



EXHIBIT Z(n)

**NTEBO JAN
MABULA**



**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: EXHIBIT Z(n)

#	Description	Pages
Z(n)(i)	Founding Affidavit of Ntebo Jan Mabula	01 to 22
Z(n)(ii)	Answering Affidavit of JW Booysen	23 to 27
Z(n)(iii)	Replying Affidavit of Ntebo Jan Mabula	28 to 33
Z(n)(iv)	Rule 3.3 Notice issued to Ntebo Jan Mabula on the evidence of JW Booysen	34 to 55
Z(n)(v)	Ruling of the Chairperson of the Commission in relation to the application by Ntebo Jan Mabula to cross-examine JW Booysen dated 25 March 2020	56 to 58

Exhibit Z(n)(i)



**IN THE COMMISSION ON STATE CAPTURE
HELD IN JOHANNESBURG**

BEFORE DEPUTY CHIEF JUSTICE RM ZONDO

MAJOR GENERAL NTEBO JAN MABULA

**APPLICANT’S RESPONSE TO ALLEGATIONS MADE AGAINST HIM
BY GENERAL JOHAN BOOYSEN AND APPLICATION TO CROSS-EXAMINE
AND TESTIFY IN PERSON**

A. INTRODUCTION

I, the undersigned,



NTEBO JAN MABULA

do hereby make oath and state:

1.

1.1. I am a Major General in the South African Police Service (SAPS), appointed as the North West Deputy Provincial Commissioner, Crime Detection based at Wespol Square, cnr Nelson Mandela and Peter Mokaba Streets, Potchefstroom, North West Province and the facts deposed to in this affidavit fall within my personal knowledge unless otherwise indicated or as it appears from the context thereof and are to the best of my knowledge and belief, both true and correct.

1.2. I depose to this affidavit for two reasons, namely:

1.1.1 I am an implicated person having been so implicated by General Johan Booyesen, former Provincial Head, Directorate for Priority Crime Investigations, in his affidavit/statement¹ before the Commission on State Capture ("the Commission") dated 17 & 18 April and 2 & 3 May 2019, and I need to respond to allegations made against me; and

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¹ Par 202 – 212, 214 – 215 and 223 according to the Notice in terms of Rule 3.3 received from the Acting Secretary of the Commission, Mr. P Pedlar dated 8 April 2019.

1.1.2 I also need to put my version to the Commission, be cross-examined and for my legal representatives to be afforded an opportunity to cross-examine General Johan Booysen

2.

2.1 It is apposite that I make my submissions in the following sequence:

2.1.1 Firstly I will deal with my Background in the SAPS, my educational qualifications and the courses and places that I have been stationed at during my career as a policeman.

2.1.2 Secondly I will to give some background information regarding the functions of the SAPS and how it happened that I and other members under my command were involved in the investigation regarding the Cato Manor Unit.

2.1.3 Thirdly, I deal with allegations against me by Mr Johan Booysen;

2.1.4 Fourthly, I deal with grounds to cross-examine Mr Johan Booysen;

2.1.5 Fifthly, I deal with *Ad Seriatim*; and

2.1.6 Lastly, I deal with the conclusion.

2.1

EDUCATIONAL BACKGROUND FACTS

After completing my compulsory police training, following my matriculation, I invested in my educational well-being and went on to obtain the National Diploma: Police Administration in 1996, B-Tech Degree in Policing 2011.

Since my employment at the SAPS, I have worked in most of functional, operational and managerial levels in the following:-

1984-07-04 To 1987-08-01	Charge office Commander at Delareyville SAPS: Constable
1987-09-02 To 1993-03-22	Section Head: Delareyville Detective Branch: Sergeant/Warrant Officer
1993-03-23 To 2000-12-30	Section Head/Deputy Detective Commander and Acting Branch Commander in absence of the Branch Commander at Lichtenburg detective branch Inspection/Captain
2000-12-31 To 2001-06-01	Section Head/Deputy Detective Commander Klerksdorp detective Branch: Superintendent
2001-06-01 To 2007-02-22	Provincial Commander Serious and Violence Crime North West Province: Superintendent

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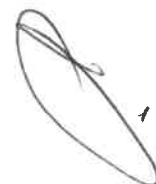


2007-02-22 To 2007-11-01	Provincial Commander: Organised Crime
2007-11-01 To 2010-02-28	Provincial Head Detective Service: Director
2010-03-01 To 2016-11-01	Provincial Head: Directorate for Priority Crime Investigation (HAWKS), North West
2016-11-01 To Date	Deputy Provincial Commissioner Crime Detection: North West

Since starting my employment at the SAPS, I have completed the following courses:-

1. SAPS Basic Police Training 1984
2. Crime Investigation Course 1987
3. SWAT 1994
4. Murder & Robbery Investigation 1995
5. Junior Commander Course II 1995
6. Informer Handling course 1997
7. CRIM System course – General Inquiry Module 1997

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8.	Service Excellence Through Quality Management	1998
9.	Operational Management for Officers	1998
10.	Forensic Ballistic for Investigators/firearm offences	1998
11.	Forensic biology course for crime investigators	1998
12.	Circulation system course	1998
13.	Forensic metallurgical investigation course	1998
14.	Firearm related forensic investigation course	1998
15.	Forensic course for investigators	2000
16.	Psychologically motivated crimes	2007
17.	Organised Crime course	2007
18.	Twenty second annual homicide seminar	2009

WD



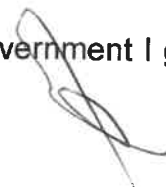
BACKGROUND AND INFORMATION REGARDING MY INVOLVEMENT IN INVESTIGATION REGARDING GENERAL BOOYSEN ("BOOYSEN")

- 2.2 The South African Police Service functions in terms of the South African Police Service Act, 68 of 1995 ("the Police Act"). In terms of the Constitution as is provided for in Section 199(1) the security service of the Republic of South Africa consists of a single Defence Force, a single Police Service and any intelligence services established in terms of the Constitution. As to the Police Service it is provided for in Section 205 of the Constitution the National Police Service must be structured to function in the National, Provincial and, where appropriate, local spheres of Government (Section 205(1) of the Constitution).
- 2.3 In terms of Section 205(3) of the Constitution it is enacted that:

"The objects of the police service are to prevent, combat and investigate crime, to maintain public order, to protect and secure the inhabitants of the Republic and their property, and to uphold and enforce the law."

Obviously such objectives also include the protection of the rights of every inhabitant of this country by objectively and fearlessly investigating any allegation of unlawful conduct even if the alleged perpetrator be someone of the stature of Genl. Booysen.

During the transformation of the police service by the ANC led government I gained

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valuable experience and exposure via numerous international engagements in relation to transnational precious metals trafficking and money laundering investigation.

Based on the specialised knowledge and skills acquired from investigations I formed part of the team that developed the value chain approach in relation to precious metals smuggling. I rose through the ranks to become a Major General and held the position of the Provincial Head of DPCI in the North West Province for several years.

During my tenure as the Provincial Head in the DPCI under the command of Lieutenant General Dramat I continued to be intensively involved in all spheres of investigation and received commendations from the last mentioned. I led a team during my career to investigate the disappearance of a policewoman, which was commonly referred to as the Rasuge case. What makes this case stand out was the fact that the accused was sentenced for murder without the corpse being found. It was only later whilst the accused was sentenced that the body was found.

It therefore came as no surprise when I was appointed by General Dramat during or about January 2012 to lead a team of investigators on a fact finding mission in Kwa-Zulu Natal. This instruction was met with mixed feelings, as it involved investigating one of your own, General Booysen. At the time there was an outcry by the community and the human rights groups about members of the Cato Manor Organised Crime Unit being involved in at least sixteen (16) assassinations which were in retaliation to Police killings and ongoing taxi violence in Kwa-Zulu Natal. A meeting was convened with *inter alia* Lieutenant General Dramat, the then Head of ICD Mr Francois Beukman



and the Acting National Commissioner, Lieutenant General Mkhwanasi present, which culminated in my appointment to assist ICD in leading the investigation.

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In order to establish the veracity or not of the many articles that appeared in the daily newspapers, I conducted a preliminary investigation and after presenting my report a full scale investigation was commissioned by the officials mentioned above. I want to categorically state that I did not put up my hand to lead this investigation, I was nominated by General Dramat which nomination was accepted by all. As a career policeman one does not have the luxury of refusing the appointment more especially when the instruction is lawful and is one of the objectives of the SAPS namely to investigate crime. I want to hasten to add that the majority of the case dockets would remain under the control of ICD and my role was to guide them during the investigation. At that stage I worked closely with the ICD members and we enjoyed a sound professional relationship until I was involved in the investigation against IPID in the Paul O'Sullivan and Trent matter during 2017 relating to the security breach at the residence of General Phahlane per Kameeldrift CAS 12/1/2017.

