

COMMISSION OF INQUIRY INTO STATE CAPTURE

HELD AT

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10

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DAY 174

20

PROCEEDINGS COMMENCE ON 1 OCTOBER 2019

CHAIRPERSON: Good morning Ms Wentzel, good morning everybody.

ADV SUSAN WENTZEL: Good morning Chair.

CHAIRPERSON: Yes. I understand you would like me to adjourn for a few minutes.

ADV SUSAN WENTZEL: Yes Chair...

CHAIRPERSON: Put on your microphone. Switch it on ja.

ADV SUSAN WENTZEL: Yes Chair. Chair the reason for the delay is that as you noticed yesterday in the testimony difficulties arose from
10 the fact that Colonel Naidoo's affidavit was not deposed to like Roelofse – Colonel Roelofse's was in a redacted form. It was deposed to and only afterwards redacted. The result has been that the relationship with certain of the persons of Crime Intelligence have been redacted and in – of in many, many instances the sentences no longer make sense. There were also issues that arose during the course of consultations with Colonel Naidoo on Sunday where it appeared that certain of the FM numbers were wrong and they needed to be corrected. He has deposed to a supplementary affidavit to deal with all of these issues and the Secretariat is in the process of I believe
20 preparing a bundle and the amended pages. They just need a little bit more time to get this into our files.

CHAIRPERSON: Okay no that is fine. How much time do you need?

ADV SUSAN WENTZEL: Um...

CHAIRPERSON: Maybe we should just say ten o'clock because if we say quarter to as we discussed and that might be too little time.

ADV SUSAN WENTZEL: Yes.

CHAIRPERSON: Let me give you enough time to get everything in order because when we start I really want us to get going. I want us to finish Colonel Naidoo's evidence today.

ADV SUSAN WENTZEL: Yes that is very much appreciated Chair.

CHAIRPERSON: Ja. Okay then we will take an adjournment and we will resume at ten o'clock. We adjourn.

REGISTRAR: All rise.

INQUIRY ADJOURNS

10 **INQUIRY RESUMES**

CHAIRPERSON: Okay let us start. Good morning Colonel Naidoo are you there?

COLONEL DHANAJAYA GANGULU NAIDOO: I am here Chair. Good morning Chair.

CHAIRPERSON: Good morning. I said to Ms Wentzel this morning earlier it is just that I am not sure whether you were there to hear what I said. I would like us to try and finish your evidence today. So she will do the necessary from her part and we must just try and finish today.

20 **COLONEL DHANAJAYA GANGULU NAIDOO:** Yes Chair.

CHAIRPERSON: Is that alright?

COLONEL DHANAJAYA GANGULU NAIDOO: I will try my best to go as fast as possible.

CHAIRPERSON: Yes. Obviously that is subject to the fact that we must not do any injustice to your evidence.

COLONEL DHANAJAYA GANGULU NAIDOO: Indeed.

CHAIRPERSON: Ja. But we – we do not have all the time in the world so we have got to make the best of the time that we have and use it fruitfully. We do not want to leave any important fissures of your evidence but at the same time we want to move with some speed. Okay?

COLONEL DHANAJAYA GANGULU NAIDOO: I agree Chair.

CHAIRPERSON: Okay thank you.

ADV SUSAN WENTZEL: Thank you Chair. Chair as I indicated earlier
10 this morning Colonel Naidoo has deposed to a supplementary affidavit which has been marked Exhibit KK1.2 and will follow after his what I call main affidavit or his witness statement. I think it has been handed to your Registrar if it could just be admitted as an exhibit and placed in your file?

CHAIRPERSON: Let me see. You must please get somebody to look at certain pages in the bundle where the number of the page in terms of pagination is not legible or clear and have those so that you can have those pages replaced with copies that will make it clear what the page number is. I mean some of them it might be that the number of the
20 page should be written a little higher up where there is a space. Others they just need to complete replacement. So one struggles to see what the number of the page is in regard to some of these. So somebody could work on that while you are busy and then during the break that can be fixed. It seems that you want this new affidavit to be – to come after page 140 is that right? Did you hear me? You did not?

ADV SUSAN WENTZEL: I did not because I was being given an instruction I am afraid – I am sorry.

CHAIRPERSON: Okay. I have put it after page 140 I think that is where you wanted it to be.

ADV SUSAN WENTZEL: Yes it is where we want it. Thank you very much Chair. I will make sure that the Secretariat who has been here in court attends to the fact that sometimes a signature goes over a paginated page and it – and in other instances where it is an annexure I had also found it difficult to read what the page number is and we will
10 make sure that that is sorted out.

CHAIRPERSON: Ja.

ADV SUSAN WENTZEL: Chair before I continue with the remainder of Colonel Naidoo's evidence I said that I would do a reconciliation overnight to work out the percentage spent on the two credit cards. Chair that exercise has been done and in respect of Colonel Naidoo's credit card 99.99% was spent. In respect of Colonel Barnard's credit card 83.49% was spent. So the assessment that well over 80% was spent was correct and...

CHAIRPERSON: Okay.

20 **ADV SUSAN WENTZEL:** Thank you Chair. Chair yesterday we were dealing with the family members who were appointed as agents into Crime Intelligence – into the agent program at Crime Intelligence and before the adjournment we were dealing with the family members of Colonel Barnard. It is at page 19 of the statement paragraph 73. Colonel Naidoo...

CHAIRPERSON: Just hang on one second. The parts of – you remember that when you started with Colonel Naidoo’s evidence you did not start at the beginning.

ADV SUSAN WENTZEL: Yes.

CHAIRPERSON: You covered what comes much later in his statement namely the circumstances under which he was put on the witness protection program.

ADV SUSAN WENTZEL: Yes.

CHAIRPERSON: From what page to what page does that go? Where
10 do we find that part?

ADV SUSAN WENTZEL: It is from page 62 Chair through to – essentially to the end Chair except for pages 68 and 69 which were not dealt with.

CHAIRPERSON: Yes. Okay. Now yesterday we went up to what page of his statement?

ADV SUSAN WENTZEL: Page 19.

CHAIRPERSON: Page 19.

ADV SUSAN WENTZEL: Yes.

CHAIRPERSON: So that leaves us with about 30 pages to cover.

20 **ADV SUSAN WENTZEL:** Yes.

CHAIRPERSON: Plus the annexures.

ADV SUSAN WENTZEL: Yes.

CHAIRPERSON: Is there a reason why we should take longer than an hour to finish ten pages with annexures? What do you think?

ADV SUSAN WENTZEL: Yes I think that that is...

CHAIRPERSON: Maybe let us aim for that.

ADV SUSAN WENTZEL: Yes.

CHAIRPERSON: And see if – if it goes a little over or under that is fine but let us aim for that because – but as long as we finish today.

ADV SUSAN WENTZEL: Yes.

CHAIRPERSON: That is important.

ADV SUSAN WENTZEL: We will make every effort to do so.

CHAIRPERSON: Yes.

ADV SUSAN WENTZEL: And Chair certain aspects you will see will go
10 quicker than others.

CHAIRPERSON: Quicker yes yes. Yes. No that is fine.

ADV SUSAN WENTZEL: Before I start Chair if perhaps I can get Colonel Naidoo just to confirm that the affidavit that has been placed into evidence as Exhibit K1.2 is his affidavit and that he has signed that affidavit before a commissioner this morning?

CHAIRPERSON: Well why – you remember we said whatever will be in this file will be – will be – will form part of Exhibit KK1.1. We said we are doing away with 1.2.

ADV SUSAN WENTZEL: Yes. Yes.

20 **CHAIRPERSON:** So therefore that affidavit should not be a separate exhibit.

ADV SUSAN WENTZEL: 1.1

CHAIRPERSON: It should just be part of what is in Exhibit.

CHAIRPERSON: 1.

CHAIRPERSON: Ja 1.1.

ADV SUSAN WENTZEL: Yes.

CHAIRPERSON: So do not refer to it as Exhibit K1.2.

ADV SUSAN WENTZEL: Yes.

CHAIRPERSON: It is just one of the supplementary affidavit or documents in this exhibit.

ADV SUSAN WENTZEL: Yes I understand.

CHAIRPERSON: Ja.

ADV SUSAN WENTZEL: Colonel Naidoo the affidavit that appears at page 141 and ends at page 154 with your signature page 153 is that
10 your affidavit and your signature?

COLONEL DHANAJAYA GANGULU NAIDOO: That is I confirm.

ADV SUSAN WENTZEL: And you confirm...

CHAIRPERSON: I am sorry.

COLONEL DHANAJAYA GANGULU NAIDOO: Sorry Chair.

ADV SUSAN WENTZEL: I think both of you...

COLONEL DHANAJAYA GANGULU NAIDOO: It would ...

CHAIRPERSON: Spoke very softly please raise your voices.

COLONEL DHANAJAYA GANGULU NAIDOO: Chair that would be to page 142 that is correct.

20 **CHAIRPERSON:** The new – new supplementary – the supplementary affidavit it is page where your name is – where it says “I the undersigned” is page 141 and it goes up to page 153 and there is a letter which I think is an annexure page 154. That is the supplementary affidavit that she is talking about.

COLONEL DHANAJAYA GANGULU NAIDOO: That is correct Chair.

CHAIRPERSON: It is your affidavit?

COLONEL DHANAJAYA GANGULU NAIDOO: That is correct Chair my signature appears on page 152.

CHAIRPERSON: Yes. Ja okay thank you.

ADV SUSAN WENTZEL: Yes. And Chair amendments have made to the affidavit so that it makes grammatical sense and correct certain errors. Colonel Naidoo are you satisfied that the amendments made are correct?

COLONEL DHANAJAYA GANGULU NAIDOO: I am satisfied.

10 **ADV SUSAN WENTZEL:** Thank you. Now Colonel Naidoo we are going to proceed dealing with the family members of Colonel Barnard on page 19 of your affidavit paragraph 73.

COLONEL DHANAJAYA GANGULU NAIDOO: Yes.

ADV SUSAN WENTZEL: If you could just indicate to the Chair who those family members were?

COLONEL DHANAJAYA GANGULU NAIDOO: Chair Colonel Barnard was the Head of the Procurement Section of CI. His family members two of his family members were appointed within this promotion process of the 250 posts. One of his relatives was appointed as a Sergeant or
20 a Warrant Officer and another of his relatives was appointed as a clerk at the Technical Support Unit.

CHAIRPERSON: Yes.

ADV SUSAN WENTZEL: And then with regard to Major Els – Major-General Els was the National Head of Crime Intelligence Gathering at that stage Chair. Two of his family members were appointed to

positions within CI. One or both of those names I do not know but I know that one was appointed as a Lieutenant Colonel without any prior appointment in SAPS and another was appointed as a Captain without any prior appointment in the SAPS. And I think as far as I know that particular individual left the police or resigned from the police.

ADV SUSAN WENTZEL: Then Colonel Naidoo with regard to former Lieutenant General Lala?

COLONEL DHANAJAYA GANGULU NAIDOO: At that stage General Lala was the Divisional Commissioner of CI. Chair sorry no he was not
10 the – he was not the Divisional Commissioner he had subsequently left. I think he was going to Detective Services and I think he is now at SARS. A family member FM37 Chair was appointed within this promotion process. A Lieutenant General Stander who was stationed at I think at that stage she was Deputy National Commissioner one of her relatives was appointed at CI Head Office. He was appointed and placed within the IT section of CI. Brigadier Driena Bellingham was head of the Human Resources at CI. Her relative was appointed to the position from a lower rank to a higher rank of Colonel. This information was relayed to me by FM09 Chair.

20 **CHAIRPERSON:** Yes.

COLONEL DHANAJAYA GANGULU NAIDOO: The appointment of persons to CI within criminal – with – sorry – pardon me Chair. The appointment of persons to CI with criminal convictions and addition to those that were appointed and promoted within this process there were numerous individuals that had criminal convictions Chair.

CHAIRPERSON: Yes.

COLONEL DHANAJAYA GANGULU NAIDOO: Brigadier Billingham would have been the person that would have dealt with these – with these issues with regards to – insofar as regards to the condonations regarding these specific individuals.

CHAIRPERSON: Yes.

COLONEL DHANAJAYA GANGULU NAIDOO: Chair then I go to...

CHAIRPERSON: Aha.

ADV SUSAN WENTZEL: Could you then deal with the appointment of
10 FM41 into the agent program.

COLONEL DHANAJAYA GANGULU NAIDOO: I will. Chair FM41 was a Colonel in CI. This individual was found guilty Chair of – of vehicle – it was a vehicle related fraud – I am not sure exactly the details of it.

CHAIRPERSON: Yes.

COLONEL DHANAJAYA GANGULU NAIDOO: But what I can say that FM41 was never disciplined. Instead he was placed within the agent program as an agent.

CHAIRPERSON: Yes.

COLONEL DHANAJAYA GANGULU NAIDOO: Chair from what I
20 understand he remained within the agent program until he retired. I believe this was done purely to – to hide him so to speak in an agent program as a favour. I will testify to later the relationship between FM41 at that stage General or Assistant Commissioner Lala, Assistant Commissioner Mphego and General Lazarus.

CHAIRPERSON: Yes okay. Yes Ms Wentzel.

ADV SUSAN WENTZEL: Colonel Naidoo can you deal with that relationship?

CHAIRPERSON: Colonel Naidoo one of the difficulties I understand that Ms Wentzel has is or both of you have is that because you cannot see each other sometimes you are expecting her to lead and she is expecting you to continue and both of you do not know and that is why sometimes there is silence. But let us try our best.

COLONEL DHANAJAYA GANGULU NAIDOO: Yes Chair I also believe that is what is happening. So I will also try my best.

10 **ADV SUSAN WENTZEL:** Yes.

CHAIRPERSON: Ja you are never sure whether to continue sometimes.

ADV SUSAN WENTZEL: Yes.

COLONEL DHANAJAYA GANGULU NAIDOO: Yes.

CHAIRPERSON: Yes okay. Ms Wentzel.

ADV SUSAN WENTZEL: Colonel Naidoo could you deal with that relationship which you deal with in paragraph 81 of your statement?

20 **COLONEL DHANAJAYA GANGULU NAIDOO:** Chair I refer to two incidents. This was around 2006. I was – I was – FM41 was my commander at that stage. Like I testified to earlier I was a dedicated person to go to Head Office to – to tend to operatives' administrative needs in terms of their claims etcetera. I recall one such incident where I was given a claim Chair or rather an advance for R40 000.00 this was for a recruitment of an agent. I got an instruction from FM41.

CHAIRPERSON: It looks like R40 000.00 is quite a popular amount

Colonel Naidoo in CI.

COLONEL DHANAJAYA GANGULU NAIDOO: It seems so Chair.

CHAIRPERSON: Yes.

COLONEL DHANAJAYA GANGULU NAIDOO: I remember getting instruction from FM41 to secure the funds of R40 000.00. The instruction that I got was that of the R40 000.00 R20 000,00 I should bring back to him and the other R20 000.00 should go to Assistant Commissioner Lala at that stage. Chair ...

CHAIRPERSON: What was that amount for? What was the R40 000.00
10 for?

COLONEL DHANAJAYA GANGULU NAIDOO: It was for a recruitment of an informer Chair.

CHAIRPERSON: It was for?

COLONEL DHANAJAYA GANGULU NAIDOO: A recruitment of an informer.

CHAIRPERSON: Oh okay alright.

COLONEL DHANAJAYA GANGULU NAIDOO: This was recruitment fees Chair.

CHAIRPERSON: Recruitment – recruitment fees?

20 **COLONEL DHANAJAYA GANGULU NAIDOO:** Of an informer yes that is correct.

CHAIRPERSON: Oh so when an informer is being recruited there is an advance amount that is paid?

COLONEL DHANAJAYA GANGULU NAIDOO: Correct Chair but it depends on the level of information that particular informer might –

might have tentatively.

CHAIRPERSON: In terms of what the amount would be?

COLONEL DHANAJAYA GANGULU NAIDOO: That is correct.

CHAIRPERSON: Oh okay.

COLONEL DHANAJAYA GANGULU NAIDOO: It is not a set amount.

CHAIRPERSON: Okay alright yes continue.

COLONEL DHANAJAYA GANGULU NAIDOO: But this particular instance it was R40 000.00.

CHAIRPERSON: Okay alright.

10 **COLONEL DHANAJAYA GANGULU NAIDOO**: Chair...

CHAIRPERSON: But the R40 000.00 was to be split into two?

COLONEL DHANAJAYA GANGULU NAIDOO: That is correct.

CHAIRPERSON: So it was not all going to go to the informer?

COLONEL DHANAJAYA GANGULU NAIDOO: No Chair.

CHAIRPERSON: But was – were the records going to reflect that it was going – it was all going to the informer?

COLONEL DHANAJAYA GANGULU NAIDOO: Indeed.

CHAIRPERSON: R20 000.00 was going to General Lala?

20 **COLONEL DHANAJAYA GANGULU NAIDOO**: Commissioner Lala Chair
yes.

CHAIRPERSON: Yes. Was it going to him for his personal use?

COLONEL DHANAJAYA GANGULU NAIDOO: I am not sure.

CHAIRPERSON: Or do you not know?

COLONEL DHANAJAYA GANGULU NAIDOO: What it was for but in terms of the – the procedure the R40 000.00 should go to one particular

person in this case it would be the informer.

CHAIRPERSON: Because the records reflected that?

COLONEL DHANAJAYA GANGULU NAIDOO: Indeed.

CHAIRPERSON: The moment part of it was not going to the informer then that meant there was something irregular?

COLONEL DHANAJAYA GANGULU NAIDOO: That is correct Chair.

CHAIRPERSON: Yes okay. Continue.

COLONEL DHANAJAYA GANGULU NAIDOO: I refer to also remember the advance holder at that stage I cannot remember her name but I
10 think – I believe she is deceased. She enquired from me why is this happening. This is – to her this was quite irregular because if you put in a claim or an advance for a particular informer that specific amount should go to that person. So why is the amount is being split.

CHAIRPERSON: Who was asking this question?

COLONEL DHANAJAYA GANGULU NAIDOO: The advance holder – the advance holder at that stage. Pardon me Chair. The advance holder at the cash office.

CHAIRPERSON: Explain the job of an advance holder in this setup?

COLONEL DHANAJAYA GANGULU NAIDOO: Chair this is essentially
20 like I explained there were advance – advance officers where you would go with your – and I explained using the petrol claim or the advance.

CHAIRPERSON: Oh is that the person who processes all requests for advance payments?

COLONEL DHANAJAYA GANGULU NAIDOO: That is correct Chair.

CHAIRPERSON: Oh. Does that person also make the decision or

whether to approve the request for advance payment or not or does he or she simply check that the documentation is right and then sends it to somebody else who makes the decision?

COLONEL DHANAJAYA GANGULU NAIDOO: Chair the job description of the advance holder is purely administrative. It is purely to – to receive claims – advances and capture it on the system. Because this would have already been approved by a particular commander or the individual's commander.

