

COMMISSION OF INQUIRY INTO STATE CAPTURE

HELD AT

PARKTOWN, JOHANNESBURG

10

17 SEPTEMBER 2019

DAY 165

20

PROCEEDINGS COMMENCE ON 17 SEPTEMBER 2019

CHAIRPERSON: Good morning Ms September, good morning everybody.

ADV VERUSCHKA SEPTEMBER: Good morning Chair.

CHAIRPERSON: Thank you. Are you ready?

ADV VERUSCHKA SEPTEMBER: Yes we are Chair.

CHAIRPERSON: Hm.

ADV VERUSCHKA SEPTEMBER: Before we begin there are legal representatives who may wish to introduce themselves for the record
10 and with your leave may I request that they do so?

CHAIRPERSON: Yes let them do so.

ADV VERUSCHKA SEPTEMBER: Thank you.

CHAIRPERSON: Thank you.

ADV JOHAN EKSTEEN: Morning Chair. My name is Johan...

CHAIRPERSON: Good morning.

ADV JOHAN EKSTEEN: Eksteen of VDK attorneys we are here to represent the former National Commissioner of the police Lieutenant General Phahlane.

CHAIRPERSON: Yes.

20 **ADV JOHAN EKSTEEN:** I would also just like to place on record Chair that we have submitted an affidavit to the commission.

CHAIRPERSON: Hm.

ADV JOHAN EKSTEEN: Regarding the allegations which he might be implicated on.

CHAIRPERSON: Yes.

ADV JOHAN EKSTEEN: And a [indistinct] was also delivered per hand this morning to the commission.

CHAIRPERSON: Thank you very much.

ADV JOHAN EKSTEEN: Thank you Chair.

CHAIRPERSON: Thank you.

ADV BAPHISILE MTHIMUNYE: Good morning Chair.

CHAIRPERSON: Good morning I think I did not give you a chance to ...

ADV BAPHISILE MTHIMUNYE: That is so.

CHAIRPERSON: Introduce yourself.

10 **ADV BAPHISILE MTHIMUNYE:** That is so Chair.

CHAIRPERSON: There was no time yes thank you,.

ADV BAPHISILE MTHIMUNYE: Yes. It is Baphasile Mthimunye from Baphasile Mthumunye attorneys.

CHAIRPERSON: Yes.

ADV BAPHISILE MTHIMUNYE: I am appearing on behalf of General Zulu. At this stage where we have filed an affidavit we just have her rights reserved at the moment.

CHAIRPERSON: Yes okay that is fine.

ADV BAPHISILE MTHIMUNYE: Thank you Chair.

20 **CHAIRPERSON:** Thank you.

ADV MANNIE KLOW [?]: Morning Judge.

CHAIRPERSON: Good morning.

ADV MANNIE KLOW [?]: Good morning Judge my name is Mannie Klow.

CHAIRPERSON: Yes.

ADV MANNIE KLOW [?]: Initial R. I am an attorney from KZN Durban.

CHAIRPERSON: Hm.

ADV MANNIE KLOW [?]: I am instructed by General Phiyega.

CHAIRPERSON: Yes.

ADV MANNIE KLOW [?]: Judge we have not submitted an affidavit as yet but there has been an indication that the general will reserve her rights to either cross-examine or testify in the proceedings.

CHAIRPERSON: Yes okay thank you.

10 **ADV MANNIE KLOW [?]**: Thank you Judge.

CHAIRPERSON: I guess you mean she will reserve the right to apply for Leave to Cross-examine?

ADV MANNIE KLOW [?]: If necessary thank you Judge

CHAIRPERSON: Not for the right to cross-examine.

ADV MANNIE KLOW [?]: No to bring an application for Leave to Cross-examine.

CHAIRPERSON: Okay alright. Thank you.

ADV MANNIE KLOW [?]: Thank you Judge.

CHAIRPERSON: Yes okay I understand. Are you ready?

20 **ADV VERUSCHKA SEPTEMBER**: Yes we are Chair. Chair the evidence that we are presenting today is that of Mr Kobus Roelofse. He is a member of the South African Police Services the Directorate of Priority Crime Investigation. The evidence that he presents falls within his personal experience as an investigator over the years but specific to certain investigations that he has led. The nature of his evidence

falls within the Terms of Reference 1.9 in that his evidence interrogates transactions and benefits that relates to the South African Police Services Secret Services Account. Chair before you; you have one bundle. The bundle with your leave in order of priority or in order of sequence rather has been marked KK2.1. It consists of the main affidavit and annexures to the affidavit.

CHAIRPERSON: The lever arch file containing the affidavit of Mr Kobus Demeyer Roelofse an annexures will be marked Exhibit KK2.1.

ADV VERUSCHKA SEPTEMBER: Thank you Chair. Chair we have
10 three additional bundles but one lever arch bundle. In fact let me correct myself. We have three additional bundles. Two of which are reference bundles. The legal team has taken the liberty to compile one bundle which is – constitutes legislation, some regulatory framework and case law that this evidence refers to in his affidavit. And the bundle is a bundle of diagrams which has been prepared to assist in the facilitation of this evidence. The last additional bundle which is marked again by your leave KK2.2 is in fact a supplementary affidavit that this witness has provided and the purpose of the witness talks specifically to key individuals that are mentioned in his main affidavit. The witness
20 through his evidence will address you on that when so necessary and that particular affidavit encloses a sealed bag which contains a list of names. With your leave may I hand these – this up to you?

CHAIRPERSON: Yes. What is KK2.4? Just the Regulatory framework?

ADV VERUSCHKA SEPTEMBER: And case law bundle yes Chair.

CHAIRPERSON: It does not contain his supplementary statement?

ADV VERUSCHKA SEPTEMBER: No Chair it does not. In the little soft file – there are two of those soft files. The one which is marked by your leave KK2.2 is the supplementary affidavit with the brown sealed envelope.

CHAIRPERSON: What did you say the purpose of this supplementary affidavit is insofar as you – if it is not something you are not supposed to state publicly?

ADV VERUSCHKA SEPTEMBER: Chair that particularly affidavit was prepared by the witness in that there are certain...

10 **CHAIRPERSON:** Okay I see paragraph 14 is with what the purpose of the affidavit – supplementary affidavit is. Okay but do you want to talk to that?

ADV VERUSCHKA SEPTEMBER: Yes Chair the witness will in fact talk to it.

CHAIRPERSON: Hm.

ADV VERUSCHKA SEPTEMBER: Do you need me to address you on it?

CHAIRPERSON: No I think you want to confirm the purpose of the supplementary affidavit?

20 **ADV VERUSCHKA SEPTEMBER:** Yes Chair. The purpose of the supplementary affidavit is that it concerns the protection of the identities of certain individuals who may still be working as agents within Crime Intelligence of SAPS. The affidavit which is the sealed – which attaches the sealed envelope – the sealed envelope contains a list of names alongside which numbers have been allocated. The main

affidavit of this witness therefore does not refer to the identities of these individuals but only to the numbers as indicated on the list itself.

CHAIRPERSON: Okay let us just clarify that. Is the position the following?

That is in the course of his evidence Mr Roelofse will not use the true names of certain people for certain reasons but has allocated those people numbers. So they may be Peter that he will decide not to call Peter but will call by a number. He might refer to I do not know whether Mr 1 or Mr 2 or Mr Number 2, Mr Number 20, Ms Number 15.

10 Is that how – it that is what is going to happen?

ADV VERUSCHKA SEPTEMBER: Yes Chair.

CHAIRPERSON: So as not to divulge their names?

ADV VERUSCHKA SEPTEMBER: Yes Chair.

CHAIRPERSON: But those names he knows the true names and those names are in the sealed envelope that you have given to me? Not envelope file. Is that right?

ADV VERUSCHKA SEPTEMBER: Yes Chair.

CHAIRPERSON: This one?

ADV VERUSCHKA SEPTEMBER: Yes Chair.

20 **CHAIRPERSON**: And ultimately if I open here I will find certain names and a number?

ADV VERUSCHKA SEPTEMBER: Yes Chair.

CHAIRPERSON: And when I want to know who he was referring to when in his evidence he referred to Ms 15 for example and I found – I will find 15 and I will find a name that – to which 15 is assigned?

ADV VERUSCHKA SEPTEMBER: Yes Chair.

CHAIRPERSON: And then I will know that that is the person he was talking about?

ADV VERUSCHKA SEPTEMBER: Yes Chair.

CHAIRPERSON: That is what you – you are saying?

ADV VERUSCHKA SEPTEMBER: Yes Chair.

CHAIRPERSON: And the reasons for not divulging that is that something you are going to deal with during his evidence?

ADV VERUSCHKA SEPTEMBER: Yes Chair.

10 **CHAIRPERSON:** Okay.

ADV VERUSCHKA SEPTEMBER: And just for accuracy the numbers are preceded by the letters FM that was a choice of the witness himself.

CHAIRPERSON: Ja for all the numbers?

ADV VERUSCHKA SEPTEMBER: For all the numbers. So for example...

CHAIRPERSON: Ja it will be FM1, FM2 and so on.

ADV VERUSCHKA SEPTEMBER: Correct Chair.

20 **CHAIRPERSON:** Okay alright. Okay alright. Now do you want me to make any order with regard to this exhibit?

ADV VERUSCHKA SEPTEMBER: Yes Chair.

CHAIRPERSON: What order?

ADV VERUSCHKA SEPTEMBER: The request is that by virtue of the sensitivity of the list of names the names not be placed in the public domain for public consumption. Steps have however been – are being

taken by the commission to establish to what extent some of those names may be put into the public domain but there is no clarity around that at that stage – at this stage.

CHAIRPERSON: Okay let us complete the scenario. The nondisclosure of the true names of some of the individuals to which his evidence will relate is at this stage provisional?

ADV VERUSCHKA SEPTEMBER: Correct Chair.

CHAIRPERSON: Pending establishing certain information and once that information has been established then I will be approached either
10 to lift the order of secrecy as it were or to make it final?

ADV VERUSCHKA SEPTEMBER: Correct Chair.

CHAIRPERSON: Yes. Okay.

ADV VERUSCHKA SEPTEMBER: As it pleases.

CHAIRPERSON: Okay. Are you done?

ADV VERUSCHKA SEPTEMBER: In accordance – in accordance with that bearing in mind that I do not even have a copy of the list of names.

CHAIRPERSON: Hm.

ADV VERUSCHKA SEPTEMBER: I have been informed that redactions have taken place in the annexures to his statements for the very same
20 reason of not disclosing the identities.

CHAIRPERSON: Yes. Okay.

ADV VERUSCHKA SEPTEMBER: Chair the next point that I need to bring to your attention.

CHAIRPERSON: Hm.

ADV VERUSCHKA SEPTEMBER: Is that the evidence of this

particular witness required declassification of documents and all the documents that have been requested for declassification was done apart from one document and I am obliged to bring this to your – I am obliged to...

CHAIRPERSON: So declassification was effected in regard to all documents except one.

ADV VERUSCHKA SEPTEMBER: Correct Chair.

CHAIRPERSON: Okay.

ADV VERUSCHKA SEPTEMBER: In my obligation to bring this to you
10 it was by agreement between the commission and the National
Commission of Police that this one document is presented for your eyes
only but subject to certain conditions and requirements which was
communicated to them in a letter sent to the National Commissioner on
the 13th September and with your leave I need to place it on record.
The letter which was sent to them informed:

20 “That on the 16th August 2019 the commission agreed
with the SAPS proposal on the disclosure of the
sealed document in un-redacted format to be placed
in a sealed envelope before the Chairperson of the
commission. The SAPS appreciates that the
disclosure of the sealed documents does not in any
way detract from the witness giving evidence in
relation to the sealed documents or its contents.
The agreed form of disclosure of the sealed
documents themselves will not in any way detract

from testimony being delivered on the contents of the sealed documents for admission as evidence and due consideration. The sealed documents will be declassified accordingly and it was on 22nd August 2019 that the sealed documents were hand delivered to the commission although not declassified accordingly and no reasons were provided”

So by as a consequence of that...

CHAIRPERSON: Is the process of declassification still pending?

10 **ADV VERUSCHKA SEPTEMBER:** In relation to the sealed document Chair?

CHAIRPERSON: In the regard to the document?

ADV VERUSCHKA SEPTEMBER: It is understood that they have provided the document but for your eyes only Chair. The witness is not prevented or precluded from giving evidence in relation to the document but it is the document itself that cannot be disclosed.

CHAIRPERSON: Ja but what I want to find out is whether a request for dis-classification was done and it is still pending or it was done and the request has been turned down or what is the position? Or was the
20 request no such request was ever made?

ADV VERUSCHKA SEPTEMBER: It is our understanding that the request for declassification was done.

CHAIRPERSON: And what is the outcome? What was the outcome?

ADV VERUSCHKA SEPTEMBER: The document was not declassified for public consumption. It was only to be provided to you in a sealed

envelope Chair.

CHAIRPERSON: Was – was – was the request declined? Was the request approved? Was the request partially approved?

ADV VERUSCHKA SEPTEMBER: The request was – it is a bit of an anomaly Chair with respect to the discussions that were had in that it is understood that the document has not been declassified as such.

CHAIRPERSON: Yes but did the legal team find out why it was not – why the request was not approved for declassification.

ADV VERUSCHKA SEPTEMBER: No reasons were given Chair.

10 **CHAIRPERSON:** Yes but it is the legal team which must ask for reasons. If you do not ask for reasons you will not get reasons.

ADV VERUSCHKA SEPTEMBER: As it pleases Chair I am happy to stand this point down.

CHAIRPERSON: Ja.

ADV VERUSCHKA SEPTEMBER: Until such time that reasons are once again sought.

CHAIRPERSON: Yes.

ADV VERUSCHKA SEPTEMBER: From the South African Police Services obligation to it.

20 **CHAIRPERSON:** I – I except for really maybe extreme cases I am not so inclined to see information that I may not share with the public. If we have to have that situation it must really be a compelling situation because I – decisions that I make I must justify them publicly. I am not saying that there can never be a situation where it would be justified to have a situation where I am the only one who sees certain information

but I would like to reserve that for a very rare cases. So you can raise that issue after you have found out exactly what happened.

ADV VERUSCHKA SEPTEMBER: As it pleases Chair.

CHAIRPERSON: Ja.

ADV VERUSCHKA SEPTEMBER: Chair there is one other point that I need to bring to your attention and that is the second annexure to this witness's statement is an affidavit by a Colonel Jacobus Johannes Hendrick Roos.

CHAIRPERSON: What is the surname?

10 **ADV VERUSCHKA SEPTEMBER:** Roos.

CHAIRPERSON: hm.

ADV VERUSCHKA SEPTEMBER: R-o-o-s.

CHAIRPERSON: Hm.

ADV VERUSCHKA SEPTEMBER: For the record. It is five paged affidavit. It was deposed to on the 6th November 2013. With your leave Chair although the – Colonel Roos has informed our investigation team that he is available to give evidence should the Chairperson so wish. It is requested that his affidavit be submitted as evidence. In accordance with that we have sent out Rule 3.3 Notices. They are not
20 only in relation to Mr Roelofse's affidavit but also in relation to Mr Roos's affidavit. In this regard if I can just quickly alert you Chair to the 3.3 Notices that was sent?

CHAIRPERSON: Yes why are we dealing with that now because Mr Roos might be called later is it not?

ADV VERUSCHKA SEPTEMBER: As it pleases Chair.

CHAIRPERSON: Yes. If this witness has need to refer to the affidavit he can refer to the affidavit for what it is worth but if we are going to – you are going to call the witness later let us deal with that later.

ADV VERUSCHKA SEPTEMBER: We will be guided by your direction on that Chair. There were 53 Rule 3.3 Notices that were sent in respect of both Mr Roelofse's affidavit and Mr Roos's affidavit. 49 of those Notices to date have been sent and received. 12 of which was short of the 14 – of a 14 day period but nonetheless have in fact been received. 1...

10 **CHAIRPERSON:** How much short of the 14 day period?

ADV VERUSCHKA SEPTEMBER: 3 of the 49 – sorry 3 of the Notices were sent 13 days before the time. 2 of the Notices were sent 12 days before the time. 4 Notices were sent 11 days before the time and 1 Notice was sent on 8 days before the time, 1 Notice 7 days before the time and 1 days 4 days before the time. The 4 day Notice period though was consequent upon a delay of receipt of the actual Notice which was originally sent out in time. But at some stage there was a failure on the – on the email that was sent and it was subsequently discovered that the company which is LLVS Trading Services has since
20 been de-registered. So accordingly the Notices were then sent to the last referenced directors of that company.

CHAIRPERSON: Well the Notices to some of the people was very short for this. Do they know that Mr Roelofse is giving evidence today?

ADV VERUSCHKA SEPTEMBER: Yes Chair they have all been notified. The responses that we have received outside of Gen – Major

General Phahlane whose representative is here is letters and emails received from Colonel Tximba[?].

CHAIRPERSON: Ja I know you do not have to give me 49 or more names.

ADV VERUSCHKA SEPTEMBER: No problem.

CHAIRPERSON: Mention depends what the point is you want to make. I am concerned simply about the 4 days and I think 8 days or something.

ADV VERUSCHKA SEPTEMBER: Chair in...

10 **CHAIRPERSON:** They know that he is giving evidence today?

ADV VERUSCHKA SEPTEMBER: Chair they have all received – they have all received the Notices so they are fully aware that he is giving evidence today. In line with Rule 3.3 it is our submission though that the Notices have been given within a reasonable period of time.

CHAIRPERSON: Hm.

ADV VERUSCHKA SEPTEMBER: In order for them to address any concerns and prepare to either be here or to take the necessary steps proceeding forward.

CHAIRPERSON: Okay, alright.

20 **ADV VERUSCHKA SEPTEMBER:** I do have to however address the one Notice that has not been received.

CHAIRPERSON: Hm.

ADV VERUSCHKA SEPTEMBER: At all. Chair that Notice relates to a General Chris Ngcobo. His evidence in the context or rather this witness gives evidence in relation to this particular gentleman when he

was the acting Deputy Commissioner of Crime Intelligence. I understand that extensive steps and measures have been taken by the investigators to try to trace General Chris Ngcobo unfortunately to no avail. Some of the steps that have been taken are they have contacted senior – senior officials within Crime Intelligence and DPCI. They have contacted DIRCO. They have searched all social media platforms. They have addressed platforms of the home – of Home Affairs. It was established that his wife was an employee of SARS and they have tried several occasions to try to contact his wife but to no avail. I am – I

10 understand from the investigators that as late as last night they were still trying to call numbers for his wife but none of which have been successful. In relation to the searches that have been done on Mr or General Chris Ngcobo there were at least 17 numbers dating back a few years that they have contacted in trying to establish his whereabouts. He is no longer on the SAPS system and so there has certainly been no joy in trying to contact – in trying to trace him and this search has been continuing for about over three weeks which even started before Mr Roelofse's affidavit was signed off on the 27th August. The only thing I need to bring to your attention Chair is that

20 they have not yet gone out to an address that they have. There is no clarity, certainty, verification that this address is in fact the address of General Chris Ngcobo. Save for physically going out to an address that they found every other possible steps have been taken.

CHAIRPERSON: Okay.

ADV VERUSCHKA SEPTEMBER: And in this regard our submissions

are as follows:

We accept that the Rule 3.3 was not sent.

We submit that Rule 3.3 impresses an object and a purpose to protect the rights of persons who are or may be implicated but however in affording such protection Chair we submit that the work of the commission must also be safeguarded and should not be overlooked.

It is respectfully submitted that this proposition is supported when one reads Rule 3.3 with Rule 11.2. And Rule 3.3 as Chair would know requires that where a – the evidence of a witness implicates or may
10 implicate reasonable notice needs to be provided.

CHAIRPERSON: Yes.

ADV VERUSCHKA SEPTEMBER: However...

CHAIRPERSON: No, no it is fine you have told me what efforts have been made to try and see where he could be served. We can proceed if contact is with him he may apply for such relief as may address his concern that he did not get the Rule 3.3 Notice. Because it would appear that extensive steps were tried to try and locate him for purposes of serving the Rule 3.3 Notice. Yes are you done?

ADV VERUSCHKA SEPTEMBER: And then lastly Chair we have
20 received correspondence as early as this morning ...

CHAIRPERSON: Hm.

ADV VERUSCHKA SEPTEMBER: In relation to certain individuals who has requested that the evidence of this witness be postponed because they believe that they require more time in order to prepare for this hearing today. Having said that there are four individuals which form

part of the Richard Mdluli family and that includes Richard Mdluli himself, Ms Vusiwane Mdluli, Busisiwe Mdluli and Theresa Lyons.

The communication that we received this morning requested that the evidence be postponed in respect of them but it is our submission Chair that timeous notice has been given.

CHAIRPERSON: There is no substantive application?

ADV VERUSCHKA SEPTEMBER: No Chair.

CHAIRPERSON: *Ja.*

ADV VERUSCHKA SEPTEMBER: None whatsoever.

10 **CHAIRPERSON:** Okay.

ADV VERUSCHKA SEPTEMBER: In fact the other requests for postponement of the evidence by other individuals is also not supported by any substantive application.

CHAIRPERSON: Yes.

ADV VERUSCHKA SEPTEMBER: And then with your leave if I may request that the witness please be sworn in. Unless there is anything else you wish me to address.

CHAIRPERSON: Legal representatives of certain affected parties - I have not picked up anything that Ms September said in respect of which
20 you might wish to say anything but if there is you must just indicate that there is something to which you want to react. I do not see any indication. Okay, alright. Please administer the oath or affirmation.

REGISTRAR: Please state your full names for the record.

MR KOBUS DEMEYER ROELOFSE: Kobus Demeyer Roelofse.

REGISTRAR: Do you have any objection to taking the prescribed oath?

MR KOBUS DEMEYER ROELOFSE: No.

REGISTRAR: Do you consider the oath to be binding on your conscience?

MR KOBUS DEMEYER ROELOFSE: Yes.

REGISTRAR: Do you swear that the evidence you will give will be the truth, the whole truth and nothing but the truth? If so please raise your right hand and say so help me God.

MR KOBUS DEMEYER ROELOFSE: So help me God.

MR KOBUS DEMEYER ROELOFSE: (duly sworn, states)

10 **CHAIRPERSON:** Thank you. Before we proceed the file marked EXHIBIT KK2.2 which has a sealed envelope and written supplementary affidavits and annexures of Kobus Demeyer Roelofse is not to be made public at this stage until I decide otherwise and is to be kept separate from the other files to minimise any chances that unauthorised persons may have access to it and then Ms September there is this other file KK2.3 - diagrams.

ADV VERUSCHKA SEPTEMBER: Yes Chair.

CHAIRPERSON: Those are diagrams relating to certain structures.

20 **ADV VERUSCHKA SEPTEMBER:** Yes Chair. In fact the diagrams have been prepared to assist with the - the facilitation of presenting this - the evidence of Mr Roelofse and it is ...

CHAIRPERSON: Yes.

ADV VERUSCHKA SEPTEMBER: Been prepared by Mr Roelofse's consent and instruction ...

CHAIRPERSON: Yes.

ADV VERUSCHKA SEPTEMBER: Which aligns to his evidence ...

CHAIRPERSON: Okay.

ADV VERUSCHKA SEPTEMBER: In the affidavit.

CHAIRPERSON: The file containing diagrams written EXHIBIT KK2.3 will be marked KK - EXHIBIT KK2.3. Did we admit KK2.4?

ADV VERUSCHKA SEPTEMBER: I am not sure.

CHAIRPERSON: I do not think so. The file - lever arch file containing the regulatory framework and case law under the name of Kobus Demeyer Roelofse will be marked EXHIBIT KK2.4. Yes.