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After the conclusion of the investigations, Booysen and members of the Cato Manor Organised Crime Unit were arrested and charged and the matter was placed before court. The case is currently postponed to 04 October 2019 in the High Court, Durban. During January 2015, I also suffered the same fate as Booysen and was removed by Major General Ntlemeza as the Provincial Head of Directorate Priority Crimes North West and transferred back to the SAPS general detectives. I want to state that I had

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no personal interest in the case against Booysen and the members of Cato Manor Organised Crime Unit. I in fact requested to be excused from the investigation after my transfer to SAPS as it remained the mandate of DPCI, but my request was denied. When the new National Head of the DPCI, Lieutenant General Lebeya ("Lebeya"), was appointed during 2018, I once again requested to be removed from the Cato Manor investigation and to this end forwarded a letter to Lebeya, and once again the request was denied (copy of the letter from Lebeya is attached it as **Annexure "NJM1"**).

ALLEGATIONS BY BOOYSEN AGAINST MYSELF

6

I will now deal with the allegations made by Booysen and the allegations that:

- 6.1 I was an ally of Lieutenant General Mdluli;
- 6.2 I teamed up with Advocate Jiba to arrest Gerrie Nel, when Nel prosecuted form Police Commissioner, Jackie Selebi for Corruption;
- 6.3 Suspect Solomon Nengwane died during interrogation and that the team responsible was under my Command and there is evidence which was handed to IPID that I was the mastermind in covering up the murder. According to the "unverified" information one of the people present was Mdluli's son;
- 6.4 I led the team that investigated the Cato Manor Death Squad, and the Mr Booysen was the intended target of the investigation;
- 6.5 I coerced Caman Sibusiso Zungu to change his statement so as to falsely implicate Booysen in the murder of Bongani Mkhize;
- 6.6 I coerced Colonel Aiyer to implicate Booysen to in the racketeering charges;



- 6.7 I conspired with prosecutors Maema, Noko, Mathenjwa and Jiba to prosecute Booyesen under the prevention of Organised Crime Act 121 of 1998;
- 6.8 Brigadier Ncube was sent by myself and Ntlemeza to arrest Booyesen.

7.

My response to the allegations are as follows :

Booyesen statement - Paragraph (208) – Par. 6.1 and 6.2 above.

I was the Provincial Commander Serious and Violent Crimes Unit, and held the rank of Senior Superintendent (Colonel) and reported under the command of Assistant Commissioner Mdluli (Major General) who was the Deputy Provincial Commissioner Crime Detection in the North West Province. I am therefore not an ally to Lieutenant General Mdluli and was merely a subordinate who worked under his command. I was part of the investigation team that investigated Gerrie Nel, but I deny that I “colluded” in this regard with Advocate Jiba. My interactions with staff at the NPA’s offices was limited to my official duties in a lawful and proper manner.

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Booyesen statement - Paragraph (209 /210) – Par 6.3 above.

In my response to the similar allegations relating to the death of Mr Solomon Nongwane (“Nongwane”) made by Robert McBride, I have already answered to these allegations. I again confirm that I was the overall commander of the team on Benoni CAS 860/5/2006 in which a burglary at the police station was investigated. In so far as the unverified evidence of Booyesen is concerned I will not be able to comment on same, as he in his own version states that the information is not verified. I however state that his “evidence” that I was the mastermind in “covering up” the “murder” is

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devoid of any truth. This matter dates as far back as 2006 and to date he still has a problem verifying same. I have dealt with this matter in detail in paragraph 13 and 14 of my affidavit in response to allegations of Robert McBride, I find it strange that the evidence handed in by Booysen to IPID which appears to be crucial evidence has to date not resulted in me being charged on the same matter. As far as I am aware the matter was referred for a formal inquest to be held as per the instruction of the DPP North West dated 26 July 2018, attached hereto as **Annexure "NJM2"**. I consider the alleged quote of a remark by the prosecutor in paragraph 210 of the Booysen statement as totally irresponsible and an effort to create atmosphere against the investigating team and myself which is unbecoming of a senior police officer such as Booysen.

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Booyesen statement - Paragraph (211) – Par 6.4 above.

I have dealt with this issue in paragraph 3 and 4 that I led a team of SAPS and the then ICD members during the investigations into the Cato Manor Organised Crime Unit in Kwa-Zulu Natal and that it was a lawful investigation, no one was "targeted".

10

Booyesen statement - Paragraph (212) – Par 6.5 above.

I deny the allegations of Booysen in that I have never met a witness Capt Sibusiso Zungu and I state that any such allegation against me is totally devoid of any truth.

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Booyesen statement - Paragraph (214) – Par 6.6 above.

I deny the allegations of Booyesen that my team and I “won over a notorious police Colonel Aiyer” to implicate Booyesen in Racketeering. Aiyer is a witness in the matter who was working under Booyesen’s command and his evidence can be challenged in court by Booyesen.

12

Booyesen statement - Paragraph (215) – Par 6.7 above.

I deny the allegations of Booyesen. The drafting of criminal charges is the function of the National Prosecuting Authority and not myself and I was not present or involved when the charges were formulated.

13

Booyesen statement - Paragraph (223) – Par 6.5 above.

Brigadier Ncube was part of the investigation team. During the arrest of Booyesen, Brigadier Ncube executed an authorised a lawful warrant of arrest during a lawful process.

GROUNDS TO CROSS-EXAMINE GENL. BOOYSEN AND TO TESTIFY IN FRONT OF THE COMMISSION IN PERSON

14

14.1 I submit that I have clearly indicated in my answer to Booyesen’s allegations that Booyesen was not candid with the Commission both in his affidavit and testimony and therefore his evidence on record cannot go unchallenged.

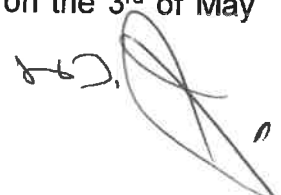
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14.2 This Commission is a constitutional construct and I am entitled to be afforded sufficient opportunity in terms of the Constitution to vindicate my rights enshrined in the Bill of Rights. This will include my right to testify in person in front of the Commission in defence of *inter alia* my right to dignity.

14.3 I have highlighted above that Booysen had created an impression to the Commission and the public that I was a participant in the capturing of law enforcement agencies such as my employer, the SAPS and the NPA by manipulating investigations against Booysen and decision making by the NPA. I verily believe that such defamatory statements cannot go unchallenged in view of the serious nature thereof and the implications it could have for the country should it be true (which is denied). I therefore request leave to put my version before the Commission in person and to be cross examined by any interested party to test the veracity thereof. I also request the opportunity for my legal representatives to be allowed to cross-examine Booysen on the allegations made in his statement and in evidence before the Commission.

**APPLICATION FOR CONDONATION FOR THE LATE FILING OF MY RESPONSE
TO THE NOTICE IN TERMS OF RULE 3.3 OF THE COMMISSION**

15.1 I was notified that I was to feature as an implicated person in the evidence of Booysen before he was called to testify on the 10th of April 2019 and his evidence started on the 17th of April 2019 and concluded on the 3rd of May



2019. I was served with a Notice in terms of Rule 3.3 and was afforded the opportunity to file a response on or before the 17th day of May 2019. Subsequent to the notice I had to seek assistance from the State Attorney in order to be afforded legal representation and such permission was only granted on the 2nd of May 2019. Subsequent to notification that I was granted leave and assistance I had a preliminary consultation with my legal representatives and arising from that had to source various documentation and verify certain detail for purposes of further consultation and preparation of my statement.

15.2 In the meantime the general elections of the Republic of South Africa which was scheduled for 8 May 2019 was looming and I received call up instructions from for deployment relating to the general elections for the period 6 May 2019 to 8 May 2019. I attach hereto as proof thereof, a copy of the Call Up Instruction, marked **Annexure "NJM3"**. Subsequent to the elections various debriefing sessions were held relating to the elections with the result that I was not in a position to properly consult with my legal representatives and to attend to this matter before Monday, the 13th of May 2019. I however firstly had to attend to McBride's evidence and could only after filing my response on McBride on the 17th of May 2019, start working on Booyens statement.

15.3 I submit that in the circumstances I attended to this matter with the necessary sense of urgency and request that my failure to file my response by the required date of 17th of May 2019 be condoned. Such is not due to any negligence on my side or that of my legal representatives.

ND



16.

I will elaborate if necessary when I testify. Should it become necessary, I will depose to a supplementary affidavit.

This done and signed at this 22 day of May 2019 at ROSEBANK.



NTEBO JAN MABULA

I certify that the foregoing was signed and sworn to before me at ROSEBANK on the 22nd day of MAY 2019, by the Deponent who has acknowledged that he knows and understands the contents of this affidavit and the provisions of the Regulations contained in the Government Gazette No. R1258 dated 21st July 1972 have been complied with.



COMMISSIONER OF OATHS

FULL NAMES

DESIGNATION JACOBUS JOHANNES DU PLESSIS
Commissioner of Oaths Ex Officio
Presiding Attorney of F.S.A.