CHAIRPERSON: Oh so the decision would have been made and he or
10 she is simply there to make sure that there are proper records?

COLONEL DHANAJAYA GANGULU NAIDOO: That is correct Chair. Just to process that particular claim or advance.

CHAIRPERSON: Oh so the particular advance holder asked or queried this particular claim?

COLONEL DHANAJAYA GANGULU NAIDOO: That is correct Chair. It was an advance.

CHAIRPERSON: But would the records not that – would not the paperwork that she had simply – would it not have simply reflected that the money would go to the informer. How would she or he have known
20 that part of it would not go to the informer?

COLONEL DHANAJAYA GANGULU NAIDOO: Chair because the staff officer at – at Commissioner Lala's office at that stage met me at the advance office. I cannot remember her name it is a white female. She met me at the advance office and I gave her R20 000.00 in the presence of the advance holder. So that is where the query came

about.

CHAIRPERSON: Oh okay, okay.

COLONEL DHANAJAYA GANGULU NAIDOO: And I – I handed over he R20 000.00 to this particular female whose name I cannot remember and the other R20 000.00 I took back to my own office and handed it over to FM41. Chair this was...– I handed over he R20 000.00 to this particular female whose name I cannot remember and the other R20 000.00 I took back to my own office and handed it over to FM41. Chair this was...

10 **CHAIRPERSON:** Okay thank you.

COLONEL DHANAJAYA GANGULU NAIDOO: This was one incident. This was regarding Assistant Commissioner Mphego – sorry Lala.

CHAIRPERSON: Hm.

COLONEL DHANAJAYA GANGULU NAIDOO: The other incident it involves Commission Mphego. At that stage Commissioner Mphego was the second in charge to Commissioner Lala at CI. I recall an incidence where – incident where FM41 told me that Commissioner Mphego is – he has traded his – one of his vehicles in. I think it was an Isuzu bakkie and there was a shortfall on the trade-in. I think the amount
20 was R125 000.00 and he – he requested FM41 to make arrangements to hand the money to him. That is the second incident Chair.

CHAIRPERSON: So General Mphego requested FM41?

COLONEL DHANAJAYA GANGULU NAIDOO: That is correct Chair.

CHAIRPERSON: To give him the money that he would use to pay for the shortfall?

COLONEL DHANAJAYA GANGULU NAIDOO: There was a shortfall on his vehicle that he was trading in Chair yes.

CHAIRPERSON: Yes. And – and why was he asking FM41 for that money?

COLONEL DHANAJAYA GANGULU NAIDOO: Chair ...

CHAIRPERSON: Was FM41 – FM41 was – was not in charge of the account of the Secret Service Account because it was General Lazarus who was in charge of that is it not?

COLONEL DHANAJAYA GANGULU NAIDOO: Yes Chair. This – FM41
10 was a commander of one of the operational teams where I will testify to later where informer false informer reward were processed via this office Chair.

CHAIRPERSON: Oh so FM41 was in charge of an office which was – which used to process some of the claims?

COLONEL DHANAJAYA GANGULU NAIDOO: No Chair not process the claims. They would – they would put in false informer rewards. In this process they would generate cash. This was done via this office.

CHAIRPERSON: I am sorry just repeat that. What would they do to generate cash?

20 **COLONEL DHANAJAYA GANGULU NAIDOO:** They would put in false informer rewards Chair. In other words false intelligence or bogus intelligence reports would be generated to generate funds via that process. This was done via FM41's office.

CHAIRPERSON: Oh.

COLONEL DHANAJAYA GANGULU NAIDOO: He was the commander

of this operational team at that stage.

CHAIRPERSON: Oh so they would put in effectively fake intelligence reports?

COLONEL DHANAJAYA GANGULU NAIDOO: That is correct Chair.

CHAIRPERSON: And – on the basis of those reports they or certain people would be thought to be entitled to certain payments.

COLONEL DHANAJAYA GANGULU NAIDOO: That is correct.

CHAIRPERSON: In terms of rewards.

COLONEL DHANAJAYA GANGULU NAIDOO: That is correct Chair.

10 **CHAIRPERSON**: And that is what General Mphego was asking for?

COLONEL DHANAJAYA GANGULU NAIDOO: That is correct Chair.

CHAIRPERSON: Okay alright thank you. Continue.

COLONEL DHANAJAYA GANGULU NAIDOO: Chair there was – I remember another incidence where FM41 had a meeting at head office and he came back and he was quite upset and he did not mention which one of – either it was General Lala or General Mphego had asked him for more funds. It was during the month and he said to me they are getting R100 000.00 is that not enough? And he said something to the effect “voetsak man” so he was quite upset.

20 **CHAIRPERSON**: Who was that now?

COLONEL DHANAJAYA GANGULU NAIDOO: FM41.

CHAIRPERSON: FM41?

COLONEL DHANAJAYA GANGULU NAIDOO: That is correct Chair.

CHAIRPERSON: Okay and who had asked for more money there? Was it General Mphego again?

COLONEL DHANAJAYA GANGULU NAIDOO: It was one of them Chair he did not mention their names he just said they are getting...

CHAIRPERSON: Yes.

COLONEL DHANAJAYA GANGULU NAIDOO: One of them asked him for more money and he was upset.

CHAIRPERSON: Yes.

COLONEL DHANAJAYA GANGULU NAIDOO: But this stage remember they were getting paid monthly. I am not sure in my statement I say R50 to R100 000.00. I am not sure it was R50 000.00 each.

10 **CHAIRPERSON:** Ja.

COLONEL DHANAJAYA GANGULU NAIDOO: Or – or R100 000.00 each.

CHAIRPERSON: Yes.

COLONEL DHANAJAYA GANGULU NAIDOO: I am – I cannot be certain.

CHAIRPERSON: Okay. Now I see that in your statements quite a number of these matters you deal with are not reflected in terms of when they happened. Do you have no recollection as to when these events and incidents took place?

20 **COLONEL DHANAJAYA GANGULU NAIDOO:** Chair I worked under FM41 he is my – he was my commander from 2004 to 2006 so it would have been probably between that time period.

CHAIRPERSON: Yes. Okay. Yes continue. Or Ms Wentzel do you want to take it from there?

ADV SUSAN WENTZEL: Yes. Colonel Naidoo what do you believe is

the significance of this relationship between FM41 and General Lala and General Mphego?

COLONEL DHANAJAYA GANGULU NAIDOO: Chair like I mentioned earlier FM41 was found guilty on a vehicle related charge. He was never disciplined. I remember having a discussion with General Lazarus and he - and he said that he wants to help the old man.

He had a discussion with - with Commissioner Mphego and there was - they decided that they were going to place into the agent
10 program and this is what General Lazarus relayed to me. Commissioner Mphego told him that I should be his handler.

CHAIRPERSON: Before you proceed. You say that he was not disciplined?

COLONEL DHANAJAYA GANGULU NAIDOO: No Chair.

CHAIRPERSON: Do you know enough about the facts to be able to say whether this was a matter where he should have been disciplined? Do you know whether the fraud related incident to which you - you talk in your statement related to work or was it something that happened outside of work?

20 **COLONEL DHANAJAYA GANGULU NAIDOO:** Chair I do not know the facts relating to this incident but I do know that he was convicted of a vehicle related crime.

CHAIRPERSON: Yes. If it was something that did not - that was not work related. For example if he - but you - you also do not know what actually he is alleged to have done?

COLONEL DHANAJAYA GANGULU NAIDOO: Not the actual facts.

CHAIRPERSON: That is said to be fraud related?

COLONEL DHANAJAYA GANGULU NAIDOO: No Chair.

CHAIRPERSON: Of course if he was convicted of fraud one would expect that he would not be allowed to continue in - in the police - in the police force.

COLONEL DHANAJAYA GANGULU NAIDOO: That is correct Chair.

CHAIRPERSON: But whether or not he was convicted of fraud is that something you know for sure or is that something that you heard from somebody saying he was convicted of fraud but you do not know for sure? What is the position?

COLONEL DHANAJAYA GANGULU NAIDOO: Chair I cannot say for sure what - whether it was work related or not but I - I know for fact that he was convicted on a vehicle related charge. I say this because on numerous occasions FM41 gave me money. There was a fine I think that he had to pay at the court.

I think it was the Pretoria Court and I - I did this on numerous occasions. I think at least on three occasions.

CHAIRPERSON: So - so you know that he - he was convicted of a car related offence?

COLONEL DHANAJAYA GANGULU NAIDOO: That is correct Chair.

CHAIRPERSON: And - and do you know that - do you know whether that car related offence was fraud?

COLONEL DHANAJAYA GANGULU NAIDOO: Chair if - if I can recall it was - at that stage he was a Colonel. At that stage rather a Senior

Superintendent. They had a package where they had to buy a vehicle or the option of buying a vehicle on that level. This was part of the package.

CHAIRPERSON: Yes, but my question is whether you know whether the car related offence - whether you know whether the car related offence of which he was convicted was fraud.

COLONEL DHANAJAYA GANGULU NAIDOO: I cannot say for sure
Chair.

CHAIRPERSON: Yes. Ms Wentzel I think some of these things should
10 have been investigated by ...

ADV SUSAN WENTZEL: Yes.

CHAIRPERSON: By the legal team ...

ADV SUSAN WENTZEL: Legal team, yes.

CHAIRPERSON: And the investigators.

ADV SUSAN WENTZEL: Yes. I can - I can see this.

CHAIRPERSON: *Ja*, because ...

ADV SUSAN WENTZEL: I appreciate it.

CHAIRPERSON: You know if people have been involved in wrongdoing
by all means people who have got personal knowledge of that must give
20 evidence and - and say that is so when they know - they - they know
the facts you know but this is a forum where you know the public is
listening.

The proceedings go on television and radio and people's names are mentioned. It is important that before names are mentioned things be checked ...

ADV SUSAN WENTZEL: Yes I ...

CHAIRPERSON: Properly because ...

ADV SUSAN WENTZEL: I appreciate that.

CHAIRPERSON: Nobody - we - we should never do anything to anybody that we would not like to be done to us. If people have got information, they know the facts. By all means - but we you know the legal team and the investigators must just be careful that before a witness takes the stand you know.

10 Somebody has checked properly and advised the - the witness about certain things you know. You need to be careful about that.

ADV SUSAN WENTZEL: I - I appreciate it Chair. I think that it is - it is absolutely correct.

CHAIRPERSON: *Ja.*

ADV SUSAN WENTZEL: That ...

CHAIRPERSON: *Ja.*

ADV SUSAN WENTZEL: During the course of the evidence ...

CHAIRPERSON: Hm.

20 **ADV SUSAN WENTZEL:** Things that were - were taken as fact have been found to be not fact ...

CHAIRPERSON: Hm.

ADV SUSAN WENTZEL: And that is a very serious difficulty and ...

CHAIRPERSON: *Ja.*

ADV SUSAN WENTZEL: I - I have - have spoken to Colonel Naidoo about confirming ...

CHAIRPERSON: Hm.

ADV SUSAN WENTZEL: Only things that he actually knows about.

CHAIRPERSON: *Ja.*

ADV SUSAN WENTZEL: Not matters that he does not know about.

CHAIRPERSON: *Ja.*

ADV SUSAN WENTZEL: So if he knows that that is true.

CHAIRPERSON: Hm.

ADV SUSAN WENTZEL: There is no difficulty with testifying as to that

...

10 **CHAIRPERSON:** *Ja.*

ADV SUSAN WENTZEL: But if he does not know that to be true.

CHAIRPERSON: Hm, hm.

ADV SUSAN WENTZEL: Then he should not testify to that.

CHAIRPERSON: *Ja.* Okay. You understand my concern Colonel Naidoo?

COLONEL DHANAJAYA GANGULU NAIDOO: I do Chair.

CHAIRPERSON: Yes. So - so where - where we are not sure let us stay away from making statements that could unfairly tarnish people's names when we do not have the facts or we are not sure. Okay.

20 **COLONEL DHANAJAYA GANGULU NAIDOO:** I will do so sure. I will - I will stick to the points where I had ...

CHAIRPERSON: Yes.

COLONEL DHANAJAYA GANGULU NAIDOO: Personal - personal interactions and ...

CHAIRPERSON: Yes.

COLONEL DHANAJAYA GANGULU NAIDOO: I know of it personally.

CHAIRPERSON: Yes and - and your statement has got quite a lot of information where you have personal knowledge. You already have testified over - I mean yesterday and on Friday there are lots of events where you have personal knowledge and that is - that is appreciated. It is just that unfortunately there have been other areas where that has not been the case.

COLONEL DHANAJAYA GANGULU NAIDOO: That is correct Chair. I will - I will go through as - as we speak.

10 **CHAIRPERSON:** Yes.

COLONEL DHANAJAYA GANGULU NAIDOO: I will go through the incidents where ...

CHAIRPERSON: Yes.

COLONEL DHANAJAYA GANGULU NAIDOO: It is not very clear.

CHAIRPERSON: Yes.

COLONEL DHANAJAYA GANGULU NAIDOO: Where it is hearsay and I will stick to - to the incidents where I had personal knowledge of ...

CHAIRPERSON: Yes.

20 **COLONEL DHANAJAYA GANGULU NAIDOO:** Of information or on the facts.

CHAIRPERSON: Yes, okay. No thank you. Let us continue.

ADV SUSAN WENTZEL: Thank you Colonel Naidoo. Colonel Naidoo could you then deal with the appointment of FM42 and FM44 as informants?

COLONEL DHANAJAYA GANGULU NAIDOO: Chair FM42 was - is a

relative of General Lazarus. He was a policeman stationed at Tongaat until he was found guilty of corruption and dismissed from the SAPS. He was recruited as an informer by CI Chair and paid R50 000,00 a month. This was told to me by FM09.

CHAIRPERSON: And that - and that - that conviction is something you know about?

COLONEL DHANAJAYA GANGULU NAIDOO: Yes Chair.

CHAIRPERSON: Yes. Thank you. Yes. Continue.

COLONEL DHANAJAYA GANGULU NAIDOO: FM44 was also - also a
10 relative of General Lazarus. Was taken up as an informer. This was not told to me directly Chair but ...

CHAIRPERSON: Yes.

COLONEL DHANAJAYA GANGULU NAIDOO: But the conversation that I had with FM34 I - I picked up that this particular person was recruited as an informer.

CHAIRPERSON: Yes.

ADV SUSAN WENTZEL: Colonel Naidoo if we can now deal with what activities the - I am going to loosely refer to as the Mdluli agents were involved in. You will see in paragraph 87 ...

20 **COLONEL DHANAJAYA GANGULU NAIDOO:** Yes.

ADV SUSAN WENTZEL: You set out again who these agents were and just as a recap if you could just testify as to who they were?

COLONEL DHANAJAYA GANGULU NAIDOO: Chair ...

CHAIRPERSON: Well I am sorry Ms Wentzel are you skipping paragraph 86? That seems important or has it been covered?

ADV SUSAN WENTZEL: Yes. It - it will be covered and Chair I appreciate it. I can see that is important ...

CHAIRPERSON: Ja.

ADV SUSAN WENTZEL: I would like him to deal with it.

CHAIRPERSON: Yes.

ADV SUSAN WENTZEL: Colonel Naidoo could you please deal first with what your involvement was with the handling of agents?

COLONEL DHANAJAYA GANGULU NAIDOO: Chair as I previously - previously testified to that I would have been the appointed agent to
10 handle these or rather the handler to - to handle these particular agents. I refer to the - to the incident that happened at General Lazarus' office between himself and General Mdluli.

I was eventually tasked with handling claims for the - for the seven of the so called Mdluli family - seven agents although two I cannot confirm that they were - they were family but we included them as within the Mdluli family - seven in total.

CHAIRPERSON: Yes.

COLONEL DHANAJAYA GANGULU NAIDOO: I was tasked with handling the claims for salaries, their vehicles etcetera. Also medical
20 claims. If I can just for the record Chair ...

CHAIRPERSON: Yes.

COLONEL DHANAJAYA GANGULU NAIDOO: Point out that it was FM - these are the seven individuals: FM24, FM29, FM26, FM28, FM27, FM25 and FM30.

CHAIRPERSON: Yes.

ADV SUSAN WENTZEL: And is it correct that FM25 and FM30 are also included who you are not sure if they are actually family members. Is that right?

COLONEL DHANAJAYA GANGULU NAIDOO: That is correct.

ADV SUSAN WENTZEL: Can you now deal with what is stated in paragraph 88 with regard to FM24, FM29, FM25 and FM30?

COLONEL DHANAJAYA GANGULU NAIDOO: Chair these four individuals were appointed within the Cyber Crime Unit of Crime Intelligence. At that stage they were supposed to operate or rather
10 they reported to Colonel Beaunard Grobler. He was in charge of the Cyber Crime Unit at that stage.

Chair like I mentioned the - I handed the - the administration - the - the admin of these agents. Operationally I did not know what they - what they did in terms of their job description. All I know is that they were appointed within this unit. So as far as I know operationally I did not - I did not know what - what their duties entailed or what they actually did but I did keep a - a file for each one of them in terms of their administration.

ADV SUSAN WENTZEL: And could you tell the Chair what happened
20 with regard to the internet café?

COLONEL DHANAJAYA GANGULU NAIDOO: Chair these four individuals - individuals like I mentioned in point 88 they were supposed to run a covert internet café. I was responsible for setting up this particular front company so to speak. Chair if I recall correct - correctly the - the amount to set up the - the internet café was about

R75 000,00 but I can confirm if the documents are shown to me.

CHAIRPERSON: Hm, yes.

ADV SUSAN WENTZEL: And what was their level of computer skills?

COLONEL DHANAJAYA GANGULU NAIDOO: Chair I do not think they - they had a particular level of - of - their - their knowledge of computer skills I think was very basic. I say this because they - they went for a - for a training course regarding computers which was A Plus. I think it was very basic. This was paid for out of the SSA.

I think it was R20 000,00 for the four of them Chair. This
10 particular unit where they were based is the Cyber Crime Unit Chair. I believe that they should have some sort of experience or expertise to work within this environment.

CHAIRPERSON: And they did not have it?

COLONEL DHANAJAYA GANGULU NAIDOO: I do not believe they did
Chair because this computer course that they went for was quite basic.

CHAIRPERSON: Yes.

ADV SUSAN WENTZEL: And could you then deal with FM26?

COLONEL DHANAJAYA GANGULU NAIDOO: Chair FM26 was also part
of this seven agents that I handled - one person - one individual of the
20 seven. He was also appointed within the Cyber Crime Unit under the command of Colonel Beaunard Grobler. Chair like I mentioned with the other individuals I only handled the - the admin regarding the agents.

I did not know what they did operationally. This particular individual on numerous occasions he did not report to work Chair. I - I remember receiving a call from his commander Colonel Grobler

inquiring where this particular individual was. At that stage I did not even know where he was myself.

I brought this to the attention of General Lazarus and I do not know if this particular individual was ever disciplined for this.