10 **UNKNOWN PERSON:** (Inaudible).

ADV VERUSCHKA SEPTEMBER: Thank you Chair.

CHAIRPERSON: What happened?

ADV VERUSCHKA SEPTEMBER: I am - I am not sure Chair.

CHAIRPERSON: Okay, alright. Let us start.

ADV VERUSCHKA SEPTEMBER: Before the - the witness gives the evidence that he has been brought hereto - to inform the Commission about today. He has informed the legal team that there are certain things he would like to place on record at the outset.

CHAIRPERSON: Yes Mr Roelofse.

20 **MR KOBUS DEMEYER ROELOFSE:** Thank you Chair. I am ...

CHAIRPERSON: Is Mr Roelofse - you know the police have got all kinds of titles. Is there a title that I should use or ...?

MR KOBUS DEMEYER ROELOFSE: Mr Roelofse is fine Chair. I am not ...

CHAIRPERSON: Yes.

MR KOBUS DEMEYER ROELOFSE: Too worried to about (intervenes).

CHAIRPERSON: Oh, okay. No I - I just want to make sure because I do not understand all of them.

MR KOBUS DEMEYER ROELOFSE: I think ...

CHAIRPERSON: Yes.

MR KOBUS DEMEYER ROELOFSE: I think testimony you probably would be able to distinguish between (intervenes).

CHAIRPERSON: Let us hope so. Yes. I understand you wish to say something before you start.

10 **MR KOBUS DEMEYER ROELOFSE:** Chair I was just a little bit perturbed. The last couple of months in preparing for this affidavit I have received increasing - information to the effect that which I consider as - as trying to inhibit me from - from testifying at the - at the Commission. I have it in good authority. I do not wish to mention those names at this point in time because I need to protect them as well but I - as I said I was not expecting that.

To me it is a little bit of a - to me it was a little bit sad that it happened. It is not affecting my testimony in the Commission. I must - I will still testify and testify as to what I know. I just want to place that
20 on record that - that it has happened and I am - I am actually perturbed by it.

CHAIRPERSON: Okay. No thank you. Thank you for coming to give evidence to the Commission and to share what you know in terms of what has happened where you have been working and investigations that you have conducted. It is - it is very unacceptable when people

who want to come and assist the nation by assisting the Commission to understand events that fall within its terms of reference are threatened or intimidated.

It is really unacceptable because it is really important that the Commission should get as full a picture as possible of what has been happening because without getting a full picture it cannot make proper recommendations that need to be made to make sure that certain things which may have happened in the past do not happen again which is quite important for a country.

10 I - thank you for not been deterred by those threats from coming to give evidence. We appreciate that very much.

MR KOBUS DEMEYER ROELOFSE: It is - it is a pleasure Chair and I also believe in the Commission. I believe this is where we are supposed to make things right.

CHAIRPERSON: Yes, yes and obviously you are quite knowledgeable in terms of security issues and measures to deal with threats and so on but if you think that there is anything that the Commission may be able to do with regard to the threats to which you have referred please share that information with the legal team and the investigators. So that we
20 can do what we can.

MR KOBUS DEMEYER ROELOFSE: Thank you Chair. I will do so if it is necessary.

CHAIRPERSON: Thank you.

ADV VERUSCHKA SEPTEMBER: Mr Roelofse can I ask you - in Bundle KK2.1 which is the main bundle containing your affidavit - can I

ask you to please turn to page 4 of that bundle? Do you recognise this document?

MR KOBUS DEMEYER ROELOFSE: It is correct Chair. It is my - it is my affidavit or the first page of my affidavit.

ADV VERUSCHKA SEPTEMBER: Can I ask you to then turn to page 72 please? Whose signature appears on this page?

MR KOBUS DEMEYER ROELOFSE: It would be the person that administered the oath Chair.

ADV VERUSCHKA SEPTEMBER: Correct and if you were to turn to
10 page 71 whose signature appears at the bottom?

MR KOBUS DEMEYER ROELOFSE: That is my signature Chair.

ADV VERUSCHKA SEPTEMBER: If you go back to page 72 you will note that there is a difference in date of the - at the top which is marked 29 August 2019 as compared to the stamp which is dated 27 August 2019. On which day did you depose to this affidavit before a Commissioner of Oaths?

MR KOBUS DEMEYER ROELOFSE: I deposed to the affidavit on the 27th. It is - it is a mistake in terms of the - of the date there Chair.

ADV VERUSCHKA SEPTEMBER: Okay. If I can then ask you to turn to
20 page 20 of this bundle. At paragraph 60 you brought it to the attention of the legal team that there was another date typographical error.

MR KOBUS DEMEYER ROELOFSE: That is correct.

ADV VERUSCHKA SEPTEMBER: Can you please clarify it?

MR KOBUS DEMEYER ROELOFSE: That is correct Chair. The date should not read 24 October. It should read 21 October.

ADV VERUSCHKA SEPTEMBER: And now could I ask you to turn to EXHIBIT KK2.2 please in particular page 2? Do you recognise this document?

MR KOBUS DEMEYER ROELOFSE: That is correct Chair. That is my affidavit. My supplementary affidavit.

ADV VERUSCHKA SEPTEMBER: And whose signature appears on page 3 of this affidavit?

MR KOBUS DEMEYER ROELOFSE: It is - it is both my signature and the person that - that deposed - I mean that - that confirmed the
10 affidavit.

ADV VERUSCHKA SEPTEMBER: And is there a similar date typographical error/

MR KOBUS DEMEYER ROELOFSE: That is correct Chair. It should - should read the 27th and not the 29th because I made this just after the other one.

ADV VERUSCHKA SEPTEMBER: And if I could ask you then turn to page - turn back to page 2 of this affidavit. At paragraph 3 you highlighted another date typographical error.

MR KOBUS DEMEYER ROELOFSE: Yes it should - should read the
20 27th Chair.

ADV VERUSCHKA SEPTEMBER: Because that is the date on which you deposed to your affidavit in itself.

MR KOBUS DEMEYER ROELOFSE: That is - that is correct, *ja*.

ADV VERUSCHKA SEPTEMBER: So subject to the corrections do you confirm that all the facts stated in both your main affidavit and the

supplementary affidavit are true and correct and within your personal knowledge unless indicated otherwise.

MR KOBUS DEMEYER ROELOFSE: That is - that is correct Chair.

ADV VERUSCHKA SEPTEMBER: If we can then start off with EXHIBIT KK2.2 because it is inextricably linked to your main affidavit. What is the purpose of you deposing to the supplementary affidavit Mr Roelofse?

MR KOBUS DEMEYER ROELOFSE: Chair during - during compiling the affidavit I - I do work with names relating to people that were in the -
10 they were appointed in the HM Program in 2011. At this point in time I do not know whether some of those individuals are still in the HM Program are involved in projects.

So to side - to err on the side of safety I decided to - to address them by - by a number and then supply the name to - to the Chair because I do not know if they are currently projects and busy with - and busy with undercover operations and I do not want to put that into jeopardy. That is the reason why I am doing it - it this way.

ADV VERUSCHKA SEPTEMBER: If we can then turn to page 4 of the main bundle which is KK2.1. Mr Roelofse is it correct that you are a
20 Colonel in the South African Police Services and employed at the Directorate for Priority Crimes Investigations in the Western Cape?

MR KOBUS DEMEYER ROELOFSE: That is correct Chair. Although I spend most of my time currently up in Gauteng.

ADV VERUSCHKA SEPTEMBER: How did it come about that you came to - that you give evidence before this Commission?

MR KOBUS DEMEYER ROELOFSE: Chair I was approached by investigators of the - of the Commission and they have - they inquired about investigations that I was involved in and then that is how I was - that is how I came about being here.

ADV VERUSCHKA SEPTEMBER: At paragraph 5 you talk about your career in the SAPS.

MR KOBUS DEMEYER ROELOFSE: That is correct.

ADV VERUSCHKA SEPTEMBER: Before you address your career can you please clarify what your - your academic qualifications are please?

10 **MR KOBUS DEMEYER ROELOFSE:** Chair I have a - a BA Degree and - and my main subjects were International Politics and Political Science. I also dabbled a little bit with the law. So that is where I am in terms of my - my degree.

ADV VERUSCHKA SEPTEMBER: Can I ask you to speak a bit louder?

CHAIRPERSON: Let - let me just check. Can everybody at the back hear clearly? No. Okay. It looks like - I think if you could raise your voice. Maybe Ms September too. Okay.

ADV VERUSCHKA SEPTEMBER: Will do Chair.

CHAIRPERSON: Alright.

20 **ADV VERUSCHKA SEPTEMBER:** When did you join the South African Police Service?

MR KOBUS DEMEYER ROELOFSE: I joined the police in 1986 - in January 1986.

ADV VERUSCHKA SEPTEMBER: At paragraph 5 of your affidavit you have a table of your career at the South African Police Service. Can

you please take the Chair through your career at the South African Police Service and the experience that you have acquired as an investigator?

MR KOBUS DEMEYER ROELOFSE: Chair as I said I - I joined the South African Police Service in 1986. I was - I was a section leader at Unit 19 - Public Order Policing at the time up until 1987. Then I went to Cape Town. I was lucky enough to get a transfer there and I have been there since. I have worked with the - at the Cape Town Police Station at the Tactical Crime Prevention Unit at Cape Town Police
10 Station.

Then I went to a Shift Commander as - at Radio Control which is commonly known as - as 10111 and then between 1990 and 1995 I was a Group Commander in Intelligence Gathering and Coordination. I was in - I was recruited into the then security branch in 1990 and we were part of the transfer of the ANC Intelligence into - into SAPS and through that period I was - I was involved in - in Intelligence Gathering Community.

In 1995 to 1996 I went to Serious Violent Crimes where I did Information Coordination regarding gangs. Then 1996 my career in
20 terms of investigation started. I was first involved with investigations into tax violence. Then I was involved with investigations into religious extremism counter terrorism which is the - which was commonly known as PAGAD at the time in Cape Town.

In 2002 I joined the DSO - the Directorate for Priority - Special Directorate for - there are so many abbreviations now. The

DSO - the Directorate for Special Operations.

CHAIRPERSON: Hm.

MR KOBUS DEMEYER ROELOFSE: The - the Scorpions.

CHAIRPERSON: Scorpions?

MR KOBUS DEMEYER ROELOFSE: Scorpions.

CHAIRPERSON: *Ja*, okay.

MR KOBUS DEMEYER ROELOFSE: During that period I was involved with - again with PAGAD. I also was - did the investigation into the travel scandal that was related to Parliament. Then I did various Local
10 Government corruption cases. So I got involved with corruption and fraud in roundabout 2004.

Then I was also involved in the - in the Fidentia matter which I investigated and then in 2010 the Scorpions were disbanded and we - and I elected to join SAPS again and since then I have been in the DPCI where I was involved the Crime Intelligence matter which I am testifying today about.

Also fraud and corruption with - within SASSA as well as SITA and later on we would become involved in the Supply Chain Management Processes of SAPS and fraud and corruption that takes
20 place there.

ADV VERUSCHKA SEPTEMBER: Forgive me but I am even struggling to hear you. Could I ask you to speak louder please?

MR KOBUS DEMEYER ROELOFSE: Okay. I am - I am so sorry. I will speak louder.

ADV VERUSCHKA SEPTEMBER: Thank you.

MR KOBUS DEMEYER ROELOFSE: Must I repeat some of it?

ADV VERUSCHKA SEPTEMBER: No, please continue.

MR KOBUS DEMEYER ROELOFSE: Okay and that is where - and that is my - my experience. I am currently on - and I use the term loosely. I am seconded to - to IPID. In - Independent Police Investigative Directorate ...

CHAIRPERSON: Hm.

MR KOBUS DEMEYER ROELOFSE: And again seconded to the ID. The Investigative Directorate. So I am currently working with the
10 Investigative Directorate in terms of the investigations that they are - that they are commissioned with which includes investigations from the State Capture Commission.

ADV VERUSCHKA SEPTEMBER: Who does your position report to?

MR KOBUS DEMEYER ROELOFSE: I still report to my - my Directorate is still General Lebeya - Lieutenant-General Lebeya from the DPCI but I do in terms of the investigations report to IPID as well as now the ID which is Advocate Cronje.

ADV VERUSCHKA SEPTEMBER: And is it therefore correct that you have more than 20 years of experience as an investigator?

20 **MR KOBUS DEMEYER ROELOFSE:** That is correct Chair.

ADV VERUSCHKA SEPTEMBER: Is it also correct that the evidence that you present before this Commission arises out of your experience as an investigator specific to particular transactions?

MR KOBUS DEMEYER ROELOFSE: That is correct Chair. That is part of the investigations that I dealt with and what happened during that

investigation.

ADV VERUSCHKA SEPTEMBER: Have you given evidence at any other inquiry?

MR KOBUS DEMEYER ROELOFSE: Yes Chair. I have given evidence before the Mokgoro Commission. My evidence related directly to the actions of Mr - Advocate Mrwebi at the time and to a lesser extent Advocate Jiba but more with respect to Advocate Mrwebi.

ADV VERUSCHKA SEPTEMBER: And then for the record the Mokgoro Commission of Inquiry which you refer to is correctly stated as the
10 inquiry in terms of Section 12(6) of the National Prosecuting ...

MR KOBUS DEMEYER ROELOFSE: That is ...

ADV VERUSCHKA SEPTEMBER: Authority Act.

MR KOBUS DEMEYER ROELOFSE: That is correct Chair. As stated in paragraph 6 of my affidavit.

ADV VERUSCHKA SEPTEMBER: Before we turn to the purpose of your affidavit on page 6 I would ask you to please look at KK2.3 which is the diagrams bundle and in particular the first diagram. If I can please ask for the diagram to be projected. Page 1. Chair you will remember that this is the diagram that was presented at the outset of this particular
20 stream of law enforcement and this has been presented to this witness for identification as to which divisions, clusters or departments his evidence relates. Do you ...?

CHAIRPERSON: Yes I cannot recognise it anymore but if you say I - it was presented it must have been presented. Yes, you may continue.

ADV VERUSCHKA SEPTEMBER: Chair through you Mr Roelofse is it

correct that all of the blocks or circles that have been marked in a colour are those - are either offices or institutions or departments that your evidence refers to?

MR KOBUS DEMEYER ROELOFSE: That is - that is correct Chair.

ADV VERUSCHKA SEPTEMBER: And so for the record if we look to the cluster of police ...

CHAIRPERSON: If you look where?

ADV VERUSCHKA SEPTEMBER: To the cluster of ...

CHAIRPERSON: Police?

10 **ADV VERUSCHKA SEPTEMBER:** Police ...

CHAIRPERSON: *Ja.*

ADV VERUSCHKA SEPTEMBER: On the far left hand side. The - the departments that you have highlighted in addition to the offices to which your evidence relates for the record is listed as Crime Intelligence or rather let me start from the top. The Commissioner of the South African Police Service, the National Head, the Deputy - Deputy National Commissioners, Provincial Commissioners and then the four divisions of Crime Intelligence, the South African Police Services, DPCI being the Hawks and IPID.

20 Under SAPS you have particularly highlighted Crime Investigation Services General Detectives. Is that correct?

MR KOBUS DEMEYER ROELOFSE: That is correct Chair.

ADV VERUSCHKA SEPTEMBER: And under DPCI you have highlighted Serious Commercial Crime Investigations and Serious Corruption Investigations. Is that correct?

MR KOBUS DEMEYER ROELOFSE: That is correct - correct Chair.

ADV VERUSCHKA SEPTEMBER: You have also highlighted the Office of the Minister of Police?

MR KOBUS DEMEYER ROELOFSE: That is correct Chair.

ADV VERUSCHKA SEPTEMBER: If one then looks to the - the Cluster of Justice. For the record you have highlighted State Attorney's Office?

MR KOBUS DEMEYER ROELOFSE: That is correct Chair.

ADV VERUSCHKA SEPTEMBER: The National Prosecuting Authority, the Office of the NDPP, the Office of the DNDPP and NPS. In particular
10 the Specialised Commercial Crimes Unit. Is that correct?

MR KOBUS DEMEYER ROELOFSE: That is correct Chair.

ADV VERUSCHKA SEPTEMBER: Collectively you have then centralised an additional highlight under the Parliament Cluster and that is the Auditor-General's Office and the Parliamentary Oversight but in particular the JSC on Intelligence and Portfolio Committees?

MR KOBUS DEMEYER ROELOFSE: That is correct Chair.

ADV VERUSCHKA SEPTEMBER: And lastly on the Cluster of Finance you have highlighted National Treasury and the - and the AG's Office?

MR KOBUS DEMEYER ROELOFSE: That is correct Chair.

20 **ADV VERUSCHKA SEPTEMBER:** And so in highlighting these different divisions, aspects, departments and offices your evidence either mentions them or raises issue or concerns which arises out of either the positions or the offices as highlighted. Is that correct?

MR KOBUS DEMEYER ROELOFSE: That is correct Chair and if I may add it - it also includes the Inspector-General of Intelligence.

ADV VERUSCHKA SEPTEMBER: Okay. Thank you for that and so if we can now turn to - if we can now turn to page 6 of your affidavit. What is the purpose of the evidence that you present to this Commission Mr Roelofse?

MR KOBUS DEMEYER ROELOFSE: Chair the purpose of my affidavit is to place before the Commission evidence into the legal activities of senior and highly placed officers within Crime Intelligence which is a department within South African - the South African Police Service. As will come - become clearer later on my initial concern in terms of this
10 specific affidavit related to a murder investigation that I was requested to do which then led to the investigation which I am - which is called - which I call the SSA looting investigation and I also wish to make it clear to the Commission that I have got no view in terms of the - the guilt of innocence of any of the people that I am mentioning in my affidavit because that is the function of a court of law if and when such
20 evidence is presented at a trial.

My evidence - in my evidence I - I am trying to point - point out the seriousness of the allegations that was made at the time and the lack and failure of the investigation or assistance in the
20 investigation to finalise these investigations. That is what my - that is the second part of - of my testimony of - in terms of what I want to deal with in - in my testimony.

As I said I also deal with anything that hampered the investigations and - and events that - that frustrated the investigation which included senior members of SAPS as well as senior members -

senior members of the NPA and I am of the view that in doing so these - these individuals became part of the problem in that they were supposed to do what is expected - expected of them in terms of their - the office that they hold and they did not and therefore I think that they in my view they - they obstructed the course of justice and defeat - and defeated then the - the ends of justice.

As I said the transactions I deal with in my affidavit originated or facilitated by an operational unit which I call, it's my term and operation unit within the Crime Intelligence that was led by Major
10 General Solomon Lazarus he was the Chief Financial Office of the Secret Services account at the time and General Lazarus had the final financial authority in terms of his delegation in respect of the transactions that I am testifying about. He was also instrumental in appointing certain members within the operational unit that allowed him to manipulate financial transactions and to – for himself, to benefit himself and others.

ADV VERUSCHKA SEPTEMBER: If you could then just pause there is it then correctly stated that your evidence basically deals with – to be addressed in two parts, the first deals with investigations that you've
20 been involved in and the second relates to interference in those investigations?

MR KOBUS DEMEYER ROELOFSE: That is correct, Chair, the first part I deal with in my affidavit just to emphasise the importance of the seriousness of the allegation that was made, as I said earlier it's not about whether the people are guilty or not it's just the seriousness and

the fact that it needed further investigation and what happened afterwards in terms of the non-assistance in terms of that investigation.

ADV VERUSCHKA SEPTEMBER: Thank you, how would you explain the chain of command within Crime Intelligence?

MR KOBUS DEMEYER ROELOFSE: Chair, at the time when I got involved General Mduli, Naggie Mduli was Richard Naggie Mdluli he was the Divisional Commissioner at Crime Intelligence and as such the head as – or Crime Intelligence within SAPS. The second person I mentioned which I'm focusing on is General Lazarus who was the Chief
10 Financial Officer within the SSA account, the Secret Services Account, the third person I am – although a lesser amount I am focusing my is Colonel Heine Johannes Barnard, he was a Section Commander within the supply chain management unit at Crime Intelligence and he was a Procurement Officer which I call as company X and if I can clarify company X was a front company used by CI, Crime Intelligence, it forms part of the clandestine operational set-up of Crime Intelligence, in other words they would do financial transactions through the company, in order to hide agents and sources that is the reason why it is dealt with in that manner. So I do not think it is fair of me to
20 disclose the company name at – because it does not take what I'm testifying about any further.

ADV VERUSCHKA SEPTEMBER: Is it thus correct that Colonel Barnard reported to General Lazarus who in turn reported to General Mdluli?

MR KOBUS DEMEYER ROELOFSE: That is correct and General Mdluli

would in turn report to the National Commissioner at the time, whoever the National Commissioner would have been.

ADV VERUSCHKA SEPTEMBER: And who was the National Commissioner of Police at the time?

MR KOBUS DEMEYER ROELOFSE: It was General Bheki Cele.

ADV VERUSCHKA SEPTEMBER: And the National Commissioner of police at...[intervenes].

CHAIRPERSON: I'm sorry who was it?

MR KOBUS DEMEYER ROELOFSE: General Bheki Cele.

10 **CHAIRPERSON:** Okay what time are we talking about?

MR KOBUS DEMEYER ROELOFSE: Chair I do have the timeframes but I do not have them in front of me now.

CHAIRPERSON: You've got them somewhere?

MR KOBUS DEMEYER ROELOFSE: Ja.

CHAIRPERSON: Okay but for the time to which your evidence relates in relation to this account General Bheki Cele was the National Commissioner, is that correct?

MR KOBUS DEMEYER ROELOFSE: That's correct.

CHAIRPERSON: Or maybe for part of the time?

20 **MR KOBUS DEMEYER ROELOFSE:** It's part of the time Chair quite excessive years.

CHAIRPERSON: Okay over a long period so there are – there is another time when it was somebody else who was National Commissioner or there other people who were National Commissioners at different times that's covered by part of your evidence?

MR KOBUS DEMEYER ROELOFSE: That is correct Chair, or acting yes.

CHAIRPERSON: Yes okay.

ADV VERUSCHKA SEPTEMBER: And the National Commissioner of police, in turn to reported to whom?

MR KOBUS DEMEYER ROELOFSE: He reports to the Minister of Police as well as Parliament.

ADV VERUSCHKA SEPTEMBER: And for purposes of your evidence who was the Minister of Police at the time?

10 **MR KOBUS DEMEYER ROELOFSE:** At the time it was Minister Nathi Mthethwa.

ADV VERUSCHKA SEPTEMBER: Thank you.

CHAIRPERSON: Again we need to check the at - the time.

MR KOBUS DEMEYER ROELOFSE: At the time of General Bheki Cele.

CHAIRPERSON: Oh at the time okay.

MR KOBUS DEMEYER ROELOFSE: Yes my timeframe starts in 2009, so I'm not talking 2009 up until when – I can't remember when the Minister was going somewhere else ja.

20 **CHAIRPERSON:** Changed, okay. Well it's just that it's important that – I mean you are still going to give your evidence, you don't want somebody to complain that you are saying throughout the events covered by your evidence he was National Commissioner if, maybe it's only a quarter of that time that he was National Commissioner or Minister that's why it's important to make that clear.

MR KOBUS DEMEYER ROELOFSE: I agree Chair, and I think we dealt

with it during the affidavit and stipulated timeframes.

CHAIRPERSON: Okay.

ADV VERUSCHKA SEPTEMBER: Chair I've been alerted to the fact that it is 11h15.

CHAIRPERSON: Okay let's take the tea adjournment and we'll resume at half past eleven.

ADV VERUSCHKA SEPTEMBER: As it pleases.

INQUIRY ADJOURNS

INQUIRY RESUMES

10 **CHAIRPERSON:** Let us proceed.

