation relating to project "Flower" from its inception including strategic objectives, intelligence objectives, operational objectives, names of the project members, to operational reports and products. This project was an operation led by Mr Y and others into instability in the mining sector, notably Marikana, and aimed at disrupting AMCU's activities and focusing on what was termed "leftist dissidents";
- 15.14 Copies of all documentation relating to the project in the Northern Cape in relation to NIA investigations of alleged corruption in the Northern Cape Department of Health from its inception including strategic objectives, intelligence objectives, operational objectives, names of the project members, to operational reports and products, as well as related liaison documentation with law enforcement agencies. This project shows the involvement of a current senior member of the SSA in corruption and defeating and/or obstruction of the ends of justice;
- 15.15 Copies of all documentation relating to operation "Exploit" from its inception including strategic objectives, intelligence objectives, operational objectives, names of the project members, to operational reports and products. This is a 2012 **special project** outside the prescripts of SSA led by Mr Y;
- 15.16 Copies of all documentation relating to operation "Redemption" from its inception including strategic objectives, intelligence objectives, operational objectives, names of the project members, to operational reports and products. This is a 2011 **special project** led by Njenje and Mr Y focussing on and influencing inter and intra party political activities in KwaZulu-Natal;
- 15.17 Copies of all documentation relating to operation "Scope" from its inception including strategic objectives, intelligence objectives, operational objectives, names of the project members, to operational reports and products. This is a **special project** by Mr Y and Steven

that began in 1999 to disrupt a political party and established a media agency;

- 15.18 Copies of all documentation relating to project "Nemo" from its inception including strategic objectives, intelligence objectives, operational objectives, names of the project members, to operational reports and products. This project relates to the investigation into the theft and unlawful dissemination of classified information (espionage) to a foreign based news channel by a well-known journalist and the subsequent diversion thereof by senior members of SSA;
- 15.19 Copies of all documentation relating to project "Veza" from its inception including strategic objectives, intelligence objectives, operational objectives, names of the project members, to investigative reports and products. This will expose the wilful and unlawful misleading of the Commission by some witnesses that testified before the Commission, as well as their selective declassification of the project's findings. In particular, these documents will show the wilful withholding of documents from the Office of the Auditor-General of South Africa resulting in adverse findings on funds in excess of R125m;
- 15.20 Copies of all documentation relating to project "Optimism" from its inception including strategic objectives, intelligence objectives and operational objectives, names of the project members, to operational reports and products. These documents show rampant non-compliance with operational directives by an accounting officer and which information is withheld from the Commission;
- 15.21 Copies of all documentation relating to an SABC journalist and the United States of America's Department of Defence, including the source file and contract. These documents show foreign funded manipulation, influence and weakening of the local media;

- 15.22 Copies of all documentation relating to the disciplinary process, review and setting aside of the dismissal / disciplinary and related actions taken against Herbert Woodbridge and Johan Karsten, relating to the Neil Van Heerden, and Philip Du Toit matter. These documents show the involvement of members of NIA in providing cover to criminals and the involvement of these criminals in the violation of the Regulation of Interception of Communications and Provision of Communication-related Information Act 70 of 2002 (RICA);
- 15.23 Copies of all documentation relating to the purchase of a grabber and other interception equipment from a Bloemfontein based service provider. These documents show the involvement by members of SSA in espionage against SSA and their unlawful procurement of listed equipment in terms of the RICA;
- 15.24 Copy of the Authorisation by Minister Kasrils for the National Intelligence Agency's Principal Agent Network (PAN). This document is relevant to the extent that it has been alleged that PAN was unauthorized and that I ran it as a parallel intelligence structure;
- 15.25 Copies of all the presentations made by different Chief Directorates of the National Intelligence Agency PAN programme (2006 - 2010) and the minutes of all the meetings and workshops that these presentations were made. These copies will demonstrate that the allegations that PAN was run unlawfully are without any merit whatsoever.
- 15.26 Copy of the approved Business Analysis Investigation: Realignment of the Cover Support Unit (CSU) in 2007. This document is also related to the PAN.
- 15.27 Copies of all submissions and authorisations for the purchase of surveillance vehicles in 2008. These copies are equally relevant as they relate to the PAN.