ADV SUSAN WENTZEL: And did you deal with his petrol claims?

COLONEL DHANAJAYA GANGULU NAIDOO: Yes I did. One of my duties was to deal with petrol claims. On numerous occasions when compiling his claims I would see that a petrol or petrol slips would have been or rather from the petrol slips I - I would see that he travelled to
10 Mpumalanga.

That is another province from where he was based Chair. Before he left the province he should have got the prior - prior permission to leave which was not done. This happened on multiple occasions Chair ...

CHAIRPERSON: Yes.

COLONEL DHANAJAYA GANGULU NAIDOO: And as I testified too I brought all of these things to the attention of General Lazarus and I am not sure what happened to him and he would be away from work for extended periods.

20 **ADV SUSAN WENTZEL:** Where did his family reside?

COLONEL DHANAJAYA GANGULU NAIDOO: I know his family resided or his extended family resided in Mpumalanga.

ADV SUSAN WENTZEL: Could you then deal with FM28 and FM27?

COLONEL DHANAJAYA GANGULU NAIDOO: Yes Chair. FM28 and FM27 worked from a covert premises in Johannesburg. Chair this -

these two individuals were supposedly report or supposed to report to Colonel Barnard under the loss management. Chair if I can just give you some insight.

The loss management already had a loss - loss or rather Company X already had a Loss Management Section at their office. This was basically created another - another office - a covert office was created to provide - to provide employment for these two individuals. So there was actually no need for this office because the - it is actually a parallel structure to what was already in place.

10 So there was no need for this - so this - for this office Chair. So in my view this office was created just to create employment for these two individuals - FM28 and FM27.

CHAIRPERSON: Yes.

ADV SUSAN WENTZEL: Colonel Naidoo who was the head of Company X?

COLONEL DHANAJAYA GANGULU NAIDOO: I am not sure but I know the - there - there is multiple directors. I am not sure who they are but General Lazarus as the CFO of the Secret Service Account would have been one of those directors.

20 **ADV SUSAN WENTZEL:** And Colonel Barnard?

COLONEL DHANAJAYA GANGULU NAIDOO: Colonel Barnard was the head of - of the Procurement Section where company or rather the Procurement Section where Company X was situated. So I would assume that he would also be one of the directors.

CHAIRPERSON: So are you saying that Company X which was

providing a lot of services to Crime Intelligence had ...

COLONEL DHANAJAYA GANGULU NAIDOO: Correct Chair.

CHAIRPERSON: Had as its directors had some of the people at Crime Intelligence as its directors?

COLONEL DHANAJAYA GANGULU NAIDOO: That is correct Chair.

CHAIRPERSON: And you name in particular General Lazarus and Colonel Barnard. Is that right?

COLONEL DHANAJAYA GANGULU NAIDOO: That is correct Chair.

CHAIRPERSON: And you - you know this for sure?

10 **COLONEL DHANAJAYA GANGULU NAIDOO:** Chair ...

CHAIRPERSON: That they were directors?

COLONEL DHANAJAYA GANGULU NAIDOO: Chair I do not know this for sure. I - I know that general - this was a set up as a normal company Chair ...

CHAIRPERSON: Yes.

COLONEL DHANAJAYA GANGULU NAIDOO: But it was a front company. So it had to operate like a normal company would - would. So it was - it was a front company of Crime Intelligence. So I am assuming that ...

20 **CHAIRPERSON:** Oh, okay. No now I - now I understand.

COLONEL DHANAJAYA GANGULU NAIDOO: Yes.

CHAIRPERSON: So it was - it was in effect a parastatal?

COLONEL DHANAJAYA GANGULU NAIDOO: Yes Chair. The - the members of Crime Intelligence or some members ...

CHAIRPERSON: Yes.

COLONEL DHANAJAYA GANGULU NAIDOO: Especially

General Lazarus being the CFO of the Secret Service Account ...

CHAIRPERSON: *Ja*. They - they ...

COLONEL DHANAJAYA GANGULU NAIDOO: Would be a director.

CHAIRPERSON: Had to be directors?

COLONEL DHANAJAYA GANGULU NAIDOO: That is correct Chair.

CHAIRPERSON: *Ja*, okay. No. Then - then I understand. So it was not a private company?

COLONEL DHANAJAYA GANGULU NAIDOO: No Chair. Not at all.

10 **CHAIRPERSON:** And there were no directors involved in it who were not part of Crime Intelligence? Where there?

COLONEL DHANAJAYA GANGULU NAIDOO: No Chair.

CHAIRPERSON: All the directors were part of Crime Intelligence?

COLONEL DHANAJAYA GANGULU NAIDOO: That is correct.

CHAIRPERSON: Okay. Then I understand. Okay.

ADV SUSAN WENTZEL: Thank you Chair. Colonel Naidoo could you please now deal with FM28 and FM27?

20 **COLONEL DHANAJAYA GANGULU NAIDOO:** Chair on numerous occasions I had to deal with FM28 and FM27 regarding the payment of salaries reconciling their petrol claims or just to - to visit them at the office. On numerous occasions or most of the occasions they would not be in the office Chair.

They would either be at home or they would be at the mall shopping. I know this because when I would phone them they would tell me they are at the mall or they are at home. It was very rarely that

I found them at the office.

CHAIRPERSON: And these were - there were some of the seven members of the Mdluli family?

COLONEL DHANAJAYA GANGULU NAIDOO: Two - two of - two of them.

CHAIRPERSON: These were - *ja*, these were two of the seven?

COLONEL DHANAJAYA GANGULU NAIDOO: Yes. That is correct Chair.

CHAIRPERSON: That you were handling?

10 **COLONEL DHANAJAYA GANGULU NAIDOO:** That is correct Chair.

CHAIRPERSON: Okay, alright. So you say most of the time when you phoned them they would either be at home or they would be at malls?

COLONEL DHANAJAYA GANGULU NAIDOO: That is correct Chair.

CHAIRPERSON: Yes. As there handler were you not supposed to know what work they were doing in terms of their daily activities - work activities.

COLONEL DHANAJAYA GANGULU NAIDOO: Chair ...

CHAIRPERSON: Or was that the role of their commander if there was a commander? I heard you refer to a commander for some of the
20 people earlier.

COLONEL DHANAJAYA GANGULU NAIDOO: Chair in a normal - normal situation a handler would - would handle the agents in terms of the administration and the operational. So you have an administration file and an operational file.

CHAIRPERSON: Yes.

COLONEL DHANAJAYA GANGULU NAIDOO: These are two separate files but it would be with the handler. In this case Chair like I mentioned I did not know what they did operationally except that I handled their - their petrol claims and their medical and - and the payment of their salaries. So the function was actually split.

So operationally I did not know what they did except to pay their salaries and their - their medical and petrol claims.

CHAIRPERSON: So ordinarily a handler should know what on a daily basis the agents they are handling are doing?

10 **COLONEL DHANAJAYA GANGULU NAIDOO:** That is correct Chair.

CHAIRPERSON: So in that way would it be correct to say - would it be correct to say in that way a handler can be seen as their supervisor?

COLONEL DHANAJAYA GANGULU NAIDOO: That is correct Chair.

CHAIRPERSON: Yes, but you say in this case you handled the administrative side of things only and that not the operational side?

COLONEL DHANAJAYA GANGULU NAIDOO: That is correct Chair.

CHAIRPERSON: And you did not - you do not know who was handling the operational side?

20 **COLONEL DHANAJAYA GANGULU NAIDOO:** Like - like I said Chair the four individuals as I previously - previously testified to - reported to Colonel Beaunard Grobler. FM28 and FM27 they were placed with the Loss Management but or rather Colonel Barnard was head of procurement which Loss Management fell under. So I really do not know what they did Chair.

CHAIRPERSON: (Intervenues).

COLONEL DHANAJAYA GANGULU NAIDOO: Like I said this - this was a parallel structure that was created basically for - for their employment but they did not thing at that office.

CHAIRPERSON: Yes, okay. Thank you.

ADV SUSAN WENTZEL: Colonel Naidoo you say in paragraph 95 page 23 of your statement that FM24, FM25, FM29 and FM28 received advances on their monthly salary. Could you just deal with that?

COLONEL DHANAJAYA GANGULU NAIDOO: Yes Chair. These four individuals when they placed within the (indistinct) Program. They
10 were not getting the - the salary that they were appointed on. So basically there was a shortfall on their salary. So I took advances to cover the shortfall and once they got the - the actual salary that they were appointed on - the level - those advances would be paid back.

ADV SUSAN WENTZEL: So was this just a temporary measure?

COLONEL DHANAJAYA GANGULU NAIDOO: It was. I think it was about - for about three or four months until their - their actual promotions were - were captured on the system.

ADV SUSAN WENTZEL: Now having dealt with the expenditure of the Mdluli agents paying salaries, cellphones, hiring premises, setting up a
20 front company, vehicles etcetera. How much do you believe during the period that you were their handler was spent on these agents?

COLONEL DHANAJAYA GANGULU NAIDOO: Chair I believe it exceeded R5 million but obviously this is just an estimate. I can confirm if all the documents regarding these several agents are shown to me.

CHAIRPERSON: What was the amount you gave?

COLONEL DHANAJAYA GANGULU NAIDOO: Five million Chair.

CHAIRPERSON: Over what period?

COLONEL DHANAJAYA GANGULU NAIDOO: This was - from 2010 from the inception of their - of their being employed as agents to around 2011. That is when I went to witness protection Chair. So from March 2010 to around October 2011.

CHAIRPERSON: Is that related to all the people that you have given evidence about who were either family members or friends of
10 General Mdluli or General Lazarus and Marimuthu and I think one other person - Colonel Barnard - or does that relate simply to those agents who were family members of General Mdluli and/or his friends?

COLONEL DHANAJAYA GANGULU NAIDOO: Chair this would be the seven - the seven members as I regard it to - I explained of the Mdluli family - seven members Chair.

CHAIRPERSON: Yes. Now from when they were appointed which was sometime in 2010 you said. Is that right?

COLONEL DHANAJAYA GANGULU NAIDOO: That is correct Chair.

CHAIRPERSON: Was that towards the end of the year?

20 **COLONEL DHANAJAYA GANGULU NAIDOO:** It would have been the first - the first part of the year.

CHAIRPERSON: The first part of the year?

COLONEL DHANAJAYA GANGULU NAIDOO: Yes Chair.

CHAIRPERSON: Hm.

COLONEL DHANAJAYA GANGULU NAIDOO: Probably in the first

quarter.

CHAIRPERSON: To when you left which was when you went into the witness program which was October 2011. Is that right?

COLONEL DHANAJAYA GANGULU NAIDOO: That is correct Chair.

CHAIRPERSON: So that is about a year and a half?

COLONEL DHANAJAYA GANGULU NAIDOO: Indeed.

CHAIRPERSON: So you say that what Crime Intelligence must have spent on them must have been in the region of R5 million?

COLONEL DHANAJAYA GANGULU NAIDOO: That is correct Chair.

10 **CHAIRPERSON**: Do you include in that amount the salaries paid to them and whatever other claims they may have made?

COLONEL DHANAJAYA GANGULU NAIDOO: Chair this - this would include their salaries, their medical bills, the vehicles that was purchased for them, the hiring of safe houses, setting up of safe houses *ja*.

CHAIRPERSON: What is your recollection of what they were paid in terms of their basic salary per month more or - average ...

COLONEL DHANAJAYA GANGULU NAIDOO: Chair, I - I ...

CHAIRPERSON: The seven?

20 **COLONEL DHANAJAYA GANGULU NAIDOO**: I cannot say for sure because they were - they were employed on different levels.

CHAIRPERSON: Yes.

COLONEL DHANAJAYA GANGULU NAIDOO: So it ...

CHAIRPERSON: But what would be your estimate of what the – what Crime Intelligence spent on their gross remuneration per month more or

less when they started in 2010, if you take all the seven, do you have some idea, I accept that it will not be the exact amount but some estimate, do you know whether all seven put together may have been earning something in the region of R300 000 per month in terms of what Crime Intelligence was paying to them, collectively per month in 2010?

COLONEL DHANAJAYA GANGULU NAIDOO: Chair I cannot say for sure the exact or more or less the figure, but what I can say is one was a Colonel, one a Lieutenant Colonel, a Warrant Officer, one a Captain, one was a Sergeant, I cannot say for sure, I will have to ...[intervenes]

10 **CHAIRPERSON:** Yes, would you be able to say bearing in mind the different levels at which different members of the seven were appointed and you have just mentioned some of the levels.

COLONEL DHANAJAYA GANGULU NAIDOO: Ja.

CHAIRPERSON: And bearing in mind that some were at much lower levels, would you be able to indicate what the minimum must have been in terms of the gross remuneration that Crime Intelligence was paying to them, for example could it have been a minimum of – when I say gross I mean before tax.

COLONEL DHANAJAYA GANGULU NAIDOO: Yes Chair.

20 **CHAIRPERSON:** Could it have been less than R200 000 per month?

COLONEL DHANAJAYA GANGULU NAIDOO: Chair I think it would have been more than R200 000 per month.

CHAIRPERSON: It would have been more than R200 000 a month?

COLONEL DHANAJAYA GANGULU NAIDOO: Yes, if I am looking at the seven individuals and if I am just glancing at their levels, I think it

would be more than that.

CHAIRPERSON: Yes. So of course if assuming R200 000 would be the bare minimum.

COLONEL DHANAJAYA GANGULU NAIDOO: I would say so.

CHAIRPERSON: Then over ten months, I mean over five months that would be a million and then over ten months that would be two million, if you are looking at about one and a half years, so you could be looking – your estimate of five million might not be too far from the amount?

10 **COLONEL DHANAJAYA GANGULU NAIDOO:** Indeed Chair, you also have to add to that five million the vehicles.

CHAIRPERSON: Yes.

COLONEL DHANAJAYA GANGULU NAIDOO: The procurement of safe houses.

CHAIRPERSON: Yes, so five million might be conservative.

COLONEL DHANAJAYA GANGULU NAIDOO: I think it is a fair reflection Chair.

CHAIRPERSON: It is a fair reflection.

COLONEL DHANAJAYA GANGULU NAIDOO: Yes.

20 **CHAIRPERSON:** Okay thank you.

ADV SUSAN WENTZEL: Thank you Chair. Colonel Naidoo in paragraph 98 you state that General Sibiya who was then the Head of the Hawks was appointed to investigate these 250 posts and promotions at Crime Intelligence. Did you have a discussion with General Lazarus about this?

COLONEL DHANAJAYA GANGULU NAIDOO: Chair yes I
did...[intervenes].

CHAIRPERSON: Well before that isn't General – isn't General Sibiya
the one who is head of the Hawks now.

ADV SUSAN WENTZEL: Yes you are correct it is reflected the current
head.

CHAIRPERSON: Yes

ADV SUSAN WENTZEL: Yes it's correct, I misread

CHAIRPERSON: Aren't we talking about much earlier, when probably
10 somebody else would have been head of the Hawks, maybe Dramat,
maybe somebody else, Colonel Naidoo?

COLONEL DHANAJAYA GANGULU NAIDOO: Chair as point 98 this is
indeed correct Chair, General Sibiya who is current head of the Hawks
but at that state he was the Deputy National Commissioner, he wasn't
the head of the Hawks. It's correct in saying he is the current head of
the Hawks, at that stage I'm given to understand that he was the
Deputy National Commissioner. He was tasked with investigating the
250 posts.

CHAIRPERSON: Oh okay so when he was appointed to make these
20 investigations he was not – he was in another position?

COLONEL DHANAJAYA GANGULU NAIDOO: That is correct Chair.

CHAIRPERSON: Yes okay.

COLONEL DHANAJAYA GANGULU NAIDOO: If I can recall he was the
Deputy National Commissioner.

CHAIRPERSON: Deputy National Commissioner okay, thank you.

COLONEL DHANAJAYA GANGULU NAIDOO: He subsequently left the police chair and then he came – he was reinstated and this is the position that he holds at the present moment, he is current head of the Hawks, Chair...[intervenes].

CHAIRPERSON: Yes I think it would be important to make reference to the position he held at the time.

ADV SUSAN WENTZEL: Yes.

CHAIRPERSON: Yes okay, yes Colonel Naidoo I think you wanted to say something?

10 **COLONEL DHANAJAYA GANGULU NAIDOO:** Yes Chair I remember having a conversation with General Lazarus where he informed me that himself and General Mdluli had a discussion and they were considering placing General Sibiya's wife's name on the list and I'm talking about, when I mention the list, I'm speaking of the 250 posts, the covert posts.

CHAIRPERSON: Yes.

COLONEL DHANAJAYA GANGULU NAIDOO: Chair I believe or rather the discussion I had with General Lazarus stating that they were considering this, I assumed that this was to – either to strong arm General Sibiya during the investigation or to use a stronger word, maybe to blackmail him.

20 **CHAIRPERSON:** What were they considering to do and who were they?

COLONEL DHANAJAYA GANGULU NAIDOO: General Lazarus, he told me that he had a discussion with General Mdluli, they were considering Chair, placing General Sibiya's wife's name on the list for promotion

within the 250 posts.

CHAIRPERSON: Was General Sibiya's – General Sibiya's wife employed within of Crime Intelligence?

COLONEL DHANAJAYA GANGULU NAIDOO: Not that I'm aware of Chair.

CHAIRPERSON: Or were they – you understood the discussion where they contemplated recruiting her or simply placing false information about her within Crime Intelligence, as you understood their conversation what were they talking about doing?

10 **COLONEL DHANAJAYA GANGULU NAIDOO:** Not false information Chair, they were deliberately going to place her name on the list without General Sibiya knowing about it, so that they could possibly use this against him in strong arming him during the investigation regarding the 250 post.

CHAIRPERSON: Placing her name on the list meant what?

COLONEL DHANAJAYA GANGULU NAIDOO: For employment Chair within the 250 posts for promotion within Crime Intelligence.

CHAIRPERSON: But I understood you to say she was not employed within Crime Intelligence, were they contemplating recruiting her, were
20 they contemplating just falsely putting her name as if she had been appointed to one of those 250 posts?

COLONEL DHANAJAYA GANGULU NAIDOO: The latter is correct Chair.

CHAIRPERSON: Oh okay, I thought you denied that when I raised it earlier on.

COLONEL DHANAJAYA GANGULU NAIDOO: No Chair, sorry my apologies.

CHAIRPERSON: That they were trying to falsely create the impression that she was appointed, so that is what you understood the conversation to be about?

COLONEL DHANAJAYA GANGULU NAIDOO: Yes Chair, basically what happened was, they were going to place her name within the list without General Sibiya's knowledge.

CHAIRPERSON: But it – I would have thought that it would be easy
10 for General Sibiya to know that, that was just false information because he would know if his wife was appointed or was employed by Crime Intelligence?

COLONEL DHANAJAYA GANGULU NAIDOO: Chair I can confirm that I had the conversation with General Lazarus – that he had with General Mdluli regarding the placement of General Sibiya's wife's name on the list, whether this actually transpired Chair, I can't be sure.