ADV VERUSCHKA SEPTEMBER: Thank you Chair. Mr Roelofse can you please explain to the Chair your understanding of the financial delegations of authority within Crime Intelligence?

MR KOBUS DEMEYER ROELOFSE: Chair my understanding of the financial authorisations within Crime Intelligence is the fact that you – that from a specific rank or position you are allowed to approve certain transactions up to a certain value and the higher your rank goes the higher the approval – the financial approval that you – that you are entitled to give. In that regard it would then General Lazarus and
20 General Mdluli who would have within CI the highest authority in terms of the approval of financial – the financial authorities.

ADV VERUSCHKA SEPTEMBER: And so within those positions there are escalating thresholds of financial authorities, is that right?

MR KOBUS DEMEYER ROELOFSE: That is correct Chairperson as I said it will – I think it starts from a – it starts from a Captain if I am not

mistaken and then the threshold gets higher as the position that you hold is seniority of the position that you hold and depending on where you are within the – within Crime Intelligence.

ADV VERUSCHKA SEPTEMBER: You mentioned the company Company X. When Company X transacted on behalf of Crime Intelligence who was the main representative for the transactions which involved Company X?

MR KOBUS DEMEYER ROELOFSE: Well in terms of the procurement Colonel Barnard would assist and recommend procurement in respect of
10 whatever they identified that they need and then the authority to – to approve those – those transactions would lie with General Lazarus in general. But at times when it exceeds his authority it would go to either General Mdluli or the National Commissioner for that matter if it goes beyond a certain – certain limit.

ADV VERUSCHKA SEPTEMBER: Sorry – and for purposes of your evidence what is the time frame that your evidence covers?

MR KOBUS DEMEYER ROELOFSE: Chairperson my – the evidence covers the timeframe since March 2011 or specifically 23rd March 2011 up until to date in respect of the events – the investigation that I had
20 dealt with and I am relying on affidavits submitted by witnesses given to me during the course of that investigation. And either by witnesses and affidavits I – I made myself during that – during that period. The information that I have obtained as well as the exhibits as well as the information – the witness statements are in my possession and if needed; I will make those available to the commission but it is too

voluminous for me just to add it. As I said when I – when I refer to specific evidence and affidavits, exhibits or annexures I am in possession of such documentation. Unless attached to my affidavit I will make the documents available to the commission on request.

ADV VERUSCHKA SEPTEMBER: And so it is correct then that some of the matters that you refer to before this commission relates to criminal investigations which are still pending?

MR KOBUS DEMEYER ROELOFSE: That is correct Chair. That is one of the reasons why I could not attach them.

10 **ADV VERUSCHKA SEPTEMBER:** For purposes of your evidence there are various concepts that you refer to and some of those concepts are elaborated upon from paragraph 13 of your affidavit to paragraph 26.

MR KOBUS DEMEYER ROELOFSE: That is correct Chair.

ADV VERUSCHKA SEPTEMBER: For the benefit of you evidence can I ask you to then address some of these concepts. The first being on page 8 The Secret Services Account. Before you do so though please clarity what is the mandate of Crime Intelligence?

MR KOBUS DEMEYER ROELOFSE: Chair the mandate of Crime Intelligence is and I am now – I am taking this from the SAPS Annual
20 Report which is dated 2017/2018.

“It is to manage crime intelligence and analyse crime information and provide technical support for investigations and crime prevention operations.”

That is the mandate of Crime Intelligence. And the strategic objectives of crime intelligence are inter alia the following:

To gather crime intelligence in support of the prevention combatting of the investigation of crime.

To collate, evaluate, analyse, coordinate and disseminate intelligence for the purposes of technical operational and strategic utilisation.

To supply intelligence products relating to National Strategic Intelligence to the National – to National Intelligence.

To institute counter-intelligence measures within the South African Police Service.

10 To prevent and fight crime through enhance international cooperation and innovation on police and security matters.

So in effect their mandate relates to crime within South Africa – the fighting of crime. In – and by doing so in assisting then the investigative arm of the police service in doing so.

CHAIRPERSON: So would – would the intelligence gathering function of crime intelligence include information if for example in a community certain people plan to stage a protest and in the process they want to burn some government buildings. Would that be the kind of thing where crime intelligence is the part of SAPS that should get that information in advance, that intelligence in advance?

20 **MR KOBUS DEMEYER ROELOFSE:** That is correct Chair. In respect of in the example that was mentioned now it is expected of crime intelligence to have the necessary intelligence for the South African Police Service specifically your uniform police or visible policing to make the necessary plans and arrangements to either prevent or to make sure that when this happens they are in a position to deal with it.

So it is part and parcel of the crime intelligence that they need to – need to gather for SAPS.

CHAIRPERSON: Okay thank you.

ADV VERUSCHKA SEPTEMBER: What is the Secret Services Account?

MR KOBUS DEMEYER ROELOFSE: Chair the Secret Services Account is money that has been made available through National Treasury and those monies are made available to Crime Intelligence, Military Intelligence as well as the National Intelligence. Although they have
10 got different mandates but it – it comes from the same source. It comes from government – it is government money.

CHAIRPERSON: So would all funding that is given to Crime Intelligence for purposes of carrying out its functions fall within this account? So in other words it would be – it is the only account that Crime Intelligence uses?

MR KOBUS DEMEYER ROELOFSE: Ja it – that is correct Chair that is their source of funding. They might have more than one account number into which the money has been [indistinct].

CHAIRPERSON: Yes but they fall under the same?

20 **MR KOBUS DEMEYER ROELOFSE:** They fall under the same that is correct Chair.

CHAIRPERSON: Ja okay.

MR KOBUS DEMEYER ROELOFSE: So the functioning of all crime intelligence gathering activities of the South African Police Service is largely dependent upon a recruitment utilisation of information – of

informants. That is what they – that is their core business. SSA supplied the funding to obtain and maintain the recruitment utilisation of informants which in turn supplies the information to obtain the above strategic objectives. Simply put South African – the Secret Services Account is a financial management system in the SAPS. It is funding and utilised by Crime Intelligence structures. For inter alia the payment of agents, renting of safe houses, purchasing of assets and the covering of costs and expenses for covert operations. Similarly as I stated earlier the State Security Agency as well as Military
10 Intelligence operate in a compatible system although be it with different mandates.

ADV VERUSCHKA SEPTEMBER: What exactly is a safe house Mr Roelofse?

MR KOBUS DEMEYER ROELOFSE: Chair it is – it is a – a premises identified by – by Crime Intelligence which they would utilise for various functions. It could be – it could be a business premises within a business park that will be part of that objective in terms of that specific project that they are dealing with. In other words they would need that or it will be a house where they would be able to safely
20 debrief informants without going out to the public. They can go and see them there. So there are various reasons or various utilisation of specific safe houses as to why it is needed and why it is used. It is not used for – it cannot be used for private – for ...

CHAIRPERSON: Private purposes.

MR KOBUS DEMEYER ROELOFSE: Private purposes that is correct

Chair.

CHAIRPERSON: So – so it would be premises other than normal offices of Crime Intelligence and those premises would be used for any part of the operations of Crime Intelligence which may require some – which may require secrecy?

MR KOBUS DEMEYER ROELOFSE: That is correct Chair and that is what makes it – that is what makes what they do it places a special responsibility on them. Because under those circumstances it becomes very easy to abuse the assets of the state.

10 **CHAIRPERSON:** Yes.

MR KOBUS DEMEYER ROELOFSE: So there is – there is a special condition.

CHAIRPERSON: Procedure?

MR KOBUS DEMEYER ROELOFSE: Ja on them to – because they are put in a position of trust.

CHAIRPERSON: Ja.

MR KOBUS DEMEYER ROELOFSE: So – and that is which is larger than for instance a visible policeman that is part of the visible policing.

20 **CHAIRPERSON:** So basically if somebody within Crime Intelligence who has got the right to authority believes that there is somebody within Crime Intelligence needs a place to conduct certain operations either in office or a house subject to following certain procedures maybe a house or office maybe identified which would then be either purchased or leased by Crime Intelligence for purposes of carrying out those operations?

MR KOBUS DEMEYER ROELOFSE: That is correct Chair. There is normally a procedure that they follow. They would have a – a registered project. Then they would have certain goals and objectives within that registered project and then if it needs for those goals and objectives to be attained and they need to for instance lease a safe house then they would do it in terms of that. So that – a memorandum will then accompany such an application which then either will be either approved or disapproved – or turned down and then based on that they will then continue with the lease or not,.

10 **ADV VERUSCHKA SEPTEMBER:** You mentioned that the Secret Services Account is used to fund the purchasing of assets. What type of assets are you referring to by way of example?

MR KOBUS DEMEYER ROELOFSE: Chair I am referring to any asset. I think with the right motivations they would probably be able to buy a submarine. But the fact of the matter is you need to motivate what you need and certain scenarios would need special equipment. So for the safe house for instance you would need to – to supply furniture. For an office park – office building you would need to supply furniture as well. But I think the bulk of the – of the monies in terms of the assets goes
20 to the purchase of vehicles because that is a very important aspect or very important tool within their – within what they do.

ADV VERUSCHKA SEPTEMBER: Is the Secret Services Account the only financial account of the South African Police Services?

MR KOBUS DEMEYER ROELOFSE: No Chair there are two accounts that the South African Police Services use. The one is not open to –

the Secret Service Account is not open to the rest of the South African Police. We have another account which we call the Open Account. That account is utilised for normal day to day travelling costs. If I have to travel to Gauteng for instance they would pay my travel cost and my accommodation until I have to go back. So that is what that account is utilised for.

ADV VERUSCHKA SEPTEMBER: Is the Secret Services Account and the Open Account audited in the same way?

MR KOBUS DEMEYER ROELOFSE: No Chair it is not – it is both
10 audited by the Auditor General but there are safeguards in place in terms of the Secret Services Account. The Auditor General has the right to go and have a look at documents relating to – to the acquisition of – of assets. But those documentation are normally classified so there is – there is a different – there is also a special unit within the AG that deals with it. The Secret – the South African or the Open Account is audited through a normal process like any other department.

ADV VERUSCHKA SEPTEMBER: Is it therefore correct that off the back of your evidence National Treasury pays monies to the South African Police Services which has two accounts, is that correct?

MR KOBUS DEMEYER ROELOFSE: Chair I am not exactly sure where
20 it is paid into but I think there is two separate streams of payment. The one goes in as part of the budget which is the open budget and discussed in Parliament I think on the other end in the Portfolio Commission – Portfolio Committee of the South African Police. And the other one is a budget that will be discussed at Portfolio Committee on

Intelligence. I think that is the correct name for it.

ADV VERUSCHKA SEPTEMBER: Well then at least insofar as the Secret Services Account and the Open Account is concerned both of those funds are state funds?

MR KOBUS DEMEYER ROELOFSE: That is correct – that is correct Chair it is both – it is state funds.

ADV VERUSCHKA SEPTEMBER: And the funds of the Secret Services Account is then focussed to meet the mandate of Crime Intelligence?

MR KOBUS DEMEYER ROELOFSE: That is correct Chair.

10 **ADV VERUSCHKA SEPTEMBER:** At paragraph – on page 9 at paragraph 19 you outline the regulatory framework which is applicable to the functioning of Crime Intelligence and the Secret Services Account. Chair for your – just to highlight to you KK2.4 includes the first three pieces of legislation which is the South African Police Services Act, the Public Finance Management Act and the Secret Services Act but it does not include the Policy Directives and Procedures for Crime Intelligence gathering which is a classified document. The next concept that you talk about is the classification of documents and there you deal with the different types of classification
20 and the process for doing so. We now at paragraph 20 on page 9 of your affidavit.

MR KOBUS DEMEYER ROELOFSE: That is correct Chair.

ADV VERUSCHKA SEPTEMBER: Why are documents classified?

CHAIRPERSON: I am sorry. Are you at the right page – are you on the right page?

MR KOBUS DEMEYER ROELOFSE: I am on page 9.

CHAIRPERSON: Yes.

MR KOBUS DEMEYER ROELOFSE: Paragraph 20 yes.

CHAIRPERSON: Yes okay paragraph 20.

MR KOBUS DEMEYER ROELOFSE: Yes.

ADV VERUSCHKA SEPTEMBER: Why are documents classified?

MR KOBUS DEMEYER ROELOFSE: Chair the documents are classified – there is various reasons but one of the most important reasons would be there to – to hide the identity of agents as well as
10 informers. Not to divulge the – the physical addresses of safe houses and – and business premises. So those would be – those would be the reasons within – it will fall within that framework that documents are classified within the SAPS environment or Crime Intelligence environment.

ADV VERUSCHKA SEPTEMBER: What document governs the classification of documents?

MR KOBUS DEMEYER ROELOFSE: It is the Minimum Information Security Standards Document which is commonly known as MISS or the MISS document which was adopted by I think it was adopted by
20 Parliament or the cabinet at some – in early 2000's.

ADV VERUSCHKA SEPTEMBER: And it is correct that this document is classified as restricted but it is available on the internet?

MR KOBUS DEMEYER ROELOFSE: That is correct Chair. By virtue of Right To Know – the Right To Know Campaign they have placed it on the internet.

ADV VERUSCHKA SEPTEMBER: Chair this document too you will find in Bundle KK2.4. From – at page 10 you talk about the different levels of classification. What are the key levels of classification?

MR KOBUS DEMEYER ROELOFSE: Chair before I – before I get there I just want to – to draw the attention of the Chair to paragraph 22. This is a caveat within the MISS document and it states clearly that classification mentioned above are described below and there is a note.

10 “Security measures are not intended and should not be applied to cover up mal-administration, corruption, criminal actions etcetera or to protect individuals, officials involved in such cases.”

So that is – for me that is really important note within that document.

CHAIRPERSON: Yes.

ADV VERUSCHKA SEPTEMBER: Why is that particular paragraph important to you Mr Roelofse for purposes of your evidence?

20 **MR KOBUS DEMEYER ROELOFSE:** The purpose of my evidence is to show the problems – the problems that arise from classification or over-classification of documents and then the – the not understanding that you cannot use classification to hide criminality. And I think that is – that is the purpose of – of the – or one of the purposes of my testimony here today.

ADV VERUSCHKA SEPTEMBER: Is it your assertion that the classification of documents was used to not further investigations that you have been involved in?

MR KOBUS DEMEYER ROELOFSE: That is my assertion Chair I am –

what I am saying is that the documents were classified. The non-classifications of those documents as far as I am concerned allowed for the non-prosecution of those members involved in these alleged transactions. And the classification is used as an excuse not to – not to continue with the – with the – with their various investigations or to hamper the investigations. And in most of these instances the individuals involved are the ones that classified the documents. So it becomes very difficult to get the documents declassified because declassification can only take place by the author or the National
10 Commissioner or someone delegated by him.

ADV VERUSCHKA SEPTEMBER: And whilst you have explained who classifies documents who is entitled to declassify documents?

MR KOBUS DEMEYER ROELOFSE: Chair as I just said it would be the author of that specific document who classified it in the first place or the National Commissioner.

ADV VERUSCHKA SEPTEMBER: What – how many levels of classification are there for classification of documents?

MR KOBUS DEMEYER ROELOFSE: Chair there are four levels of classification. According to the MISS document which is restricted,
20 confidential, secret and top secret.

ADV VERUSCHKA SEPTEMBER: And what is the differences between these levels of classification?

MR KOBUS DEMEYER ROELOFSE: Chair there are – there are various differences it is set out in my affidavit. I will – I will just allude to the explanation in the – in the MISS document.

“A restricted document as explained is used when – when the compromise of information can cause inconvenience to a person or institution but cannot hold a threat or a damage – threat of damage. However compromised of such information can frustrate everyday activities.”

Confidential definition and then there is a test that deals with that and then there is an explanation on page 11.

10 “Confidential is used when compromise of information results in undue damage to the integrity of a person or institution but not entailing a threat or a serious damage of serious damage. The compromise of such information and other can frustrate every day functions, lead to an inconvenience and bring about wasting of funds. The inhibition of systems, the periodical disruption of administration. For example logistical problems, delayed personnel – delayed personnel administration, financial relapses etcetera that
20 inconvenience institution but can be overcome. The [indistinct] and routine cooperation between institutions and or individuals being harmed or delayed but not bringing functions to a halt.”

In respect of this secret classification. The explanation as provided by the MISS document reads as follows:

“Can result in a disruption of the planning and fulfilling of tasks i.e. the objections of a state of institution in such a way that it cannot properly fulfil its normal functions and can disrupt the operational cooperation between institutions in such a way that it threatens the functioning of one or more of these institutions.”

And then Top Secret. The explanation for top secret according to the MISS document.

- 10 “The function of state and or institution being brought to a halt by disciplinary measures, sanctions, boycotts or mass action. The severing of relations between states and the declaration of war.”

So the threshold is quite high.

CHAIRPERSON: Yes.

MR KOBUS DEMEYER ROELOFSE: When it comes to top secret and secret as to why you want to ...

CHAIRPERSON: Yes.

MR KOBUS DEMEYER ROELOFSE: Classify the document.

- 20 **CHAIRPERSON:** Yes. At the back if you are still fine you can still hear you do not have to make any indication but if you do not hear give me some indication? I think they can hear you. Okay alright.

ADV VERUSCHKA SEPTEMBER: To state the ob – what may be obvious then there ascending levels of classification; the lowest level being restricted. The level above that being confidential. The level

above that being secret and the level above that being top secret.

MR KOBUS DEMEYER ROELOFSE: That is correct Chair.

ADV VERUSCHKA SEPTEMBER: Is the security clearance of an individual important or relevant at all in relation to a document which has been classified?

MR KOBUS DEMEYER ROELOFSE: Chair in terms of the author it cannot have any bearing in the sense that a person do now know what information he is going to receive. Information that he receives – received might be of such a sensitive nature that he has to classify the
10 document as top secret before disseminating the document any further. So it depends on the circumstances Chair.

ADV VERUSCHKA SEPTEMBER: Is it correct that you need a particular level of security in order to access a particular document which has been classified at a particular level?

MR KOBUS DEMEYER ROELOFSE: That is correct Chair. You can – you can access the document which is similar to your – your ...

CHAIRPERSON: Your ranking in terms of confidentiality.

MR KOBUS DEMEYER ROELOFSE: Your access.

CHAIRPERSON: Or secrecy.

20 **MR KOBUS DEMEYER ROELOFSE:** That is correct Chair.

CHAIRPERSON: Classification ja.

MR KOBUS DEMEYER ROELOFSE: Ja.

ADV VERUSCHKA SEPTEMBER: The last concepts that you address is on page 12 and you talk specifically to the ranks within the police. Can I ask you to turn to page 74 please which is annexure 1 to your

affidavit? Do you recognise this document?

MR KOBUS DEMEYER ROELOFSE: I do Chair.

ADV VERUSCHKA SEPTEMBER: What exactly is this document?

MR KOBUS DEMEYER ROELOFSE: This document was a document that was compiled by the – by the South African Police Service. It was just prior to the changing of ranks in 2010 which – which changed the – the previous ranking system which was more a civilian ranking system to again a military ranking system. And this was the ranking system that was adopted in April 2010.

10 **ADV VERUSCHKA SEPTEMBER:** In particular the 1st April 2010, is that correct?

MR KOBUS DEMEYER ROELOFSE: That is correct Chair.

ADV VERUSCHKA SEPTEMBER: Is it therefore still current to the ranks of today?

MR KOBUS DEMEYER ROELOFSE: It is still current to the ranks of today Chair.

ADV VERUSCHKA SEPTEMBER: Can I ask you to turn to page 75 please?

MR KOBUS DEMEYER ROELOFSE: I am there.

20 **ADV VERUSCHKA SEPTEMBER:** There is a difference in markings between commissioned officers and non-commissioned officers which is marked on the line on the right hand side.

MR KOBUS DEMEYER ROELOFSE: That is correct Chair.

ADV VERUSCHKA SEPTEMBER: Please explain what is the difference between commissioned officers and non-commissioned officers?

MR KOBUS DEMEYER ROELOFSE: Chair the simple difference is a commissioned officer is an officer within the South African Police Service. In terms of the current ranking system which – I stated earlier it is still the same however it has changed because the rank of Lieutenant that fell away as well the rank of Major has fell away. They were collapsed into Captain and to Lieutenant-Colonel. That happened not too long ago.

ADV VERUSCHKA SEPTEMBER: Thank you.

MR KOBUS DEMEYER ROELOFSE: But in any – but in essence you
10 would have a non-commissioned officer is – is police officers of the rank of Warrant Officer, Sergeant or Constable and then above that it would be then a commissioned officer who is either part of junior management, middle management or senior management.

ADV VERUSCHKA SEPTEMBER: And then for the record this particular document on the left hand side lists the police rank in the current – or it rather lists the current police rank as it was at that time and the column alongside it lists the new police rank which was since adopted on the 1st April 2010, is that right?

MR KOBUS DEMEYER ROELOFSE: That is correct Chair.

20 **ADV VERUSCHKA SEPTEMBER:** Now how would a member of the police progress from one rank to the next?

MR KOBUS DEMEYER ROELOFSE: Chair there are - there is more than one way but the police structure is - is - there is a - there is a specific post allocated to a - to - if I can take an example for instance a police station. You will have 50 posts allocated to that police station.

One of those posts would be the Station Commander. One would be - one of those posts would be the Head of Visible Policing and the Head of Detectives and so forth as you go down.

So when you want to get a promotion a promotion can take place through that post being vacated either by - by death, by - by that person being promoted somewhere else that person leaving the South African Police Service. There are various way how that post can open up and then you can - you can then apply to - for that post. A process will then be followed.

10 You will be shortlisted and if you are successful you will then be appointed in that post and the - and the rule is that you have to stay in that post for at least two years before you can be - before you can ask for a further promotion.

ADV VERUSCHKA SEPTEMBER: So along - if one looks again at page 75 alongside the middle column which is the current police rank there is another column called "Post Title" where you have from the top National Commissioner, Deputy National Commissioner, Divisional Commissioner, Provincial Commissioner and so forth. What is the difference then between a Post Title and a Rank?

20 **MR KOBUS DEMEYER ROELOFSE:** Chair, I - the difference as far as I am concerned. I am not an expert on this but the Post Title is just - it is the - it is how you would refer to a specific post regardless of the person in that post. So the National Commissioner will always be General. Deputy National Commissioner is a Lieutenant-General.

You can only get Acting Deputy National Commissioners if

they are not Deputy National Commissioners and I am - and I am talking under correction there but it is based on the seniority that you have. You will have - if you look at the structure of the South African Police Service - you will have the National Commissioner on top.

Then you would have his three - five or six Deputy National Commissioners who are all of the - who are all having the rank of Lieutenant - Lieutenant-Generals. Then you will have Divisional Commissioners in respect of if I can refer to General Mdluli who was a Divisional Commissioner.

10 Then you will have Provincial Commissioner and you will have Assistant Commissioners or it will be Component Heads and so forth.

ADV VERUSCHKA SEPTEMBER: So is it to be understood correctly that the post is a - is an office within the organogram structure?

MR KOBUS DEMEYER ROELOFSE: That is - that is as far as I know. Yes Chair.

ADV VERUSCHKA SEPTEMBER: And the rank is something that is particular to the individual who occupies ...

MR KOBUS DEMEYER ROELOFSE: That is - that is ...

20 **ADV VERUSCHKA SEPTEMBER:** A particular post?

MR KOBUS DEMEYER ROELOFSE: That is how I understand it Chair.

ADV VERUSCHKA SEPTEMBER: Okay and then is it also correct that when - in order to progress from one rank to the next when an applicant then applies for a post that requires a particular rank if that applicant meets the requirements of that post that individual assumes that rank?