ADDRESS OF RAJESURICO & DU PLESSIS INC.
28 - 3rd AVENUE
PARKTOWN NORTH

"NJM1"

South African Police Service

Suid-Afrikaanse Polisie

Private Bag X1500, Silverton, 0127

Fax No: (012) 846 4414

My reference: 4/14/2/1
Enquiries: Lt General Lebeya
Colonel Gaillard

Tel: 012 846 4001/2

E-mail: dpcihead@saps.gov.za

THE NATIONAL HEAD
DIRECTORATE FOR PRIORITY CRIME
INVESTIGATION
SOUTH AFRICAN POLICE SERVICE

The Provincial Commissioner
South African Police Service
North West

THE STATE VERSUS JW BOOYSEN & 29 OTHERS: CATO MANO CASES

1. Your letter with reference 1/1/1/4 dated 2018-10-18 has bearing on this matter and receipt is hereby acknowledged.
2. It will be improper to excuse the investigation team as they should continue until the matter is finalised.

Kind regards

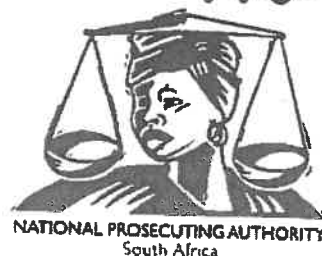

NATIONAL HEAD: DIRECTORATE FOR PRIORITY CRIME INVESTIGATION
(DR/ADV) SG LEBEYA (SOEG)

LIEUTENANT GENERAL
DIRECTORATE FOR PRIORITY CRIME INVESTIGATION

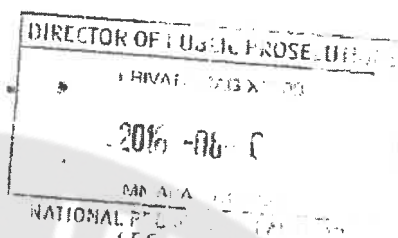
Date: 2018-11-08

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"NJM2"

National Prosecuting Service**Director of Public Prosecutions:
North West****NORTH WEST
DIVISION**

Mmabatho

Tel: +27 18 381 9000
Fax: +27 18 381 9033Mega City Building
East Gallery
3139 Sekame Street
MmabathoP/Bag X2009
Mmabatho
2735
South Africawww.npa.gov.zaReference number: 10/2/4/1 – 167/18
Enquiries: S. Jika
Date: 26 July 2018The Senior Public Prosecutor
Private Bag X1002
GA-RANKUWA
0208**DECISION DOCKET****AKASIA CAS 123/06/2006****INVESTIGATING OFFICER: MR A. SEHAS (IPID)*****The Director remarks as follows:-***

1. I decline to prosecute this matter at this stage.
2. A formal inquest should be held.
3. The Senior Public Prosecutor must lead evidence in this inquest or an experienced Regional Court Prosecutor.
4. The Senior or Regional Court Prosecutor must provide me with a detailed report on the evidence led as well as his/her recommendation.
5. This instruction **must** be attached to the inquest record just after J56.
6. After the inquest is finalised, the inquest record **must** be sent to this office, irrespective of what the findings of the magistrate were.
7. The docket is attached.

S. M. Koloko
CHIEF CLERK TO THE DIRECTOR OF PUBLIC PROSECUTIONS

ND.

"NJM3"

G.P.-S. 002-0222

SOUTH AFRICAN POLICE SERVICE**SUID AFRIKAANSE POLISIEDIENS**

PRIVATE BAG X801, POTCHEFSTROOM, 2520

Reference	3/5/2/294
Enquiries	Brig Govender
Telephone	(018) 299 7887
Fax number	(018) 299 7030
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THE PROVINCIAL COMMISSIONER
SOUTH AFRICAN POLICE SERVICE
NORTH-WEST
POTCHEFSTROOM
2520

The Deputy Provincial Commissioners
Policing
Crime Detection
Management Intervention
Human Resource Management
NORTH WEST

The Provincial Heads
DPCI
Legal Services
Vispol
FCS
Crime Detection
Organised Crime
Crime Registrar
TMS
Finance
O.D
Personal Management
HRD
SCM
NORTH WEST

CALL UP INSTRUCTION: DEPLOYMENT OF SMS MEMBERS: NORTHWEST: NATIONAL AND PROVINCIAL GENERAL ELECTIONS 2019: 6 MAY 2019 TO 8 MAY 2019.

1. NATJOINTS instruction 62 of 2018: National and Provincial Election 2018 refers.
2. The five year term of the current National and Provincial legislatures matures on 6 May 2019 and the General Elections will take place on 8 May 2019.
3. The Election security will be managed through the JOINTS Structures at Provincial, Cluster and Local levels to contribute towards creating conditions for free and fair elections.
4. The following SMS officers are called up for Election Related duties on 2019-05-06 from 10:00 to 18:00 (this is based on the premise that SMS members will first report to their respective Provincial offices at 05:45).

2019-05-07 from 05:45 till 18:00

2019-05-08 from 04:30 till the counting process is finalised and the ballot boxes are delivered to the respective warehouses.

**CALL UP INSTRUCTION: DEPLOYMENT OF SMS MEMBERS: NORTHWEST:
NATIONAL AND PROVINCIAL GENERAL ELECTIONS 2019: 6 MAY 2019 TO 8
MAY 2019**

5.

NUMBER	PERSAL	RANK	NAME	INITIALS	POSTING
1	06081401	Maj General	Mbotho	DP	PROVJOC
2	6033971	Maj General	Mabula	NJ	Rustenburg /Zeerust Cluster
3	6080049	Maj General	Molefe	DS	Pudimoe Cluster
4	5174791	Maj General	Olifant	KG	Vryburg Cluster
5	6048200	Maj General	Naidoo	GP	Mahikeng Cluster
6	4883080	Brigadier	Madoda	JD	Pudimoe Cluster
7	5433436	Brigadier	Ntshabele	JTS	Rustenburg Cluster
8	4103106	Brigadier	Swart	A	Mahikeng - Finance
9	5142695	Brigadier	Mothobi	GE	Mahikeng Cluster
10	4972996	Brigadier	Mqoni	DC	Brits Cluster
11	6067611	Brigadier	Nkabinde	DL	Klerksdorp Cluster
12	6173951	Brigadier	Masanya	MA	Zeerust Cluster
13	6367518	Brigadier	Kgorane	CM	Rustenburg Cluster
14	4287762	Brigadier	Wagner	AC	PROVJOC
15	4334221	Brigadier	Visser	V	Brits Cluster
16	6164277	Brigadier	Sibeko	PA	Mahikeng Cluster
17	6382754	Brigadier	Njikelana	T	Vryburg Cluster
18	4709888	Brigadier	Alexander	CD	Klerksdorp Cluster
19	4338511	Brigadier	Mans	A	Brits Cluster
20	4922786	Brigadier	Molate	AS	Vryburg Cluster
21	5205921	Brigadier	Ngutshani	TY	PudimoeCluster
22	04299337	Brigadier	Flynn	HF	Pudimoe Cluster

6. Attire and Operational Equipment

6.1 All members to be dressed according to the SAPS dress code and line function responsibility.

6.2 When reporting for duty members must be equipped with:

- Polmed membership card
- Identity documents
- Driver's licence
- Rain coat
- SAPS appointment certificate
- Pocket book
- Hand cuffs/ cable ties
- Official firearm
- Bullet Proof Vest with the name tag ironed on the middle of the vest
- Any other specialised equipment issued for operation purposes

7. Financial implications

7.1 Members that are entitled to claim for accommodation due to their deployment away from their

after approval of an itinerary for the period deployed.

7.2 Source documents

7.1.1 The following documents will be used by financial service to process all payments relevant to the operation.

- > The approved Call Up Instruction
- > Approved itinerary.
- > An official SAPS 15 form must be completed on a daily basis in detail by members for command and control purpose.

7.2.1 The following account must be utilized

Responsibility code: 1751
Objective code: 0132
Project code: ~~7437~~ 5657

7.2.2 All claims will be processed by the nearest accounting station. FA 1751098495

Item	Members	Days/ Nights	Tariff per person	Amount
Accommodation	23	3 Days		
	19	3 Nights	R 1000-00	R 57 000-00
Meals (non accommodation)	3	3 Days	R 236-00	R 2124-00
Meals	28 19	4 Days	R 323-00	R 24 548-00
Allowance	28 19	4 Days	R 134-00	R 10 184-00
TOTAL COSTS				R 93 856-00

8. There are Director Generals deployed from National level as well as SMS members deployed from Head Office. Let us work jointly with them as they will be representing their departments.
9. SMS members will not take over duties from Station Commanders but and Cluster Commanders will enhance command and Control to ensure that General Election 2019 is managed efficiently.
10. Please take note of Head Office letter 14/1/4: General Elections 2019: 6 May 2019 to 8 May 2019: South African Police Service, in respect of meal allowance and Public Holiday Claims.