CHAIRPERSON: Yes, just seems a weak kind of excuse to try and blackmail him, yes okay continue.

ADV SUSAN WENTZEL: Thank you Chair. Colonel Naidoo you've
20 said that the submission of false informer rewards was a mechanism used to generate large amounts of cash within Crime Intelligence.

COLONEL DHANAJAYA GANGULU NAIDOO: That is correct.

ADV SUSAN WENTZEL: And if you could explain this in a little bit more detail now to the Chair and also provide the example you indicated earlier, you would deal with as to what happened in Colonel

FM41's office relating to this?

COLONEL DHANAJAYA GANGULU NAIDOO: Chair I won't go into the detail of the contact person, the informer, I think I set that out previously but I'll go to an incident, Chair where I was personally involved, like you mentioned earlier I should stay away from the incidents where I'm going to make assumptions.

CHAIRPERSON: Yes.

COLONEL DHANAJAYA GANGULU NAIDOO: This is where I was personally involved. I accompanied FM41 for a meeting with the so-called informer, in my presence Chair, I think this meeting was held at a restaurant in Pretoria where he got this particular individual to sign receipts, blank receipts, six receipts Chair.

CHAIRPERSON: Yes.

COLONEL DHANAJAYA GANGULU NAIDOO: Chair in this manner...[intervenes].

CHAIRPERSON: I'm sorry Colonel Naidoo and Miss Wentzel are we now under H at page 24?

ADV SUSAN WENTZEL: Yes we are.

CHAIRPERSON: Okay, I'm sorry. Can I just go back to paragraph 96 – 98 rather, you mentioned there, Colonel Naidoo that General Sibiba was appointed to investigate various – to appoint these 250 appointments and promotions around the time that the promotions and appointments were made but you don't take it further to tell me, what was the outcome of that process?

COLONEL DHANAJAYA GANGULU NAIDOO: Chair I don't know what

was the outcome of that process Chair.

CHAIRPERSON: Did it happen just before you went onto the witness protection programme?

COLONEL DHANAJAYA GANGULU NAIDOO: Chair the appointments took place around 2010.

CHAIRPERSON: Yes, by the time you went into the witness protection programme you didn't know – there was no outcome as far as you knew?

COLONEL DHANAJAYA GANGULU NAIDOO: No Chair.

10 **CHAIRPERSON:** And if there was an outcome were you likely to be one of the people who would have known?

COLONEL DHANAJAYA GANGULU NAIDOO: Chair I think that would have been information restricted to – sat with General Mdluli I think he – because he was the Divisional of CI at that stage.

CHAIRPERSON: Yes.

COLONEL DHANAJAYA GANGULU NAIDOO: So the report would probably have gone back to him.

CHAIRPERSON: Yes but if there was an outcome already by the time you were put on the witness protection programme that outcome had
20 not at that stage been implemented in any way if it's implementation would have meant the cancellation of appointments and promotions that had happened, is that right?

COLONEL DHANAJAYA GANGULU NAIDOO: That's correct Chair.

CHAIRPERSON: So by the time you went into the witness protection programme, the people who had been appointed and promoted to those

positions were still continuing?

COLONEL DHANAJAYA GANGULU NAIDOO: That is correct Chair.

CHAIRPERSON: Okay alright, yes then I'm sorry I interrupted you, you had been asked a question that falls under H and you can continue.

ADV SUSAN WENTZEL: Yes Chair it's quarter past eleven I don't know if you want to take the tea adjournment.

CHAIRPERSON: Yes maybe we can take the adjournment.

ADV SUSAN WENTZEL: We will start that subject afterwards.

CHAIRPERSON: *Ja* you can start with that question when we come
10 back. We'll take the tea adjournment and resume at half past eleven,
we adjourn.

REGISTRAR: All Rise.

INQUIRY ADJOURNS

INQUIRY RESUMES

CHAIRPERSON: Sorry we are starting 7 minutes late. You know there is urgent commission matters that need to be attended sometimes cause us some delays. Yes let us continue.

ADV SUSAN WENTZEL: Colonel Naidoo before the...

CHAIRPERSON: Are you there?

20 **COLONEL DHANAJAYA GANGULU NAIDOO:** Yes Chair.

CHAIRPERSON: Oh okay.

COLONEL DHANAJAYA GANGULU NAIDOO: Thank you.

ADV SUSAN WENTZEL: Before the tea adjournment you were dealing with what is set out by you on – in paragraph 107 page 25 of your statement and you make the assertion that:

“I do not think that the informers under whose names the claims were submitted were even aware that the claims were being made.”

Can you explain why you say that?

CHAIRPERSON: Well Ms Wentzel there was a question that you had asked that Colonel Naidoo was in the middle of answering when I interrupted him.

ADV SUSAN WENTZEL: Yes.

CHAIRPERSON: I do not think he had given his full answer.

10 **ADV SUSAN WENTZEL:** Yes.

CHAIRPERSON: Had he?

ADV SUSAN WENTZEL: He had not given his full answer.

CHAIRPERSON: Is this the same question?

ADV SUSAN WENTZEL: Yes.

CHAIRPERSON: Oh okay alright. I thought it was more – I thought it related to somewhere around paragraphs 100 101 but you probably know better which paragraphs it related to.

ADV SUSAN WENTZEL: Yes but ...

CHAIRPERSON: Yes.

20 **ADV SUSAN WENTZEL:** Colonel Naidoo if I am wrong you can – if you could – you welcome to clarify.

COLONEL DHANAJAYA GANGULU NAIDOO: I will do so.

CHAIRPERSON: Yes okay.

ADV SUSAN WENTZEL: Would you like to proceed with what you were saying?

COLONEL DHANAJAYA GANGULU NAIDOO: Yes Chair I was on the point of the informer rewards. I believe the system was abused Chair. I say so because on one occasion I was in the company of FM41 where we attended a meeting with a so called – when I say so called I will get to that – informer. This particular individual FM41 got him to sign six receipts. Chair in essence these six receipts are six blank cheques in terms of the system for Crime Intelligence. Because basically in this way operational expenses and informer rewards can be put in for that particular – or so called informer for a period of three months. And any
10 amount that would be at the discretion of the commander being in this case being FM41. He could put in any amount on those – on those receipts being already being signed – six at one go by the informer.

CHAIRPERSON: When you say receipts you mean a document that would on the face of it reflect that the informer has received a certain amount?

COLONEL DHANAJAYA GANGULU NAIDOO: That is correct Chair. If I may just ex...

CHAIRPERSON: As opposed to claims – signing claims?

COLONEL DHANAJAYA GANGULU NAIDOO: That is correct Chair. If I
20 may just explain? When an informer is handed cash by his – by a handler Chair.

CHAIRPERSON: Yes.

COLONEL DHANAJAYA GANGULU NAIDOO: He needs to acknowledge receipt of that cash.

CHAIRPERSON: Yes.

COLONEL DHANAJAYA GANGULU NAIDOO: So he needs to write in the amount in words, the actual amount be it R10.00 or R20.00 and sign for it in the presence of a handler.

CHAIRPERSON: Yes.

COLONEL DHANAJAYA GANGULU NAIDOO: In this case six receipts were signed at one go without any amount being written on the receipts. So in essence like I said this was six blank cheques in terms of the process for Crime Intelligence.

CHAIRPERSON: So – so the informer would also know that he was –
10 he was representing that he had received money that was yet to be filled in?

COLONEL DHANAJAYA GANGULU NAIDOO: Sorry Chair I did not get that.

CHAIRPERSON: The informer would also have known that he was representing that he had received something that was yet to be filled in on the paper in terms of the amount?

COLONEL DHANAJAYA GANGULU NAIDOO: Yes Chair but in a normal circumstance Chair if an informer gets operational expense it would be one receipt stating that he had received that particular
20 amount on that particular day for operational expenses.

CHAIRPERSON: Yes.

COLONEL DHANAJAYA GANGULU NAIDOO: And if it was informer rewards it would be another receipt stating that – acknowledging that he had received X amount. Like I said in this case six receipts were signed at one go.

CHAIRPERSON: Not reflecting any amount?

COLONEL DHANAJAYA GANGULU NAIDOO: It was blank Chair just his signature.

CHAIRPERSON: Yes. Was it just the informer's signature without any writing to the effect that something like "I acknowledge that I have received – amount from so and so". It was not anything like that – they just signed, put their signatures on a blank paper that did not say what it was – what the signature was for?

COLONEL DHANAJAYA GANGULU NAIDOO: The latter is correct
10 Chair.

CHAIRPERSON: Oh okay but you – you understood that signing those blank documents was meant to be an acknowledgment by the informer of receipt of money that was yet to be determined or to be put on the paper?

COLONEL DHANAJAYA GANGULU NAIDOO: That is correct Chair.

CHAIRPERSON: Okay.

ADV SUSAN WENTZEL: Colonel Naidoo do you recall when and where this incident took place?

COLONEL DHANAJAYA GANGULU NAIDOO: Chair it was in Pretoria.
20 I think it was the – we met outside the Blue Crane Restaurant in Pretoria Chair. It was myself, FM41 and the actual – well I say actual it was the person who – the so called informer who signed the six blank receipts.

ADV SUSAN WENTZEL: And why do you use the term so called informer?

COLONEL DHANAJAYA GANGULU NAIDOO: Chair I believe I am saying this is not fact I believe how the system was abused insofar as the informer rewards go. The instance where six receipts were signed at one go that is not proper procedure. It should be one at a time for a specific amount. In this – In this manner false intelligence reports can be generated against this informer's name and informer rewards – false informer rewards generated via this process. I also want to mention Chair FM – just to give you some insight as to how the process unfolded or took place. FM45 who at that stage was second in charge
10 to FM41. He told me that FM41 had a – had a contract at Organised Crime Chair in Pretoria. They devised a scheme where they would use organised crime – the SAPS case numbers and the exhibit numbers of organised crime and use it against intelligence that – or false intelligence that was generated in this manner. False informer rewards could be gene – or false informer rewards or money from false informer rewards could be generated in this manner Chair. As I explained of the six blank receipts this would be used in this process as well.

CHAIRPERSON: Yes but in the case of the six receipts that you have told me about was the informer as far as you knew a legitimate informer
20 or was the informer not a legitimate informer? I am going back to the question as to why you were saying so called informer.

COLONEL DHANAJAYA GANGULU NAIDOO: Chair he could – he could – he could be legitimate informer or not. I cannot say that for sure.

CHAIRPERSON: Yes.

COLONEL DHANAJAYA GANGULU NAIDOO: But the process that transpired was – was not legitimate.

CHAIRPERSON: Yes. Okay.

ADV SUSAN WENTZEL: Thank you. Colonel Naidoo if you can just explain to you – explain a little bit more detail what you indicated a few minutes ago and – and if we can just go back so you can explain it so that we can properly understand. Which office did Colonel FM41 work in?

COLONEL DHANAJAYA GANGULU NAIDOO: It was – it was an
10 operational team based within the environment of Crime Intelligence. Crime Intelligence Gathering more especially dealing or addressing drug and vehicle related syndicates.

ADV SUSAN WENTZEL: And what position did FM45 hold in that team?

COLONEL DHANAJAYA GANGULU NAIDOO: FM45 was the second in charge to FM41.

ADV SUSAN WENTZEL: And now explain you said he informed you that Colonel 41 had a contact in Organised Crime and he devised the scheme using SAPS case numbers?

COLONEL DHANAJAYA GANGULU NAIDOO: That is correct.

20 **ADV SUSAN WENTZEL:** Could you just explain that in a little bit more detail and in particular with regard to how the system for informer rewards worked?

COLONEL DHANAJAYA GANGULU NAIDOO: Chair in essence what this means is that they would – the contact I do not know who this contact is but the contact was at Organised Crime. They would use

Organised Crime CAS numbers and Exhibit numbers basically use that on the Intelligence Reports to generate informer rewards. I also referred to a – to a conversation that I had with one of the members at that stage. It was a Warrant Officer Phil Vermeulen. He told me there was – there was a – there was a success on metal and platinum but the value was – was – it was only R500.00 Chair. However the actual or the false success for this – for this particular recovery of the platinum was actually in the – in the vicinity of R5 million.

ADV SUSAN WENTZEL: So are you saying that instead of being paid –
10 was a success reward paid as a percentage?

COLONEL DHANAJAYA GANGULU NAIDOO: It would have been paid as a percentage but basically what it means the value was actually R500.00 but the informer reward was put in as a – as the success being R5 million as opposed to R500.00. So there is a big gap in terms of what the informer would get. In terms of the financial – the remuneration.

CHAIRPERSON: So are you saying that what the informer was supposed to get was R500 000.00?

COLONEL DHANAJAYA GANGULU NAIDOO: No Chair the actual
20 success was R500.00 where the metal was – precious metal or so called precious metal was recovered but the actual value was R500.00.

CHAIRPERSON: R500.00?

COLONEL DHANAJAYA GANGULU NAIDOO: Yes Chair.

CHAIRPERSON: Okay.

COLONEL DHANAJAYA GANGULU NAIDOO: And...

CHAIRPERSON: So R500.00 being the value of the metal?

COLONEL DHANAJAYA GANGULU NAIDOO: That is correct Chair.

CHAIRPERSON: But you say that this was inflated – the value?

COLONEL DHANAJAYA GANGULU NAIDOO: The success for the recovery of this metal was reflected as R5 million and the informer reward would have generated – been generated on a success of R5 million and not R500.00. This is what was told to me by this particular individual.

CHAIRPERSON: So was it represented that the value of the metal that
10 was recovered was R5 million?

COLONEL DHANAJAYA GANGULU NAIDOO: That is correct Chair.

CHAIRPERSON: And based on that the reward – the informer reward – the informer reward was then calculated on the basis that the value of the metal was R5 – that had been recovered was R5 million.

COLONEL DHANAJAYA GANGULU NAIDOO: That is correct Chair.

CHAIRPERSON: And what was the amount of the informer reward that was decided upon?

COLONEL DHANAJAYA GANGULU NAIDOO: This was not told to me
Chair I am not aware of the actual informer reward.

20 **CHAIRPERSON**: Yes okay. Thank you.

ADV SUSAN WENTZEL: Now this incident you talking about did that occur in Colonel FM41's office?

COLONEL DHANAJAYA GANGULU NAIDOO: That is correct. This – this particular individual who relayed this information to me was one of the members from that office at that time.

ADV SUSAN WENTZEL: Okay now if we go back to the system with the scheme using the SAPS case numbers. Are you saying that as a result of a criminal prosecution under these case numbers there would have been a successful recovery which could be then used for informer rewards. If you can just explain how it works in a little bit more detail please?

COLONEL DHANAJAYA GANGULU NAIDOO: That is exactly how you explained it Ms Wentzel. These case numbers used from case numbers and the SAP numbers would be used on Crime Intelligence Progress
10 Reports of Success Reports and as a result informer rewards will be – can be generated through this process.

CHAIRPERSON: So would they – would – would they go to for example Pretoria Magistrates Court I am just making an example and establish the case numbers relating to certain criminal cases and choose which criminal cases they would use and take the case numbers and then use information that can be established that anyone who wants to investigate would find in the docket and then attribute a role to an informer in regard to that investigation for that case in circumstances where the informer had not played any role in that case or would the
20 case be that the informer would have played some role but his or her role would be exaggerated in terms of the value of what was recovered?

COLONEL DHANAJAYA GANGULU NAIDOO: Chair I am – I do not think the informer would have had any role in this. Like I explained earlier the informer – one informer signed six blank receipts.

CHAIRPERSON: Yes.

COLONEL DHANAJAYA GANGULU NAIDOO: So I do not think the informer would have had any knowledge of what the actual – actual success was.

CHAIRPERSON: Yes. But – so is the position therefore that they would go to a particular court, get information relating to existing cases or finalised cases and if they think that those cases have got information or fissures that they can use for – to get informer rewards then they would represent in one form or another that there had been
10 an informer who had played a role when in fact there no informer had played a role or that informer had not played any role.

COLONEL DHANAJAYA GANGULU NAIDOO: That is correct Chair.

CHAIRPERSON: And then they would then use that to – to get informer rewards?

COLONEL DHANAJAYA GANGULU NAIDOO: Indeed.

CHAIRPERSON: And the rewards would not go to the informer but would go to them ultimately?

COLONEL DHANAJAYA GANGULU NAIDOO: Yes Chair.

CHAIRPERSON: Yes okay thank you.

20 **ADV SUSAN WENTZEL:** Colonel Naidoo is it correct that the report pursuant to which informer rewards were claimed would be filled out by the informers' handler not the informer himself?

COLONEL DHANAJAYA GANGULU NAIDOO: It would have to be filled out by – are you talking about – sorry Ms Wentzel you talking about the receipt that...

ADV SUSAN WENTZEL: No not the receipts.

COLONEL DHANAJAYA GANGULU NAIDOO: Yes.

ADV SUSAN WENTZEL: You...

CHAIRPERSON: The claims.

ADV SUSAN WENTZEL: The claims – so what you said is that a SAPS case number would be used. It would reflect that there had been a successful outcome.

COLONEL DHANAJAYA GANGULU NAIDOO: Yes.

ADV SUSAN WENTZEL: And then a report is submitted alleging that
10 they – the informer is worked on a successful investigation and therefore is claiming informer rewards.

COLONEL DHANAJAYA GANGULU NAIDOO: That is correct.

ADV SUSAN WENTZEL: Who would fill that report out?

COLONEL DHANAJAYA GANGULU NAIDOO: It would be the handler.

ADV SUSAN WENTZEL: And you also indicate in your statement that Crime Intelligence would retain a personnel file on each informer and progress reports were maintained monthly in order to track the productivity of the informer.

COLONEL DHANAJAYA GANGULU NAIDOO: That is correct.

20 **ADV SUSAN WENTZEL:** And was that to determine if that informer was entitled to informer rewards.

COLONEL DHANAJAYA GANGULU NAIDOO: That is correct. That file would in essence track the productivity of that particular informer for that month but I believe that false intelligence reports were generated to facilitate this.

ADV SUSAN WENTZEL: And as you understood the scheme where a report was submitted by a handler alleging that they had worked on a successful – the informer had worked on a successful investigation. As you understood the scheme would the informer ever had worked on this investigation under this case number?

COLONEL DHANAJAYA GANGULU NAIDOO: Explaining how the system worked and how the funds were generated I do not think that particular person had worked on any of the – of the so called report regarding the success.

10 **ADV SUSAN WENTZEL:** Thank you Colonel Naidoo. Colonel Naidoo you say in your statement that there was an equal abuse of the systems in place at Crime Intelligence relating to the procurement and utilisation of safe houses. This is page 26 of your statement.

COLONEL DHANAJAYA GANGULU NAIDOO: Yes.

ADV SUSAN WENTZEL: From paragraph 109. Could you please give the Chair some background as the basis upon which you say this?