MR KOBUS DEMEYER ROELOFSE: That is - that is correct Chair.

ADV VERUSCHKA SEPTEMBER: Is it possible to jump from one rank to - to another?

MR KOBUS DEMEYER ROELOFSE: Are you talking about more than one rank at a time?

ADV VERUSCHKA SEPTEMBER: Yes. Apologies for that. Is it possible to progress more than one rank at a time?

MR KOBUS DEMEYER ROELOFSE: Chair it is not supposed to be but I see - I have seen it happen before. I think there is exceptional
10 circumstances where it can happen. For instance if a person has got special skills. He has studied and he needs to be appointed within the forensic laboratory for instance and he - and he is now a - a chemist or whatever - whatever the - the position might be.

That - he might have been a Sergeant and he is now been appointed in a - in a Captain's position because of the skills - the scarce skills that he - that he has or she has.

ADV VERUSCHKA SEPTEMBER: Can we then go back to page ...?

CHAIRPERSON: Sorry. You have different ranks but whenever there is a vacancy on a certain rank that would be advertised. Is that correct?

20 **MR KOBUS DEMEYER ROELOFSE:** That is correct Chair. Most of those advertisements would be internal but you would also - if you look at your provincial commissioners and - and so forth you would - you would get external ...

CHAIRPERSON: Yes.

MR KOBUS DEMEYER ROELOFSE: Advertisements for those but most

of it is internal.

CHAIRPERSON: But where a post is advertised there would be no restriction. Would there be to say only people who fall into certain ranks may apply. In other words I maybe at rank - I maybe at - let me see the ranks here. I maybe at the rank of Captain and then there is a position for Director - Brigadier.

If I think that I have got - I meet all the requirements and I have got what it takes. I may apply for that position. Is it not?

MR KOBUS DEMEYER ROELOFSE: Chair nothing stops you from
10 applying but I do not think you would qualify in respect of your application because you would not have the necessary skills and the necessary - you would not have the necessary skills to - to apply for that. So you - you would fall out in the application process but there is nothing stopping you from applying.

CHAIRPERSON: That - that - would that relate to the experience part but in terms of the formal - for example - formal educational qualifications I may qualify in terms of that but maybe I might short - fall short of the requisite experience

MR KOBUS DEMEYER ROELOFSE: And requirements.

20 **CHAIRPERSON:** Is that what you are talking about? So what I am trying to establish is whether the fact that I am at a certain rank may exclude me completely or whether it might not exclude me completely but I am unlikely to be shortlisted because there would be so many others above my rank for example.

MR KOBUS DEMEYER ROELOFSE: Chair if I can answer it in the

following manner. If you - the only exclusion that I am aware of at this point in time is the exclusion - the two year rule. In other words if you have been appointed in a specific rank you cannot apply for a - a promotion within that two year - two year period.

CHAIRPERSON: Yes.

MR KOBUS DEMEYER ROELOFSE: In terms of the others. If you - the difference between a non-commissioned officer and an officer is your academic qualification.

CHAIRPERSON: Hm.

- 10 **MR KOBUS DEMEYER ROELOFSE:** So if you - if you are a non-commissioned officer and you want to apply for a commissioned officer post then you would have to have the necessary academic qualifications. If you - well you can - the fact of the matter is you can put in your application but in terms of the requirements you will not - you will not be considered.

If you are commissioned officer and you are a Captain and you want to apply for the General's post I think you are most welcome to do so but within the - but within the requirements that is needed for that specific post.

- 20 **CHAIRPERSON:** Hm.

MR KOBUS DEMEYER ROELOFSE: So in - in the normal course of business those applications will fall - will fall to - will fall out.

CHAIRPERSON: So would the position that - would the position be that the norm is that people would - people who would be appointed to a certain rank are people who were occupying the rank immediately below

that one as a norm but that sometimes it happens that somebody was occupying a rank that is two ranks below the one he or she is applying for gets appointed?

MR KOBUS DEMEYER ROELOFSE: That is correct Chair. We - we term it going through the ranks. That is the term that we use. So that is the norm. As I said there are instances where there is exceptional circumstances - exceptional circumstances where there is special skills required ...

CHAIRPERSON: Yes, yes.

10 **MR KOBUS DEMEYER ROELOFSE:** Where that can happen.

CHAIRPERSON: Okay.

MR KOBUS DEMEYER ROELOFSE: So that is - that is in a nutshell as to how I understand it ...

CHAIRPERSON: Yes.

MR KOBUS DEMEYER ROELOFSE: Chair.

CHAIRPERSON: Okay, thank you.

20 **ADV VERUSCHKA SEPTEMBER:** If I could ask you then to turn back to page 13 of your affidavit where you document your frustration in securing classified documents. Can you please elaborate on the frustrations that you encountered as you document in your affidavit?

MR KOBUS DEMEYER ROELOFSE: Chair as part of my investigation it - it became evident - evident that the classification of documentation was utilised precisely to cover up maladministration, corrupt, criminal actions and/or to protect individuals involved in such instances. Exactly what the MISS document says you cannot do.

Therefore in my view I think that many of the classified documents were incorrectly classified in that the information contained in such a document did not warrant the high level of classification and - and then secondly since May 2012 that is a period more than seven years. The management of SAPS and CI have frustrated the classification of documents which in my view has been tantamount to refusing the classified - declassified documents to me.

This concerns both documents that I have requested to be declassified and documents that is already in my possession awaiting
10 declassification. To place the undermentioned crime intelligent investigation into context I will deal with specific instances regarding my investigation into the SSA looting investigation.

CHAIRPERSON: So before you - you go there. So what you are actually saying is that you have to - you are meant to conduct certain investigations and those investigations or some of them relates to the Secret Service Account and that in order to carry out your function - your mandate to do your job.

You have over the years needed certain documents which are classified but the management of both SAPS and Crime Intelligence
20 have frustrated your investigations by refusing to declassify documents which you need for your investigations. Is that right?

MR KOBUS DEMEYER ROELOFSE: That is correct Chair.

CHAIRPERSON: And that has happened over seven years I think you say?

MR KOBUS DEMEYER ROELOFSE: That is correct Chair. It happened

over quite a long time and various role players within that process.

CHAIRPERSON: When - when senior management of SAPS and Crime Intelligent frustrate such investigations that are being carried out by somebody within SAPS what remedies have you got? What have you had to do or are you just stuck because they - they are refusing? Is there a door on which you - you are allowed to go and knock and say I am being frustrated here by people who should assist me with this investigation?

MR KOBUS DEMEYER ROELOFSE: Chair if you will allow I think that
10 will come out at - at a later of my or the ...

CHAIRPERSON: Yes.

MR KOBUS DEMEYER ROELOFSE: The second part of my affidavit.

CHAIRPERSON: Yes.

MR KOBUS DEMEYER ROELOFSE: In terms of what - what I have
done ...

CHAIRPERSON: Yes.

MR KOBUS DEMEYER ROELOFSE: In order to get this documentation
declassified.

CHAIRPERSON: Okay. As long as you address it at some stage.

20 **MR KOBUS DEMEYER ROELOFSE:** Yes.

CHAIRPERSON: Okay.

MR KOBUS DEMEYER ROELOFSE: That is the second part of - of my -
of my evidence.

CHAIRPERSON: Because part of what I will be looking at is what it is
that the Commission might be able to do to try and make sure that you

are not frustrated in your investigations. So - so - but we will deal with it when you come to that part.

MR KOBUS DEMEYER ROELOFSE: Thank you Chair. I appreciate it. I just want to make it - put it - put it on record I am not here - I am not at the Commission to ask the Commission to - to help me declassify the documents.

CHAIRPERSON: Yes, yes.

MR KOBUS DEMEYER ROELOFSE: I am here to explain why it did not happen and that something needs to be dealt - something needs to be
10 done to rectify that specific situation.

CHAIRPERSON: Yes. No, no I am - I am not necessarily talking about the declassification. I mean obviously in investigation the types of investigations you are doing is very important and if they are being frustrated that should be a concern and to the extent that the investigations may relate to matters of corruption ...

MR KOBUS DEMEYER ROELOFSE: Yes.

CHAIRPERSON: And maladministration.

MR KOBUS DEMEYER ROELOFSE: That is correct Chair.

CHAIRPERSON: The whole country has an interest in knowing whether
20 there are valid reasons for certain officials not giving you cooperation. So that - that is the angle.

MR KOBUS DEMEYER ROELOFSE: Thank you Chair.

CHAIRPERSON: Okay. Yes.

ADV VERUSCHKA SEPTEMBER: As - as we move into the different types of investigations that you have been involved in it may be

important for you to first clarify how investigators in DPCI are assigned to matters.

MR KOBUS DEMEYER ROELOFSE: Chair normally what happened is that and I am not ...

CHAIRPERSON: Just to mention again DPCI being what is normally called the Hawks?

MR KOBUS DEMEYER ROELOFSE: That is correct Chair. The Hawks.

CHAIRPERSON: Yes.

MR KOBUS DEMEYER ROELOFSE: Normally what would happen on -
10 and I am talking about the provincial - on the provincial level now. You have three - three streams of investigations or three - three units which is Serious Organised Crime, Serious Financial Crimes and Corruption and a specific docket investigation would come into the unit.

It will be then decided does it fall under organised crime, does it fall financial - Serious Financial Crime and then based on that a decision will be taken to give to a specific unit within the DPCI or within the Hawks and then that Commander of that specific unit would then decide Investigator X will receive this investigation and Investigator Y will receive that investigation.

20 It is to make sure that the - the work is allocated equally to members and to allocate it to members that if there is a certain skill that is required that that member gets that specific investigation.

ADV VERUSCHKA SEPTEMBER: What then happened on 21 March 2011?

MR KOBUS DEMEYER ROELOFSE: Chair I was - I was called

Lieutenant - currently Lieutenant-General Matakata. She was then the Major-General Matakata. She was the Head of the Hawks in the Western Cape. She requested me to attend a meeting which I did. In the meeting there were other individuals which included herself, Major-General Sibiya and Major - Lieutenant-General Petros who was the Provincial Commissioner at the time in Gauteng and a - and Colonel Viljoen.

We - we were then requested by Sibiya - General Sibiya to - to take over an investigation that was conducted by the DPCI in
10 Gauteng. Now various reasons were given to us as to why it was needed to be done. One of them that the investigators were the - the current investigators - those investigators were intimidated and the second one was that they needed someone from the outside with - to look at this objectively.

That was the reasons that was advanced to myself and General Matakata then told us to continue with the investigation. That is how I got onto this investigation and it is within General Matakata's right and mandate to appoint me to investigate any matter as the Provincial Head of the DPCI within - within the West - Western Cape.

20 **ADV VERUSCHKA SEPTEMBER:** And what investigation are you specifically referring to here?

MR KOBUS DEMEYER ROELOFSE: I am referring to what we are calling the Mdluli investigation which is a murder - which was a murder investigation. For the purposes of the Commission I am referring to it as the Vosloorus case because that is where it happened.

ADV VERUSCHKA SEPTEMBER: So you were called into this meeting. You were assigned to this case and who was the lead investigator for this investigation?

MR KOBUS DEMEYER ROELOFSE: Chair by virtue of my rank I became the lead investigator of - of this investigation. As I was the senior - I was the senior in respect of - I was Colonel Viljoen's senior at the time.

ADV VERUSCHKA SEPTEMBER: What happened on 31 March 2011?

MR KOBUS DEMEYER ROELOFSE: Chair on 31 March we made an
10 arrangement with General Mdluli to hand himself over at the Boksburg Magistrate's Court which he then did and he was then placed on the court roll and he was detained at that point.

ADV VERUSCHKA SEPTEMBER: And what were the charges against him?

MR KOBUS DEMEYER ROELOFSE: At the - at the time the charges were the following: it is a charge of murder and attempted murder and other charges relating for - relating or ranging from intimidation, kidnapping, assault and defeating the ends of justice.

ADV VERUSCHKA SEPTEMBER: What then transpired on
20 7 April 2011?

MR KOBUS DEMEYER ROELOFSE: Chair on 7 April that was after we conducted a bail application. General Mdluli and three others who were his co accused at the time were granted bail and the case was postponed. I think, *ja* until 30 September 2011 for further investigation.

ADV VERUSCHKA SEPTEMBER: Is it correct that it was also

postponed for the allocation of a High Court date?

MR KOBUS DEMEYER ROELOFSE: *Ja.* In respect of 30 September a High Court date would have been allocated for this matter as well as the indictment would have been - would have been given to the accused at the time.

ADV VERUSCHKA SEPTEMBER: Is it also correct that it was on 14 February 2012 that the matter was set down for trial?

MR KOBUS DEMEYER ROELOFSE: That is correct Chair. On 30 December the matter was set down for - for trial on 14 September -
10 14 February 2012 at Gauteng South High Court in Johannesburg.

ADV VERUSCHKA SEPTEMBER: Did the trial proceed?

MR KOBUS DEMEYER ROELOFSE: No Chair. The trial - trial did not proceed regardless of - regardless of the fact that the charge sheet was drawn up and the indictment was given. The matter was then referred for a - for an inquest ...

ADV VERUSCHKA SEPTEMBER: On ...

MR KOBUS DEMEYER ROELOFSE: At the time.

ADV VERUSCHKA SEPTEMBER: On whose instruction was it referred for an inquest?

20 **MR KOBUS DEMEYER ROELOFSE:** Chair from what I know it was an instruction of the DPP of Gauteng South which is Advocate Chauke.

ADV VERUSCHKA SEPTEMBER: And was that decision challenged?

MR KOBUS DEMEYER ROELOFSE: That is correct Chair. The decision was challenged by Freedom Under Law in - in first the High Court and then it was confirmed in the Supreme Court of Appeal.

ADV VERUSCHKA SEPTEMBER: Chair both of those judgments have been included in Bundle KK2.4.

CHAIRPERSON: I - I see the statement does not say much about what they say. Could you cover that just briefly?

ADV VERUSCHKA SEPTEMBER: In relation to the?

CHAIRPERSON: To what the judgment said what - what was the basis for challenging and what was the basis for the decision. Just so that there is proper context or is - is that something you might - might be more convenient to deal with later?

10 **ADV VERUSCHKA SEPTEMBER:** If I may Chair.

CHAIRPERSON: Okay, alright. Just maybe when we come back from lunch.

ADV VERUSCHKA SEPTEMBER: Will do Chair.

CHAIRPERSON: *Ja*, okay.

ADV VERUSCHKA SEPTEMBER: Following the decision of the Supreme Court of Appeal what following steps were taken?

CHAIRPERSON: I am sorry. You are talking about the decision of the Supreme Court of Appeal?

ADV VERUSCHKA SEPTEMBER: Hm.

20 **CHAIRPERSON:** There was an appeal you mean?

ADV VERUSCHKA SEPTEMBER: Yes Chair.

CHAIRPERSON: *Ja*.

ADV VERUSCHKA SEPTEMBER: The first judgment ...

CHAIRPERSON: Let us - let us start from there.

ADV VERUSCHKA SEPTEMBER: Okay.

CHAIRPERSON: The - the judgment of the High Court in Pretoria was a judgment of Judge Murphy ...

ADV VERUSCHKA SEPTEMBER: Yes Chair.

CHAIRPERSON: And he set aside the decision of the DPP. Is that correct - Mr Chauke?

ADV VERUSCHKA SEPTEMBER: Yes Chair.

CHAIRPERSON: And there was an appeal against that judgment ...

ADV VERUSCHKA SEPTEMBER: Correct Chair.

CHAIRPERSON: And the appeal went to the Supreme Court of Appeal
10 and you can just - formally just say what happened at the - at the appeal.

ADV VERUSCHKA SEPTEMBER: The Supreme Court of Appeal effectively endorsed the judgment of Your Learned Brother Judge Murphy and in the result the charges were reinstated against Richard Mdluli.

CHAIRPERSON: *Ja*, okay. That is fine. Then when we come back from lunch if you can just touch on just whatever maybe important in relation to those without necessarily through the witness. Just to - so that the context is known and those listening can appreciate what
20 happened.

ADV VERUSCHKA SEPTEMBER: As it pleases Chair.

CHAIRPERSON: Hm.

ADV VERUSCHKA SEPTEMBER: What is the importance of the Vosloorus case to the Secret Service investigations that you led?

MR KOBUS DEMEYER ROELOFSE: Chair at the time we did not

concentrate on either Crime Intelligence or the Secret Service Account. Our focus on the - on the Vosloorus case itself but during the investigation of the Vosloorus case there were members of Crime Intelligence that came to me and to Colonel Viljoen and they - they gave us certain information which led us to believe that there are - that there were acts of criminality being committed within Crime Intelligence especially with funds from the Secret Service Account.

Although we received the information quite early or fairly early into the Vosloorus case we did not have time at the time to follow
10 up on - on all the allegations that was made because we were concentrating on the Vosloorus case to finalise that but as the work - as we finalised the work into the Vosloorus case we were able to - to spend more time with the information given to us by other members of Crime Intelligence.

The second thing that happened and I think that is probably the one that opened it up is the fact that we were - as part of the Vosloorus matter we did a search and seizure at the home of General Mdluli in - I cannot remember the exact date now - but it would have been in - just either early April or late April or early May but I
20 think it is - it is in - it is in April. During ...

CHAIRPERSON: Which - which year?

MR KOBUS DEMEYER ROELOFSE: Sorry.

CHAIRPERSON: Which year?

MR KOBUS DEMEYER ROELOFSE: 20 - sorry. I am - I am talking about 2011 now.

CHAIRPERSON: 20?

MR KOBUS DEMEYER ROELOFSE: 2011.

CHAIRPERSON: Okay, alright. If there is something that will refresh your memory you can have a look.

MR KOBUS DEMEYER ROELOFSE: Okay. I will do so ...

CHAIRPERSON: *Ja.*

MR KOBUS DEMEYER ROELOFSE: Chair. I just want to see if I can get that date.

CHAIRPERSON: *Ja.*

10 **ADV VERUSCHKA SEPTEMBER:** I will - I will have a look for the date for the life of me ...

CHAIRPERSON: Yes, okay.

ADV VERUSCHKA SEPTEMBER: I cannot recall that one Chair.

CHAIRPERSON: Okay.

ADV VERUSCHKA SEPTEMBER: Please.

MR KOBUS DEMEYER ROELOFSE: Okay. I will come back.

CHAIRPERSON: Yes. No that is fine.

MR KOBUS DEMEYER ROELOFSE: Chair I will come back and ...

CHAIRPERSON: Yes.

20 **MR KOBUS DEMEYER ROELOFSE:** And share the date with you.

CHAIRPERSON: Yes.

MR KOBUS DEMEYER ROELOFSE: During the search and seizure we - we were able to find or we found two vehicles on the premises of General Mdluli. Those - the two vehicles - the two vehicles I think the one was a ML Mercedes Benz and the other one was a - a BMW. A 3

Series BMW.

Inside the 3 Series W - BMW we found an invoice relating to the acquisition of that specific 3 Series BMW and at the bottom of that invoice there was a - there was a note stating that a specific vehicle has been traded in, in lieu of the vehicle that we have now before us and when we followed up on that we established that that vehicle actually belonged - it is a private vehicle of General Mdluli.

CHAIRPERSON: The one that had been traded in?

MR KOBUS DEMEYER ROELOFSE: The one that had been traded in,
10 yes.

CHAIRPERSON: Yes.

MR KOBUS DEMEYER ROELOFSE: The details of the vehicle was the one that was traded in which is at the bottom of that specific invoice.

CHAIRPERSON: Hm, but the vehicle that - the two vehicles that you found on his premises were Crime Intelligence vehicles or not really?

MR KOBUS DEMEYER ROELOFSE: They were Crime Intelligence vehicles bought by Crime Intelligence by the Secret Service Account.

CHAIRPERSON: Yes, okay.

MR KOBUS DEMEYER ROELOFSE: So it was for purposes of agents
20 and - and informants to be utilised in their capacity as agents and informers. Following up on that we were able to establish the - the dealership that was involved in the transaction. The dealership was identified as Louie Hayes in Pretoria.

When we approached the dealership they assisted us and they - and they cooperated with the investigation. They gave us the

vehicle files and then part of those vehicle files we found in the transaction and they explained to us exactly how the transaction worked and ...

ADV VERUSCHKA SEPTEMBER: And since you are addressing this aspect now, please proceed to explain to the Chair how the transaction worked?

MR KOBUS DEMEYER ROELOFSE: The transaction at Leeu Huis happened as follows. The vehicle that – there were two vehicles – Crime Intelligence came to Leeu Huis and asked them for a vehicle, a
10 BMW and then they also asked for them to put on the floor on their at the dealership the private vehicle of General Mdluli to be sold privately out of hand because he was still – an amount, and I'm talking under correction of R80 000 more or less there outstanding on this hire purchase of that vehicle, so they needed to cover that amount for him to get rid of that specific vehicle. Then the arrangement was made that the profit that or the discount that would go to the one BMW would then be transferred the – the outstanding amount in terms of the balance of the hire purchase of that specific vehicle, the private vehicle of General Mdluli, however, that was not enough I think that amount to about
20 R40 000 so what happened after that is, another company by the name of – or dealership by the name of Atlantis Motors, which we will deal with later, provided R50 000 to Leeu Huis which then allowed them to finalise or to settle the debt on the vehicle, the outstanding amount on the vehicle, the private vehicle of General Mdluli.

However, the R40 000 had to be paid – the R50 000 had to be

paid back so in – in order to do that Crime Intelligence said they will buy two vehicles, the other vehicle, the second vehicle was then bought for – was then, the vehicle wasn't immediately available and was only delivered later on so the discount that was supposed to go to that vehicle wasn't available at the time when Mdluli settled his amount, so that vehicle came later and the discount then went back to Leeu Huis and that money was then paid back to Nissan Atlantis as part of the funds that was used to settle the debt on Mdluli's vehicle. So that is, in essence how it worked, the two vehicles in question are both
10 vehicles bought by Crime Intelligence through the Secret Service account and approved by General Lazarus and arranged by Colonel Barnard, that is, as I said that is, in essence the case that unfolded before us as part of our investigation.

CHAIRPERSON: Yes I just want to understand the whole transaction, so Crime Intelligence did – as you understand the transaction did Crime Intelligence need to buy two vehicles, or you can't say?

MR KOBUS DEMEYER ROELOFSE: Chair later on it transpired when I received the documents, now these are the documents that I cannot utilise, when it transpired that the vehicles that the memo that the
20 company – the payment for these vehicles or the memo that the company request to buy the vehicle were indeed false, the reasons supplied in there does not support the actual use of the vehicle.

CHAIRPERSON: Yes.

MR KOBUS DEMEYER ROELOFSE: So it was bought – the reasons given was something and then was used for something else, so there

was a misrepresentation to the Secret Services Account as well as the South Africa Police Service in terms of the monies that was used there.

CHAIRPERSON: Yes but ultimately two vehicles were purchased by Crime Intelligence?

MR KOBUS DEMEYER ROELOFSE: That is correct Chair and for – and the two vehicles that was bought, the one went to – I will have to have a look at the number within that document that I gave you Chair as well as the other vehicle went to General Mdluli for his use.

CHAIRPERSON: But they were – were they registered under Crime
10 Intelligence or they were bought with - or Crime Intelligence money was used to buy them but otherwise they were registered under General Mdluli's name?

MR KOBUS DEMEYER ROELOFSE: Chair I cannot remember General Mdluli's vehicle, I don't think it was registered specifically in his name it probably was registered in a front company used by Crime Intelligence but the other vehicle was registered in the person that used the vehicle.

CHAIRPERSON: You know I'm talking about just the two.