The Special Daily Overtime Allowance is not payable to SMS members on 6 and 7 May 2019. SMS members will only qualify for public holiday remuneration on 8 May 2019 and normal S&T allowance where applicable.

11. Your co-operation is appreciated.


LIEUTENANT GENERAL
PROVINCIAL COMMISSIONER: NORTH WEST PROVINCE
BB MOTSWENYANE

Date: 2019-04-29

APPROVED / NOT APPROVED

AUTHORITY: 1751098743 DATED: 29 APR 2019

ACCOUNT NR: 1751 0132

PROJECT NR: 5657

BR: GADIER

FI PROVINCIAL COMMISSIONER: NORTH WEST PROVINCE
SA POLICE SERVICE

Exhibit Z(n)(ii)



I, the undersigned

JOHAN WESSEL BOOYSEN

Do hereby make oath and state.

1

I have deposed to an affidavit which I have submitted to the **Zondo Commission of Inquiry ('The Inquiry')** into allegations of state capture. During April 2019 I gave evidence at the Inquiry.

2

Consequent to my evidence, **Major General Ntebo Jan Mabula ("Mabula")** has deposed to an affidavit to The Inquiry

3

I herewith respond to his affidavit. My response is not *ad seriatim*. If I do not admit or deny any of his imputations, it should not be construed that such imputation is denied or admitted. The information is within my personal knowledge unless the context suggest otherwise.

4

(ad par 7) It remains my opinion that **Mabula** was an ally of **Richard Mdluli**. It has been suggested on many occasions in a number of publications that they are allies. I have not seen **Mabula** complaining to the press ombudsman nor am I aware that he has attempted to correct the media houses if he so denies that they are allies. One would have expected him to do so given the controversy regarding **Mdluli** and given the prominent position **Mabula** occupied within SAPS. In any event, nothing turns on this.

Mabula's exculpatory explanation regarding his involvement with **Advocate Nomgcobo Jiba**, in my view do not pass muster. It was **Mabula and Jiba** who worked hand-in-hand to have me prosecuted. To me it is evident that **Mabula** from SAPS and **Jiba** from the NPA collaborated on both occasions to stifle investigations against prominent individuals such as the previous Police's National Commissioner **Jackie Selebe**, **Richard Mdluli**, **Toshan Panday** who was linked to the family of the previous **State President Jacob Zuma**. Another common denominator is that in both **Nel's** persecution and mine the outcome was the same. Charges did not proceed because there was no evidence to support the charges.

5

(ad par 8) My imputation that **Mabula** was part of a cover-up of the murder of **Solomon Nengwane ("Nengwane")** is based on a recorded conversation wherein one of the persons involved in the murder of **Nengwane** describes in detail how **Nengwane** was tortured and murdered by members under **Mabula's** command. When **Mabula** was told that **Nengwane** had died he, **Mabula**, collapsed and had to be revived. Thereafter **Mabula** actively covered up the murder and directed other members involved in the killing of what to do to cover up their criminal acts. This recording is in possession of IPID. **Mabula's** suggestion that the information had not been verified at all is wrong. I stated that I have not verified it independently. That does not *ipso facto* mean it has not been

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JOE SCHEEPERS : W/OFFICER



verified by others. It is my understanding that **IPID** has verified the information and that the docket is currently with the **Investigative Directorate of the National Prosecuting Authority ("ID-NPA")** including a case of torture, implicating **Mabula**, for a decision to prosecute or not. **Hillbrow CAS 988-6-2017** refers. Furthermore, **Mabula** fallaciously conclude that I have not been able to verify the information since **2006**. The information only surfaced many years later and was handed to **IPID** in **2015**. The previous **Executive Director of IPID, Mr Robert Mc Bride** is on record in expressing his concerns, as to how the previous **NDPP, Advocate Shaun Abrahams** had dealt with the **Mabula** matter. I share his concerns and believe that, that is the reason why the matter is now with the **ID-NPA**.

7

I note that **Mabula** does not deny that the prosecutor had indeed made the remarks, referred to in par 210 of my founding affidavit, but instead attempts to divert from the real issue by speculating that I am irresponsible by casting aspersions on the investigative team. I deny his assertions.

8

(ad par 9) I reiterate. **Mabula** targeted me in the 'investigation'. That much was evident in the way he conducted the investigation. In my view he was doing the bidding of the then minister of police, **Nathi Mthetwa**. I was informed by **Lieutenant General Dramat** that he had appointed **Mabula** and two other Major Generals namely **Nsinga and Badi** to investigate the **Sunday Times'** article. Yet **Mabula** arrived with only his team, comprising mostly members from his own province. **Mabula** may argue that the investigation was 'lawful' but his investigation led to an unlawful outcome when I was arrested and prosecuted for racketeering. That was indeed the finding by the **Durban High Court viz Booyesen v Acting NDPP** who held that the decision to prosecute me was unconstitutional and unlawful.

9

Mabula purposefully ignored several invitations by myself to engage with me during his 'investigation'. I had informed him that I had information and documents at my disposal that could shed light on the allegations and who was behind it. **Mabula** evaded me throughout his so-called investigation and instead interviewed the very people that I knew were behind the false allegations in the **Sunday Times**.

I was also informed by **Major General Hans Meiring**, previously from the **HAWKS** and now retired, that at one stage **Mabula** had provided **General Dramat** with an interim report regarding the investigation which **Dramat** felt uncomfortable with. **Dramat** himself had alluded to his discomfort to me.

My attorney had engaged **Dramat** on a few occasions expressing my concerns as to how **Mabula** was conducting the 'investigation'. I gained the distinct impression that **Dramat** was not kept in the loop of what **Mabula** was doing. In fact, on the day of the arrests of the members of **Cato Manor**, their attorney informed **Dramat** that they were aware of the imminent arrests; **Dramat** was oblivious of the fact **Mabula's** underhanded conduct was again laid bare at the time of my arrest. When I suspected that I may be arrested, my attorney informed **Mabula** and **Dramat** that I would hand myself over at their convenience should he want to arrest me. **Mabula** consistently denied that I would be arrested. Instead **Mabula** had me arrested and handcuffed in full view of my staff at my office at Provincial **Head Quarters**. Thereafter I was paraded in front of the media at the police's air wing in Durban, at his insistence, before I was cart off to the police cells.

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JOE SCHEEPERS : W/OFFICER



10

(ad par 10) **Captain Zungu** personally informed me that **Mabula** was present at the time investigators attempted to coerce him to change his statement.

Mabula misleads **The Commission** by falsely stating **Aiyer** is a 'witness in this matter'. He is not. **Aiyer** never appeared on the list of witnesses provided to me. If **Mabula** had taken care to pay attention to the judgement of **Govern J** in the matter **Booyesen v Acting NDPP (Jilba)**, in which his own investigator, **Colonel Pharasa Ncube**, was the third respondent, he would have been cognizant that **Aiyer's** 'statement' was nothing other than a complaint session which amounted to office politics. This was indeed also the view of the learned judge.

11

After the **State President** had appointed the current **NDPP, Advocate Shamila Batohi**, all the 'evidence' against myself was reviewed by a senior panel of Advocates namely **Rodney de Kock, Ivy Thenga, Shareen Riley and Elija Mamabolo** from the **NPA** and had found that a proper case could not be made against me. Consequently all charges were withdrawn against me.

12

Mabula claims that the formulation of charges falls within the remit of the **NPA** and therefore he had no hand in my unlawful prosecution. I respectfully submit that **Mabula** is disingenuous by distancing himself from the process in getting me prosecuted for racketeering. **Mabula** is conversant with the process in prosecuting an accused for racketeering. The investigators play a fundamental role in the process of obtaining authority to prosecute someone for racketeering. It is common cause that **Mabula** in fact met with the prosecutors *apropos* my prosecution.

13

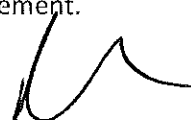
On **Mabula's** own version he is an experienced detective and was in charge of the 'investigation'. He purports to have investigated 'objectively and fearlessly'. I have studied the case dockets against myself and the **Cato Manor** accused. As the head of the investigation team **Mabula** was duty-bound in terms of **SAPS Standing Order 324** to inspect the case dockets before they were presented to the **NDPP** or prosecutors for that matter. The case dockets are permeated with inconsistencies and mistakes. It demonstrates a clear bias in the investigation. I will list some critical examples below.

14

In a hearsay twice removed statement of **Bheki Mthiyane @ Londlo** (now deceased) he states that he was informed by two persons **Zanele Zondi and Bongiswe Mhlongo** that they had paid me after the killing of certain taxi businessman. No attempt was made to locate **Zondi and Mhlongo** to verify what **Londlo** alleged. Rather outrageously **Mabula** did not direct investigators to verify **Londlo's** statement, but elected to present uncorroborated hearsay evidence to the prosecutors.