- 15.28 Copies of all submissions of every Chief Directorate to the CSU for covert support. These submissions are relevant to the PAN and illustrates that the PANs were incorporated into all operational Chief Directorates within the then NIA;
- 15.29 Copies of the inventories for the allocation of all laptops procured by the CSU. These will indicate the accounting practices of the PAN program;
- 15.30 Copies of all documentation relating to operation "Survivor" from its inception including strategic objectives, intelligence objectives, operational objectives, names of the project members, to operational reports and products.
- 15.31 Copies of all documentation relating to all projects that Niel Barnard was involved in with the National Intelligence Agency (NIA), the South African Secret Service (SASS) and the State Security Agency (SSA) from its inception including strategic objectives, intelligence objectives, operational objectives, names of the project members, to operational reports and products. These illustrate the involvement and influence of the intelligence services by apartheid era intelligence operatives;
- 15.32 Copies of all documents relating to contracts entered into between NIA and/or SASS and/or National Communications (NC) and/or SSA with Kalliston, including all payments and settlements. These documents illustrate the fruitless and wasteful expenditure by the leadership of SSA in violation of the Prevention and Combating of Corrupt Activities Act 12 of 2004 (PRECCA) and for the benefit of apartheid era operatives;
- 15.33 Copies of all documentation relating to the SSA internal investigation into allegations of sexual harassment registered against Mr Loyiso Jafta, Acting Director General SSA.

- 15.34 A copy of the complete dossier on the transfer of Mr Dawie Besselaar from Musanda to Bloemfontein. These documents illustrates the culture of hiding serious acts of misconduct and acts of self-preservation by members of SSA's Labour Relations Unit while their Black counterparts are dealt with harshly for lesser misdemeanours;
- 15.35 Copies of all documentation relating to the various SSA internal investigations into allegations of serious misconduct (fraud) by Mr George Hlungwane, General Manager Operational Training, Intelligence Academy. These documents illustrate the impunity of senior members of the SSA against whom I had instituted disciplinary action for acts of corruption, fraud and/or theft;
- 15.36 Copies of all documentation relating to the SSA internal investigation into allegations of serious misconduct (fraud) by Ms Portia Modisane, Provincial Head Free State. These documents illustrate the impunity of senior members of the SSA against whom I had instituted disciplinary action for acts of corruption, fraud and/or theft;
- 15.37 Copies of all documentation relating to the SSA internal investigation into allegations of serious misconduct (espionage) by Mr Willie Conradie and Mr Marlin Jonhson, members Operational Support. These documents illustrate the impunity of senior members of the SSA against whom I had instituted disciplinary action;
- 15.38 Copies of all documentation relating to the SSA internal investigation into allegations of serious misconduct (unauthorised allocation of R200 million) by Mr Maxwell Damane, Manager Finance Division. These documents illustrate the impunity of this senior member of the SSA, who was implicated in the High-Level Review Panel's Report on the SSA and against whom I had instituted disciplinary action. He was thereafter made part of the Veza Project;
- 15.39 Copies of all documentation relating to the SSA internal investigation into allegations of serious misconduct (relating to the procurement of

properties) by Mr Maxwell Damane, Manager Finance Division. These documents illustrate the impunity of this member of the SSA against whom I had instituted disciplinary action for acts of corruption, fraud and/or theft;

15.40 Copies of all documentation relating to the SSA internal investigation into allegations of serious misconduct (fraud) by:

15.40.1 Mr Sipho Blose, Acting DB02;

15.40.2 Ms Nozuko Bam, currently Acting DB02;

15.40.3 Ms Tshedza Rambau Operational Support Officer: Office of DB02;

15.40.4 Mr Patrick Selebi Operational Support Officer: Office of DB02; and

15.40.5 Mr Vuyani Mlati Target Index Officer (DB02); and Ms Malerato Segoane Secretary DB02.

16. These documents are necessary to enable me to respond to the allegations levelled against me and assist the Commission uncover the true nature and extent of state capture and I am convinced that the Respondents are in possession thereof. A plethora of allegations were made against me, ranging from insinuations that I had squandered public funds to the claims that I ran unlawful operations outside the statutes governing intelligence services of the Republic of South Africa.

17. In view of the other witnesses, some of which have already testified, I further requested the following documents and their declassification:

17.1 A copy of Mr Sipho Blose (Blose)'s assessment that determined and confirmed that he was unfit to hold the position of General Manager, let alone Deputy Director-General. In his affidavit, Blose alleges that I removed him from the position of Acting Deputy Director-General because I determined that he was unfit for purpose. Despite the fact

that I deny that allegation, these documents will illustrate that the SSA, independent of me, determined that he lacked the capacity to occupy the position of General Manager (Chief Director) which he got appointed to;

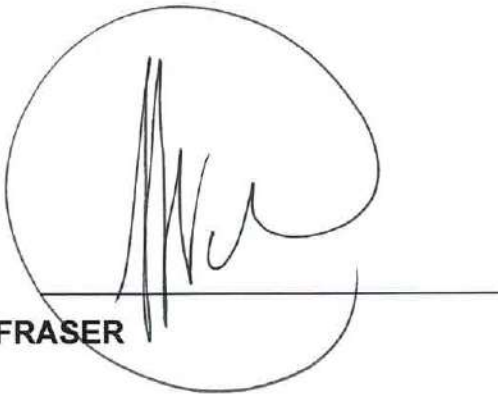
- 17.2 A copy of all the documents and reports, including the authorisation, records of all submissions and payments, false documents, travel records including all the related travel itineraries created by Blose in the project masterminded and managed by him that resulted in a report that falsely claimed that Prof Thuli Madonsela, Mr Sello Julius Malema and Mr Joseph Mathunjwa were agents and/or members of the Central Intelligence Agency of the United States of America. To this end, we kindly request that you also provide us with a copy of Prof Madonsela's false CIA membership or appointment card manufactured by Blose;
- 17.3 A copy of the affidavit deposed to by Mr Loyiso Jafta and submitted to the Commission aimed at implicating me in wrongdoing as well as a copy of the subpoena or instruction issued to him by the Commission at his (Mr Jafta)'s insistence, advice and/or request;
- 17.4 A copy of the opinion received by the SSA or its predecessor from Langa Attorneys on the contract between Mr Yusuf Patel and the National Intelligence Agency (NIA) as part of the PAN Program, as well as the records of all the payments made to Langa Attorneys in this regard appointed on the instruction of Messrs Gibson Njenje and Lloyd Mhlanga;
- 17.5 A copy of the investigation report, if any, produced by Langa Attorneys as a result of his aforementioned instruction;
- 17.6 Copies of the investigation conducted by Adv Mahlodi Sam Moufhe, into the conduct of Mr Lloyd Mhlanga and leading to his ultimate removal from the Ministry of State Security;