MR KOBUS DEMEYER ROELOFSE: Yes I'm talking about those two
20 yes.

CHAIRPERSON: Yes you say you don't think that any of them, those two were registered in General Mdluli's name, you don't think so?

MR KOBUS DEMEYER ROELOFSE: No what I'm saying is the one vehicle, if I remember correctly was registered – in other words the 5 series BMW was registered in a front company's name used by CI and

the other vehicle was registered in one the individual's names which is in that list in front of you Chair.

CHAIRPERSON: Okay, okay so would it be correct to say that whoever was key to the purchase of these two vehicles didn't want to hide the fact that these were Crime Intelligence vehicles but they may have wanted to have unlawful use of them?

MR KOBUS DEMEYER ROELOFSE: Yes Chair to a certain extent that is why company X is used to hide it from the public that it is a Crime Intelligence vehicle, that is a requirement, I would consider a legal
10 requirement for them to give a vehicle to someone who is involved in actual projects for the safeguard of that specific person or that project but in this instance that is not what I found.

CHAIRPERSON: And the private vehicle where now it comes in was any money used that should have been for the benefit of Crime Intelligence but ultimately was used to benefit an individual?

MR KOBUS DEMEYER ROELOFSE: Chairperson in respect of that transaction the monies that is supposed to accrue to Crime Intelligence in the form of discounts which related to about R90 000 or R80 000 as I said the exact amount is mentioned later in my affidavit, that amount
20 should have accrued to Crime Intelligence, that discount but instead it went to cover the cost of the final instalment amount of General Mdluli...[intervenes].

CHAIRPERSON: The private...[intervenes].

MR KOBUS DEMEYER ROELOFSE: Of General Mdluli yes, a private individual.

CHAIRPERSON: Yes so would that money have been paid directly to him or would it have been paid to whatever he was going to pay to settle that debt?

MR KOBUS DEMEYER ROELOFSE: Chairperson from – I haven't looked at all the detail but from what I can remember that money was paid by Leeu Huis to they banking institution that still had...[intervenes].

CHAIRPERSON: That he owed?

MR KOBUS DEMEYER ROELOFSE: That's correct Chair.

10 **CHAIRPERSON:** Okay, thank you.

ADV VERUSCHKA SEPTEMBER: If I can then take you to page 17 before we continue with the earlier part of your evidence you talk specifically to the role of Colonel Barnard in purchasing the BMW for General Mdluli, is it correct then that this is exactly the same transaction that you were now referring to as you were explaining it to the Chair?

MR KOBUS DEMEYER ROELOFSE: That is correct Chairperson, this is the transaction that I just explained to the Commission.

20 **ADV VERUSCHKA SEPTEMBER:** And is it then correct they had to break down what you said that it was company X that was represented by Colonel Barnard in the purchase of those vehicles, on behalf of Crime Intelligence?

MR KOBUS DEMEYER ROELOFSE: Sorry I didn't hear the question?

ADV VERUSCHKA SEPTEMBER: Is it correct that it was Colonel Barnard who represented company X in the purchase of the vehicles by

Crime Intelligence?

MR KOBUS DEMEYER ROELOFSE: That is correct Chair and payment was authorised by General Lazarus.

ADV VERUSCHKA SEPTEMBER: And the trade-in vehicle was the vehicle which belonged to General Mdluli and what was the settlement amount on that vehicle as you've indicated in paragraph 42?

MR KOBUS DEMEYER ROELOFSE: Chair the settlement amount was R560 526.01 I see that I did not mention the value of the vehicle which was then, obviously subtracted from the settlement amount which
10 amounted to about R90 000.

ADV VERUSCHKA SEPTEMBER: And in essence the evidence that you've given so far is that Colonel Barnard, on behalf of company X purchased two vehicles for Crime Intelligence, so to speak, in order for them to finance the shortfall on the trade-in vehicle of General Mdluli?

MR KOBUS DEMEYER ROELOFSE: That is correct Chair.

ADV VERUSCHKA SEPTEMBER: And what has been the outcome of this particular investigation?

MR KOBUS DEMEYER ROELOFSE: Chair this is the – this was the beginning, General Mdluli and Colonel Barnard was arrested and my
20 evidence before the Mokgoro Commission relates to this specific transaction and on the 14th of November the case was withdrawn in the Regional Court or the Commercial Crime Court in Pretoria.

ADV VERUSCHKA SEPTEMBER: Now having explained the link between the Vosloorus case and this Secret Services Account investigation you mentioned that you were approached by various

members within Crime Intelligence?

MR KOBUS DEMEYER ROELOFSE: That is correct Chair especially in the early part of the investigation.

ADV VERUSCHKA SEPTEMBER: Did these members approach you openly?

MR KOBUS DEMEYER ROELOFSE: No Chair they would give you a call and you would have to go and meet them somewhere, somewhere clandestine where they feel comfortable talking to you.

ADV VERUSCHKA SEPTEMBER: Why were they scared to meet with
10 you?

MR KOBUS DEMEYER ROELOFSE: Chair from what I understand, what they told me, is that they are scared, they didn't want to come forward and when coming forward in the past they were basically told you cannot do this or you must stop your investigation or why are you asking these questions, so they didn't feel comfortable speaking to their senior officers within Crime Intelligence because that conversations or reprimands came from their own officers, their own senior management.

ADV VERUSCHKA SEPTEMBER: At paragraph 38 on page 15, just to
20 take you a few pages back you talk about an affidavit of Colonel Jacobus Johannes Hendrik Roos, if I'm pronouncing that correctly?

MR KOBUS DEMEYER ROELOFSE: Ja I think it is Jacobus and not Jacobus?

ADV VERUSCHKA SEPTEMBER: Apologies for that, if I can then ask you to go to page 83 of the same bundle, do you recognise this

document?

MR KOBUS DEMEYER ROELOFSE: Yes Chair I do, it is the – it is an affidavit that we received from Colonel Roos, if I'm not mistaken on the - it was commissioned on the 6th of November 2013 and I obtained the affidavit as part of the Crime Intelligence investigation or the SSA investigation.

ADV VERUSCHKA SEPTEMBER: So were you involved in any interviewing or taking down this particular affidavit at all?

MR KOBUS DEMEYER ROELOFSE: That is correct Chair, I
10 interviewed Mr Roos on various occasions regarding his involvement and what had happened to him because it was important for me to understand and to realise the difficulties that he has gone through which, at the time seemed very much similar to the ones that I'm going through and that is the reason why I also took his affidavit to explain where we are in respect of our investigation, the SSA investigation.

ADV VERUSCHKA SEPTEMBER: And what's the important features of this affidavit and the evidence that he gives in this affidavit?

MR KOBUS DEMEYER ROELOFSE: Chair, in essence what Mr Roos
20 has said is that he has in the past brought to the attention of senior management within Crime Intelligence and this now spans from 2004 which did not include the timeframe that I investigated, that he was struggling to get senior management to cooperate and assist with – which I would consider serious accusations towards members of Crime Intelligence. The one, for instance dealt with a company that was used by a member of Crime Intelligence to clean safe houses but he does not

declare it and there's overpayment that takes place. So you need to – I think for the Commission to understand his position, Colonel Roos was an auditor, internal auditor at Crime Intelligence so it was his work to audit the Secret Service's account. So in terms of that he had access to those documents. He started an investigation in 2004 and he was immediately stopped by General Mphogo in a manner that's not even – I don't even consider professional...[intervenes].

ADV VERUSCHKA SEPTEMBER: Sorry and what position did General Mphogo hold at the time?

10 **MR KOBUS DEMEYER ROELOFSE:** As far as I know General Mphogo was either the Divisional Commissioner of Crime Intelligence or he was the acting Divisional Commissioner, I'm not exactly sure but he was the leading person at Crime Intelligence at the time when this took place.

ADV VERUSCHKA SEPTEMBER: What happened after General Mphogo stopped Colonel Roos in his investigation?

MR KOBUS DEMEYER ROELOFSE: Well that's the point nothing happened he was not allowed to continue with his investigation and the important part for me came in 2009 with the appointment of General Mdluli and that relates to the testimony I'm giving today and that is why
20 I asked for an affidavit. Basically what Mr Roos is saying that after the appointment of Mr Mdluli or General Mdluli in 2009 he was appointed on the 1st of June if I'm not mistaken of 2009, he then...[intervenes].

ADV VERUSCHKA SEPTEMBER: Yes correct – first of July 2009.

MR KOBUS DEMEYER ROELOFSE: Sorry Chair it's the 1st of July 2009, he immediately, well immediately is probably the wrong word but

within the same month he requested Colonel Roos together with other members, I think they all form part of the audit team but I'm not sure about the other two, to do an investigation into the Secret Service account and with specifically focusing on General Lazarus as the CFO of the account. He was given a written instruction to do so and his investigation for a while, a couple of months, he provided General Mdluli with progress reports in terms of his investigation. He then – at the time he decided to continue with the investigation that was stopped in 2004 and he also picked up some other anomalies which he then
 10 wanted to investigate. He was then – after giving the second progress report he had difficulties in obtaining documents in his own environment as the auditor and those difficulties, according to him, came from General Lazarus who stopped him from getting the documentation that he needs to finalise the investigation.

ADV VERUSCHKA SEPTEMBER: Is it to be understood that he was stopped by the very person that he was asked to investigate?

MR KOBUS DEMEYER ROELOFSE: That is correct Chair.

ADV VERUSCHKA SEPTEMBER: Thank you.

MR KOBUS DEMEYER ROELOFSE: He then, in writing, requested
 20 General Mdluli to – or he prepared a document for General Mdluli for his signature which would allow him access to these documents. General Mdluli then refused to sign it and on the 3rd of December 2009 General Mdluli removed him from the investigation and stopped that investigation and didn't continue, he wasn't given reasons apart from the fact that he should stop the investigation. So to me that became

important because that was part and parcel of what I have experienced.

ADV VERUSCHKA SEPTEMBER: What happened in November of 2009 we are on page 16 of your affidavit paragraph 39?

MR KOBUS DEMEYER ROELOFSE: My affidavit page 16?

ADV VERUSCHKA SEPTEMBER: Yes.

MR KOBUS DEMEYER ROELOFSE: In November 2009 General Lazarus, he facilitated a trip abroad for General Mdluli and his current wife which is Theresa Lyons to Singapore, shortly thereafter he facilitated another trip abroad for General Mdluli and his ex-wife, Mrs
10 Vusiwane Lilly Mdluli to China and then as I said I deal with this in more detail later on but as on the 3rd of December then General Mdluli stopped the investigation into General Lazarus and the Secret Service's account.

CHAIRPERSON: So this was an investigation into General Lazarus facilitation of the trip for General Mdluli and his wife to Singapore?

MR KOBUS DEMEYER ROELOFSE: No Chair, the investigation did not relate to that the investigation related to the LLVS information, company that was identified and other issues relating to the abuse of the Secret Service's account.

20 **CHAIRPERSON:** Okay.

ADV VERUSCHKA SEPTEMBER: And for the record are you referring to LLVS Trading Services?

MR KOBUS DEMEYER ROELOFSE: That is correct Chair.

ADV VERUSCHKA SEPTEMBER: Now what is the importance of you mentioning the investigation that Colonel Roos was involved in and

then following up with trips that you unearthed to have been arranged by General Lazarus for the Mdluli family, followed up by the stopping of the investigation?

MR KOBUS DEMEYER ROELOFSE: Chair during the course of the investigation, and I'm talking about over the period it became evident to me that General Mdluli, when he was appointed as the head of – Divisional Commissioner of Crime Intelligence, came there with an intention to, let's call it, clean up Crime Intelligence. Unfortunately, he was then – at that stage I would call him the victim of General Lazarus, 10 who set in motion certain events to compromise General Mdluli which includes these two events and based on that, General Mdluli had no option but to stop any investigation because his own actions would become known at that point in time and that is the reason why I'm mentioning it in this fashion. Now you'll see from when I testify further, this is not an isolated incident it happens later on in the affidavit as well where people are getting drawn into a situation and then afterwards they are not able to walk away from that.

ADV VERUSCHKA SEPTEMBER: If we could now then go to page 18 of your affidavit at which you talk about the process that you went 20 through to obtain classified documentation relevant to the investigations that you were involved in?

MR KOBUS DEMEYER ROELOFSE: That is correct Chair.

ADV VERUSCHKA SEPTEMBER: Chair it is paragraph 47 that the date we searched for appears and that is that on the 6th of September 2011 the search and seizure warrants were duly authorised.

CHAIRPERSON: Is that date correct?

MR KOBUS DEMEYER ROELOFSE: Chair the date is correct but it's not the same – I'm not talking about the search and seizure at the home of General Mdluli here, I'm talking about a different search and seizure.

CHAIRPERSON: Okay will you get that corrected in a supplementary affidavit Miss September?

ADV VERUSCHKA SEPTEMBER: Yes Chair, we'll then actually need to find the correct date for the search and seizure. This search and
10 seizure then that was obtained on the 6th of September 2011, what did it relate to?

MR KOBUS DEMEYER ROELOFSE: Chair it related to the information that we received from members of Crime Intelligence, firstly, secondly it relates to the, let's call it the Mdluli Barnard investigation the BMW investigation. So we were looking for documentation either to prove or disprove whether these transactions took place and based on that we applied for the search and seizure warrant which was issued on the 6th of September 2011. Unfortunately, or fortunately – I don't know how you want to phrase that but I felt that at the time I cannot – it's not
20 good governance to serve a search and seizure warrant not only on another department but on the same department that you are working for and I think the constitution also tries to avoid that kind of situation. So I then spoke to General Dramat but at that point in time we were – we didn't get any cooperation so we were – our hands were forced to get search and seizure warrants. At the time I asked General Dramat

who was the – this is now September 2011 who was the head of the DPCI or the Hawks at the time...[intervenes].

ADV VERUSCHKA SEPTEMBER: And that is Anwa Dramat?

MR KOBUS DEMEYER ROELOFSE: General Anwa Dramat, I asked for his assistance because we were – in respect of the Crime and Intelligence investigation because I worked – we're now working from Gauteng out of head office, I reported directly to General Dramat not to General Matekate anymore. We then asked him, due to the sensitivity of the matter whether he will be able to intervene and speak to the
10 heads of Crime Intelligence, those departments so that we can settle how we're going to get hold of the documentation that is needed for the criminal investigation. On the 13th of September 2011 there was a meeting at Oliver Tambo International Airport and the meeting was attended by General Sibiya, General Godfrey Lebeya who is the current head of the DPCI Hawks, at the time he was the head of detective, if I'm not mistaken and therefore Crime Intelligence would have fallen under his command, we had General Major Vele Simon Matshatshe there, General Matshatshe was the acting head of Crime Intelligence at the time and Colonel Viljoen and myself. Now during the meeting
20 agreement was reached between the various heads of those different units within SAPS and it's basically General Dramat and General Lebeya because they were the ultimate responsible persons for those units and an agreement was reached that a person from Crime Intelligence would be appointed to facilitate the process, in other words to make sure we work within the boundaries of the Act as well as

making sure that we don't compromise any current projects or agents or anything like that and in that regard Major General Hankel was appointed to assist us in that process. Major General Hankel is from Crime Intelligence and he then, together with a Brigadier van Graan who was situated or who was from the National Legal Services from SAPS, they then assisted me with obtaining the documentation.

ADV VERUSCHKA SEPTEMBER: So was the search and seizure warrant executed?

MR KOBUS DEMEYER ROELOFSE: The search and seizure warrant
10 was never executed it was never necessary to execute the warrant because we – there was an agreement reached between us and a voluntary participation and the process took place because it's exactly why I approached General Dramat to make sure that we don't have to use – go to that extreme extent to get documents from another department within SAPS.

ADV VERUSCHKA SEPTEMBER: And through this facilitation process did you receive any documents?

MR KOBUS DEMEYER ROELOFSE: That is correct Chair I received documents from General Hankel and as part of the information at we
20 required were the information relating to agents – well seven agents that was appointed within the programme, the Crime Intelligence, what I would call a 250 post, it was a recruitment by Crime Intelligence in that period to ...[intervenes].

ADV VERUSCHKA SEPTEMBER: What period sir?

MR KOBUS DEMEYER ROELOFSE: We're talking about the period of

2010, 2011 to attract people from outside to assist with – to strengthen Crime Intelligence with various skills either IT skills or whatever the case may be, so that was the reason behind the, what we call the 250 recruitment process.

CHAIRPERSON: This might be the right time to take the lunch adjournment, let's continue after lunch we'll resume at 2 o' clock.

REGISTRAR: All rise.

INQUIRY ADJOURNS

INQUIRY RESUMES

10 **CHAIRPERSON:** Okay let us proceed.

ADV VERUSCHKA SEPTEMBER: Chair to address your first query in relation to the terms of office of the Minister of Police and the National Commissioners of Police our investigator was kind enough to extract two pages of a presentation at the start of the stream which by your leave I ask that I could hand up?

CHAIRPERSON: Okay.

ADV VERUSCHKA SEPTEMBER: Thank you.

CHAIRPERSON: Thank you.

20 **ADV VERUSCHKA SEPTEMBER:** And then Chair in relation to the high court judgment which is the full Freedom under Law judgment which is at Tab 8 under KK2.4 of that – of this bundle. It was Justice Murphy who handed down the decision and essentially the decisions that were sought to be reviewed related to decisions concerning General Mdluli it – in particular then concerned the review and set a siding of those decisions. In that regard the high court had set aside

three decisions. The first decision was the decision to withdraw...

CHAIRPERSON: The disciplinary proceedings.

ADV VERUSCHKA SEPTEMBER: Correct Chair.

CHAIRPERSON: The withdrawal of the disciplinary proceedings and his reinstatement. And then the withdrawal of the criminal charges.

ADV VERUSCHKA SEPTEMBER: Correct Chair and it is those particular criminal charges which are the fraud and corruption charges that this witness speaks to in relation to General Mdluli and Colonel Barnard.

10 **CHAIRPERSON:** Yes.

ADV VERUSCHKA SEPTEMBER: There was also a decision taken to withdraw 17 criminal charges by Advocate Chauke but having said that the high court also granted an order which was an interdict to reinstate the criminal charges against General Mdluli and so to reinstate the disciplinary proceedings against General Mdluli.

CHAIRPERSON: Yes.

ADV VERUSCHKA SEPTEMBER: In addition to ancillary orders.

CHAIRPERSON: Hm.

20 **ADV VERUSCHKA SEPTEMBER:** The Supreme Court of Appeal through Justice Brandt confirmed the setting aside of the decisions in relation to the withdrawal of the corruption and fraud charges against General Mdluli so to the decision to withdraw the disciplinary proceedings against General Mdluli and so to the decision to reinstate Mdluli as the Head of Crime Intelligence. So all those three were then set aside. However the court was not prepared to confirm the orders

which called for the reinstatement – sorry the court did not agree with the ordering of the interdicts to reinstate because it found that the interdicts were inappropriate transgressions of the separations of power doctrine. It also went so far as to not agree with the setting aside of Advocate Chauke’s decision to withdraw those 17 criminal charges but what it did do is that it gave effect to the NDPP’s undertaking to decide which of those 17 charges which included murder and related crimes which were withdrawn are to be reinstated and to make that decision known to Freedom under Law within two months of
10 the order and to provide any reasons if it does not reinstate any of those charges. In addition to ancillary orders Chair?

CHAIRPERSON: Okay no that is fine.

ADV VERUSCHKA SEPTEMBER: If we could then continue at page 19 of this witness’s affidavit? And that is bundle KK2.1 for the record. Mr Roelofse what happened on the 18th October 2011? I think your microphone is off.

MR KOBUS DEMEYER ROELOFSE: Chair on that specific date I had an arrangement to see one Colonel Naidoo – DG Naidoo. He worked at Crime Intelligence and from the documentations that I received from
20 Crime Intelligence as part of the request for – for documents from them I received seven files relating to the – relating to specific agents that were appointed within the 250 appointments which we referred to as the 250 appointments. In respect of those files I was able to establish that this Colonel Naidoo was the person that actually dealt with these individuals as well as do – did the administration surrounding their

work at Crime Intelligence within the agent program. So based on that I requested Colonel Naidoo to come and see me and I interviewed him. I also interviewed him regarding the trip to Singapore which I alluded to earlier and – and I confronted him with the documentation that I had in my possession. Colonel Naidoo from – from my understanding....

CHAIRPERSON: One second. Yes.

MR KOBUS DEMEYER ROELOFSE: Colonel Naidoo from my understanding and from what he has told me he reported – he worked for General Lazarus within the operational group which I have earlier
10 [indistinct] and he reported directly to General Lazarus.

ADV VERUSCHKA SEPTEMBER: And how exactly would you describe the relationship as he described it to you between Colonel Naidoo and General Lazarus?

MR KOBUS DEMEYER ROELOFSE: Colonel Naidoo described to me that he is – that he is friends with General Lazarus and that they are – that they are related in terms of family albeit not closely but they are related in terms of their family. Family relationships. So he knew him and he worked with him for at that point in time for quite some time. He was also – Colonel – General Lazarus was also instrumental in bringing
20 him from Kwazulu Natal to Gauteng where he can work for him at the Crime Intelligence office.

ADV VERUSCHKA SEPTEMBER: And what transpired then at the interviews that you held with Colonel Naidoo?

MR KOBUS DEMEYER ROELOFSE: I interviewed him. He was actually quite forthcoming in the – in the – on the 18th but I could also

see that he was reluctant to fully disclose as to what his role was and where he was involved in. I then said to him I concluded that interview for the interview for that day and I asked him to come back the next day which he did. I then spoke to him on the 19th and ...

ADV VERUSCHKA SEPTEMBER: And the 19th of which month and year?

MR KOBUS DEMEYER ROELOFSE: Sorry 19th October in other words the next day, the 19th October 2011. And he then decided – he made a decision to assist me with the investigation; Colonel Naidoo. And as
10 part of that he – he briefed me and he told me about allegations that was – allegations in respect of the abuse of the Secret Service Account as well as his own role in the abuse of the fund. He then – he – he then went on that according to me he went on that day – he went back to his office – this is now after he decided to assist me and his – and he alluded to certain things. Obviously it was not an extensive list but he started to cooperate. He then confided in – he confided in Colonel Barnard on that day which is the 19th according to me and...

ADV VERUSCHKA SEPTEMBER: And that is the 19th October 2011?

MR KOBUS DEMEYER ROELOFSE: 19th October 2011 sorry – sorry
20 Chair. And on that same day he was fetched from his home by General Laz – well not General Lazarus – this is now where I come to – come to mention the code names or the numbers.

CHAIRPERSON: Oh yes okay.

MR KOBUS DEMEYER ROELOFSE: And it was – it was FM08 and FM09 that came to fetch him from his home.

CHAIRPERSON: MF9?

MR KOBUS DEMEYER ROELOFSE: FM08 and FM09.

CHAIRPERSON: Okay, okay.

MR KOBUS DEMEYER ROELOFSE: They came to fetch from – at his
– at his residence.

CHAIRPERSON: Yes.