COLONEL DHANAJAYA GANGULU NAIDOO: Chair I think we will stay away from these aspects because it is also operational matters.

CHAIRPERSON: Yes.

20 **COLONEL DHANAJAYA GANGULU NAIDOO:** But I have knowledge of safe houses that were abused. If I can go to those ones?

ADV SUSAN WENTZEL: Yes.

CHAIRPERSON: Yes.

COLONEL DHANAJAYA GANGULU NAIDOO: Because that is where I have personal knowledge of...

ADV SUSAN WENTZEL: Yes.

CHAIRPERSON: Yes.

COLONEL DHANAJAYA GANGULU NAIDOO: Of the safe houses so we will skip 109 to 112.3 and go to 113.

CHAIRPERSON: Yes.

ADV SUSAN WENTZEL: Now this is...

COLONEL DHANAJAYA GANGULU NAIDOO: Is that okay Chair?

CHAIRPERSON: Yes that is fine.

CHAIRPERSON: Yes.

10 **COLONEL DHANAJAYA GANGULU NAIDOO:** Okay.

CHAIRPERSON: Yes.

ADV SUSAN WENTZEL: Colonel Naidoo this is safe house at Gordons Bay rented from General Mdluli. Could you just detail what you know about that?

COLONEL DHANAJAYA GANGULU NAIDOO: Chair like Ms Wentzel said this – this particular flat or apartment belonged to General Mdluli in the Western Cape. I was informed by General Lazarus that General Mdluli wants to – wants us – when I say us CI to rent his flat as a safe house. I was instructed by General Lazarus to fly to Cape Town. Chair

20 I must also add Mr John Appalsamy of Daez Trading also a friend of General Lazarus. I was instructed that this particular individual should accompany me to Cape Town. This was purely to – so that he can have knowledge of where the premises is because the – this particular flat would have to be rented or leased rather through his company Daez Trading. Chair Mr Appalsamy flew with me to Cape Town. Like I said

this was an instruction of General Lazarus. I also got instruction from General Lazarus that I should draw an advance for the ticket for Mr Appalsamy so basically his ticket was paid out of the Secret Service Account. These were all instructions that I got from General Lazarus. Chair when I tried to reconcile this particular advance General Lazarus instructed me to erase the name of Mr Appalsamy which I did. This was purely not to expose who the real person was that travelled via the Secret Service Account which was actually Mr John Appalsamy of Daez Trading.

10 **CHAIRPERSON:** Yes.

COLONEL DHANAJAYA GANGULU NAIDOO: Chair when we arrived at Cape Town.

ADV SUSAN WENTZEL: If you can just – Colonel Naidoo just to clarify erase his name from where?

COLONEL DHANAJAYA GANGULU NAIDOO: From the ticket that I had purchased for him that – on the ticket that we – I purchased for him to travel to Cape Town with me.

ADV SUSAN WENTZEL: And how did you do this?

20 **COLONEL DHANAJAYA GANGULU NAIDOO:** I just used a black market – khoki pen. I cannot remember. But it was blacked out.

ADV SUSAN WENTZEL: Yes.

CHAIRPERSON: Blacking it out on the ticket.

COLONEL DHANAJAYA GANGULU NAIDOO: That is correct Chair.

CHAIRPERSON: The ticket would be required when he was travelling is it not?

COLONEL DHANAJAYA GANGULU NAIDOO: No Chair this – maybe I must just explain. Sorry I was not too clear. This was on our return from Cape Town I requested the ticket from Mr Appalsamy because I had to reconcile my advance that I had taken initially to pay for his ticket.

CHAIRPERSON: Yes. But where was the blacking out or erasing of his name done? On some register? On – where was this done?

COLONEL DHANAJAYA GANGULU NAIDOO: Chair in order for – if I can just give some insight Chair if I may? In order to reconcile this –
10 this particular advance I had to put in a receipt or in this case being the air ticket because the price would have been on the air ticket.

CHAIRPERSON: Yes.

COLONEL DHANAJAYA GANGULU NAIDOO: So in order to – to – for that particular claim to be reconciled I requested the air ticket from Mr Appalsamy.

CHAIRPERSON: Yes.

COLONEL DHANAJAYA GANGULU NAIDOO: And on instruction of General Lazarus the name – his actual name on the ticket was blacked out so it was not visible.

20 **CHAIRPERSON:** Yes

COLONEL DHANAJAYA GANGULU NAIDOO: So as to not to expose who the real person travelled on that particular ticket.

CHAIRPERSON: Oh this was after you had returned and you....

COLONEL DHANAJAYA GANGULU NAIDOO: That is correct Chair.

CHAIRPERSON: And the ticket was going to be kept as – as part of

the record?

COLONEL DHANAJAYA GANGULU NAIDOO: That is correct Chair.

CHAIRPERSON: Yes. Okay.

COLONEL DHANAJAYA GANGULU NAIDOO: This was done purely to hide the identity of Mr Appalsamy.

CHAIRPERSON: Now he was outside of Crime Intelligence was he?

COLONEL DHANAJAYA GANGULU NAIDOO: That is correct Chair. He was a friend of General Lazarus.

CHAIRPERSON: And there would have been no reason for Crime
10 Intelligence to pay for his travelling?

COLONEL DHANAJAYA GANGULU NAIDOO: No Chair.

CHAIRPERSON: Because if he was going to – I think you said something about him and the – and General Mdluli's flat in Gordons Bay that he was going to lease it or what?

COLONEL DHANAJAYA GANGULU NAIDOO: He was Chair. He had numerous other – basically Mr Appalsamy's company Daez Trading was a broker which Crime Intelligence leased numerous safe houses through his company Daez Trading.

CHAIRPERSON: Oh. So – so his company was used by Crime
20 Intelligence for purposes of Crime Intelligence leasing various properties as safe houses?

COLONEL DHANAJAYA GANGULU NAIDOO: That is correct Chair. In this instance instead of the safe house being leased directly from the actual owner Mr Appalsamy was sort of a broker. So he would – so the lease would say that it is Daez Trading as if Daez Trading is the owner

of that particular property but in fact it was not. So he is basically a middle man.

CHAIRPERSON: Okay.

ADV SUSAN WENTZEL: Colonel Naidoo could you please have a look at the document that appears on page 104.

COLONEL DHANAJAYA GANGULU NAIDOO: Yes I am there.

ADV SUSAN WENTZEL: Now is this the lease agreement in respect of Mr – General Mdluli's Gordons Bay property that you are referring to now?

10 **COLONEL DHANAJAYA GANGULU NAIDOO:** That is correct.

ADV SUSAN WENTZEL: Now if you have a look at page 109 is that your signature as a witness on this lease?

COLONEL DHANAJAYA GANGULU NAIDOO: Indeed.

ADV SUSAN WENTZEL: And if you have a look at the first page 104 this is a lease agreement between Daez Trading CC as the lessor.

COLONEL DHANAJAYA GANGULU NAIDOO: Ja.

ADV SUSAN WENTZEL: And then Telford Welveller and it looks like Rolebise.

COLONEL DHANAJAYA GANGULU NAIDOO: Rolebile.

20 **ADV SUSAN WENTZEL:** Rolebile.

COLONEL DHANAJAYA GANGULU NAIDOO: Yes.

ADV SUSAN WENTZEL: Could you please tell the Chair who that was?

COLONEL DHANAJAYA GANGULU NAIDOO: Chair Colonel Rolebile was the Head of Facility Management of Crime Intelligence. So basically Colonel Rolebile was signing this lease although in his

personal capacity but it was on behalf of Crime Intelligence. So basically this lease was between Daez Trading and Mr Rolebile but an extension to Crime Intelligence. Because he acted on as in that capacity as Head of Facility Management of Crime Intelligence.

CHAIRPERSON: Okay.

ADV SUSAN WENTZEL: And is it correct that Mr Mdluli was the registered owner of that property? It was not Daez Trading.

COLONEL DHANAJAYA GANGULU NAIDOO: No. Daez Trading did not own that property.

10 **ADV SUSAN WENTZEL:** Now do you have an idea what the period of the lease was and for what amount? It appears in the lease itself.

COLONEL DHANAJAYA GANGULU NAIDOO: The lease says three months starting on 31 January - oh sorry. Did I say three months?

ADV SUSAN WENTZEL: Yes.

COLONEL DHANAJAYA GANGULU NAIDOO: Pardon me. It is three years. Starting on 1 February 2010 and terminating on 31 January 2013.

CHAIRPERSON: And what was the rent - the amount for rent?

20 **COLONEL DHANAJAYA GANGULU NAIDOO:** The rent would be 8 500 plus VAT with a 10 percent annual increase Chair.

CHAIRPERSON: And was it a two bedroom flat - three bedroom flat? What was it?

COLONEL DHANAJAYA GANGULU NAIDOO: Chair it was in a security estate or complex. Two bedroom apartment Chair ...

CHAIRPERSON: Yes.

COLONEL DHANAJAYA GANGULU NAIDOO: With an open plan kitchen ...

CHAIRPERSON: Hm.

COLONEL DHANAJAYA GANGULU NAIDOO: And living area.

CHAIRPERSON: Okay.

ADV SUSAN WENTZEL: Now you have said that the lease was signed on behalf of Crime Intelligence. Who was paid the rent for this property?

COLONEL DHANAJAYA GANGULU NAIDOO: Chair if I can just explain
10 how this worked. Daez Trading would invoice Company X for the amount of 8 500. I - I am not sure if the amenities were included in that - in his invoice. It probably would but in essence what happened at the end of each month I would get a call from Mr Appalsamy.

He would give me cash. This was generated from - from the - the rent of this particular safe house and I would then hand over that cash of R7 000,00 to General Mdluli. This was on a monthly basis.

CHAIRPERSON: Yes.

ADV SUSAN WENTZEL: And if the rent was 8 500 and you got 7 000 what was - what happened to the difference?

20 **COLONEL DHANAJAYA GANGULU NAIDOO:** Chair this was - I am assuming that was what Mr Appalsamy of Daez Trading invoiced Company X as a commission for his brokerage or broker fee. This was - this would also include VAT if I am not mistaken. So he would take - take out that portion that he would receive from Company X and give me the balance of R7 000,00 which I would then hand over to - to

General Mdluli.

ADV SUSAN WENTZEL: Thank you. So ultimately the bulk of the rental was received by General Mdluli?

COLONEL DHANAJAYA GANGULU NAIDOO: That is correct. An amount of 7 000.

CHAIRPERSON: And you personally handled these transactions?

COLONEL DHANAJAYA GANGULU NAIDOO: That is correct Chair. Mr Appalsamy would meet me on a monthly basis. If - if his bank records or subpoenaed Chair you will see the pattern of every month plus/minus five days to the month end an amount of R13 000,00 would be - in cash would be drawn from his account.

I will testify to - when I say 13 000 one would ask the question why is it only seven here. There was another - another flat in Cape Town that belonged to General Lala. He would receive R6 000,00. So the amount of 13 000 every month that I would receive from Mr Appalsamy of Daez Trading.

The 7 000 would go to General Mdluli and 6 000 to General Lala. This was on a monthly basis.

CHAIRPERSON: (Intervenues).

20 **COLONEL DHANAJAYA GANGULU NAIDOO:** I think for a period of a year.

CHAIRPERSON: The year would have been from 2010 at some - at some stage to 2011. Are you able to indicate with more certainty? Now we know the lease is here and therefore it should indicate when it was signed and that should help you to say it was from what month to what

month.

COLONEL DHANAJAYA GANGULU NAIDOO: Chair it was 1 February 2010 to 31 January 2013 but this - this did not go on for the full period Chair. I think it was only for the period of probably around - probably about a year because in 20 - in 2011 around about March - February/March if I can recall correctly General Mdluli was arrested at that stage - 2011.

CHAIRPERSON: Did that ...?

COLONEL DHANAJAYA GANGULU NAIDOO: So this lease ceased. It
10 did not go on Chair. Although in paper it says three years but it was only for a period about a year.

CHAIRPERSON: Oh, okay. Alright and that arrest of General Mdluli was it among other things connected with this issue or not really?

COLONEL DHANAJAYA GANGULU NAIDOO: Chair it was not related to this issue at all. If I can recall - recollect or recall correctly it was some other matters regarding a murder and kidnapping. If I can recall correctly.

CHAIRPERSON: Yes. Okay.

COLONEL DHANAJAYA GANGULU NAIDOO: So it was not connected
20 to this at all.

CHAIRPERSON: Okay.

ADV SUSAN WENTZEL: Colonel Naidoo did you purchase furniture for the safe houses rented from General Lala and General Mdluli?

COLONEL DHANAJAYA GANGULU NAIDOO: Yes I did. Ms Wentzel if I can just explain before I get to that Chair.

ADV SUSAN WENTZEL: Yes.

COLONEL DHANAJAYA GANGULU NAIDOO: What was Mr Appalsamy's reason to fly with me and this is what I believe. Chair if - if there was an inspection to be done on these premises that was going to be rented out by CI I could have done that myself Chair. At this stage if I remember correctly I was working at the Facility Management under Colonel (indistinct).

So there was no need for Mr Appalsamy to accompany me on the version that if there was an inspection to be done to see if this is
10 feasible for Crime Intelligence to indeed rent this particular property. I believe that Mr Appalsamy flew with me so that he has at least knowledge of where this particular property is so if there was any query because remember he signed as - as owning this property.

CHAIRPERSON: Yes.

COLONEL DHANAJAYA GANGULU NAIDOO: So if there was a query at least he had some knowledge of where it was. This is what I believe Chair. This is why Mr Appalsamy accompanied me on this trip.

CHAIRPERSON: Yes.

ADV SUSAN WENTZEL: Colonel Naidoo do you remember where you
20 were when you witnessed the signing of this lease in respect of General Mdluli's property?

COLONEL DHANAJAYA GANGULU NAIDOO: Just one second. I am not sure Ms Wentzel. Those details are not on - on the lease agreement and I cannot recall where I was at that stage.

ADV SUSAN WENTZEL: I - I will tell you why I am - no there appears

to be a confusion. I - I will deal with this over the lunch adjournment. I think that there has been a - an incorrect lease added after the end of that which is confusing. Could you now deal with the furniture that was purchased for these properties?

COLONEL DHANAJAYA GANGULU NAIDOO: Yes Chair. Upon its arrival in Cape Town and inspecting the property basic ...

CHAIRPERSON: Well the - Ms Wentzel the question should have been whether he knows who bought furniture for these houses.

ADV SUSAN WENTZEL: Yes. I - I apologise.

10 **CHAIRPERSON:** So it should not ...

ADV SUSAN WENTZEL: Hm.

CHAIRPERSON: Lead.

ADV SUSAN WENTZEL: Yes.

CHAIRPERSON: Hm.

ADV SUSAN WENTZEL: I apologise.

CHAIRPERSON: Yes.

ADV SUSAN WENTZEL: Colonel Naidoo was furniture purchased for this properties and if so who purchased this furniture?

20 **COLONEL DHANAJAYA GANGULU NAIDOO:** I - I personally ordered the furniture on instructions of General Lazarus for the premises of both General Lala and General Mdluli. It was a service provider or supplier to Crime Intelligence. Masons Furniture in Benoni. I think they are situated in Benoni Chair.

I - I cannot recall exactly what was purchased - what assets were purchased but in terms of General Mdluli's flat it was a two

bedroom flat. So I would take it that would be two beds. The - for the living areas TVs, lounge set and your small appliances for the kitchen.

CHAIRPERSON: Yes.

ADV SUSAN WENTZEL: And do you know how much Crime Intelligence spent on these two properties in respect of furniture?

COLONEL DHANAJAYA GANGULU NAIDOO: Chair it would probably be in the region of 50 to R60 000,00 but if the - these - these expenses would be posted against this particular SR Number if the documents are showed - shown to me I can confirm that it is indeed for that premises.

10 **CHAIRPERSON:** the 50 or R60 000,00 would that be in regard to each of the two properties or would it be for both?

COLONEL DHANAJAYA GANGULU NAIDOO: Chair, I - I cannot recall exactly but I - I think it would be for both. For - for General Mdluli's premises and General Lala.

CHAIRPERSON: Okay.

ADV SUSAN WENTZEL: Colonel Naidoo could you now deal with the lease of residential property situated at Clearwater Estate in Boksburg.

COLONEL DHANAJAYA GANGULU NAIDOO: Yes Chair. This was also a property leased by Crime Intelligence via Daez Trading through
20 Mr John Appalsamy's company. This was for the sole use of General Mdluli although myself and General Lazarus had had access to this particular property.

It was situated within a security estate. When I say had access to it. I never used it myself and I am not aware of General Lazarus using it but when I say we had access is when from

time to time I picked up General Lazarus to go to this particular premises for General Lazarus to have meetings with General Mdluli.

CHAIRPERSON: Was this property also supposed to be a safe house?

COLONEL DHANAJAYA GANGULU NAIDOO: That is correct Chair.

CHAIRPERSON: But you - are you saying that it was not used as a safe house?

COLONEL DHANAJAYA GANGULU NAIDOO: Chair it was - it was used only by General Mdluli as far as I know.

CHAIRPERSON: And if he was the only one using it - it could not be a
10 safe house or it could be a safe house still?

COLONEL DHANAJAYA GANGULU NAIDOO: Chair, I - I do not know what - what - how General Mdluli made use of this premises or who went to this premises if he had meetings there etcetera. I am not aware.

CHAIRPERSON: Okay. So on the records of Crime Intelligence it was reflected as a safe house?

COLONEL DHANAJAYA GANGULU NAIDOO: That is correct Chair.

CHAIRPERSON: And what you do know is that only General Mdluli used it out of the Crime Intelligence personnel?

20 **COLONEL DHANAJAYA GANGULU NAIDOO**: That is correct Chair.

CHAIRPERSON: But you do not know how he used it. Whether he used it for any legitimate Crime Intelligence work or not?

COLONEL DHANAJAYA GANGULU NAIDOO: I - I cannot say for sure
Chair.

CHAIRPERSON: Yes. Would - would somebody at his level as far as

you know be involved in using a safe house for any legitimate Crime Intelligence work?

COLONEL DHANAJAYA GANGULU NAIDOO: Chair it is possible. I am not sure. I do not know. I am not very clear with regards to the policy but it is possible yes.

CHAIRPERSON: Okay, alright. Thank you.

ADV SUSAN WENTZEL: Colonel Naidoo could you please have a look at the document on page 111 and then more particular at page 114.

CHAIRPERSON: I am - I am sorry. Let me just say but this house it
10 was not the property of General Mdluli that was used by Crime Intelligence as a safe house?

COLONEL DHANAJAYA GANGULU NAIDOO: No Chair. The - the one that I referred to or testified to previously that - that property belonged to General Mdluli. That was in Gordon's Bay in the Western Cape.

CHAIRPERSON: Yes.

COLONEL DHANAJAYA GANGULU NAIDOO: This one we are referring to is in Clearwater Estate in Gauteng Chair.

CHAIRPERSON: Yes. Okay.