A 'witness', **Aristides Danikas**, who had fled the country after stealing R300 000, 00 from one of his business partners **Zonke Maphete**, had made numerous allegations in a statement against **Cato Manor** and myself. Not a single allegation was verified despite the fact that many witnesses were available to verify or refute his allegations.

Rajen Aiyer, who was later dismissed from the police also made various false statements against me. No attempt was made to approach any of the persons mentioned in the statements to corroborate **Aiyer's** statement.

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JOE SCHEEPERS : W/OFFICER



It is no wonder then that in *Booyesen v Acting NDPP, Govern J* found that none of the three statements (**Mthiyane, Danikas and Aiyer**) which formed the basis of the racketeering charges implicate me for the offenses I was charged with.

There can be no doubt that the investigators, led by **Mabula** sought to find anything they could lay their hands on to incriminate me. They ignored every principle of objectivity because they knew if they had approached any of the tenfold individuals mentioned by the three ‘witnesses’ it would have undone what they set out to do from the inception of the ‘investigation’ which was to get me prosecuted, no matter what. Coincidentally, both the statements of **Aiyer** and **Mthiyane** were obtained by **Lieutenant Colonel Rumakosi** from Mabula’s office. **Rumakosi** is himself now facing corruption charges in an unrelated case

To date I have not received a signed copy of **Danikas’** (English) statement.

15

The fact that **Mabula** and **Advocate Jiba** at the time, deliberately chose not to verify any of the allegations in the three statements, leads one to the inescapable conclusion that **Mabula** and the prosecutors connived to get me prosecuted. **Mabula** had no desire to establish the truth. I invite **Mabula** to explain under oath why he never had the at least sixteen individuals, mentioned by **Danikas, Aiyer and Mthiyane** interviewed, to corroborate what the three had alleged. The answer is simple. **Mabula** and his team knew that if they had done so, it would have exposed that **Londlo** was an accused in a murder case and an information peddler. He would’ve established that **Zondi and Mhlongo** had to this day never laid eyes on me and that **Aiyer and Danikas** were both egregious liars because they both had scores to settle with me. At the risk of repeating myself, **Mabula** cannot claim that his investigation was objective. He either deliberately excluded any possible exculpatory evidence or he was deliberately obtuse in order to achieve a predetermined outcome.

My submission in this regard is amplified by the falsehoods presented in the prosecution memoranda presented by prosecutors **Advocates Sello Maema and Moipone Noko**. The misinformation could only have originated from the investigators

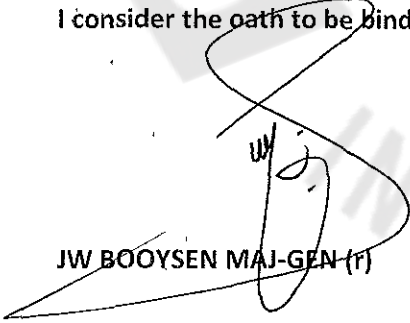
16

I deny that I was not candid with the ‘**Commission**’ To the contrary I have demonstrated that the converse is true in that **Mabula** is not candid with the **Commission**.

I know and understand the contents ofv this declaration.

I have no objection to take the prescribed oath.

I consider the oath to be binding on my conscience.


JW BOOYSEN MAJ-GEN (r)

03 FEB 2007
COMMUNITY SERVICE CENTRE
VICTOR K. FISH HOEK K P/C P
SOUTH AFRICAN POLICE SERVICE

Handwritten notes and stamps on the right side of the page, including a large signature and various administrative markings.

Handwritten notes and stamps on the right side of the page, including a large signature and various administrative markings.

Exhibit Z(n)(iii)



**IN THE COMMISSION ON STATE CAPTURE
HELD IN JOHANNESBURG**

BEFORE DEPUTY CHIEF JUSTICE RM ZONDO

MAJOR GENERAL NTEBO JAN MABULA

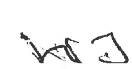
**APPLICANT'S REPLY TO RESPONSE MADE
BY MR JOHAN WESSEL BOOYSEN ON APPLICANT'S AFFIDAVIT**

I, the undersigned,

NTEBO JAN MABULA

do hereby make oath and state:





1. I am a Major General in the South African Police Service (SAPS), appointed as the North West Deputy Provincial Commissioner, Crime Detection based at Wespol Square, cnr Nelson Mandela and Peter Mokaba Streets, Potchefstroom, North West Province and the facts deposed to in this affidavit fall within my personal knowledge unless otherwise indicated or as it appears from the context thereof and are to the best of my knowledge and belief, both true and correct.
2. I depose to this affidavit to reply *ad seriatim* to the responding affidavit of Mr Johan Wessel Booysen ("Mr Booysen").

AD SERIATIM

3. ***Ad paragraphs 1 to 3***

The contents hereof are noted.

4. ***Ad Paragraph 4***

The contents of this paragraph is noted. It is a misplaced opinion, baseless and unfounded allegation, which is denied.

5. ***Ad paragraph 5***

The contents of this paragraph is noted. I have already dealt in my affidavit in response to the Commission after the testimony of Mr Booysen with this allegation and persist with it. I however note with serious concern the unhealthy and irregular relationship between Mr Booysen (who was a suspect in the matter investigated by IPID), IPID and the Investigative Directorate ("ID"). The

h.d. 

intimate knowledge of developments relating to Hillbrow CAS 988/06/2017 of Mr Booysen is of serious concern as he is no longer functioning in the Criminal Justice system nor the complainant or a witness in this matter.

I note that there is not a paragraph 6 in the affidavit.

6. ***Ad paragraph 7***

The contents hereof are noted.

7. ***Ad paragraph 8***

The contents hereof are noted and denied.

8. ***Ad paragraph 9***

The contents hereof are noted. I deny that Mr Booysen ever approached me for engagement during the time I was in charge of the investigation against him. However should he have approached me, I would have resisted the temptation to be unduly influenced by a suspect whom I was investigating, thus my persistence with conducting an objective investigation.

9. ***Ad paragraph 10***

The contents are noted and denied.

10. ***Ad paragraph 11***

The contents are noted.

h30

11. ***Ad paragraph 12***

The contents are noted. I respect the independence of the National Prosecuting Authority's decisions in matters and will not interfere with a decision making as advanced by Mr Booyesen.

12. ***Ad paragraph 13 and 14***

The contents are noted and denied. I wish to state that the investigation was directed by the National Prosecuting Authority.

13. ***Ad paragraph 15***

The contents are noted and denied. I however take exception of the defamatory allegations made by Mr Booyesen in this paragraph.

14. ***Ad paragraph 16***

The contents are noted and I persist that Mr Booyesen was not candid with the Commission.

15. I have demonstrated that Mr Booyesen's evidence to this Commission is misleading, baseless and unsubstantiated under the disguise of State Capture.

16. I reiterate that I request leave to put my version before the Commission in person and to be cross examined by any interested party to test the veracity thereof. I also request the opportunity for my legal representatives to be allowed to cross-examine Booyesen on the allegations made in his statements and in evidence before the Commission.

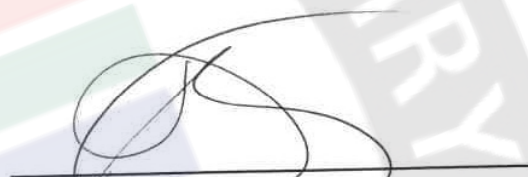
WJ

This done and signed at this 24th day of February 2020 at ROSEBANK.



NTEBO JAN MABULA

I certify that the foregoing was signed and sworn to before me at ROSEBANK on the 24th day of February 2020, by the Deponent who has acknowledged that he knows and understands the contents of this affidavit and the provisions of the Regulations contained in the Government Gazette No. R1258 dated 21st July 1972 have been complied with.



COMMISSIONER OF OATHS

FULL NAMES **JOHANNES BERNARDUS EKSTEEN**
DESIGNATION **COMMISSIONER OF OATHS**
..... **PRACTISING ATTORNEY RSA**
..... **GROUND FLOOR, OXFORD TERRACE**
ADDRESS **3 ON 9TH STREET**
..... **HOUGHTON ESTATE**
..... **JOHANNESBURG**

Exhibit Z(n)(iv)





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

NOTICE IN TERMS OF RULE 3.3

TO : MAJOR-GENERAL JAN MABULA
EMAIL : mabulanj@saps.gov.za

IN TERMS OF RULE 3.3 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 (“THE COMMISSION”), YOU ARE HEREBY GIVEN NOTICE THAT:

- 1 The Commission’s Legal Team intends to present the evidence of Mr Johan Booysen (“**Mr Booysen**”) at its hearing held at 4th Floor, Hill on Empire, 16 Empire Road, Parktown, Johannesburg. The presentation of his evidence is scheduled to commence on Monday, 15 April 2019 or so soon thereafter as his evidence may be heard. The evidence in question implicates, or may implicate you in unlawful, illegal or improper conduct in the respects set out below.
- 2 The allegations in the evidence of Mr Booysen implicates or may implicate you in, *inter alia*, the following respects:
 - 2.1 You improperly and/or unlawfully sought to-
 - 2.1.1 unduly interfere in the investigative independence of the National Prosecuting Authority (“**NPA**”), the Directorate for Priority Crime

Investigation (“**DPCI**”) commonly known as the HAWKS and/or the South African Police Services (“**SAPS**”);

2.1.2 unduly decline and/or delay and/or obstruct recommended prosecutions;

2.1.3 participate in the undue persecution of officials of the NPA, the Independent Police Investigative Directorate (“**IPID**”) and/or the DPCI; and

2.1.4 destabilize the NPA, the DPCI and/or the SAPS.