MR KOBUS DEMEYER ROELOFSE: They took him to the residence of
General Lazarus; the private residence of General Lazarus and they
wanted to know from him – they accused him that he – that they know
10 for a fact that he is working with the DPCI. And they wanted to know
from him what he told the DPCI meaning now me. An additional
individual in – also came there which I marked as FM10 – 10,10 and
they – he joined them at General Lazarus' home. Colonel Naidoo
according to him he denied the allegation that he was working with the
DPCI because he thought that will be prudent at the time that he did
not know what they want to do with him so he denied that he was
working with us. It was during that conversation that – that FM10 also
told him that the Hawks informed him – and I do not know who these
Hawks are that Colonel Naidoo admitted to certain things and it is now
20 on the side of the DPCI. Colonel Naidoo told me that he again denied
the allegations and there was – and he was able to deflect the
suspicion regarding their accusations. He then states to me that the
conversation then turned to general topics and at some stage they talk
about a company called Westville Travel and air tickets that were
purchased through that company. FM08 then says that according to

Naidoo that Hankel requested certain documentation from him regarding the air tickets. FM10 and FM – FM 10 told then according to Naidoo FM08 that he must try and destroy the records pertaining to the air tickets. On the 20th October 2011 that during the discussion on the 19th he was – on the 19th at General Lazarus' home that he – that he heard them discussing a placement of a newspaper article in the – relating to General Dramat and General Sibiya and it is an article regarding – regarding the rendition matter that General Dramat was later accused of. He said that General Lazarus wanted to use
10 [indistinct] within the media to write a story in order to take the focus away from them. This according to Colonel Naidoo is a strategy employed to cast suspicion on those perceived to be threat. General Lazarus reviewed Dramat – General Dramat as the Head of the DPCI as the force behind the investigation into Crime Intelligence. I was then – I informed General Dramat at the time of what was told to me and then a newspaper article appeared on the 23rd October 2011 in the Sunday Times. General – General Mdluli in terms of his representation and I am jumping a little bit here – he made a representation to the NPA with regards to his prosecution. Part of that representation indicated that
20 there is a conspiracy against him and that – and – and they used that according to Naidoo to – to cast suspicion on General Dramat and the investigating team. So these newspaper articles the information is leaked to cast suspicion on individual that wants to do their work. I – as I said on the 23rd October 2011 this newspaper article surfaced in the Sunday Times. I was not aware that the newspaper article will be

published in the Sunday Times. That was not said, he did not know that. He just said a newspaper article will be published. And then I – later on I became aware that the Sunday Times published an article on the 13th October – ah no – at a later stage I became aware the Sunday Times published a further article or must I – I rephrase that – an initial article on the 13th October which I did not know about at the time continuing to implicate General Dramat in the rendition scandal see an – and I have got that as Annexure KDR4 to my statement.

CHAIRPERSON: Ms September. The witness wants to – wants
10 guidance from you.

ADV VERUSCHKA SEPTEMBER: Humble apologies Chair I was just
[indistinct] into the record.

MR KOBUS DEMEYER ROELOFSE: I just need to know whether I
should go to KDR4 the annexure to this – to paragraph 59.1.

ADV VERUSCHKA SEPTEMBER: In fact since you are on that page.
The information and intelligence that you then received through Colonel
Naidoo is it correct then that such intelligence proved true through the
publications in the newspaper which you are wanting to refer to?

MR KOBUS DEMEYER ROELOFSE: That is correct Chair. The
20 information that he provided to me indicated about the rendition article
implicating General Sibiya and General Dramat and that is what I then
subsequently found in the article of – dated the 23rd October 2011.

ADV VERUSCHKA SEPTEMBER: And can I ask you then to turn to
page 104 of the same bundle please? And on the left hand side you
have a title called Hawks and SA Police Arresting Suspects and sending

them over the border to be murdered. Is that the article that you were referring to?

MR KOBUS DEMEYER ROELOFSE: That is the article I am referring to. Which I took to be the article that Colonel Naidoo was referring to.

ADV VERUSCHKA SEPTEMBER: And Chair the same article has been typed up in a bit more of legible terms on page 105 to 106.

CHAIRPERSON: Okay.

ADV VERUSCHKA SEPTEMBER: Is it correct then that there was a further article that was published on the 13th October 2012 along the
10 same line?

MR KOBUS DEMEYER ROELOFSE: Ja it was not a further article I presumed that was the first article, this is the further article. The one on the 23rd.

ADV VERUSCHKA SEPTEMBER: Oops humble apology I am getting my dates confused. If we could turn to then page 108. And again on the far left hand side you have an article titled Dramat to be interrogated over claims that he facilitated illegal deportation of men who were tortured and killed and Zimbabwe headed up by the bigger heading of Hawks Boss fingered in rendition scandal. Is that the article
20 that you referred to?

MR KOBUS DEMEYER ROELOFSE: That is the article that I referred to and which I subsequent to Naidoo informing me about the 23rd October 2011 article which I then went back and I saw this article which – which was published on the – on the 13th October 2013.

ADV VERUSCHKA SEPTEMBER: And Chair once again as with the

previous article this is too been typed up in a more legible format on page 109 and 110. What then happened on the 21st October 2011 Mr Roelofse?

MR KOBUS DEMEYER ROELOFSE: On the 21st October I was – I was called by Colonel Naidoo he was quite upset at the time and I then went to see him. During our discussion there he said he was again fetched from his home that morning and taken to the Crime Intelligence offices where Barnard, FM07 and FM10 were present and he felt unsafe. That same evening I placed Colonel Naidoo together with his family in the
10 witness protection program to alleviate his – his concern regarding his safety. And that was now the 2nd or 3rd attempt of intimidating Colonel Naidoo at that point in time.

ADV VERUSCHKA SEPTEMBER: At paragraph 61 you talk to the authority of Lazarus to release funds from the Secret Services Account and his relationship or alleged relationship rather with reporters and lawyers. Can you please amplify on that?

MR KOBUS DEMEYER ROELOFSE: Chair I can only state here and as I stated in this affidavit – in this paragraph I can state what – what Colonel Naidoo has told me and then subsequent what I found
20 afterwards. Now Colonel Naidoo has informed me that General Lazarus had the authority to release funds from the SSA which is a fact. He has that – he has that authority. He was able to control funds being paid to sources and contact persons which is also correct. He then states that reporters are used to publish and withhold articles to drive a certain narrative. According to Colonel Naidoo these reporters are paid from

the Secret Services Account. I am also aware that General Lazarus used funds from the Secret Services Account to directly appoint defence lawyers to represent him after the search warrants were issued in respect of the two CI officers and I refer to the date of the 6th September 2011 which were eventually not executed by agreement.

ADV VERUSCHKA SEPTEMBER: How do you know this about the use of funds from the Secret Services Account to appoint defence lawyers?

MR KOBUS DEMEYER ROELOFSE: Chair at the time I sat in the car. The call came through to Colonel Viljoen and we were on our way to a
10 meeting as I alluded earlier at Oliver Tambo with General Lebeya and General Dramat and General Sibeya. And there was an instruction or there was a communication from the defence lawyer who spoke on the phone and I heard the conversation it was on loudspeaker. That he said he was appointed by Crime Intelligence to – to represent them in terms of the search and seizure warrants that were issued. And I did not – I did not take any notice of the call I said we are not – we will not be – we will not be talking to them. Because that was not the – that was not the proper procedure that – that was followed. He ought to have gone to the SAPS – SAPS legal services to appoint lawyers
20 through the State's Attorney's office and not directly approach us. That is the proper way of dealing with – with that kind of representation. In my view there was no legal basis to challenge those warrants and I am of the opinion that the payment for – for these legal representatives came from the Secret Services Account.

ADV VERUSCHKA SEPTEMBER: Is it your opinion or is it fact?

MR KOBUS DEMEYER ROELOFSE: From – I have – I had – I thought about this again after – after – after making the affidavit. I cannot state it as a fact. I know what he said. He said that he is representing the Crime Intelligence. I took that as a fact that Crime Intelligence is paying him.

ADV VERUSCHKA SEPTEMBER: And so whilst it may be that you are aware that there were certain defence lawyers that were involved in the issue relating to the search warrants you do not know for a fact that state funds through the Secret Services Account was used to pay those
10 lawyers?

MR KOBUS DEMEYER ROELOFSE: No I am not and I based my opinion on the – on the conversation that I heard on the telephone – on the telephonic call.

ADV VERUSCHKA SEPTEMBER: At paragraph 62 of your affidavit you talk about certain communications with the Chairperson of the Joint Standing Committee on Intelligence, Mr Cecil Burgess.

MR KOBUS DEMEYER ROELOFSE: That is correct Chair.

ADV VERUSCHKA SEPTEMBER: Can you please elaborate on this further and how you came to learn of this information?

20 **MR KOBUS DEMEYER ROELOFSE:** This information came via General Hankel who was appointed as the let us call him the liaison officer between myself and Crime Intelligence. He said to me that General Lazarus approached – approached the Chairperson of the Joint Standing Committee on Intelligence Mr Cecil Burgess on various occasions without notifying the acting divisional commissioner who was

General Matshatshe at the time. General Lazarus was apparently according to General Hankel trying to convince Mr Burgess that the investigation that we are conducting are compromising national security. A letter from Mr Burgess stating that General Hankel must be removed from the investigation was sent to the acting divisional commissioner of CI which was General Matshatshe and I have had sight of that letter. In fact there was more than one letter requesting General Matshatshe to take – remove General Hankel from – from assisting us.

10 **ADV VERUSCHKA SEPTEMBER:** Was General Hankel's continuation in the matter affected at all?

CHAIRPERSON: One second. I asked that they switch off the air conditioner because I have a little bit of flu but I want to check I do not want to punish people in case it is too hot already. Are people feeling that the – they should – they should switch it on? Okay I get an indication that it is manageable. Okay thank you.

ADV VERUSCHKA SEPTEMBER: What happen ...

CHAIRPERSON: Yes.

20 **ADV VERUSCHKA SEPTEMBER:** Thank you Chair. What happened with General Hankel's involvement in the investigation or continued involvement with the investigation?

MR KOBUS DEMEYER ROELOFSE: His continued involvement was terminated. He was not allowed to – to assist me any further and he was transferred out of Crime Intelligence together with General Sinthumile and General Matshatshe at the time.

ADV VERUSCHKA SEPTEMBER: And then what was the consequence of General Hankel's removal from the investigation to your – the investigations that you were conducting? How did it impact your investigations?

MR KOBUS DEMEYER ROELOFSE: Chair I received documentation through General Hankel on request as part of the agreement that was set down in August. With his removal I did not receive any further documentation from Crime Intelligence. I did not receive any further assistance from Crime Intelligence in respect of the investigation. It
10 stopped there.

REGISTRAR: Is it correct that you together with Colonel Viljoen obtained additional search and seizure warrants?

MR KOBUS DEMEYER ROELOFSE: That is correct Chair.

ADV VERUSCHKA SEPTEMBER: And in relation to which matters or investigations rather did you obtain these search and seizure warrants?

MR KOBUS DEMEYER ROELOFSE: Chair as any – as – when you continue with an investigation if you cannot get your documentation from that source you – you go then to – to try to take the – another route. We knew that an instance or certain instances that they made
20 use of private companies. They cannot – those companies cannot use the excuse of classified documentation because the documents are not classified. So we – we applied for search and seizure warrants on some of those companies. One of them would have – is a company – well as part of that application for the search and seizure I also applied for access to IT equipment, computers, hard drives, etcetera. Now at

the time the – unit that dealt with – with that investigation or the unit that I would approach to assist me to – to – to seize those kind of equipment from a crime scene was based within Crime Intelligence and they work under the direct command of General Lazarus. And we – I found is that as part of the procedure that was followed within Crime Intelligence that commander of that unit which is called the Technical Support Unit had to inform General Lazarus of each and every – as part of his normal course of duties of each and every search and seizure that they are going to take part in. So I found myself in a position
10 where the very person that I am investigating is now being reported to in terms of a search and seizure that I want to go and do in terms of people that has been implicated with him in wrongdoing.

ADV VERUSCHKA SEPTEMBER: If I can then take you to para - tab five - Annexure 5 which starts at page 1-1-3 of your bundle. Please identify this document.

MR KOBUS DEMEYER ROELOFSE: Chair, I - I drew up this document in the period between February and March - beginning of March 20 - 2012. This document was borne out of the fact that I - at that time I was quite despondent. I did not know what was going on. I could not -
20 the matters were withdrawn in the - in the High Court as well as the Regional Court.

The reasons did not make sense to me and it seems to me that or it seemed to me at the time that we are not fighting necessarily the individuals that is involved in the criminality but officials within - within Government or within the NPA and SAPS to get these people to

book and that is - that is one of the reasons why I drew up this - this report and as part of the report I then listed certain incidents as to what we tried to do to make sure that this matter stays on the court roll and to get it back onto the court roll.

ADV VERUSCHKA SEPTEMBER: So if we can then pause here. It is correct that you were brought on board to lead up the investigation into what you call the Vosloorus matter?

MR KOBUS DEMEYER ROELOFSE: That is correct Chair.

ADV VERUSCHKA SEPTEMBER: And it is also then correct that
10 through your investigations in the Vosloorus matter you had discovered additional information which related to the Secret Service Account and in particular the looting of the Secret Service Account?

MR KOBUS DEMEYER ROELOFSE: That is correct Chair.

ADV VERUSCHKA SEPTEMBER: And you obtained this information through several members that you interviewed some of which you obtained affidavits. Others of which you just interviewed?

MR KOBUS DEMEYER ROELOFSE: That is correct Chair of which the most important would then be at the end of the day Colonel Naidoo which I interviewed.

20 **ADV VERUSCHKA SEPTEMBER:** And the information that you then received from Colonel Naidoo did that information lead to various investigations?

MR KOBUS DEMEYER ROELOFSE: That is correct Chair. That - that triggered various investigations relating to the information that he has - that he had provided to me at the time.

ADV VERUSCHKA SEPTEMBER: Can I then ask you to turn to EXHIBIT KK2.3 which is the diagrams bundle page 2?

MR KOBUS DEMEYER ROELOFSE: Diagram 2?

ADV VERUSCHKA SEPTEMBER: The - the diagrams bundle, yes. Page 2.

MR KOBUS DEMEYER ROELOFSE: Page 2 or diagram 2?

ADV VERUSCHKA SEPTEMBER: Sorry.

MR KOBUS DEMEYER ROELOFSE: Page 2 or diagram 2.

ADV VERUSCHKA SEPTEMBER: Diagram 2, sorry. Can we project it
10 please? Okay. Is this a fair representation of the investigations that
you have been involved in and led?

MR KOBUS DEMEYER ROELOFSE: It is. Yes, yes Chair. It is a fair representation.

ADV VERUSCHKA SEPTEMBER: And is it correct then that through the evidence that you have given to this Commission your entry investigation into the Secret Service Account was the Mdluli/Vosloorus case? As you have termed it to be.

MR KOBUS DEMEYER ROELOFSE: That is correct Chair.

ADV VERUSCHKA SEPTEMBER: And out of your investigations in that
20 matter at least 11 investigations have ensued?

MR KOBUS DEMEYER ROELOFSE: That is correct Chair.

ADV VERUSCHKA SEPTEMBER: Are these the investigations that you will now specifically talk to?

MR KOBUS DEMEYER ROELOFSE: That is correct Chair.

ADV VERUSCHKA SEPTEMBER: And who has been the main source of

information for these investigations that you have led?

MR KOBUS DEMEYER ROELOFSE: That would be Colonel Naidoo together with our independent investigations into Atlantis Motors.

ADV VERUSCHKA SEPTEMBER: Okay. If we can then turn to - turn back to page 22. Having looked at that diagram now which lists 11 investigations is that an exhaustive list of all the investigations that arose out of the information you obtained from Colonel Naidoo?

MR KOBUS DEMEYER ROELOFSE: No Chair it is not - it is not an exhaustive list. I deal with these because I have - I was able to
10 corroborate either fully or to a - to a certain extent what Colonel Naidoo has said to me in terms of these investigations. There are others - other investigations which I could not conduct.

I never received the documentation which I - documentation which I requested from Crime Intelligence to finalise those investigations.

ADV VERUSCHKA SEPTEMBER: Okay. On page 23 paragraph 66 you talk specifically to an engagement that you had with General Mothiba during late 2011 or early 2011. Can you please elaborate on that to the Chair and how it came about that you had this engagement?

20 **MR KOBUS DEMEYER ROELOFSE:** Chair right from the start when I - when I just - after I spoke to - to Colonel Naidoo I involved - involved General Hankel in my discussions because I did not want to be seen as - as irresponsible when working with this kind - in this environment. So General Hankel was aware of what Naidoo said. He was present during one - during some of these - these briefings that we had.

As part of that General - General Hankel also reported back through his structures and I reported back through my structures through General Dramat as to what we have uncovered and then based on that I was approached by - by Brigadier De Villiers Odendaal who works for the Legal Services Department at - at the National Office for SAPS.

He then introduced me to General Mothiba who was at the time the Head of Detectives and he then said to me that they want to come and see me so that I can brief them in terms of what we have
10 uncovered. They came - they flew down to Cape Town and they - and I went to see them and I informed them about the information that I received from - from Colonel Naidoo and - and the information that I received from Colonel Naidoo mainly - mainly concerns the Provinces of KwaZulu-Natal, Gauteng and the Western Cape.

A decision was taken that the (indistinct) investigation into those allegations would be dealt with by General Mothiba and hence the reason why he came to see me in order to inform and brief - debrief him on in terms of what was said to me and I was then later informed that Brigadier Simon Madonsela and Captain Ramesh Hiralel were
20 appointed to do the - to conduct a disciplinary and criminal investigations which relate to KwaZulu-Natal and that was - I asked for that because I was not in a position to go to KwaZulu-Natal also and investigate there when I am busy in Gauteng. So that is how that came about and why General Mothiba came to see me.

ADV VERUSCHKA SEPTEMBER: And so then it was

Brigadier Simon Madonsela and Captain Ramesh Hiralel whose focus area was to address matters within the KwaZulu-Natal Region?

MR KOBUS DEMEYER ROELOFSE: That is correct together with the - the disciplinary matters that was supposed to be instituted.

ADV VERUSCHKA SEPTEMBER: And that just to make sure I understand. When we are talking about matters within KwaZulu-Natal we are talking about as you have mentioned the disciplinary matters that were within that region. In addition to any investigations relating to the Secret Service Account arising out of that region.

10 **MR KOBUS DEMEYER ROELOFSE:** That is correct Chairperson. It - it arose from the information given to me by - by Colonel Naidoo.

ADV VERUSCHKA SEPTEMBER: Can we now address the investigations one by one? The first one being as you have termed it:

“One Stop Travel and Tours Durban Flight Arrangements between late 2009 to October 2011.”

What is important is for us as the Commission to understand what you did with the information that you received from Colonel Naidoo and what the outcome was of the specific investigation that you led in relation to each matter and with that in mind can I ask
20 you to please clarify to the Chair as to what Colonel Naidoo told you in relation to this investigation.

MR KOBUS DEMEYER ROELOFSE: I will do so Chair. When it comes to the first part of this narrative or of my affidavit it basically relates to what Naidoo - Colonel Naidoo has told me. What he has informed me is that on several occasions he had to arrange for General Mdluli and

his wife Ms Lyons and two children to fly up to - to Johannesburg and back to Cape Town and these visits were private in nature and they were paid for by the Secret Service Account.

The Secret Service - Secret Service Account maybe utilised to pay air tickets in as far as it is for agents and informers on official Crime Intelligence business but not for private matters. Flights for General Mdluli were also paid out of the Secret Service Account and these flights were also private in nature according to Colonel Naidoo.

10 General Mdluli was not allowed to - was not allowed to travel utilising SSA funds as his flight should have been financed through the S - South African Police Service open budget.

ADV VERUSCHKA SEPTEMBER: On that - on that point you say it ought to have been financed through the SAPS open budget but you also say that it needed to have only been for official business.

MR KOBUS DEMEYER ROELOFSE: There is - there is a ...

ADV VERUSCHKA SEPTEMBER: Under - under what circumstances can Secret Service Account funds be used to fund air travel for its members?

MR KOBUS DEMEYER ROELOFSE: Hm.

20 **ADV VERUSCHKA SEPTEMBER:** Please clarify.

MR KOBUS DEMEYER ROELOFSE: Chair for instance if an agent has - has to - the agent is based in Cape Town. He has to come up to Johannesburg to attend a meeting with - with a source of his or to attend a meeting with a crime grouping or whatever the case maybe. That is - that is official in nature. This - he will get - funds will be

withdrawn from the Secret Service Account and an air ticket will be bought.

He would fly down. He will go back up - back down to Cape Town and that cost is borne by the Secret Service Account. It also follows that you will find that there is a memo with the information after such a trip stating what had happened and what the information was that was retrieved during that - during that engagement. So in that - in that instance it has happened before and it will happen again because there is nothing wrong with that but it is not there for the utilisation of
10 private trips.

When it comes to General Mdluli as the Head of Crime Intelligence he is not a - he is a public figure. He is not an agent and as such he must make use of the open account. He cannot fly to Durban and state that it is for a - it is for - it is a covert operation because he is a public figure. He is not.

So it would not - it would not assist him that - that he flies with - on the Secret Service Account. With that I am not saying he cannot. I am just saying it is - it is not the norm and (intervenes).

CHAIRPERSON: Not advisable? It is not advisable?

20 **MR KOBUS DEMEYER ROELOFSE:** Not advisable. Yes, yes Chair ...

CHAIRPERSON: Hm.

MR KOBUS DEMEYER ROELOFSE: Because he has got other means to pay for that - for that official trip.

ADV VERUSCHKA SEPTEMBER: Were there any other individuals who benefitted from air travel according to Colonel Naidoo?

MR KOBUS DEMEYER ROELOFSE: According Colonel Naidoo General Lazarus benefitted from - from the air travel. Then a pastor from the - from the African Dream Centre.

ADV VERUSCHKA SEPTEMBER: Can I just correct that? We have been informed that it is not the African Dream Centre but the African Dream Family Church. Please continue.

MR KOBUS DEMEYER ROELOFSE: Thank you.

CHAIRPERSON: Where about is that?

ADV VERUSCHKA SEPTEMBER: It is the last line on page 23 in
10 paragraph 68. The Commission is ...

CHAIRPERSON: *Ja*, what is the correct name.

ADV VERUSCHKA SEPTEMBER: The Commission received a letter from them which informed that it is African Dream Family Church and ...

CHAIRPERSON: Oh.

ADV VERUSCHKA SEPTEMBER: Not African Dream Centre.

CHAIRPERSON: Okay. So get that corrected in the supplementary.

ADV VERUSCHKA SEPTEMBER: As it pleases Chair.

CHAIRPERSON: Okay.

ADV VERUSCHKA SEPTEMBER: Do you know anything about African
20 Dream Family Church?

MR KOBUS DEMEYER ROELOFSE: I do know that General Lazarus is a - he is a member of that specific church.

ADV VERUSCHKA SEPTEMBER: But once again this is information that you received from Colonel Naidoo?

MR KOBUS DEMEYER ROELOFSE: Yes. I received that information

from him and I was able to confirm it at a later stage.

ADV VERUSCHKA SEPTEMBER: What was the process that you understood in how flight to accommodation bookings were made?

MR KOBUS DEMEYER ROELOFSE: Chair according to Colonel Naidoo he would in respect of the bookings that he made when he dealt with family members of General Mdluli he would phone the consultant at a - let us call it the satellite office of One Stop Travel and Tours which is called Westville Travel. He would speak to one Mahesh Parekh.

Mr Parekh would - would then make a booking on his behalf
10 in respect of the individual that wants to fly. He would make that booking through the parent company which is One Stop Travel and Tours. The booking would be made. The - the ticket will be bought and an invoice would be sent to Westville Travel. Westville Travel and there on via Mr Parekh would then create his own invoice which he would then forward to Company X.

Company X would then pay One Stop Travel and Tours into their account. The - what we have - when we found the - the various invoices we were able to establish that there was a lot of large over invoicing of Company X as part of this whole process to create a credit
20 on the company account within the books of One Stop Travel and Tours.

ADV VERUSCHKA SEPTEMBER: So having received this information from Colonel Naidoo what was the outcome of your investigations into such information?