ADV SUSAN WENTZEL: Colonel Naidoo if you have regard to the
20 lease agreement appearing at page 111 ...

COLONEL DHANAJAYA GANGULU NAIDOO: Yes.

ADV SUSAN WENTZEL: And then if you have regard to page 114 is it correct that you also witnesses this lease agreement?

COLONEL DHANAJAYA GANGULU NAIDOO: That is correct.

ADV SUSAN WENTZEL: And dated 10 November 2009?

COLONEL DHANAJAYA GANGULU NAIDOO: That is correct.

ADV SUSAN WENTZEL: Now it is also a lease conclude with Daez Trading and it you look at page 112 it is for a period of one year from 1 December 2009 to 30 November 2010 for 17 500 per month plus VAT.

COLONEL DHANAJAYA GANGULU NAIDOO: That is correct.

ADV SUSAN WENTZEL: Is that correct?

COLONEL DHANAJAYA GANGULU NAIDOO: Yes.

ADV SUSAN WENTZEL: Now who was responsible for the furnishing of this safe house?

10 **COLONEL DHANAJAYA GANGULU NAIDOO:** Chair if I remember correctly I also was responsible for - this was quite a - a big house. It was in an upmarket security estate. I also ordered furniture and general appliances for this particular premises. Also again from Masons Furniture - supplier to Crime Intelligence. A big screen TV surround system.

CHAIRPERSON: I am sorry. Are we now on page 30?

ADV SUSAN WENTZEL: Yes.

CHAIRPERSON: Is that General Lala's flat?

ADV SUSAN WENTZEL: Hm.

20 **CHAIRPERSON:** Which one are we talking about now?

ADV SUSAN WENTZEL: We are now dealing with page 29 paragraph 127.

CHAIRPERSON: Oh that still relates to that property at Clearwater Estate?

ADV SUSAN WENTZEL: Yes.

CHAIRPERSON: Okay.

ADV SUSAN WENTZEL: So we are dealing with paragraph 127 at the bottom of page 29 to the top of page 30.

CHAIRPERSON: Okay.

ADV SUSAN WENTZEL: Colonel Naidoo can you just detail what furniture you recall purchasing for this house ...

COLONEL DHANAJAYA GANGULU NAIDOO: Hm.

ADV SUSAN WENTZEL: And the value?

COLONEL DHANAJAYA GANGULU NAIDOO: Yes Chair. As I
10 mentioned I - I - the home was furnished as a residence Chair. As any
normal residence would be. I was responsible for - for purchasing or
acquiring this - the furniture. This was done through Masons Chair.
Our service provider that Crime Intelligence used.

They were situated in Benoni. As far as I know a TV, a surround sound DSTV, fridge, washing machine and Chair general small appliances crockery. Chair it - it was furnished as a - as a normal house would be furnished. Basically from scratch. Everything was purchased for - for this particular house.

CHAIRPERSON: Yes.

20 **ADV SUSAN WENTZEL:** And you have any idea how much was spent?

COLONEL DHANAJAYA GANGULU NAIDOO: An estimate again about R100 000,00 but like I said previously if the documents are shown to me I can confirm.

ADV SUSAN WENTZEL: And Colonel Naidoo who was responsible for the upkeep and maintenance of this house?

COLONEL DHANAJAYA GANGULU NAIDOO: Chair I was responsible Chair for - for the upkeep of this particular house. I was also required to ensure that when General Mdluli was there that the house was stocked with groceries. Also paid out - as I previously testified - also paid out from funds - from funds from the Secret Service Account.

ADV SUSAN WENTZEL: Do you recall who you would see at the house - residing at the house during the time that you conducted this maintenance and dropped off groceries?

COLONEL DHANAJAYA GANGULU NAIDOO: Chair at some stage I - I
10 am just going to check the FM numbers. I remember this clearly Chair. This was an incident where I had drop General Mdluli off at - I - I picked him up from - from his office. That is the Crime Intelligence Office in Pretoria and I dropped him off at this particular safe house being Clearwater Estate.

When I got there Chair I noticed two individuals whom I mention as FM24 and FM29.

CHAIRPERSON: Huh-uh.

COLONEL DHANAJAYA GANGULU NAIDOO: I also recall seeing two children at this premises Chair. This was family of General Mdluli.

20 **CHAIRPERSON:** Yes.

COLONEL DHANAJAYA GANGULU NAIDOO: Another instance Chair this particular individual had come for a training course to Pretoria and I had to - it was - I think it was over two days. I had to fetch her from this premises and take her for her course and drop her off in the afternoon at the same premises. Those were the two incidents I was

personally involved with or have recollection of.

CHAIRPERSON: Yes.

ADV SUSAN WENTZEL: Thank you Colonel Naidoo. Could you now deal with General Lala's flat in Rondebosch Cape Town?

COLONEL DHANAJAYA GANGULU NAIDOO: Yes Chair. Chair I mentioned earlier that I flew to Cape Town to inspect the property of General Mdluli. On this same trip Chair also an instruction from General Lazarus I went to General Lala's flat situated in Rondebosch Cape Town.

10 This particular premises was also rented as a safe house through Crime Intelligence also through Daez Trading. Chair as I mentioned earlier the same scenario. It was through Daez Trading. The same procedure. I would get - at the end of each month I would collect the rent from Mr Appalsamy and hand over the cash to - to General Lala. This was R6 000,00 per month.

CHAIRPERSON: Yes. Do you know whether there was a - a policy applicable at Crime Intelligence saying whether or not people employed within Crime Intelligence could provide safe houses to Crime Intelligence - could have a lease with Crime Intelligence - could have
20 leases with Crime Intelligence?

Do you - do you know whether there was any policy or any prescript that was applicable which prohibited this?

COLONEL DHANAJAYA GANGULU NAIDOO: Chair, I - I am not too sure regarding the policy with regard to these premises. So I cannot say Chair. I am not too sure.

CHAIRPERSON: Yes.

COLONEL DHANAJAYA GANGULU NAIDOO: What the policy exactly was.

CHAIRPERSON: Yes, but are you able to say whether or not the manner in which these leases were handled were a safe house belonged to somebody within Crime Intelligence. Are you able to say that the manner in which they were handled was not transpired even within the context of Crime Intelligence where a lot is not supposed to be transparent?

10 **COLONEL DHANAJAYA GANGULU NAIDOO:** No Chair because the actual owners of the properties were not revealed. It was done through Daez Trading. So this in itself was not transparent because it did not reveal who the real owners were Chair.

CHAIRPERSON: I am sorry. Just repeat that.

COLONEL DHANAJAYA GANGULU NAIDOO: Chair in terms of the transparency it was not Chair because it was actually the - the owners - the real owners of the actual properties were concealed. As I previously testified to Mr John Appalsamy his company Daez Trading signed as the owners of or - or rather being the owner of these
20 properties.

So it was in - in essence not transparent because he did not reveal who the real owners were.

CHAIRPERSON: Now were there other safe houses which Crime Intelligence leased which were dealt with differently from the way that leases of safe house owned by personnel from within Crime Intelligence

were dealt with?

COLONEL DHANAJAYA GANGULU NAIDOO: I am not sure Chair. I am not certain.

CHAIRPERSON: Okay. Let me put the question differently. Was the role played by Daez Trading confined as which as you say purported to be the owner of the premises. Was it limited to those safe houses which belonged to General Lala and General Mdluli and General Lazarus and you must just tell me if I am putting somebody's name into this that was not involved?

10 **COLONEL DHANAJAYA GANGULU NAIDOO:** Chair as far as recall - I can recall it is not - it is not just to these premises Chair. There was another premises that was - that was leased in this process.

CHAIRPERSON: Yes, but you - you said that the role played by Daez Trading ensure that the true owners of the safe houses of General Mdluli and General Lala and General Lazarus was concealed. Their - their identity - their identities were concealed ...

COLONEL DHANAJAYA GANGULU NAIDOO: Hm.

CHAIRPERSON: By virtue of the fact that Daez Trading was reflected as the owner or lessor in regard to these lease houses.

20 **COLONEL DHANAJAYA GANGULU NAIDOO:** Hm.

CHAIRPERSON: That suggested to me that you were saying that there would be other houses of safe houses where the true owner would be known.

COLONEL DHANAJAYA GANGULU NAIDOO: That is correct Chair.

CHAIRPERSON: Is that something you know as a matter of fact?

COLONEL DHANAJAYA GANGULU NAIDOO: I - I would assume so
Chair.

CHAIRPERSON: No, no you cannot know it as a matter of fact if you
assume.

COLONEL DHANAJAYA GANGULU NAIDOO: Pardon Chair.

CHAIRPERSON: Is that something you know as a - as a matter of fact
that there were other safe houses which were leased by Crime
Intelligence where the owner of the safe house would be known. The
identity of the owner of the safe house would be known because there
10 would be - because Daez Trading would not be - have any role or there
would be no other company playing a similar role in that lease.

COLONEL DHANAJAYA GANGULU NAIDOO: Pardon me Chair. I am
not. I do not understand the question.

CHAIRPERSON: *Ja.* Maybe ...

COLONEL DHANAJAYA GANGULU NAIDOO: Sorry. I am ...

CHAIRPERSON: Maybe I am confusing you.

COLONEL DHANAJAYA GANGULU NAIDOO: *Ja.* I am - I am a bit
confused.

CHAIRPERSON: *Ja.* No, no.

20 **COLONEL DHANAJAYA GANGULU NAIDOO:** So I ...

CHAIRPERSON: Let me try and - and put this more clearly. What - are
you suggesting that there was something wrong with General Mdluli and
General Lala and General Lazarus having their houses leased to Crime
Intelligence use - using Daez Trading?

COLONEL DHANAJAYA GANGULU NAIDOO: Chair it was not

General Lazarus' house Chair. It was just General Mdluli and General Lala.

CHAIRPERSON: Okay. I am - I am grateful for that because I was not sure and I did not say earlier do please do tell me if I am putting somebody's name into something where he might not have been involved.

COLONEL DHANAJAYA GANGULU NAIDOO: Yes Chair.

CHAIRPERSON: So are you suggesting that there was anything wrong with the leasing of their properties in the manner in which it was done
10 to Crime Intelligence as safe houses?

COLONEL DHANAJAYA GANGULU NAIDOO: Chair like I mentioned earlier I am not sure what the policy is but in terms of the transparency yes. I said there is something wrong because the true owners of this property were not - were not revealed ...

CHAIRPERSON: Yes.

COLONEL DHANAJAYA GANGULU NAIDOO: But obviously in terms of the policy I do not what the policy says.

CHAIRPERSON: Yes, but you see and of course you know this much better than I do, we are dealing with Crime Intelligence where one
20 understands if there isn't much transparency about many things, you understand that?

COLONEL DHANAJAYA GANGULU NAIDOO: Yes Chair.

CHAIRPERSON: Now why is it not possible that the involvement of Daez Trading might be legitimate insofar as it would ensure that maybe anybody from outside Crime Intelligence who looks at the, who

becomes aware of the lease should not know that this was a safe house or something like that? Or let me put it differently do you know of any safe house that was leased by Crime Intelligence without the involvement of any company or Daez Trading?

COLONEL DHANAJAYA GANGULU NAIDOO: No Chair.

CHAIRPERSON: Do you know whether – do you know whether the position is not that all safe houses that were leased by Crime Intelligence involved Daez Trading?

COLONEL DHANAJAYA GANGULU NAIDOO: No Chair it was limited,
10 Daez Trading the leases done through Daez Trading were limited to a few safe houses including the two that I mentioned now.

CHAIRPERSON: Yes.

COLONEL DHANAJAYA GANGULU NAIDOO: Or rather the three, sorry, it was the three, the one of General Mdluli, one of the General Lalla and the one I just spoke of now is Clearwater Estate.

CHAIRPERSON: Yes, but did you know any safe houses at all that were leased by Crime Intelligence other than these ones? I will ask the question again, do you know of any safe houses that were leased by Crime Intelligence other than the ones you have just mentioned that
20 were owned by General Mdluli, General Lalla and the one at Clear – is it Clearwater?

COLONEL DHANAJAYA GANGULU NAIDOO: Chair as in general, you're speaking as in general or particularly through Daez Trading?

CHAIRPERSON: Well let's start with even if they involve Daez Trading are there any other safe houses that you knew or you know that other

than these ones that you have mentioned?

COLONEL DHANAJAYA GANGULU NAIDOO: Yes Chair there were many, there were many premises.

CHAIRPERSON: There were many others?

COLONEL DHANAJAYA GANGULU NAIDOO: Yes Chair.

CHAIRPERSON: Did they all involve Daez Trading?

COLONEL DHANAJAYA GANGULU NAIDOO: No Chair.

CHAIRPERSON: There were some which did not involve Daez Trading?

COLONEL DHANAJAYA GANGULU NAIDOO: Not some, most this was
10 – Daez Trading was involved in a very small percentage of the bigger picture, it was probably four or five premises in total.

CHAIRPERSON: Yes, are you able to give me a rough estimate of the total number of safe houses that you might have been aware of at the time you joined the witness protection programme, just roughly are we talking about 20 are we talking about 15 more or less?

COLONEL DHANAJAYA GANGULU NAIDOO: Chair that's a tough question but I'll try.

CHAIRPERSON: It doesn't have to be exact I just want to have an idea.

20 **COLONEL DHANAJAYA GANGULU NAIDOO:** I would say, Chair, looking at nine provinces, when I say nine provinces, head office is also regarded as a province.

CHAIRPERSON: Yes.

COLONEL DHANAJAYA GANGULU NAIDOO: I would say at least between seven and eight because each operational team would have to

operate out of a safe house. I would say at least ten per province Chair.

CHAIRPERSON: Ten per province.

COLONEL DHANAJAYA GANGULU NAIDOO: I would say a very rough estimate.

CHAIRPERSON: Okay that takes us to something in the region of 100 safe houses, is that right?

COLONEL DHANAJAYA GANGULU NAIDOO: That is correct Chair.

CHAIRPERSON: And out of these safe houses about how many would
10 you say had Daez Trading as – reflected as the owner of the safe houses?

COLONEL DHANAJAYA GANGULU NAIDOO: I would say four or five over a period of time, I think five Chair.

CHAIRPERSON: Okay, alright now the other ones did you know whether there was some other company that played the same role in regard to them as Daez Trading had played in regard to the four or five or did you know that there was no such company which played a similar role?

COLONEL DHANAJAYA GANGULU NAIDOO: I can't say there was no
20 such company Chair, because I'm not aware of it so I can't say there was no such other company that played a similar role to Daez Trading in terms of the safe houses.

CHAIRPERSON: Yes okay so there may have been, there might not have been?

COLONEL DHANAJAYA GANGULU NAIDOO: Correct Chair.

CHAIRPERSON: Okay I'm trying to establish what features one would look for, for a lease of a safe house by Crime Intelligence where this was legitimate there was nothing irregular. Whether the mere presence of a company would indicate that it's irregular or you could have a list with a company playing the role that Daez Trading was playing but still that list being regular.

COLONEL DHANAJAYA GANGULU NAIDOO: It is possible Chair yes.

CHAIRPERSON: It is possible?

COLONEL DHANAJAYA GANGULU NAIDOO: Yes.

10 **CHAIRPERSON:** Okay so if we then come back to these houses that you have talked about that belonged to General Mdluli and General Lalla, what makes you say, in this particular case in regard to these particular safe houses, this was irregular?

COLONEL DHANAJAYA GANGULU NAIDOO: I say that Chair on the background of what I've testified to earlier, in terms of the cash being given to me on a monthly basis to buy Mr John Appelsami, this has subsequently handed over to General Mdluli of R7 000 and General Lalla of R6 000 respectively. So it is my belief that had – this was purely done as to not to reveal who the actual owners were in terms of
20 paying them cash as opposed to the monies being EFT or transferred to their accounts directly.

CHAIRPERSON: Now, so it's the manner in which payments were made – payments of the rent were made that makes you conclude that these leases were irregular?

COLONEL DHANAJAYA GANGULU NAIDOO: That is correct Chair.

CHAIRPERSON: And in regard to leases of safe houses that would have been regular, do you know what the process would have been, they – would payments have been done through EFT or is there something you know?

COLONEL DHANAJAYA GANGULU NAIDOO: Payments can be done either via – it will definitely not be done by EFT Chair, it would be either by cash or cheque from company X.

CHAIRPERSON: When you say by cash so the mere fact that the rent is paid in cash wouldn't, on it's own suggest anything irregular?

10 **COLONEL DHANAJAYA GANGULU NAIDOO:** It's – like I said that process is in place Chair where cash can be paid but it's just my belief that it was done in this process so these individuals are not exposed as the true owners.

CHAIRPERSON: So the records of Crime Intelligence, if one were to – let's assume that one would have to have access to the records, are you saying that the records will not reveal that in regard to this specific safe houses General Mdluli was the owner of, is it one or two flats – properties and General Lalla was the owner in regard to another?

20 **COLONEL DHANAJAYA GANGULU NAIDOO:** Chair nowhere in the records would you find General Mdluli's name or General Lalla's name or any way having any links to them at all.

CHAIRPERSON: Yes, but you say in regard to other lease houses when everything is regular, one should be able to find records of the true owner?

COLONEL DHANAJAYA GANGULU NAIDOO: Yes Chair, you would be

able to.

CHAIRPERSON: Okay alright, thank you.

ADV SUSAN WENTZEL: Thank you Chair. Colonel Naidoo could you please now deal with the Morgan Ridge property in Boksburg referred to on page 31 paragraph 137 and 138 of your witness statement?

COLONEL DHANAJAYA GANGULU NAIDOO: Yes Chair this was a property leased from C L Dicks, Chair C L Dicks is the daughter of Joe Marx, as I testified earlier Mr Joe Marx is the owner of New World Motors, New World Motors is a supplier or service provider to company
10 X. Chair, I myself negotiated an agreement with Mr Marx this was done on instruction of General Lazarus for the actual lease to be inflated by R2 000 per month.

CHAIRPERSON: Yes, so ultimately the rent was supposed be how much and it got inflated by R2 000 to be how much?

COLONEL DHANAJAYA GANGULU NAIDOO: Chair, I'm not sure the exact amount of the rent, but whatever the rent was, my instruction that it be inflated by R2 000. If I'm shown the documents, I can confirm that it for this particular premises.

CHAIRPERSON: Yes okay.

20 **COLONEL DHANAJAYA GANGULU NAIDOO:** So basically what happened here, the funds were accumulated over a period of every month, that R2 000 would accumulate and over a period of a year you – if the calculations are done it's R24 000 Chair.

CHAIRPERSON: Yes.

COLONEL DHANAJAYA GANGULU NAIDOO: This money I collected

on instruction again from General Lazarus at the end of the year which was R24 000 and this we divided between ourselves. When I say ourselves it's between myself and General Lazarus.

CHAIRPERSON: Yes is that the R2 000?

COLONEL DHANAJAYA GANGULU NAIDOO: That's the R2 000 per month.