2.2 In acting as set out above, you allegedly sought to enable the state capture of the criminal justice system.

3 The relevant portion of the statement of Mr Booysen which implicate, or may implicate, you in the above allegations is annexed hereto marked “A”. Your attention is drawn to paragraphs 208-212, 214-215 and 223 of his statement and the annexures referred to therein, if any.

4 Due to the fact that you are implicated or may be implicated by the evidence of Mr Booysen, you are entitled to attend the hearing at which that evidence is being presented. You are also entitled to be assisted by a legal representative of your choice when that evidence is presented. The full statement of Mr Booysen will be uploaded on the Commission’s website (www.sastatecapture.org.za) as soon as he concludes his evidence. The transcript will be uploaded daily.

5 If you wish to:

5.1 give evidence yourself;

5.2 call any witness to give evidence on your behalf; or

5.3 cross-examine the witness

then you must apply, within fourteen (14) calendar days of this notice, in writing to the Commission for leave to do so.

- 6 An application referred to in paragraph 5 above must be submitted to the Secretary of the Commission. The application must be submitted with a statement from you in which you respond to the witness' statement in so far as it implicates you. The statement must identify what parts of the witness statement are disputed or denied and the grounds on which they are disputed or denied.
- 7 In the event that you believe that you have not been given a reasonable time from the issuance of this notice to the date on which the witness is to give evidence as set out above and you are prejudiced thereby, you may apply to the Commission in writing for such order as will ensure that you are not seriously prejudiced.
- 8 Please take note that even if you do not make an application under Rule 3.4:
 - 8.1 in terms of Rule 3.10, the Chairperson may, at any time, direct you to respond in writing to the allegations against you or to answer (in writing) questions arising from the statement; and
 - 8.2 in terms of Regulation 10(6) of the Regulations of the Judicial Commission of Inquiry into Allegations of State Capture, Corruption and Fraud in the Public Sector including Organs of State GN 105 of 9 February 2018 published in Government Gazette 41436, as amended, the Chairperson may direct you to appear before the Commission to give evidence which has a bearing on a matter being investigated.
- 9 The extracts of the witness statement provided to you are confidential. Your attention is drawn to Regulations 11(3) and 12(2)(c) governing the Commission, which make it a criminal offence for anyone to disseminate or publish, without the written permission of the Chairperson, any document (which includes witnesses' statements) submitted to the Commission by any person in connection with the Commission's inquiry.

DATED AT PARKTOWN ON THIS 8th DAY OF APRIL 2019.



MR P PEDLAR
Acting Secretary
Judicial Commission of Inquiry into Allegations of
State Capture, Corruption and Fraud
in the Public Sector including Organs of State



JWB-001

AFFIDAVIT

I the undersigned,

JOHAN WESSEL BOOYSEN

do hereby state under oath that:

1.

I am an adult male South African citizen residing in Pretoria, Gauteng Province.

2.

All facts stated herein are, unless the context indicates otherwise, within my own personal knowledge and are to the best of my belief both true and correct.

3.

I will attempt to keep my submission brief in order to avoid prolixity and to unnecessarily burden the Commission. I will seek to highlight key aspects, events and *dramatis personae*. Should it become necessary I will provide additional facts.

MY POLICE CAREER AND QUALIFICATIONS

4.

I was a career policeman having joined the South African Police in 1976. I was an officer before our democracy in 1995 and was part of the transformation process from a Police Force to a Police Service. I regard my integration into the new Police Service, including my promotion to the ranks of Colonel, Brigadier and Major-General subsequent to the democratic dispensation in South Africa, as one of my

JWB-062

205.

Padayachee was also targeted by Phiyega and was suspended on spurious grounds. He has also informed me that Phiyega had uplifted the Act 70 communication recordings in the Panday/Madhoe investigation. This may constitute a criminal offence if the necessary prescripts were not followed.

206.

Phiyega also obstructed the investigation into the looting of the Secret Services Account by Mdluli and Crime Intelligence in KZN. She gave an instruction that the investigation into the KZN leg, which was conducted by Madonsela, must be removed from Madonsela after he, Madonsela, subpoenaed documents from Crime Intelligence in terms of section 205 of the Criminal Procedure Act, Act 51 of 1977.

207.

Phiyega was also the subject of a criminal investigation when she alerted Lieutenant-General Arno Lamoer ("**Lamoer**"), the Western Cape Police's Provincial Commissioner, of a criminal investigation against him. The DPP in the Western Cape at the time declined to prosecute her. It was my observations there was clearly tension between her and Dramat under whose auspices the investigation was conducted. Lamoer is currently serving a prison sentence after entering into a plea bargain with the State on the criminal investigation mentioned.

208.

MAJOR-GENERAL JAN MABULA

Major-General Jan Mabula ("**Mabula**") is a known Mdluli ally. Mabula and Jiba previously teamed up to arrest Advocate Nel when Nel prosecuted the former Police Commissioner Jackie Selebi ("**Selebi**"), for corruption. Mabula was later involved in

JWB-063

an investigation, where several million rand of exhibit money which was recovered, after a heist at OR Thambo airport, was stolen from the Benoni police station.

209.

During this investigation a suspect, Solomon Nengwane ("**Nengwane**"), died during interrogation at the Macou Police station, at the hands of detectives under Mabula's command. There is evidence, which was handed to IPID that Mabula was the mastermind in covering up the murder. According to the information provided by a person who was present when Nengwane died, one of the persons present with the unlawful interrogation was Mdluli's son. I have not been able to independently verify this.

210.

I have however been able to establish that Nengwana died of asphyxiation whilst in the custody of policeman working under the direct command of Mabula, who was a Colonel at the time. It also emerged that a number of witnesses in this investigation died under mysterious circumstances, prompting the State Prosecutor, Peter Smith ("**Smith**") to remark, *"it seemed that the police were knocking off witnesses to cover their own tracks in the case."*

211.

Mabula later led a team of detectives to investigate the now debunked Sunday Times story about the Cato Manor 'Death Squad'. It was clear that I was the intended target of Mabula's investigation.

212.

According to a witness, Captain Sibusiso Zungu ("**Zungu**"), Mabula was present when his detectives attempted to coerce him (Zungu) to change his statement so as

JWB-064

to falsely implicate me for a murder after one Bongani Mkize, a taxi operator from Kwa-Maphumulu, was shot in a shootout with police. See attached statement of Zungu as **Annexure "JWB 27."**

213.

COLONEL RAJEN AIYER

The immediate Unit Commander of Cato Manor was Colonel Rajen Aiyer ("**Aiyer**"). Aiyer reported to me from 2006 to 2010 and thereafter he reported to Brigadier Madonsela, who in turn reported to me.

214.

Mabula's team won over a notorious Police Colonel to implicate me in Racketeering. Aiyer, who was the Commander at Cato Manor, was used by them to contrive a case of Racketeering against the Cato Manor Unit. Once this was accomplished I was opportunely framed as the manager of the Criminal Enterprise, being the Cato Manor unit, by Mabula's team.

215.

Mabula and prosecutors Maema, Noko, Mathenjwa and Jiba conspired to have me prosecuted under The Prevention of Organized Crime Act (POCA) Act 121 1998 sec 2 (4) 1 (f), managing a criminal enterprise, despite the fact that Aiyer was the direct Commander of Cato Manor .

216.

During a failed attempt by Phiyega to get rid of me, Aiyer was caught out lying on every aspect of his statement in my disciplinary hearing. The Disciplinary Chairperson, Advocate Cassim SC described him as a "*dismal witness in material aspects*". Aiyer was recently dismissed from SAPS for fabricating evidence in an



JWB-066

221.

Xaba met with Jiba on the 18th of November 2018 to commission her affidavit in litigation with the Cato Manor detectives.

222.

I find it unusual that a Brigadier in charge of the HAWKS Crimes against the State would involve himself with a complaint from SARS and commissioning the statement of Jiba in civil litigation against me. It is my submission that Brigadier Xaba is part of the Ntlemeza and Jiba alliance.

223.

BRIGADIER PHARASA NCUBE

Brigadier Pharasa Ncube ("**Ncube**") was sent by Mabula and later Ntlemeza to arrest me.

224.

After Ncube arrested me he was promoted from the rank of Colonel to Brigadier.

225.