MR KOBUS DEMEYER ROELOFSE: Based on his information we - we again applied for a search and seizure warrant which was - which was

given to us. I also received remittance and licence - remittance advises from General Hankel relating to payment from Company X to One Stop Travel and Tours and - and according to the general ledger account from Company X more than a million Rand has been paid to One Stop Travel and Tours since - as from March 2010 up until the date that we did the search and seizure which was in - I think 1 November or very - on the 25th - the 21st - 25 November 20 - ag not November, October 2011.

So during that year and six months more than a million Rand
10 has been paid to One Stop Travel and Tours in terms of air tickets.

ADV VERUSCHKA SEPTEMBER: But were you able to establish whether or not all of that funding was part of a scheme which ought not to have taken place?

MR KOBUS DEMEYER ROELOFSE: Yes Chair I was. In between we did find that agents did actually travel and - but the majority of the funding did not go - was not used by agents in the official capacity or I would assume that when an agent flies it will be within his official capacity.

So I did not take that any further but we are talking about
20 family members and - and friends that - that made use of this account to fly. In fact Mr Parekh also saw it fit to fly his own family and friends to various parts of the country paid for by the Secret Service Account.

ADV VERUSCHKA SEPTEMBER: So on the one hand your investigation was sourced from remittance advises that you received from General Hankel?

MR KOBUS DEMEYER ROELOFSE: That is correct.

ADV VERUSCHKA SEPTEMBER: On the other hand you also obtained a search and seizure warrant on 25 October 2011?

MR KOBUS DEMEYER ROELOFSE: That is correct Chair and - and based on - and - and during that search and seizure we were able to - to seize the documents relating to the account with the invoices and - and so forth from Westville Travel as well as One Stop Travel and Tours.

ADV VERUSCHKA SEPTEMBER: Please give a little bit more detail in
10 relation to what happened on the execution of such search and seizure warrant obtained on 25 October 2011?

MR KOBUS DEMEYER ROELOFSE: Chair when - when I arrived there and General Hankel was with me and a few other members. Mr Parekh was waiting for me in - in the office and next to him was a bundle of documents and he said to me that he was told to prepare these documents for me. Now we did not tell anyone that we are coming through or that we are planning to search this - this specific premises.

He had copy for himself and copy for me available and I - I then asked him you know who informed him that I was going to search
20 the premises and his answer to me was FM08 had informed him. At a later stage I obtained an affidavit from Mr Parekh. He says that and I am quoting from his affidavit:

“Between the 19th and 20 October 2011 I received a call from FM08. He told me that personnel from Johannesburg or Pretoria would be coming down to

Durban to pick up the invoices from Company X and keep them - and keep them ready. He also told me to add the name of the travellers to the invoices before I print it. I had to give these invoices to the personnel from Johannesburg or Pretoria. FM08 also requested me not to reflect the names of the following passengers on the invoices.”

And in that sense he reflects then to FM01 Sentimule (?) Mashulu (?), Gavin Lazarus, Sandra Lazarus. He then
10 states further he did not get round to doing that and in - in other words he did not - he did not take it - he did not take it out from the invoices.

ADV VERUSCHKA SEPTEMBER: What was your assessment after reconciling the documents you received through the search and seizure warrant with the documentation or remittance advises that you received from General Hankel?

MR KOBUS DEMEYER ROELOFSE: Financially it is the following: I was able to establish that cheque payments from Company X to One Stop Travel and Tours between April 2010 and 25 October amounted to R1 168 500,31 million - R1 168 500,31. That was as per their
20 worksheet and then I was able to establish that in terms of General Mdluli, General Lazarus and Mr Marimuthu regarding services rendered for their air travel.

General Mdluli and his family it was R306 909,00 - R919,00. General Lazarus and his family was R160 124,00 and Mr Marimuthu was R215 131,00. That is a total of R682 174,00 which is more than

half the total amount that was paid to - paid from - from Company X.

ADV VERUSCHKA SEPTEMBER: And that was for the period April 2010 to 25 October 2011?

MR KOBUS DEMEYER ROELOFSE: That is correct Chair.

ADV VERUSCHKA SEPTEMBER: Was there anything else that you established through that reconciliation process relating to identities of passengers?

MR KOBUS DEMEYER ROELOFSE: Yes Chair. I was able to establish that on at least one occasion the children of General Mdluli did actually
10 fly. The actual passengers was the children and then looking at the documentation from Crime Intelligence which I received the remittance advises and the invoices that were submitted to them.

Attached to that bundle of documents there is a key which I call key. The key would then - would be filled in by FM08. The key would inform the Auditor-General that a specific invoice which is nameless in terms of a passenger was actually used for that agent or that agent and giving the agent number.

Now in respect of the children the - the misrepresentation that was made to the employer is the fact that the children flew as - as
20 agents. As if they were agents. It was claimed as if it was agents that flew.

ADV VERUSCHKA SEPTEMBER: Were you able to establish who authorised payments for these - air travel?

MR KOBUS DEMEYER ROELOFSE: Chair we were not able to get all the documentation because we were in the middle of getting that

documentation when my - when General Hankel was transferred. So I did not receive everything but the ones I do have was signed by - by General Lazarus ...

ADV VERUSCHKA SEPTEMBER: Were ...?

MR KOBUS DEMEYER ROELOFSE: As the CFO of the SSA Fund.

ADV VERUSCHKA SEPTEMBER: Were there any other police officials who benefitted from air travel through this particular organisation?

MR KOBUS DEMEYER ROELOFSE: Yes Chair. In this regard General Sentimule and her husband benefitted through that as well as
10 General Muchachi (?) benefitted through that. However there is a - an explanation given to them. They testified subsequently in the disciplinary hearing of Mr Lazarus and they explained what had happened there which I will inform the - the Commission later - Commission later.

ADV VERUSCHKA SEPTEMBER: Please do so now.

MR KOBUS DEMEYER ROELOFSE: Okay. According to both General Sentimule as well as General Muchachi they received calls from Mr Marimuthu inviting them to come and visit or attend church in KwaZulu-Natal. It happened on more than one occasion and in terms of
20 General Sentimule she went there with her husband on more than occasion and General Muchachi I think once with his family.

His wife and kid and they were under the impression and that impression according to him was - was given to them by Mr Marimuthu that the church are paying for these expenses and when they - when they do go over it will be - do go to Durban it will be on the expense of

- on the account of the church and General Lazarus did not inform them that actually the - that actually that - that the Secret Service Account paid for those actual trips.

So they were as I explained earlier they were placed in a position where these things could be used against them at a later stage without their knowledge.

ADV VERUSCHKA SEPTEMBER: You mentioned earlier that General Mdluli for the period of April 2010 to 25 October 2011 benefitted in the sum of R306 919,00 and that is not only for
10 General Mdluli but his family too which amounted ...

MR KOBUS DEMEYER ROELOFSE: That is correct Chair.

ADV VERUSCHKA SEPTEMBER: To more than half of the total budget for that period?

MR KOBUS DEMEYER ROELOFSE: That is correct Chair. If you - if you add all three of them together.

ADV VERUSCHKA SEPTEMBER: Did General Mdluli have access ...?

CHAIRPERSON: Well is it - is it more than half?

MR KOBUS DEMEYER ROELOFSE: Ja. It is more than half Chair.

CHAIRPERSON: Hm?

20 **MR KOBUS DEMEYER ROELOFSE:** It is more than half.

CHAIRPERSON: Are you talking about the figures on page 26?

ADV VERUSCHKA SEPTEMBER: Oops sorry. Sorry. My mistake.

CHAIRPERSON: Or am I ahead of you?

ADV VERUSCHKA SEPTEMBER: No, no. No, no. In fact Chair you are in fact correct.

CHAIRPERSON: Yes.

ADV VERUSCHKA SEPTEMBER: The total amount of 600 ...

CHAIRPERSON: 306 - R306 000,00 are you saying is about 50 percent of 682?

ADV VERUSCHKA SEPTEMBER: No. In fact Chair. I made the - I made the mistake and thank you for correcting me. It is actually the totally amount of 682 which is in excess of half of the total amount. So I retract.

CHAIRPERSON: Okay. Just repeat that. I just want to make sure I ...

10 **ADV VERUSCHKA SEPTEMBER:** Okay.

CHAIRPERSON: I do not misunderstand what you are saying.

ADV VERUSCHKA SEPTEMBER: I retract that statement and my - what I would like to confirm is that General Mdluli and his family benefitted to the value of R306 919,00?

MR KOBUS DEMEYER ROELOFSE: That is correct Chair.

ADV VERUSCHKA SEPTEMBER: And so my question to you which is now hopefully correctly stated is did General Mdluli also have access to any other funds for travel arrangements?

20 **MR KOBUS DEMEYER ROELOFSE:** That is correct Chair. As stated in my affidavit. He also made use of the normal SAPS budget. In other words the open account for travelling arrangements for official - official travel and he paid - in this regard more than R700 000,00 was paid towards his air travel during the period July 2009 to March 2011.

CHAIRPERSON: Now the travel that he paid for under the open account do you know whether those were all legitimate official travels?

MR KOBUS DEMEYER ROELOFSE: In respect of the open account?

CHAIRPERSON: Oh, *ja*.

MR KOBUS DEMEYER ROELOFSE: Chair I can only - I can only deal with what is on face value in terms of the documentation presented to me from - from Crime Intelligence.

CHAIRPERSON: Yes. It appeared to be?

MR KOBUS DEMEYER ROELOFSE: Yes and it - and it looks as ...

CHAIRPERSON: Looks?

MR KOBUS DEMEYER ROELOFSE: It was official travel ...

10 **CHAIRPERSON:** Yes.

MR KOBUS DEMEYER ROELOFSE: In terms of the open account. Yes Chair.

CHAIRPERSON: Yes. So - so would one be able to say for official travelling he used the open account and then for travelling that was not authorised or was not lawful then he used the other one or it is difficult to say?

MR KOBUS DEMEYER ROELOFSE: Chair as I said I mean it is - it is not normal procedure to use this account for your own travelling especially the position that he held - he holds.

20 **CHAIRPERSON:** Yes, yes.

MR KOBUS DEMEYER ROELOFSE: What I can say is that - *ja*, when I talk about the family it does not only include his kids. It also includes his ex-wife together with his brother and his sister.

CHAIRPERSON: Hm.

MR KOBUS DEMEYER ROELOFSE: So it is - under those

circumstances ...

CHAIRPERSON: Could that be - could that be - could that have been lawful?

MR KOBUS DEMEYER ROELOFSE: No Chair. It cannot be lawful.

CHAIRPERSON: Could not have been lawful?

MR KOBUS DEMEYER ROELOFSE: They are not police officials.

CHAIRPERSON: Yes.

MR KOBUS DEMEYER ROELOFSE: Not all of them. I am talking about the children and I think the brother. They are not police officials ...

10 **CHAIRPERSON:** Yes and ...

MR KOBUS DEMEYER ROELOFSE: And ...

CHAIRPERSON: And in terms of the regulations or policies or conditions under which that account could be used is it contemplated that it could be used for family members?

MR KOBUS DEMEYER ROELOFSE: No Chair. It is not ...

CHAIRPERSON: No.

MR KOBUS DEMEYER ROELOFSE: It is not ...

CHAIRPERSON: It is for a specific purpose?

MR KOBUS DEMEYER ROELOFSE: It is for specific purposes only.

20 Yes Chair.

CHAIRPERSON: And that is - that is really for - for agents whose identify must not be known publically?

MR KOBUS DEMEYER ROELOFSE: That is correct Chair. Agents or informants for that matter.

CHAIRPERSON: Yes, *ja, ja*. That is - that is why you say it could not

be him because he was public.

MR KOBUS DEMEYER ROELOFSE: That is - that is what I am saying.

Yes Chair.

CHAIRPERSON: Yes. Okay.

ADV VERUSCHKA SEPTEMBER: Did your investigations reveal anything in relation to the African Dream Family Church and the allegations of Colonel Naidoo that certain pastors had benefitted from flights and accommodation paid for by the Secret Services Account?

MR KOBUS DEMEYER ROELOFSE: Yes Chair. I was - I do not
10 mention the names here but I was - in terms of the actual passengers I was privy to the names and there were quite a few pastors and clergy that flew on that account or that flew and which - which expenses were paid for from the SSA account and it - it normally follows with Mr Lazarus going from - Mr Lazarus going from either Durban back to Jo'burg - Johannesburg or coming back.

ADV VERUSCHKA SEPTEMBER: Was any disciplinary action taken against General Lazarus in relation to these allegations?

MR KOBUS DEMEYER ROELOFSE: Yes Chair. In respect of this specific allegation there were and he was as far - he was found guilty
20 of misconduct in respect of General Sentimule and General Muchachi.

CHAIRPERSON: Ms September.

ADV VERUSCHKA SEPTEMBER: Chair if I may request ...

CHAIRPERSON: What is happening?

ADV VERUSCHKA SEPTEMBER: May I request your indulgence and request a five minute adjournment?

CHAIRPERSON: Why?

ADV VERUSCHKA SEPTEMBER: In order to address certain matters.

CHAIRPERSON: Okay. Alright. We will adjourn for five minutes.

ADV VERUSCHKA SEPTEMBER: Thank you Chair.

CHAIRPERSON: We adjourn.

REGISTRAR: All rise.

INQUIRY ADJOURNS

INQUIRY RESUMES

CHAIRPERSON: Yes proceed please.

10 **ADV VERUSCHKA SEPTEMBER:** We are indebted to you for the indulgence Chair. Mr Roelofse the next investigation that you talk to is at page 26 of your affidavit and it is titled Joe Mark New World Notice Procurement of Vehicles. Before you get into the detail of this particular investigation do you know what the procurement process is to acquire vehicles within Crime Intelligence?

MR KOBUS DEMEYER ROELOFSE: Chairperson it is essentially the same as each, as a normal procurement within the open account, with the difference that they can source specific vehicles, for specific requirements, so it is, there must be the, there must be a proper
20 motivation for the purchase of a vehicle and based on that motivation and the use of that vehicle then the vehicle can be purchased. The difference is that do not necessarily, they don't go out on tender because they buy a vehicle on, they buy vehicles basically on a – as the need arises they would buy a vehicle for a specific purpose, but they also do buy bulk in a sense that they would estimate that they

would need say 15 or 20 vehicles for that specific year for their members and that can also happen.

So it is a process that they follow with the proper paperwork that needs to be in place for that acquisition to take place.

ADV VERUSCHKA SEPTEMBER: Which department within Crime Intelligence would be tasked with the procurement of motor vehicles?

MR KOBUS DEMEYER ROELOFSE: That will be the SSA account or the unit within the SSA, the Secret Services Account, which fall directly under General Lazarus.

10 **ADV VERUSCHKA SEPTEMBER:** And in particular to what extent would Supply Chain Management be involved in this process?

MR KOBUS DEMEYER ROELOFSE: Crime Intelligence their – they have a unit within the Secret Services Account which is involved in the supply chain management process of acquiring these vehicles of which Colonel Barnard plays an integral role.

ADV VERUSCHKA SEPTEMBER: Is there a particular register that is kept in relation to vehicles purchased by Crime Intelligence?

MR KOBUS DEMEYER ROELOFSE: Chair when – it works like any asset register, for any State Department, they just call it the Secret Register if I am not mistaken, they use the abbreviation SR, so you
20 would have a SR vehicle, SR furniture, those – all those items would get a number, SR50, SR51 whatever the case may be and that is attached to that specific vehicle as proof of purchase and to account for the actual vehicle, or the actual acquisition.

ADV VERUSCHKA SEPTEMBER: Was this particular investigation

initiated through information that you obtained through Colonel Naidoo or was it initiated in a different way?

MR KOBUS DEMEYER ROELOFSE: Chair this specific investigation was initiated by going through the actual documents which we received from Crime Intelligence, now right in the beginning it is part of our agreement and in some of the files we discovered the name New World Motors and we could ascertain from those files that New World Motors were involved in the reparation of vehicles and the servicing of SI vehicles, so based on that we then continued with the investigation
10 regarding them. We were able to establish that, and this is what piqued our interest is the fact that one vehicle would have a windscreen replacement three, four, five times in a very short period of time which didn't make sense to us. Based on that I asked my members, who assisted me at the time, to go to New World Motors, not as police members but as a member of the public, and ask whether they can – whether they provide the service of replacing wind screens. They came back to me, and reported back to me that they don't, so that piqued our interest in New World Motors.

Colonel Naidoo amplified the information at a later stage when
20 he spoke to me.

ADV VERUSCHKA SEPTEMBER: In relation to the inspection that was conducted if I ask you to turn to page 28, paragraph 83.4, you talk specifically to the date of 23 September 2011, is that the date on which your team went to visit the premises?

MR KOBUS DEMEYER ROELOFSE: That is correct Chair, that's the

date when I asked them to go and do that investigations for me, conduct that investigation for me.

ADV VERUSCHKA SEPTEMBER: And then what happened shortly after that day?

MR KOBUS DEMEYER ROELOFSE: I requested, because of what we found and because of what my members has told me I then requested General Hankel that I want to see the financial statements relating to the total trade between company X and New World Motors, similar to the one I requested for one stop travel and tours or wasteful travel. I
10 wanted, as I said I wanted to establish the trade between the two companies and that would have been for me it would have indicated as to whether or not to pursue that line of inquiry.

General Hankel informed me on the following day that he had spoken to General Lazarus regarding my request and that General Lazarus informed him that I am not entitled to information relating to New World Motors due to national security issues.

This incident clearly indicated to me the ridiculous position that I found myself in, in that I had to enquire from the suspect, in this case General Lazarus, whether or not I could get access to
20 documentation needed to either prove or disprove his or others involvement in this allegation, so – and the mere fact that he used the term national security issues was actually a red flag to me, saying that we are on the right track, we are looking at something that is bothering him.

ADV VERUSCHKA SEPTEMBER: And then if you go to paragraph 82

you talk about certain information that Colonel Naidoo provided you with in relation to this investigation. Can you please inform the Chair of the information that Colonel Naidoo provided you with?

MR KOBUS DEMEYER ROELOFSE: Colonel Naidoo informed me of the closed tender process. As part of the Crime Intelligence had to sell their vehicles at some stage when it gets boarded, and they used the closed tender process for security reasons, purposes, there is nothing wrong with that in terms of that.

ADV VERUSCHKA SEPTEMBER: And so a closed tender process is
10 the normal course of business?

MR KOBUS DEMEYER ROELOFSE: With respect to the SR vehicles at the time, in other words the Secret Services account vehicles, because you could use the details of that vehicle to trace back who the owner was, so that is why it was sold through a closed tender process.

CHAIRPERSON: Okay, please just explain that again, why should there be secrecy about selling cars that the Crime Intelligence doesn't need anymore?

MR KOBUS DEMEYER ROELOFSE: Chair if you look on the – when
20 you do a trace on a vehicle it would provide you with all the previous owners of that vehicle, so that is what they want to mitigate, the fact that you are – that you would see the previous owners, because the previous owner is either a member of Crime Intelligence or an agent, because the vehicle was registered in that person's name or it is a front company, it was registered in the name of a front company, and that is what you want to, you wanted to mitigate that risk for those members

and companies not to be identified.

CHAIRPERSON: Well would they normally be registered under the name of somebody like an informer, an agent?

MR KOBUS DEMEYER ROELOFSE: Chairperson yes it happens, in fact that's the norm.

CHAIRPERSON: But if it is registered in the name of SAPS or Crime Intelligence then there should be no need for secrecy or should there be?

MR KOBUS DEMEYER ROELOFSE: Ja if it is registered in the name
10 of SAPS or – but it cannot be registered in the name of Crime Intelligence because you want to keep the identify, you want to keep any association, you want to remove any association with the police service, you want to avoid that at all costs, because you don't want the agent to be associated with the police service, that could compromise him in his work, in the project or whatever he needs to do.

CHAIRPERSON: Well if whoever tries to trace it won't get to know an agent who was using it or if it wasn't registered in the name of an agent, it was simply registered in the name of SAPS or Crime Intelligence, that alone should not be a problem isn't it?

20 **MR KOBUS DEMEYER ROELOFSE:** Chair I think ...[intervenes]

CHAIRPERSON: Obviously Crime Intelligence has got vehicles?

MR KOBUS DEMEYER ROELOFSE: Yes they do.

CHAIRPERSON: Yes and everybody would expect them to have some vehicles in their name.

MR KOBUS DEMEYER ROELOFSE: I actually, what I am explaining is

what was explained to me, and the reasons given as to why it is done in that specific way. I understand the issue regarding taking care of people's – of people ...[intervenes]

CHAIRPERSON: The agents ja.

MR KOBUS DEMEYER ROELOFSE: The agents and their safety, I understand that, but as you pointed out it could have been just reregistered to SAPS and then sold, that could have happened, but that's not what they did.

CHAIRPERSON: Yes, that's why I was asking because I wanted to see
10 whether what room there is of abuse in the system when there is actually a way which would not reveal the identity of any agent that could be used.

MR KOBUS DEMEYER ROELOFSE: In as far Chair, in as far as I know this system that I am talking about now has been changed because of the abuse.

CHAIRPERSON: Yes, okay.

MR KOBUS DEMEYER ROELOFSE: So that has been changed, that is what was, I was informed of that, whether that happened or not that I cannot tell.

20 **CHAIRPERSON:** Yes, okay, okay, okay. Now the one that is used now is it more transparent?

MR KOBUS DEMEYER ROELOFSE: From what I understand Chair it is more transparent yes.

CHAIRPERSON: Yes, okay.

ADV VERUSCHKA SEPTEMBER: Is it correct then that the system that

you are referring to now is the one that was explained to you by Colonel Naidoo?

MR KOBUS DEMEYER ROELOFSE: Colonel Naidoo at the time when I interviewed him yes, that is correct Chair.

ADV VERUSCHKA SEPTEMBER: And when is this that you interviewed him?

MR KOBUS DEMEYER ROELOFSE: That was over the course of many months, but the first interview started in October, I think it was as I testified the 18th of October 2011.

10 **ADV VERUSCHKA SEPTEMBER:** So this is certainly about eight years ago?

MR KOBUS DEMEYER ROELOFSE: That is correct Chair.

ADV VERUSCHKA SEPTEMBER: Okay, please proceed to explain what Colonel Naidoo described to you to be the process of procurement for vehicles.

MR KOBUS DEMEYER ROELOFSE: His explanation to me was that there were ...[intervenes]

CHAIRPERSON: I am sorry, on what page are you now?

ADV VERUSCHKA SEPTEMBER: We are on page 27 Chair.

20 **CHAIRPERSON:** 37?

ADV VERUSCHKA SEPTEMBER: Two seven.

CHAIRPERSON: Two seven, oh.

ADV VERUSCHKA SEPTEMBER: It is the top paragraph.

MR KOBUS DEMEYER ROELOFSE: He explained to me that as far as he could recall or as far as I recall in terms of what he explained to me

there were five bidders in total, the bidders were preselected, two of which shared directors/members, who are family members of Mr Joe Mark of New World Motors.

ADV VERUSCHKA SEPTEMBER: Sorry, if I could just get clarity from you, who was Mr Joe Mark relative to New World Motors?

MR KOBUS DEMEYER ROELOFSE: Mr Joe Mark was the owner of New World Motors. Colonel Naidoo indicated that the closed tender process is a sham as Colonel Barnard and General Lazarus informs Mr Mark beforehand of the tender amounts from the other bidders. Mr
10 Mark would then adjust his bid to be just higher than that of the other bidders. He would then be awarded the tender and buy the vehicles. At the end of 2011 Mr Mark has approximately 80 vehicles registered in his name and/or New World Motors name that they bought from company X, as part of this closed tender process.

ADV VERUSCHKA SEPTEMBER: To what extent were you able to verify any of this information through your investigations?