CHAIRPERSON: Yes.

COLONEL DHANAJAYA GANGULU NAIDOO: Over a period of the year.

10 **CHAIRPERSON:** Yes, okay so it was split between the two of you?

COLONEL DHANAJAYA GANGULU NAIDOO: That is correct
Chair...[intervenes].

CHAIRPERSON: 1000/1000?

COLONEL DHANAJAYA GANGULU NAIDOO: I must also make mention
Chair at the end of the year we would collect the money but in this
instance I think this particular year I took an advance from Mr Marx,
this also and instruction from General Lazarus Chair because he was
going on an overseas trip, he was accompanying Mr Marimuthu on a
trip overseas and he instructed me to get an advance from Mr Joe Marx
20 to the amount of R10 000, so this would be settled obviously it would
be R10 000 less end of the year.

CHAIRPERSON: Yes okay it would be settled by making use of the rent
or separately?

COLONEL DHANAJAYA GANGULU NAIDOO: The surplus on the rent
Chair.

CHAIRPERSON: Oh okay alright.

COLONEL DHANAJAYA GANGULU NAIDOO: So instead of ...[intervenes].

CHAIRPERSON: The R2 000?

COLONEL DHANAJAYA GANGULU NAIDOO: That's correct Chair and if it accumulated over the twelve month period it would be R24 000 but in this case it would be R10 000 less because during the year I had collected an amount of R10 000 from Mr Marx which I subsequently handed to General Lazarus, this was on General Lazarus' instruction as
10 he was accompanying Mr Marimuthu on an overseas trip, so he needed some cash.

CHAIRPERSON: Okay.

COLONEL DHANAJAYA GANGULU NAIDOO: So in essence at the end of the year instead of getting R24 000 it was only R14 000.

CHAIRPERSON: Okay.

ADV SUSAN WENTZEL: So Colonel Naidoo if I'm understanding you correctly are you saying that in essence, this extra amount of R2 000 a month was held by Mr Joe Marx, then to be collected by General Lazarus at the end of the year? So that R24 000 would accumulate and
20 if he hadn't taken an advance he could then go and say, okay now I'm coming to fetch my R24 000?

COLONEL DHANAJAYA GANGULU NAIDOO: All you have said Miss Wentzel is correct except it wasn't General Lazarus who collected the money it was myself.

ADV SUSAN WENTZEL: Yes.

CHAIRPERSON: On his behalf?

COLONEL DHANAJAYA GANGULU NAIDOO: Yes the money would then be split between ourselves.

CHAIRPERSON: Was the split on a 50/50 basis or?

COLONEL DHANAJAYA GANGULU NAIDOO: That is correct Chair.

CHAIRPERSON: Yes okay.

ADV SUSAN WENTZEL: Now could you deal with what is called the property at X Business Park?

COLONEL DHANAJAYA GANGULU NAIDOO: Chair this is the same
10 manner Chair as I've mentioned to you previously, this was – but in this case this was not – Mr Joe Marx's daughter was a private individual, this company – this premises was rented through Daez Trading, Mr Appelsami again. General Lazarus instructed me to negotiate, or rather not to negotiate, to inform Mr Appelsami that in the same process as I mentioned earlier in the previous – with regard to the previous safe house, the rent was inflated Chair and as previously mentioned it would accumulate, that amount would be kept by Mr Appelsami for the use of General Lazarus, I can't recall if I also collected money from this particular transaction. However, on one occasion Chair, General
20 Lazarus instructed me to collect R6 000 from Mr Appelsami which I subsequently handed of to General Lazarus, this also Chair, was also a trip – he wanted General Lazarus wanted cash because he was also going on another trip with Mr Marimuthu. Chair if I recall this was around 2010.

CHAIRPERSON: Yes okay, Miss Wentzel?

ADV SUSAN WENTZEL: Thank you Colonel Naidoo, can you now deal with Mr Marimuthu's premises?

COLONEL DHANAJAYA GANGULU NAIDOO: Sure Chair as I testified to previously General Lazarus had struck up a relationship with Mr Marimuthu, basically to get a ear to – or get a ear from Mr Bheki Cele at that stage, this was when the relationship between General Lazarus and Mr Marimuthu is already established, various properties were also rented from Mr Marimuthu Chair the amount totally in the vicinity of R200 000 to R250 000 Chair, all of this information Chair was relayed
10 to me by FM08. At that stage FM08 was the person that was in charge of these premises that were being rented by or rather from Mr Marimuthu by Crime Intelligence.

CHAIRPERSON: Yes did you know whether they were being rented as safe houses or they were being rented for other purposes?

COLONEL DHANAJAYA GANGULU NAIDOO: With – I assumed that it would be for safe – for the use of safe, as a safe house Chair.

CHAIRPERSON: Okay and do you know how many properties were being rented by Mr Marimuthu?

COLONEL DHANAJAYA GANGULU NAIDOO: Chair I'm not certain
20 Chair.

CHAIRPERSON: You're not certain?

COLONEL DHANAJAYA GANGULU NAIDOO: I'm not certain.

CHAIRPERSON: And do you know where they were located or at least some of them?

COLONEL DHANAJAYA GANGULU NAIDOO: Chair I can say for a fact

that at least two of them were in KZN because I personally went – I'm not sure the rest of them where they were situated.

CHAIRPERSON: Yes.

COLONEL DHANAJAYA GANGULU NAIDOO: But two of these were in KZN because I personally visited these properties.

CHAIRPERSON: Yes.

COLONEL DHANAJAYA GANGULU NAIDOO: Chair just for the record as well the properties that I visited, these were not ready, or not suitable for occupation at that stage. I brought this to the attention of
10 General Lazarus Chair, I'm not certain what measures he took after me informing him about the unsuitability regarding these two premises that I inspected.

CHAIRPERSON: When you visited these two premises in KZN and you found that they were not suitable for use at that stage, do you know whether Mr Marimuthu was already being paid rent for them or not really, or whether that was before any leases could be signed?

COLONEL DHANAJAYA GANGULU NAIDOO: Chair I can't say for certain that these were already on Crime Intelligence books, however, if the documents are shown to me and I can cross-reference it to the
20 flights that I took to KZN I can be more certain or I can be more precise.

CHAIRPERSON: Yes and do you remember more or less when it must have been when you took – undertook this visit to those houses?

COLONEL DHANAJAYA GANGULU NAIDOO: Chair it would have been probably – probably late 2010 or early 2011 I can't be certain.

CHAIRPERSON: Okay was it one visit when you – one trip when you visited both or was it different trips?

COLONEL DHANAJAYA GANGULU NAIDOO: It was on one trip Chair.

CHAIRPERSON: One trip okay alright.

ADV SUSAN WENTZEL: And Colonel Naidoo do you remember where in KZN these properties were situated?

COLONEL DHANAJAYA GANGULU NAIDOO: Both these properties were in Umhlanga Rocks, not far from Mr Marimuthu's home.

ADV SUSAN WENTZEL: And do you remember why you felt they were
10 unsuitable for occupation?

COLONEL DHANAJAYA GANGULU NAIDOO: Chair the one property, I did not go inside the property, the yard itself was unkempt there was the big tree hanging partially over the roof, it was generally unkempt, in my view it was not safe for anyone to inhabit that property.

CHAIRPERSON: Yes.

COLONEL DHANAJAYA GANGULU NAIDOO: The other one Chair which was not far off from the one that I'm speaking of now, that was in better condition Chair, though it wasn't occupation ready, when I say that, the toilets were not working, there were other items or I can
20 remember correctly I'm just trying to re-call, pardon me
Char...[intervenes].

CHAIRPERSON: You said there was something that was not working, what was that?

COLONEL DHANAJAYA GANGULU NAIDOO: The toilets.

CHAIRPERSON: Oh Okay.

COLONEL DHANAJAYA GANGULU NAIDOO: Just generally, I can't give you specifics Chair but just generally the property was not occupation ready.

CHAIRPERSON: Okay, alright, yes continue.

ADV SUSAN WENTZEL: Colonel Naidoo could you then tell the Chair about a property that was rented by Crime Intelligence for FM18 and if you could explain who she was?

COLONEL DHANAJAYA GANGULU NAIDOO: Yes Chair, this was later in 2011 I say this because this was closer to the time that I was – I
10 think it was a few months before I was admitted into the witness protection programme. Chair on the instruction of General Lazarus again through Deaz Trading an apartment in Boksburg was procured for the exclusive use of Mr Marimuthu's girlfriend, FM18 was appointed as a clerk in CI and she was appointed within the 250 posts Chair, if I can call it.

CHAIRPERSON: Yes.

COLONEL DHANAJAYA GANGULU NAIDOO: All of these things were done on instruction of General Lazarus Chair.

CHAIRPERSON: Yes.

20 **COLONEL DHANAJAYA GANGULU NAIDOO:** Chair what I'm going to explain next is also an assumption on my side but I will explain what happened. I'm assuming that by that stage this was General Lazarus and Mr Marimuthu's relationship was quite well established by then, I think it was over a year or a year and a half that they had first met each other and began their relationship. It is my view that Mr

Marimuthu knew too much of the workings of Crime Intelligence and more so General Lazarus' activities himself within Crime Intelligence and I say this, it's my view that this particular premises was procured for FM18 Chair on an instruction of General Lazarus, he asked me to – sorry Chair I'm just trying to gather my thoughts.

CHAIRPERSON: Yes.

COLONEL DHANAJAYA GANGULU NAIDOO: When this property was procured via Daez Trading Chair or rented via Daez Trading, he asked me to get hold of FM11 and FM03 to arrange for cameras to be installed
10 in this particular premises covertly Chair, I may add.

CHAIRPERSON: Yes.

COLONEL DHANAJAYA GANGULU NAIDOO: I say this ...[intervenes].

CHAIRPERSON: Did he say he wanted you to do this?

COLONEL DHANAJAYA GANGULU NAIDOO: Chair I assumed that General Lazarus wanted to have some recording of Mr Marimuthu's engagements with his girlfriend, who I've mentioned earlier FM18 so that probably he could have some evidence against Mr Marimuthu should he – should the need arise and I say this is just my view Chair but this is exactly what happened.

20 **CHAIRPERSON:** I think it's one o' clock we should take the lunch adjournment, we'll adjourn and we will resume at two o' clock, we adjourn.

REGISTRAR: All rise.

INQUIRY ADJOURNS

INQUIRY RESUMES

CHAIRPERSON: Okay let us continue.

ADV SUSAN WENTZEL: Thank you Chair. Mr Naidoo.

COLONEL DHANAJAYA GANGULU NAIDOO: Yes Ms Wentzel.

ADV SUSAN WENTZEL: Thank you. Just before the lunch adjournment we were dealing with Mr Murimuthu's premises.

COLONEL DHANAJAYA GANGULU NAIDOO: Yes.

ADV SUSAN WENTZEL: If we could now deal with the Island Rock covert facility. Could you please tell the Chair about this facility?

COLONEL DHANAJAYA GANGULU NAIDOO: Chair before we go there
10 if I can just complete the previous testimony regarding point 143 and
144.

CHAIRPERSON: Yes.

COLONEL DHANAJAYA GANGULU NAIDOO: I did mention that I made
an assumption on this but I just want to clarify Chair. The assumption
was not on the premises whether the premises was rented or not. That
was not the assumption. I definitely know of the premises I was there
personally, physically saw the premises. I can also point it out. The
assumption was why those cameras were installed and that was the
assumption that I believed that General Lazarus wanted these cameras
20 to be installed so that he could have some evidence against Mr
Murimuthu if the need arises or rose in future.

CHAIRPERSON: Yes I – I think that when you know some – that
something was done such as the installation of the cameras but you do
not know the reason for it to – the motive behind it you should leave it
just at that. To say you do not know why it was done. You may have

your assumptions and speculations but you actually do not know but it was done.

COLONEL DHANAJAYA GANGULU NAIDOO: Yes Chair will do so.

Thanks.

CHAIRPERSON: Yes Okay.

ADV SUSAN WENTZEL: Thank you Chair. Colonel Naidoo could you now please just deal with the Island Rock facility?

COLONEL DHANAJAYA GANGULU NAIDOO: Yes Chair. Chair this is a facility belonging to the state. Like Ms Wentzel mentioned it is called
10 Island Rock. It is situated in Northern Kwazulu Natal Chair. It is totally secluded. The only way to get to this particular premise is through – by means of a 4x4 vehicle otherwise it is not accessible at all. Chair General Lazarus and myself and numerous other officials or confidantes within his inner circle visited this particular premises. We would go there for holidays particularly over long weekends, school holidays, over Christmas. Like I mentioned Chair it is not possible to access this particular facility with a normal vehicle. You need a 4x4. Hence state vehicles were used on these trips Chair.

CHAIRPERSON: Yes. Please describe the facility was – was it – how
20 many apartments – how many rooms and so on? Tell me more about the fissures of the facility?

COLONEL DHANAJAYA GANGULU NAIDOO: Chair it is basically wooden structures. There was one – one big open area which housed the kitchen and your living areas. One small section of the main house also accommodated the camp manager. If I remember correctly he is

Captain Pete Nel. Chair also is very important because this particular individual that I mentioned can confirm all of these visits because he was a camp manager for many years there including the time that I am going to testify to.

CHAIRPERSON: Hm.

COLONEL DHANAJAYA GANGULU NAIDOO: There was – if I remember correctly Chair there were four other rooms or houses if you want to call it. Each one had two rooms in each – in each house. Cabins Chair not houses sorry it was cabins.

10 **CHAIRPERSON:** Yes made of wood?

COLONEL DHANAJAYA GANGULU NAIDOO: Wood yes that is correct.

CHAIRPERSON: Yes. So your estimate of how many – maybe I should ask you about how many people or houses or families could it accommodate?

COLONEL DHANAJAYA GANGULU NAIDOO: Chair I think it would easily accommodate 20 people at a time.

CHAIRPERSON: At a time?

COLONEL DHANAJAYA GANGULU NAIDOO: Yes that is correct Chair.

20 **CHAIRPERSON:** At an official level what was it for? What was it supposed to be used for?

COLONEL DHANAJAYA GANGULU NAIDOO: Chair I really do not know.

CHAIRPERSON: Did you use it on a number of occasions?

COLONEL DHANAJAYA GANGULU NAIDOO: Chair myself yes I went there on a few occasions with General Lazarus and at least on two

occasions with my family.

CHAIRPERSON: Yes.

COLONEL DHANAJAYA GANGULU NAIDOO: Together with General Lazarus and other members of his inner circle.

CHAIRPERSON: And you say you had a manager?

COLONEL DHANAJAYA GANGULU NAIDOO: That is correct Chair.

CHAIRPERSON: You called him – I say him it can be her. Camp manager:

COLONEL DHANAJAYA GANGULU NAIDOO: That is correct Chair.

10 **CHAIRPERSON:** Okay. And was that somebody who was there permanently?

COLONEL DHANAJAYA GANGULU NAIDOO: That would the...

CHAIRPERSON: On a full time basis?

COLONEL DHANAJAYA GANGULU NAIDOO: That is correct Chair.

CHAIRPERSON: And were there other employees employed in the facility?

COLONEL DHANAJAYA GANGULU NAIDOO: There were three other individuals that were employed there that lived on the premises Chair.

20 **CHAIRPERSON:** Yes. And when it was not being used what would they be doing?

COLONEL DHANAJAYA GANGULU NAIDOO: I cannot say for certain Chair.

CHAIRPERSON: You do not know. And they were being paid by Crime Intelligence?

COLONEL DHANAJAYA GANGULU NAIDOO: That is correct Chair.

CHAIRPERSON: And the only time – the only times when you have seen it being used it was being used by personnel from Crime Intelligence for basically holidays?

COLONEL DHANAJAYA GANGULU NAIDOO: Mostly ...

CHAIRPERSON: Or weekends away.

COLONEL DHANAJAYA GANGULU NAIDOO: Mostly holidays – mostly holidays Chair.

CHAIRPERSON: Ja.

COLONEL DHANAJAYA GANGULU NAIDOO: But there were two
10 incidents or occasions where I can remember where actual work was done. It was a getaway for the group of Crime Intelligence members I think it was from the Finance section this was from General Lazarus' office. Where they had I think it was over two days.

CHAIRPERSON: Yes and this property was not leased but it belonged to Crime Intelligence?

COLONEL DHANAJAYA GANGULU NAIDOO: Chair this belongs to the state.

CHAIRPERSON: It belonged to the state?

COLONEL DHANAJAYA GANGULU NAIDOO: Yes.

20 **CHAIRPERSON:** But was being used by Crime Intelligence?

COLONEL DHANAJAYA GANGULU NAIDOO: That is correct.

CHAIRPERSON: Okay alright. Thank you.

ADV SUSAN WENTZEL: Thank you. Colonel Naidoo am I correct that this property is on a beach?

COLONEL DHANAJAYA GANGULU NAIDOO: That is correct.

ADV SUSAN WENTZEL: And did any of the suppliers to Crime Intelligence have access to this property?

COLONEL DHANAJAYA GANGULU NAIDOO: Yes Chair. I personally know of Mr Joe Marks because on one occasion he attended or went to this premises. It was Mr Joe Marks and his son and including General Lazarus, myself and a few other members whom I cannot recall at this stage. That was one supplier. The other supplier was Mr Jan Venter of Atlantis Motors. I did not see him there physically but Mr Venter informed me on one occasion that he was going there on a weekend
10 which was arranged by Colonel Barnard.

CHAIRPERSON: I see that in your statement you – or affidavit you refer to Captain Pete Nel as camp commander rather than camp manager, is that right?

COLONEL DHANAJAYA GANGULU NAIDOO: Camp commander, camp manager I am sure it - I am not sure if it the same thing Chair probably would be.

CHAIRPERSON: Could it be that it is not the same person? Is it not a question of terminology?

COLONEL DHANAJAYA GANGULU NAIDOO: I would think so Chair
20 but – but the question is there but the person itself was definitely Captain Pete Nel.

CHAIRPERSON: Yes you just – you are just not sure whether his position was referred to as Camp Commander or Camp Manager?

COLONEL DHANAJAYA GANGULU NAIDOO: That is correct Chair.

CHAIRPERSON: Okay alright.

ADV SUSAN WENTZEL: Thank you Chair. Colonel Naidoo could you then please deal with the Thompson Bay property in Ballito?

COLONEL DHANAJAYA GANGULU NAIDOO: Chair before I go there I just want to confirm that all of these visits to this Island Rock facility would have been posted as operational expenses and would have been paid out of the Secret Service Account.

CHAIRPERSON: Yes but you say that out of those that you attended only two were used for some work?

COLONEL DHANAJAYA GANGULU NAIDOO: That is correct.

10 **CHAIRPERSON:** About how many times did you go to this facility if you are able to remember?

COLONEL DHANAJAYA GANGULU NAIDOO: Chair over a period of a few years I – it would have probably been about seven or eight times.

CHAIRPERSON: About ...