ROLE OF INTELLIGENCE SERVICES AND SUNDAY TIMES

Three sagas, namely: the Cato Manor 'Death Squad' (Booyesen), the 'Rendition' (Dramat, Sibiya, and McBride) and the SARS 'Rogue Unit' (Van Loggenberg and Pillay) are all strikingly similar, as all of us were conducting sensitive investigations at the time of our prosecution.

JWB-070

230.10. *"It will take South Africa's criminal-justice sector years to recover from the disruptive impact of the Zuma era, during which good men were booted from their jobs for doing the right thing. The chilling impact this had on prosecutors and police officers is immeasurable. Those who were willing to bend the rules and apply two sets of rules, one for Zuma and his cronies and another for the rest of us, thrived".* Adriaan Basson & Pieter du Toit. In their book *"Enemy of the People"* page 95.

230.11. I was interviewed by researchers for *"State Capacity Research Project"* titled *"Betrayal of the Promise: How South Africa is being stolen"* published in May 2017. I have read the report. The chapter dealing with *"Securing a Loyal Intelligence and Security Apparatus"*, [pages 19 and 20] accurately chronicles some of the events I have described above. Pages 50 to 52 under the heading *"Investigations and prosecutions"* are also relevant. I attach an extract from this report as **Annexure "JWB 29."**

230.12. I have titled a book which I co-wrote with journalist Jessica Pitchford *"Blood on their Hands"* I sincerely believe that those who allowed themselves, for whatever reason, to become part of the captured factions at the NPA and in Law enforcement have done our country a grave disservice. They have blood on their hands.

231.

I know and understand the contents of this declaration.

I have no objection to take the prescribed Oath.

I consider the oath to be binding on my conscience.

JOHAN WESLEY LLOYD SEN

JWB-071

I certify that the deponent who acknowledges that he knows and understands the contents of this affidavit; that it is the truth to the best of his knowledge and belief and that he has no objection to taking the prescribed oath and regards the same as binding on the deponent's conscience and the administration of the oath complied with the Regulations contained in Government Gazette No. R1258 of 21 July 1972, as amended. This affidavit is signed and sworn to before me at Centurion on this the 2nd Day of April 2019 at 14:32





COMMISSIONER OF OATHS

EX OFFICIO:

FULL NAMES:

Jean Jacques Martins

PHYSICAL ADDRESS:

CNR JEAN AVENUE
OLIVERHOUTSBOSCH CENTURION

DESIGNATION:

Colonel

ANNEXURE “JWB27”



SIBUSISO WILLIAM ZONGU
STATES UNDER OATH IN ENGLISH :

1. I AM AN ADULT MALE 54 YEARS UNEMPLOYED
AND I AM THE WITNES IN THIS MATTER.

2. I WAS WORKING EMPLOYED BY SOUTH AFRICAN
SERVICES FROM 1996/08/01 TILL 2017/04/31.
DURING MY CAREER I WORKED AT PROVINCIAL
OFFICE KZN POLITICAL VIOLENT TASK TEAM
UNDER BRIGADIER MADONSELA.

3. THE YEAR 2010 I WAS TASKED TO INVESTIGATE
A MURDER CASE WHERE INKOSI ZONDI WAS
SHOT AND KILLED AT UMLAZI TOWNSHIP
DURBAN. I ATTENDED THE SCENE AT UMLAZI
ON MY ARRIVAL AT THE SCENE MEMBERS
OF CATO MANOR CAPTAIN LOCKEM WAS THERE

4. I TOOK THE SAID DOCKETS FROM CAPTAIN
LOCKEM FOR FURTHER INVESTIGATION. TWO
SUSPECT WERE ARRESTED FOR THE SAID
CASE AND ONE OF THEM MADE A
CONFESSION. ON HIS CONFESSION HE
MENTIONED THE WHOLE PLAN THE
PLACE WHERE THE CONSPIRACY TOOK
PLACE AS WELL AS THE PEOPLE WHO
WERE PRESENT.

THE CONFESSION FURTHER MENTIONED THAT
THE DECEASED GAVE INFORMATION OF THE
WHEREABOUT OF MAGOTELA WHO WAS

JWB-501

Z 15 (81/142289)

A WANTED BY THE CATO MANOR SERIOUS AND VIOLENT UNIT. THE CHAIRMAN MR MKHIZE (DECEASED) CONTRIBUTED WITH MONEY TO ASSIST MAGOJELA'S BROTHERS TO KILL THE DECEASED INKOSI ZONDI THAT IS ACCORDING TO THE SUSPECT CONFESSION.

5.

THE MORNING WHEN MR MKHIZE WAS SHOT AND KILLED I LEFT IN THE MORNING TO STANGER FOR OPERATION TO ARREST THE SECOND SUSPECT. I HEARD ON RADIO THAT MR MKHIZE (DECEASED) WAS SHOT AND KILLED. I WAS APPROACHED BY MISS WILLIAMS OF IPID FOR MY STATEMENT AS MR MKHIZE (DECEASED) WAS ^{ONE OF MY} SUSPECT OF INKOSI ZONDI (DECEASED) CASE. I FINISHED MISS WILLIAMS OF IPID WITH MY STATEMENT

S.W.2

6.

ON 2011/04/31 I WENT OVER TO CRIME INTELLIGENT HEAD OFFICE. DURING THE SAME YEAR I WAS PHONED BY UNKNOWN PERSON WHO SAID HE WAS FROM THE HAWKS NATIONAL OFFICE REGARDING THE DEATH OF MR MKHIZE AND WE AGREED TO ~~MEET~~ MEET AT PINE TOWN SAPS OLD MAIN ROAD.

S.W.2

7.

ON MY ARRIVAL AT PINE TOWN SAPS I MET ~~3~~ ^{FIVE} MALES AND ONE WHITE MALE WHO THEY

S.W.2

S.W.2

JWB-502

Z 15 (81/142289)

CONT

IDENTIFIED THEMSELVES AS OFFICES FROM HAWKS NATIONAL OFFICE. WE ALL WENT TO THE BOARDROOM AND I WAS THEN TOLD THE REASON FOR THE MEETING.

8

SW-2 I WAS SHOWN MY STATEMENT WHICH I MADE TO MISS WILLIAMS OF IPID AND THE FIVE OFFICES TOLD ME THAT THEY WERE NOT HAPPY ABOUT MY STATEMENT. I WAS ASKED IF WHY CATO MANOR, NJU, WERE INVOLVED ON MY CASE (INKOSI ZONDI) ALSO WHY I DIDN'T ATTENDED THE SCENE. I WAS ALSO ASKED WHY I WAS LOOKING FOR MR MKHIZE (DECEASED) OR APPLY FOR A WARRANT OF ARREST IF HE WAS A REALLY A SUSPECT.

9

I WAS ALSO ASKED IF WHY I DIDN'T MENTIONED ON MY STATEMENT THAT GENERAL BOYSEN HAD A MEETING WITH ME, CATO MANOR AND NJU AT CATO MANOR OFFICES AND GAVE INSTRUCTION TO CATO MANOR AND NJU TO LOOK FOR MR MKHIZE NOT TO ARREST BUT KILLED HIM.

10

I TOLD THEM THAT I WILL NEVER CHANGE MY STATEMENT AND I CONFIRM THAT THE DECEASED MR MKHIZE WAS MY SUSPECT. I HAVE INFORM THE SIX OFFICES THAT BOYSEN NEVER INVOLVED ON MY CASE NOR GAVE ANY INSTRUCTION TO ARREST OR KILL

JWB-503

Z 15 (81/142289)

MR MKHIZE. I TOLD THEM THAT CATO MANOR AND NIU WERE PART OF THE TEAM AS THE MATTER WAS A HIGH PROFILE

11

ONE FROM THE SIX ASKED ME WHERE I WAS WORKING AND TOLD HIM I WAS UNEMPLOYED. HE WAS SO UPSET AND SAID TO ME YOU THINK YOU CLEVER. ONE IDENTIFY HIMSELF AS GENERAL ~~DEL~~ MABULA SAID I MUST CHANGE MY STATEMENT SO THAT IT WILL MENTIONED THAT GENERAL BOOYSEN GAVE THE SAID INSTRUCTION AND THAT THE DECEASED WAS NOT A SUSPECT OF MY CASE AND I REFUSED.

12.

AS THE CONSULTATION BECAME INTERROGATION I THROWN MY KEYS AND MY CELL PHONE ON THE TABLE AND TOLD THEM THAT I REMAIN SILENCE. I WAS TAKEN TO THE CHARGE OFFICE WITH A HOPE TO BE ARRESTED AND THEY CHANGED THEIR MINDS AND I LEFT.