MR KOBUS DEMEYER ROELOFSE: Chair through the search and seizures that we did at the premises of New World Motors we found certain documentation which would indicate that there was - no
20 competitive bidding process had taken place. The companies that represented Mr Mark and his family there was an actual book that we found where you could see the different amounts pencilled into that book for the specific tenders and that is in respect of both of those companies.

ADV VERUSCHKA SEPTEMBER: What information did Colonel Naidoo

give you in relation to the condition of these vehicles?

MR KOBUS DEMEYER ROELOFSE: Colonel Naidoo said that most of these – well that's his information, most of the vehicles would be sent just prior to the vehicle being boarded to new World Motors, then they will provide extensive servicing for that vehicle, buy, put on new tyres and service the vehicle properly and then the vehicle would then be placed on the closed tender process. It would then be bought by Mr Mark and at times it would be sold back to the member who drove the vehicle in the first place, at the discounted price. Unfortunately
10 because of the documentation that wasn't given to us, weren't provided any further to us we were not able to verify that specific allegation regarding that, so – but that is part of the allegations that he – we were able to identify that they did buy vehicles and that there was a tender process in which they participated.

ADV VERUSCHKA SEPTEMBER: Was there any information that was given to you in relation to the pricing of these vehicles when they were sold, or purchased?

MR KOBUS DEMEYER ROELOFSE: Chair as I alluded to before the – if it is a member that is buying his own vehicle which he used as a
20 Secret Service Account vehicle the amount would be less than New World Motors would have paid for it, if it is a vehicle that they just bought through the closed tender process with them having the – or them selling it on towards someone else then that amount would also be just higher than the closest tender, so that they can acquire the vehicle and then sell on to a third party at a profit.

CHAIRPERSON: One second. Thank you.

ADV VERUSCHKA SEPTEMBER: Thank you Chair. So is it then correctly stated that the vehicles were sold at inflated cash prices?

MR KOBUS DEMEYER ROELOFSE: Yes, that is the information that I received. As I said I did not receive the documentation from Crime Intelligence to compare the amounts, what I did receive or what was told to me is that there was minor repairs done to those vehicles and the vehicles were in good condition when it was sold to New World Motors.

10 **ADV VERUSCHKA SEPTEMBER:** And in this regard the information you received from Colonel Naidoo that the cars were sold at inflated prices were you given any other information as to what happened to the cash surplus of the inflated prices?

MR KOBUS DEMEYER ROELOFSE: Yes Chair, the inflated prices with regards I was just actually looking at my affidavit now and I forgot about this point, at times according to Naidoo these vehicles, Colonel Naidoo, these vehicles would be sold back to Crime Intelligence which was just placed on a tender and they would be sold back to Crime Intelligence at an inflated amount.

20 **CHAIRPERSON:** When you say back to Crime Intelligence do you mean to individuals within Crime Intelligence, or to the institution?

MR KOBUS DEMEYER ROELOFSE: No Chair I am now meaning the institution yes.

CHAIRPERSON: Oh, so they were sold out from the institution and then later on they are sold back?

MR KOBUS DEMEYER ROELOFSE: That is correct Chair, that is according to information from Colonel Naidoo.

CHAIRPERSON: Okay.

MR KOBUS DEMEYER ROELOFSE: As I said I could not, we were able to corroborate some of this but not everything yes.

CHAIRPERSON: Not everything.

ADV VERUSCHKA SEPTEMBER: Was there any other information that was given to you as to what that cash surplus was used for?

MR KOBUS DEMEYER ROELOFSE: Yes Chair according to, as I said I
10 will refer the Chair to Naidoo when he says to me something, according to Colonel Naidoo he – the surplus that has been created where there is a surplus created, that monies would be utilised, and I want to make, and I want to take an example, when General Mdluli went to Singapore he received an advance amount from the Secret Services account in cash so that he can go and – so when he leaves he has cash in his pocket where he can, then he can pay his accommodation and then when he comes back he provides the necessary invoices to cover that cost.

So in some instances according to Colonel Naidoo when senior
20 managers came back from overseas trips like this and he was specifically referring to General Mdluli as well, they would not have the necessary receipts to back up the expenses that they, or the fact that they do not have the money anymore, so they had to devise a situation where they had to get, had to – they had to – how can I put this, they had to create cash for that to be used to pay back the outstanding

amount in terms of the advance that was asked for in the first place.

So that is one of the instances where the cash would have been used to cover the advance that was taken out by the specific member, and in this regard what Colonel Naidoo said he as well as other members of Crime Intelligence did, was to receive fraudulent invoices from New World Motors, relating to the repairing of wind screens, where the actual repair did not take place, but an invoice was provided so that they could put in a claim for a replacement of the window or the windscreen and that money would then be used to cover
10 the cost of other – of claims that was not paid in full, was not paid back in full.

ADV VERUSCHKA SEPTEMBER: And so then to summarise what you have said, and please correct me I'm wrong, it was the information of Colonel Naidoo that vehicles were procured and sold by Crime Intelligence through a closed process which was in fact a sham?

MR KOBUS DEMEYER ROELOFSE: That is correct Chair.

ADV VERUSCHKA SEPTEMBER: It is also his evidence that these vehicles were sold at inflated prices, be it to third parties or be back to Crime Intelligence?

20 **MR KOBUS DEMEYER ROELOFSE:** Ja, he was referring to inflated prices back to Crime Intelligence.

ADV VERUSCHKA SEPTEMBER: Apologies yes, Crime Intelligence.

MR KOBUS DEMEYER ROELOFSE: Yes.,

ADV VERUSCHKA SEPTEMBER: But there were instances where it was sold to the individuals of Crime Intelligence as well?

MR KOBUS DEMEYER ROELOFSE: Yes and at a discounted price.

ADV VERUSCHKA SEPTEMBER: And any surplus that was then derived from these inflated prices did not go to the benefit of Crime Intelligence but went to the benefit of others?

MR KOBUS DEMEYER ROELOFSE: It went to the benefit of New World Motors and Mr Mark as well as others yes.

ADV VERUSCHKA SEPTEMBER: And those funds were in fact State funds?

MR KOBUS DEMEYER ROELOFSE: That is correct Chair.

10 **ADV VERUSCHKA SEPTEMBER:** At page 27 paragraph 83.3, apologies page 28 paragraph 8.

CHAIRPERSON: I am sorry Ms September, the reference to SR is it nothing more than simply a reference to Secret Register or is there some other significance about it?

MR KOBUS DEMEYER ROELOFSE: Chair you must excuse me, I am just using the language that people from Crime Intelligence use.

CHAIRPERSON: Oh that you might be familiar with, oh okay.

MR KOBUS DEMEYER ROELOFSE: Yes, so SI would indicate if I talk about the SI vehicle if you see that Chair then it means that it is a
20 vehicle bought through the Secret Services account.

CHAIRPERSON: Yes, okay.

ADV VERUSCHKA SEPTEMBER: At paragraph 86 of your affidavit, page 28 you refer to another search and seizure warrant that you obtained for execution. Please inform the Chair about this.

MR KOBUS DEMEYER ROELOFSE: I have already testified to

...[intervenes]

CHAIRPERSON: I'm sorry, Ms September I thought you wanted to cover 83.3, or did you change your mind?

ADV VERUSCHKA SEPTEMBER: No, Chair I – no, no it was actually 86.

CHAIRPERSON: 86?

ADV VERUSCHKA SEPTEMBER: 86 yes.

CHAIRPERSON: You have covered 83.3?

ADV VERUSCHKA SEPTEMBER: We have covered 83.3.

10 **CHAIRPERSON:** Oh, okay. Okay. You may continue.

ADV VERUSCHKA SEPTEMBER: Thank you Chair. Is it correct that part of the documents that you then seized dealt with the time period that company X has been in business with New World Motors?

MR KOBUS DEMEYER ROELOFSE: That is correct Chair, if I may Chair I just want to go back to 83.3, I have testified to the fact that I received certain documentation from Crime Intelligence and that led me to interrogate New World Motors and the invoices that were submitted as part of those files.

CHAIRPERSON: Yes.

20 **MR KOBUS DEMEYER ROELOFSE:** So that is where I refer, this is 83.3.

CHAIRPERSON: Oh, okay.

MR KOBUS DEMEYER ROELOFSE: In respect of what I said earlier.

CHAIRPERSON: Oh, okay, yes, okay, okay. And that issue about 83.4 has also been covered?

ADV VERUSCHKA SEPTEMBER: Correct Chair.

CHAIRPERSON: About wind screens and so on.

ADV VERUSCHKA SEPTEMBER: Correct Chair, the order of the evidence as it is recorded in the affidavit is told through the prism of how this particular witness went about in establishing his investigation and the information that was the received from Colonel Naidoo.

CHAIRPERSON: Yes.

ADV VERUSCHKA SEPTEMBER: Some of it which is not all in the order unfortunately as it has been recorded.

10 **CHAIRPERSON:** Yes, okay.

ADV VERUSCHKA SEPTEMBER: And then on page 29 you reference certain concerns in relation to the appointment of particular individuals, in relation to Mr Mark

MR KOBUS DEMEYER ROELOFSE: That is correct Chair, Colonel Naidoo informed me that a family member of Mr Mark was also appointed as a captain within Crime Intelligence at the time, during that same timeframe and during the 250 appointment process. And I would confirm this was General Hankel.

20 **ADV VERUSCHKA SEPTEMBER:** So you independently verified this to be correct?

MR KOBUS DEMEYER ROELOFSE: That is correct Chair.

ADV VERUSCHKA SEPTEMBER: Was there anything wrong for a family member of Mr Mark to be appointed in Crime Intelligence?

MR KOBUS DEMEYER ROELOFSE: No Chair there is not necessarily something wrong with it, I think that in terms of the relationship that

was – that happened between Crime Intelligence and Mr Mark this should have been disclosed to either General Mdluli and I do not know whether it was disclosed or whether it was disclosed to a third party outside Crime Intelligence, because the relationship are too close for them – for this not to be disclosed. New World Motors does business with Crime Intelligence, General Lazarus is at the head of that Secret Service Account, who approves these transactions, Mr Mark is a service provider to Crime Intelligence, his son gets appointed within Crime Intelligence of which General Lazarus is the person in charge of the
10 250 appointment process.

ADV VERUSCHKA SEPTEMBER: And so what you are say is based on your conclusions of the events that you had become aware of, but not necessarily factual conclusions of any wrongful or illegal appointment?

MR KOBUS DEMEYER ROELOFSE: No you have to look at this holistically and in terms of the relationship that has taken place, the *quid pro quo* relationship that has taken place, because according to Colonel Naidoo General Lazarus and himself also benefitted financially from this – from these transactions, in the sense that certain – that some of the monies that was paid to Naidoo or that was created
20 through supplying of false invoices to Crime – to Secret Service Account, some of that cash was shared between him and General Lazarus, according to Colonel Naidoo.

ADV VERUSCHKA SEPTEMBER: The next investigation starts on page 29, and it is titled General Solomon Lazarus promotions and appointments of family and friends to Crime Intelligence. Where did

you obtain information in relation to this investigation?

MR KOBUS DEMEYER ROELOFSE: Chair the initial information came from – came from Colonel Naidoo and then based on his information I then requested certain documentation. And Colonel Naidoo explained his own relationship also to me in relation to this – this incident and how – he said to me that he is – he got to know Lazarus through playing volleyball in the – volleyball in the late '90's in KZN. They used to same – to play in the same league in Tongaat. Colonel Naidoo was promoted from being a Warrant Officer to the rank of Lieutenant-
10 Colonel by General Lazarus through the covert advertisement process the 250 posts that we – that I was referring to earlier in 2010. He was not only a member of CIA who got promoted. He was not the only member who got promoted in such a way. Various others – other close confidants and family members of General Lazarus also got either promoted or appointed in senior positions without following due process. General Lazarus was also intimately involved in the appointment of family and friends whereas he should have recused himself from that specific process. And then I went and I tried to – and I requested information regarding the appointments and the table which
20 is table 2 as part of my affidavit it then sets out the – the various appointments and in which rank they were appointed. And these – in respect of this you will see that the relationship in the column relationship I would then use the number FM1 – FM and in his instance it will be FM0 to FM12.

ADV VERUSCHKA SEPTEMBER: So your investigations had verified

that there were twelve individuals who had been appointed through the 250 co – 250 posts process who were then either family or friends of General Lazarus?

MR KOBUS DEMEYER ROELOFSE: That is correct Chair. I can include colleagues as well but when I talk about family and friends it includes colleagues with which he was friends.

ADV VERUSCHKA SEPTEMBER: And if we can just look to this table which starts on page 29. The first column is titled Relationship. The second column is Status and what exactly do you mean by status?

10 **MR KOBUS DEMEYER ROELOFSE:** Chair by status I mean at the time when I drew up this column and it was now for the purpose of this commission I – I was able to gain access to the [indistinct] Up system which would then show me the individuals involved. So the Status column would then state that at the time when I did this the person was active. In other words still working within the South African Police Service.

ADV VERUSCHKA SEPTEMBER: The next column is the Date of Appointment in Rank followed by a column titled Rank. Next column Level, following column Date of Promotion/Appointment in Rank,
20 followed by another column called Rank and the last column on the right hand side which is Level. Now when you referring to rank is that then the rank as you indicted under Annexure 1 to your affidavit which you addressed earlier today?

MR KOBUS DEMEYER ROELOFSE: That is correct Chair. If I can just be of more assistance. If you look at the date of appointment in rank

the first date this would mean that that person was already appointed within SAPS on the 1st March 2001.

ADV VERUSCHKA SEPTEMBER: Just for clarity of the record are you referring to the third column?

MR KOBUS DEMEYER ROELOFSE: I am referring to the third column and I am referring to FM06.

ADV VERUSCHKA SEPTEMBER: Yes.

MR KOBUS DEMEYER ROELOFSE: As an example. That person was appointed as an admin clerk on a level 6.

10 **ADV VERUSCHKA SEPTEMBER:** And that was on the 1st March 20 – sorry 2001.

MR KOBUS DEMEYER ROELOFSE: 2001 that is correct Chair. On the 15th February as part of this process the 250 process that person was appointed as a captain on a level 8.

CHAIRPERSON: Do you know whether that means he jumped from admin clerk to captain or he did go through other ranks but it did not reflect them?

MR KOBUS DEMEYER ROELOFSE: He – Chair in respect of this he jumped at least one rank.

20 **CHAIRPERSON:** So – on – at least one rank?

MR KOBUS DEMEYER ROELOFSE: In terms of – ja – in terms of what is stated here.

CHAIRPERSON: Yes.

MR KOBUS DEMEYER ROELOFSE: He jumped at least one rank.

CHAIRPERSON: Okay.

ADV VERUSCHKA SEPTEMBER: If we look at the next line item which is FM07 can you take us through that as an example too please?

MR KOBUS DEMEYER ROELOFSE: As a result of this one it is – he was appointed on the 1st August 2005 as a captain under level 8. On the 1st March – on the 1st March 2010 he was appointed as a colonel on the level of – on a level 12 which means he jumped basically four levels.

CHAIRPERSON: And that is completely unusual jump?

MR KOBUS DEMEYER ROELOFSE: That is correct Chair.

10 **CHAIRPERSON:** Yes okay.

ADV VERUSCHKA SEPTEMBER: And by way of a last example if we look at line item number 4 FM04 can you take us through that because in the third column it appears blank?

MR KOBUS DEMEYER ROELOFSE: That is correct Chair. So in respect of this specific individual he or she was an individual – I mean a civilian and who was appointed to the rank of Lieutenant Colonel which is on a level 10 on the 1st March 2010.

CHAIRPERSON: So that means that one did not go through the ranks at all?

20 **MR KOBUS DEMEYER ROELOFSE:** No Chair he or she did not go...

CHAIRPERSON: He or she jumped everything?

MR KOBUS DEMEYER ROELOFSE: That is correct.

CHAIRPERSON: Until?

MR KOBUS DEMEYER ROELOFSE: Yes.

CHAIRPERSON: And that is – is it about rank number 567 from

bottom?

MR KOBUS DEMEYER ROELOFSE: It starts if I am not mistaken it starts at level 3.

CHAIRPERSON: Oh.

MR KOBUS DEMEYER ROELOFSE: The ranks within – how the levels within SAPS.

CHAIRPERSON: Yes, no what I am thinking is if you start from Constable how many ranks do you...

MR KOBUS DEMEYER ROELOFSE: I have to check.

10 **CHAIRPERSON:** Oh it requires actual counting?

MR KOBUS DEMEYER ROELOFSE: It is six ranks.

CHAIRPERSON: Six ranks.

MR KOBUS DEMEYER ROELOFSE: Yes.

CHAIRPERSON: Okay. Alright.

ADV VERUSCHKA SEPTEMBER: Thank you Chair. If one were then to consider the full table which starts on page 29 and ends on page 30 is it correct that other than FM11 where there is a retention of a rank at level 10 the remaining individuals have either jumped from a lower rank to a much higher rank alternatively have appointed into a senior rank as a civilian?

20

MR KOBUS DEMEYER ROELOFSE: That is correct Chair.

ADV VERUSCHKA SEPTEMBER: And it is correct that you confirmed these appointments?

MR KOBUS DEMEYER ROELOFSE: Ja I confirmed these appointments on the – on the [indistinct] Up system prior to my – me

finalising my affidavit.

ADV VERUSCHKA SEPTEMBER: The next investigation that you deal with is titled General Lazarus abuse of safe house.

MR KOBUS DEMEYER ROELOFSE: That is correct Chair.

ADV VERUSCHKA SEPTEMBER: How did you come to learn of this – of the allegations under penning this investigation?

MR KOBUS DEMEYER ROELOFSE: Chairperson – Chair it is again General – Colonel Naidoo that informed me of – of this incident. At the time General Naidoo – Colonel Naidoo was – travelled with General
10 Lazarus and they were in close contact with each other. They also stayed in more or the less the same vicinity. According to General – according to Colonel Naidoo General Lazarus did some extensive renovations to his private property to such an extent that he could not stay there anymore. He had to vacate the premises.

ADV VERUSCHKA SEPTEMBER: And during what period was this?

MR KOBUS DEMEYER ROELOFSE: This was during 2005/2006. He then stated to me that the rental amount was approximately R6000.00 per month and according to Colonel Naidoo he was responsible for paying the rent out of the Secret Services Account.

20 **ADV VERUSCHKA SEPTEMBER:** Who was responsible?

MR KOBUS DEMEYER ROELOFSE: Colonel Naidoo was responsible. In other words he had to withdraw money from the Secret Services Account, pay it and then provide the invoice to cover the cost of the payment. He states further that the premises were rented only for the period that General Lazarus and his family made use of it and it was

exclusively furnished from monies from the Secret Services Account. After the lease period expired – had expired the furniture was written off. The furniture was still in excellent condition and Colonel Naidoo and General Lazarus took some of the furniture for themselves. According to Colonel Naidoo General Lazarus took various items including mirrors, coffee tables and lamps for himself. I then requested Crime Intelligence at the time when I was still allowed to get documentation to confirm whether this rental took place or not. I was given the actual documentation. I was able to corroborate what Colonel

10 Naidoo has told me. It was for approximately one year that General Lazarus stayed there. The Secret Services Account was responsible for the maintaining of the garden, the DSTV or DSTV and other expenses within the household of General Lazarus at the time. That is as far as I can take it at this point in time Chair.

ADV VERUSCHKA SEPTEMBER: Is there any prohibition against a member of the police using a safe house for personal benefits?

MR KOBUS DEMEYER ROELOFSE: Chair the correct procedure is the following: If there is a – if there is a threat on your life and whether you work for Crime Intelligence or whether you work for the commission

20 or whether you work for SAPS a risk assessment needs to be done and that is done by Crime Intelligence.

Based on that risk assessment a decision will be taken whether it is required for that person to be protected and whether that protection means personal protection or protection at his home it does not actually – it is the same thing. When it comes to protection at

home the correct procedure after that is that you have to engage the Department of Public Works who would then; based on the decision that there is a threat make sure that the – that the necessary security upgrades has been – has been – or is being done to your home in as far as the threat exists. That is what is supposed to happen.

I could not find any security threat that was part of the documentation that I perused; that was given to me so I could not find any evidence that there was a security threat or security risk on Mr Lazarus. And even if there were the funds should have come from
10 somewhere else and not the Secret Services Account for the payment of that property.

ADV VERUSCHKA SEPTEMBER: But now there is a marked distinction between benefiting from a safe house and obtaining funds in relation to an upgrade for security reasons?

MR KOBUS DEMEYER ROELOFSE: The process...

ADV VERUSCHKA SEPTEMBER: Is that true?

MR KOBUS DEMEYER ROELOFSE: No that is true but the process would still be the same. The funds that you would need to cover the cost of a rental as part of your – as part of your safety procedures
20 comes from the Open Account not the Secret Services Account. And you have to have a proper motivation as to why and there must be a risk assessment as to why you have to stay somewhere else. And in this case the motivation does not speak to the reason as to why Mr Lazarus – the actual reason according to Naidoo – Colonel Naidoo as to why Mr Lazarus stayed there.

ADV VERUSCHKA SEPTEMBER: But then is it correct that or rather let me ask you the question. Are there any instances where state funds from the Secret Services Account can be used to house a member of the police?

MR KOBUS DEMEYER ROELOFSE: Chair if it is for official purposes then it is possible. But it is highly unlikely. Because you would not have policemen staying at – at that kind – at that premises. That premises is being utilised for something else. It is being utilised for conducting your work, seeing informers, seeing agents and that kind of
10 thing. It is not {indistinct}.

CHAIRPERSON: So you cannot live in it?

MR KOBUS DEMEYER ROELOFSE: No Chair you cannot live in it. It is not [indistinct].

CHAIRPERSON: You can go there for meetings or whatever operations but you cannot live in it as a member of the police?

MR KOBUS DEMEYER ROELOFSE: No Chair you cannot because then you benefited from – benefiting from – from that safe house in your personal capacity.

CHAIRPERSON: Yes, yes.

20 **MR KOBUS DEMEYER ROELOFSE:** And then you are not allowed to do that.

ADV VERUSCHKA SEPTEMBER: The next thing – or rather what is the status of this investigation Mr Roelofse?

MR KOBUS DEMEYER ROELOFSE: This investigation was dealt with – was dealt with and then – and the – and we received the – the

documentation relating to this. The documentation has not been declassified.

ADV VERUSCHKA SEPTEMBER: The next investigation that you deal with is titled General Lazarus abuse of SSA – purchase...

CHAIRPERSON: We are at four.

ADV VERUSCHKA SEPTEMBER: Of vehicles.

CHAIRPERSON: Yes.

ADV VERUSCHKA SEPTEMBER: Maybe now is an opportune time?

CHAIRPERSON: Yes we – we will stop with your evidence Mr Roelofse
10 now and we will proceed tomorrow at ten.

ADV VERUSCHKA SEPTEMBER: Chair before we do with your leave I would like to place it on record that Colonel Naidoo is in fact a witness who will be called by the commission. By virtue of the fact that he has been placed under the witness protection program there is an application that will brought before you Chair in due course.

CHAIRPERSON: I am – I am not sure whether you should proceed with that matter.

ADV VERUSCHKA SEPTEMBER: And I...

CHAIRPERSON: We are going to adjourn. You can approach me in
20 chambers in regard to the other matter. We are going to adjourn for now. It may or may not be that we will resume to deal with another matter or I might deal with it in chambers.

ADV VERUSCHKA SEPTEMBER: As it pleases Chair.

CHAIRPERSON: We adjourn.

REGISTRAR: All rise.

INQUIRY ADJOURNS TO 18 SEPTEMBER 2019