- 17.7 Copies of the investigation conducted by the Coordinator of Intelligence, Ambassador Tony "Gab" Msimanga, into the unauthorised travel by Mr Gibson Njenje with a service provider to France and leading to his ultimate removal or departure from the Ministry of State Security;
- 17.8 Copies of the submission, authorisation and reports of the travel by Mr Gibson Njenje during the latter part of 2018 to the Democratic Republic of Congo with Mr Thabiso Thiti. As a Minister's special advisor, Njenje was precluded from engaging in operational activities;
- 17.9 A copy of the investigation conducted by the Inspector-General of Intelligence, Dr Setlhomamaru Dintwe into the allegations that Mr Lloyd Mhlanga was earning a salary from both the SSA and the Department of International Relations and Cooperation;
- 17.10 Copies of all the documents related to a project initiated by Amb Moe Shaik for the funding, establishment, capacitating of CNBC Africa and the secondment of SSA members to it and which members remain on SSA's payroll despite not being engaged for over ten (10) years. These documents illustrate the unlawful use of state resources for the benefit of an individual, namely Mr. Rakesh Wahi;
- 17.11 Copies of all documents related to a project initiated by Amb Moe Shaik which resulted in the funding for the purchase from the founder and editor, Raymond Louw and publisher, David Niddrie of the then failing online publication, Southern African Report by Mopani Media and the appointment of Ms Karima Brown as its editor for South Africa and the inclusion of David Niddrie, Karima Brown, Vukani Mde and Pierre van der Hoven as its shareholders. These documents illustrate the unlawful use of state resources for the benefit of individuals;
- 17.12 Copies of all intelligence documents and reports of a counterintelligence/counterespionage investigation that indicated the

undeclared and/or unregulated contact by Mr Inayet "Inzo" Ismail (Ismail) with an Israeli national and the justification of his continued deployment to the USA despite these reports. These documents illustrates the deployment in areas of responsibility by Jafta despite pending serious allegations of the violation of security prescripts against them;

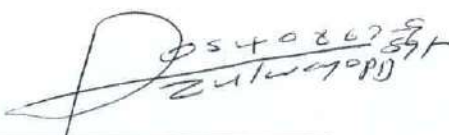
- 17.13 Copy of the submission approving the utilisation of Ismail in project Veza, notwithstanding a pending investigation into serious allegations of misconduct against him;
- 17.14 Copies of the records of all the payments of an allowance to Ismail for acting as Deputy Director-General: Counter-Intelligence while he was simultaneously posted abroad. These documents illustrate possible acts of fraud or theft against him that have to date not been investigated;
- 17.15 The records of the payments to Ismail of his foreign allowance despite him being in the Republic participating in Project Veza and acting as Deputy Director-General: Counter- Intelligence; These documents illustrate possible acts of fraud or theft against him that have to date not been investigated;
- 17.16 The records of Ismail's travels to the USA during the time that he was Acting Deputy Director-General: Counter-Intelligence and leading Project Veza. These documents illustrate the manipulation of the systems to effect the payment of foreign allowances whilst he was based locally;
- 17.17 Copy of SSA's applicable Foreign Dispensation Policy. This document relates to circumstances under which foreign allowances are paid to members;

- 17.18 The record of all payments of Mr Charles Nqakula's (Nqakula) salary and/or other emoluments by SSA while employed as the National Security Advisor in the Presidency and the legislative authority for these payments. These documents illustrates the unlawful payment of salaries and other emoluments to Nqakula;
- 17.19 All reports and correspondence for the period 2017 to 2021 regarding governance, audit and risk management concerns. Allegations of the failure of SSA's governance prescripts during my tenure have been made. In the circumstances, the Audit and Risk Committee must have registered its views thereon to the Executive Authority or the President.
- 17.20 In the circumstances, I submit that these documents are relevant to dispute the unfounded allegations that have been made against me and will assist inform the Commission of the real capture of the SSA by a few individuals for their benefit and the benefit of others.



ARTHUR FRASER

I CERTIFY THAT THE DEPONENT HAS ACKNOWLEDGED THAT HE KNOWS AND UNDERSTANDS THE CONTENTS OF THIS AFFIDAVIT SIGNED BEFORE ME AT PRETORIA ON THIS THE 13 DAY OF APRIL 2021 AND THAT THE REGULATIONS CONTAINED IN THE GOVERNMENT NOTICE NO 1258 OF THE 21ST JULY 1972, AS AMENDED, HAVE BEEN COMPLIED WITH.



COMMISSIONER OF OATHS