13

I THEN PHONED GENERAL BOOYSEN ASKING HIM TO MEET URGENT WHICH HE AGREE AT KENTURU AMANZIMTOTI. I WAS SO UPSET AND TOLD GENERAL BOOYSEN. GENERAL ASKED ME TO PUT IT DOWN IN WRITING IF I WANTED WHICH I DID ON MY FREE WILL. I WAS NEVER FORCED, PROMISED, INTIMIDATED BY ANYONE TO MEET GENERAL BOOYSEN AND GAVE HIM MY STATEMENT

JWB-504

Z 15 (81/142289)

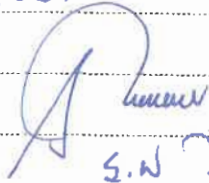
"I KNOW AND UNDERSTAND THE CONTENT OF THIS
DECLARATION"

"I HAVE NO OBJECTIONS IN TAKING THE
PRESCRIBED OATH"

"I CONSIDER OATH TO BE BINDING ON MY CONSCIENCE"

Place: ALLICRST

Date: 2018/11/22.


S.N. Juma



JWB-505

Elaine Regina Latchanah - States under oath in English :-

1.

I, Elaine Regina Latchanah, with PERSAL number 70017956, an Indian female, employed as a Captain in the SAPS : DPCI : Organised Crime Durban : Support Head : Kwazulu Natal, 136 Victoria Embankment : 4th floor, Room 15, Telephone Number 031 – 333 8009 and Cell phone 071 481 2460.

2.

I was placed as the Support Head : DPCI Organised Crime Durban, Kwazulu Natal on 2017/02/06.

3.

I was appointed as a Secretary to Major General Booyesen in 2010. As a Secretary part of my duties were to make and receive calls including confirmation of appointments. According to my recollection a person, who identified himself as Mr Edward Zuma, requested an appointment with Major General Booyesen. Mr Zuma called several times to secure an appointment. A date which I do not recall was agreed upon after consulting with Major General Booyesen. Mr Edward Zuma did not inform me as to what the meeting was about. Mr Edward Zuma did arrive on the day agreed upon and met with Major General Booyesen in General Booyesen's office. I do not recall how long the meeting was and after the meeting Mr Zuma left.

4.

I know and understand the contents of this statement.

I have no objection of taking the prescribed oath.

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


PLACE : DURBAN DATE : 23 NOVEMBER 2018 TIME : 09:30

DEPONENTS SIGNATURE : *Elaine Regina Latchanah*
.....CAPT
LATCHANAH

I hereby certify that this statement was taken down by me and that the deponent has acknowledged that he/she knows and understands the contents of this statement. This statement was duly sworn to before me and deponent's signature was placed thereon in my presence AT DURBAN ON THIS 23rd DAY OF NOVEMBER 2018 AT 09:30.

1.

JWB-506



COMMISSIONER OF OATHS

MARZUS ARTZ

FULL NAMES

S.A.P.S : ORGANISED CRIME DURBAN

136 VICTORIA EMBANKMENT

DURBAN





ZONDO COMMISSION OF INQUIRY

20 November 2018

**STATEMENT TO ZONDO COMMISSION OF ENQUIRY BY
DUMISANI PATRICK MKHIZE**

1. I am a 62 year old adult male with identity number 560808 5961 089, and a former policeman of 29 years. I retired from South African Police Service, SAPS on 31 August 2016 with a rank of the Lt Colonel and was Commander of Organised Crime Unit based at Richardsbay.
2. At the time of my retirement I was reporting to General Zikhali, who took over from General Johan Booysen as the KZN, Provincial Head of the Directorate of Priority Crime Investigations, ("the DPCI" or "the HAWKS"), when General Booysen was suspended.
3. During July, 6 2015, while I was on my way to Vryheid on an investigation assignment driving a state vehicle, I received a call from my deputy at the time, Major Mbatha. Major Mbatha informed me that General Ntlemenza required an urgent use of the 4x4 Double Cab which was road worthy, further saying that General Ntlemenza therefore required the very vehicle I was driving on official assignment business to Melmorth. He specifically informed that the car was demanded by General Ntlemenza immediately.
4. I informed Major Mbatha that this was not fair as I was on official trip and not on personal matters. I then asked Major Mbatha if that meant that I had to turn back and forego the assignment for which I was enroute to execute, to which he confirmed that indeed it meant that I should abandon the said official trip. Further, Major Mbatha told me that the car was required with immediate effect.
5. I was hurt to having to turn back from doing my work and that I could not go against the order to return. In the SAPS environment you do not question an instruction from your seniors, therefore I had to comply with the instruction.
6. Upon my return I drove straight to Richard's Hotel, as Major Mbatha had informed me that I had to drop-off the vehicle there to an official whose contact numbers Major Mbatha had given to me over the phone. When I arrived at Richard's Hotel I found Major Mbatha already waiting to pick me up after I had delivered the motor vehicle to Col Cwala. I called the said official, who introduced himself as a Col Cwala. I do recall that I required to see his appointment card before I handed the car keys. I then handed over the keys after I had seen the appointment card. This Col Cwala informed me that General Ntlemenza was busy inside the hotel meeting with the politicians. I did not see General Ntlemenza or talk to him.
7. Major Mbatha then drove me back to the office, however before leaving the car I

S P M.



- called General Booyesen to inform him that I had handed over the car on demand by General Ntlemenza. I was avoiding liability for any eventuality that could befall the car whilst it was out of my hands. The car is fitted with Automatic Vehicle Location unit, which among other things records real-time vehicle location and speed of movement.
- 8. On the morning of July, 8 2016 I received a call from Col, Cwala which I had given the keys. He informed me that I they could no longer drop off the vehicle at the provincial office as initially planned, and that I had to collect the car at the King Shaka International Airport public parking lot. The Col Cwala further gave me the name of the female police constable who was going to hand back the car keys.
 - 9. Upon arrival the King Shaka Airport I indeed called the number provided to me by the Colonel and the female office gave me the keys, further showing me were the car was parked. She advised that the petrol card was inside the car, including the parking ticket.
 - 10. The car was filthy and entirely covered with mud. Inside the car was the petrol card and the parking ticket which I had to personally pay as no money was left for parking payment. I paid approximately R88.00, and also took the car for washing, for which I also paid from my own pocket.
 - 11. I know and understand this statement I have no objection in making this statement I consider the statement binding on my conscience

[Handwritten signature]
J. P. MCHIZI

EK SERTIFISEER DAT HIERDIE DOKUMENT 'N WARE AFDRUK (AFSKRIF) IS VAN DIE OORSPRONKLIKE DOKUMENT WAT AAN MY VIR WAARNEMING VOORGELE IS, EK SERTIFISEER VERDER DAT, VOLGENS MY WAARNEMINGS DAAR NIE 'N WYSIGING OF VERANDERING OF DIE OORSPRONKLIKE DOKUMENT AANGEBRING IS NIE.

I CERTIFY THAT THIS DOCUMENT IS A TRUE REPRODUCTION (COPY) OF THE ORIGINAL DOCUMENT WHICH WAS HANDLED TO ME FOR AUTHENTICATION. I FURTHER CERTIFY THAT, FROM MY OBSERVATIONS, AN AMENDMENT OR A CHANGE WAS NOT MADE TO ORIGINAL DOCUMENT.

.....
HANDTEKENING / SIGNATURE
FORCE NUMBER *620741 P* RANK *Nut*
NAME IN PRINT *J. B. Mchizi*

SOUTH AFRICAN POLICE SERVICE
COMMUNITY SERVICE CENTRE
23 NOV 2018
EMPANGENI
KWAZULU-NATAL

JPM

[Handwritten signature]

Exhibit Z(n)(v)





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17 Empire Road,
Parktown
Johannesburg
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Email: inquiries@sastatecapture.org.za
Web: www.sastatecapture.org.za

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

25 March 2020

To: Major-General Mabula

Per email: pdp@bdk.co.za / johane@bdk.co.za / louisa@bdk.co.za

And to: Major-General Booysen

Per email: jwbooyesen@icloud.com

APPLICATION FOR LEAVE TO ADDUCE EVIDENCE AND TO CROSS-EXAMINE

Applicant: Major-General Ntebo Jan Mabula

Witness implicating the applicant: Major-General Johan Booysen

1. The above-mentioned applicant and witness are thereby notified that the Chairperson of the Commission has made the following decision in the applicant's application for leave to adduce evidence and to cross-examine the above-mentioned witness before the Commission in connection with the above-mentioned witness's evidence or statement.

1.1. Chairperson's decision:

- (a) "In as far as the applicant may have failed to timeously deliver his/her application for leave to adduce evidence and to cross-examine the above-mentioned witness and applied for condonation, condonation is hereby granted.
- (b) The applicant is hereby granted leave to adduce evidence and to cross-examine the above-mentioned witness.
- (c) The date when the applicant will adduce evidence and to cross-examine the above-mentioned witness will be communicated to both the applicant and the above-mentioned witness in due course."

Yours sincerely



Ms KB SHABALALA
ACTING SECRETARY, JUDICIAL COMMISSION OF INQUIRY INTO
ALLEGATIONS OF STATE CAPTURE, CORRUPTION AND FRAUD IN THE
PUBLIC SECTOR INCLUDING ORGANS OF STATE