COLONEL DHANAJAYA GANGULU NAIDOO: In total.

CHAIRPERSON: In total yes.

COLONEL DHANAJAYA GANGULU NAIDOO: In total and of that total two was with my family

20 **CHAIRPERSON:** Yes. The other times you were with other members from other personnel from Crime Intelligence but without your family?

COLONEL DHANAJAYA GANGULU NAIDOO: That is correct Chair.

CHAIRPERSON: But you say out of those seven or eight times that on which you went to – you used the facility only two – you are aware of only two occasions when people in the group – some people in the group used the visit for work purposes?

COLONEL DHANAJAYA GANGULU NAIDOO: Official purposes yes.

CHAIRPERSON: Yes but you say each time these visits to this facility happened on records they were reflected as official duties for operations?

COLONEL DHANAJAYA GANGULU NAIDOO: That is correct Chair.

CHAIRPERSON: Yes okay.

ADV SUSAN WENTZEL: Thank you Chair.

CHAIRPERSON: And – I am sorry. Who would have – who would have been responsible for having these visits recorded as official?

10 **COLONEL DHANAJAYA GANGULU NAIDOO:** Chair whichever person went for that particular – I am talking about [indistinct].

CHAIRPERSON: So each person had to fill in forms or whatever to say he or she was going on an official duty?

COLONEL DHANAJAYA GANGULU NAIDOO: That is correct Chair in terms of the vehicles used.

CHAIRPERSON: Yes.

COLONEL DHANAJAYA GANGULU NAIDOO: And all expenses that was for that particular period.

CHAIRPERSON: Yes.

20 **COLONEL DHANAJAYA GANGULU NAIDOO:** That is correct Chair.

CHAIRPERSON: Okay alright. And where they – where a person took his or her family with them would they have recorded the presence of their family members with them or friends?

COLONEL DHANAJAYA GANGULU NAIDOO: No Chair.

CHAIRPERSON: They would not have recorded that?

COLONEL DHANAJAYA GANGULU NAIDOO: No.

CHAIRPERSON: Okay alright. Thank you.

ADV SUSAN WENTZEL: Thank you Chair. Then Colonel Naidoo the Ballito Bay property who owned that property?

COLONEL DHANAJAYA GANGULU NAIDOO: Chair this was a private property. It was rented by Crime Intelligence but more especially for the use of General Lazarus and most of the members within his inner circle that included myself. I went there on two occasions or rather on a few occasions. I stayed there at this property. Pardon which – on a
10 few occasions I visited this property together with my family. It was an upmarket property Chair within the precinct of Ballito.

CHAIRPERSON: How big was it? A four – four bedrooms?

COLONEL DHANAJAYA GANGULU NAIDOO: It was four bedrooms Chair. It was very upmarket on the beach front.

CHAIRPERSON: Yes. How many times did you have occasion to use it?

COLONEL DHANAJAYA GANGULU NAIDOO: Chair I cannot remember exactly but I have been there a few times.

CHAIRPERSON: A few times.

20 **COLONEL DHANAJAYA GANGULU NAIDOO:** That is correct.

CHAIRPERSON: And you say it was privately owned so was it leased?

COLONEL DHANAJAYA GANGULU NAIDOO: That is correct Chair.

CHAIRPERSON: Hm.

ADV SUSAN WENTZEL: And was it leased as a safe house?

COLONEL DHANAJAYA GANGULU NAIDOO: As far as I know yes.

CHAIRPERSON: Apart from yourself do you know who else used it?

COLONEL DHANAJAYA GANGULU NAIDOO: Chair it was FM09, FM46,

CHAIRPERSON: Hm.

COLONEL DHANAJAYA GANGULU NAIDOO: It would be General Lazarus.

CHAIRPERSON: Hm.

COLONEL DHANAJAYA GANGULU NAIDOO: On a few occasions when I went there I – I think on two occasions Chair there were various other
10 members from General Lazarus' extended family that were there. This was over a Christmas period.

CHAIRPERSON: Yes.

COLONEL DHANAJAYA GANGULU NAIDOO: His immediate family and his extended family. FM11 also I would include in that list.

CHAIRPERSON: Yes. Okay. Continue.

ADV SUSAN WENTZEL: Thank you Chair. Colonel Naidoo could you deal with the property we have now called X Estates in Greenstone Johannesburg?

COLONEL DHANAJAYA GANGULU NAIDOO: Yes Chair. Chair this –
20 as I testified to previously in 2006 General Lazarus was busy with extensions or rather not extensions renovations to his house in Edenvale. I think it was about two or three months into the renovations Chair there was a hijacking outside of his house. It was a state vehicle that he was driving at that stage. I think it was – it was FM07 shot one of the hijackers and the vehicle was also damaged because the suspect

shot at this vehicle as well – the state vehicle. Chair like I also testified to previously General Lazarus would travel to me – with me to his office. So I would pick him up in the morning. The morning of the – this happened in the weekend. I cannot remember exactly which weekend on a Saturday. When I fetched him from his house on that Monday on our way to work we were just discussing. It was general conversation regarding the hijacking of the previous weekend or the weekend that passed. And he said to me we can piggy back on this thing if you know what I mean. And he would talk to General Lala about
10 it.

CHAIRPERSON: Yes.

COLONEL DHANAJAYA GANGULU NAIDOO: Chair if I can continue?

CHAIRPERSON: Yes continue.

COLONEL DHANAJAYA GANGULU NAIDOO: I assume that he did get the approval from General Lala as General Lazarus instructed me to make enquiries or rather Chair sorry if I can just go back? After he told me we can piggy back on this think if you know what I mean and he asked me to make enquiries regarding a safe premises and that he would speak to General Lala about it. I presume that he did get the
20 necessary approval because he instructed me to secure our safe house for him.

CHAIRPERSON: What did you understand him to be talking about when he said we can piggy back on this thing?

COLONEL DHANAJAYA GANGULU NAIDOO: Chair like I mentioned he was renovating his house at that stage. It was quite extensive. The

house was virtually gutted in terms of the roof being taken down. He was living at the back of the house or rather within the house in the back – two rooms. So it was quite messy Chair. So what I understood from this is that while the renovations using the hijacking – piggy backing on the hijacking that he will speak to General Lala so that he can move into a safe premises using the hijacking as a threat. But actually it was because of the renovations.

CHAIRPERSON: How would he use the hijacking as an excuse? Would it be that he was scared of staying in his house because of the
10 hijacking or what?

COLONEL DHANAJAYA GANGULU NAIDOO: That would probably be the reason Chair.

CHAIRPERSON: Hm. Or that is how you understood it.

COLONEL DHANAJAYA GANGULU NAIDOO: That is correct Chair.

CHAIRPERSON: Okay.

COLONEL DHANAJAYA GANGULU NAIDOO: Chair I eventually found or managed to find a premises which I will refer to as X Estate in Greenstone in Johannesburg which is not far from ...

CHAIRPERSON: I am sorry you will refer to them as?

20 **COLONEL DHANAJAYA GANGULU NAIDOO:** X Estates.

CHAIRPERSON: Oh yes okay in Greenstone?

COLONEL DHANAJAYA GANGULU NAIDOO: Yes that is correct Chair.

CHAIRPERSON: Hm.

COLONEL DHANAJAYA GANGULU NAIDOO: This was situated approximately about five or seven kilometres away from General

Lazarus' house. This particular premises that I speak of. General Lazarus together with his family they lived in this premises for I think it was just a period under a year Chair. The rent for this particular premises was R6 000.00 per month. I was responsible to take care of insofar as the payments, the rent, the amenities, the DSTV etcetera. I also had to make arrangements Chair to have this particular premises furnished. This was paid from funds out of the Secret Service Account.

ADV SUSAN WENTZEL: And...

CHAIRPERSON: Yes.

- 10 **ADV SUSAN WENTZEL:** After the – General Lazarus' alterations were completed did he continue to remain in this house?

COLONEL DHANAJAYA GANGULU NAIDOO: No Chair. If I am given the documents I can confirm but I think it was – this lease was taken for a period of one year. There was still outstanding two months that was left over on this particular lease when General Lazarus moved back into his own house. This was done when the renovations were completed. He moved out of this safe house.

ADV SUSAN WENTZEL: And what happened to the furniture that had been purchased for the house?

- 20 **COLONEL DHANAJAYA GANGULU NAIDOO:** Chair the furniture a 3 seater lounge set was given to Colonel Miranda Venter. I received a dishwasher and a television stand. Some other items were taken to General Lazarus to his own property. The rest of the items I believe were [indistinct] off or auctioned off.

CHAIRPERSON: This terminology that furniture was "bordered" what is

that supposed to mean?

COLONEL DHANAJAYA GANGULU NAIDOO: Sorry Chair I did not hear that?

COLONEL DHANAJAYA GANGULU NAIDOO: You say in paragraph 154 that the furniture from the house was bordered. You put that in quotes?

COLONEL DHANAJAYA GANGULU NAIDOO: Chair is simply a term when an asset has reached its shelf life if you want to call it then it is auctioned off or bordered.

CHAIRPERSON: Yes. But you say this was done to this furniture
10 despite the fact that it was in excellent condition?

COLONEL DHANAJAYA GANGULU NAIDOO: That is correct Chair.

CHAIRPERSON: Okay. And when – what do you normally do or what did Crime Intelligence normally do with furniture that had legitimately reached a point where it should be “bordered”?

COLONEL DHANAJAYA GANGULU NAIDOO: Chair I speak under correction I do not know the exact process but it would probably go on auction through a tender process.

CHAIRPERSON: Ja.

COLONEL DHANAJAYA GANGULU NAIDOO: And subsequently be
20 taken off the system.

CHAIRPERSON: Okay.

COLONEL DHANAJAYA GANGULU NAIDOO: And be sold off and taken off the system.

CHAIRPERSON: Okay.

ADV SUSAN WENTZEL: Thank you Chair. Colonel Naidoo could you

please tell the Chair about the property owned by Colonel FM10?

COLONEL DHANAJAYA GANGULU NAIDOO: Chair FM10 is a Colonel within Crime Intelligence and he is also a businessman. He owns numerous properties some of which were leased by CI as safe houses. I know at least one property in Bedfordview – Bedfordview which was rented from CI. Chair this I do not have direct knowledge of but this information was relayed to me by FM 08.

CHAIRPERSON: Yes.

COLONEL DHANAJAYA GANGULU NAIDOO: I have not been to this
10 property. I have not seen it physically.

CHAIRPERSON: Yes.

COLONEL DHANAJAYA GANGULU NAIDOO: But this information was relayed to me by FM08.

CHAIRPERSON: So strictly speaking it is not correct to say you know – at least of one property because all you know is what FM08 told you?

COLONEL DHANAJAYA GANGULU NAIDOO: That is...

CHAIRPERSON: We could or could not – which may or may not be true?

COLONEL DHANAJAYA GANGULU NAIDOO: That is correct Chair.

20 **CHAIRPERSON:** Yes.

ADV SUSAN WENTZEL: Thank you Chair. Colonel Naidoo could you please now deal with the Sheffield beach property and explain who owned that property?

COLONEL DHANAJAYA GANGULU NAIDOO: Chair I am also going to not delve on this aspect because most of it is hearsay.

CHAIRPERSON: Yes.

COLONEL DHANAJAYA GANGULU NAIDOO: So I am going to skip that as well.

CHAIRPERSON: Yes okay.

COLONEL DHANAJAYA GANGULU NAIDOO: And we go to Karin Hanekom Attorneys if I may?

CHAIRPERSON: Yes okay.

ADV SUSAN WENTZEL: Could you then deal with the payments to Karin Hanekom Attorneys?

10 **COLONEL DHANAJAYA GANGULU NAIDOO:** Chair Karin Hanekom Attorneys were the conveyancing attorneys they were basically dealing with the transfer that was purchase by General Mdluli.

CHAIRPERSON: I am sorry before you – you proceed Colonel Naidoo. Ms Wentzel the parts which he is skipping because he says he does not have personal knowledge of. Those can be investigated further.

ADV SUSAN WENTZEL: Yes.

20 **CHAIRPERSON:** To establish if his understanding is correct and if need be he can come back or somebody else who has personal knowledge can come in or who may have grounds to believe certain things about them.

ADV SUSAN WENTZEL: Yes.

CHAIRPERSON: Okay.

ADV SUSAN WENTZEL: I will make sure that that is done.

CHAIRPERSON: And Colonel Naidoo you can assist in that process. So in other words you might have information and you are not sure

because you do not have personal knowledge but nevertheless what you have been told by other people might help in investigating those issues which might lead to establishing that what you knew or what you had been told is true. You understand that?

COLONEL DHANAJAYA GANGULU NAIDOO: Yes Chair.

CHAIRPERSON: Yes. So where you can assist with regard to that I am sure you will assist?

COLONEL DHANAJAYA GANGULU NAIDOO: I will do so Chair.

10 **CHAIRPERSON:** Yes okay. It just helps that by the time it is aired in public.

COLONEL DHANAJAYA GANGULU NAIDOO: Yes Chair.

CHAIRPERSON: The necessary groundwork has been done to make sure that if it is aired in public there are reasonable grounds to believe it is true.

COLONEL DHANAJAYA GANGULU NAIDOO: Indeed Chair.

CHAIRPERSON: Okay.

ADV SUSAN WENTZEL: Chair we before we proceed there in respect of this property Colonel Naidoo do you have personal knowledge of the furniture purchased for this property?

20 **CHAIRPERSON:** Which property are you talking about?

ADV SUSAN WENTZEL: The Sheffield Beach property.

CHAIRPERSON: That is the one he said he does not have personal knowledge. That he said you wanted to skip or have you come across something that makes you think he might want to revisit that?

ADV SUSAN WENTZEL: I think that this – there is an aspect that he

does perhaps have personal knowledge and if he can just clarify that.

CHAIRPERSON: Yes. Okay he may – he can clarify it. Do you want to repeat your question?

ADV SUSAN WENTZEL: Yes. Colonel Naidoo were you involved at all in the purchase of property – of furniture for this property?

COLONEL DHANAJAYA GANGULU NAIDOO: Not for the purchase but I was present when the purchases were made.

ADV SUSAN WENTZEL: And what do you mean by that?

COLONEL DHANAJAYA GANGULU NAIDOO: Chair this is a private
10 property and I will not delve into the details but it is a private property.

CHAIRPERSON: Yes.

COLONEL DHANAJAYA GANGULU NAIDOO: When this property was being constructed or rather in its completion FM09 – FM09 -0 sorry Chair. FM07.

CHAIRPERSON: Ja.

COLONEL DHANAJAYA GANGULU NAIDOO: General Lazarus and myself made arrangements to purchase furniture for this particular private property using funds from the Secret Service Account. The items were purchased from New World. Chair this is not now New World
20 Motors if I can clarify.

CHAIRPERSON: Oh yes okay.

COLONEL DHANAJAYA GANGULU NAIDOO: It is another service provider to Company X but it is called New World.

CHAIRPERSON: Okay.

COLONEL DHANAJAYA GANGULU NAIDOO: That is just...

CHAIRPERSON: So you were present when furniture was purchased for this property?

COLONEL DHANAJAYA GANGULU NAIDOO: That is correct Chair.

CHAIRPERSON: Yes but that is about all that you have personal knowledge of?

COLONEL DHANAJAYA GANGULU NAIDOO: That is correct Chair.

CHAIRPERSON: Okay. But you – you do have suspicions that it might be property that was used as a safe house illegally or something to that effect?

10 **COLONEL DHANAJAYA GANGULU NAIDOO:** Chair this was not – this was developed as a private property. It was not a safe house. It was in the process of being built.

CHAIRPERSON: Yes.

COLONEL DHANAJAYA GANGULU NAIDOO: And nearing its completion it was furnished by using funds from the Secret Service Account.

CHAIRPERSON: Yes.

COLONEL DHANAJAYA GANGULU NAIDOO: So I think that is as far as I can take you there.

20 **CHAIRPERSON:** Yes. So what you can say is that the furniture that was used – that was purchased to put into this property as it was nearing completion was furniture purchased with money from the Secret Service Account?

COLONEL DHANAJAYA GANGULU NAIDOO: Indeed Chair.

CHAIRPERSON: Yes okay. I think that is important.

ADV SUSAN WENTZEL: Thank you.

CHAIRPERSON: Ja.

COLONEL DHANAJAYA GANGULU NAIDOO: Chair I will now go to Karin Hanekom Attorneys

CHAIRPERSON: Yes.

COLONEL DHANAJAYA GANGULU NAIDOO: Point 163.

CHAIRPERSON: Yes.

COLONEL DHANAJAYA GANGULU NAIDOO: As I mentioned this was attorneys that were appointed as a conveyancing attorney dealing with
10 the transfer of a property purchased by General Mdluli and Chair I can - if I can just explain how I got involved in this. I remember having a conversation with General Lazarus.

He informed me that General Mdluli gave him a cheque. That was to be deposited into this account of Karin Hanekom Attorneys. It was for this property that he was purchasing at the time. General Mdluli was travelling somewhere Chair. He was out of the country.

I cannot recall what General Lazarus exactly said but he was not available. He instructed me to - to deposit this cheque of
20 R40 000,00 into ...

CHAIRPERSON: So again R40 000,00?

COLONEL DHANAJAYA GANGULU NAIDOO: It seems to be a common thread Chair, yes.

CHAIRPERSON: So you people at Crime Intelligence like R40 000,00.

COLONEL DHANAJAYA GANGULU NAIDOO: It seems to be a common

number, yes.

CHAIRPERSON: *Ja.*

COLONEL DHANAJAYA GANGULU NAIDOO: Chair General Lazarus further instructed me to take an advance from the advance office of R30 000,00. So the total amount of R70 000,00 would be deposited into this account of Karin Hanekom Attorneys. This was all instruction that I received from General Lazarus Chair.

CHAIRPERSON: Did he tell you why you had to deposit that amount in the account of Karin Hanekom Attorneys?

- 10 **COLONEL DHANAJAYA GANGULU NAIDOO:** Chair I cannot remember or recall the exact - the exact conversation but the instruction that he gave me was to deposit this money into - into this account. The cheque was from General Mdluli. It was his name pre-printed on the bottom of the cheque. It was a blank cheque.

General Lazarus himself filled in - I - I assumed this cheque would have been given to him by General Mdluli.

CHAIRPERSON: Yes.

COLONEL DHANAJAYA GANGULU NAIDOO: General Lazarus filled in the amount because it was a blank cheque Chair.

- 20 **CHAIRPERSON:** Yes.

COLONEL DHANAJAYA GANGULU NAIDOO: Together with this cheque and the advance that I obtained of R30 000,00 from the cash office.

CHAIRPERSON: Hm.

COLONEL DHANAJAYA GANGULU NAIDOO: I proceeded to - I think it

is an Absa Bank Chair and I made the deposit. I think the deposit slip is - is annexed to my statement.

CHAIRPERSON: So the deposit that you made was - you deposited a cheque signed by General Mdluli?

COLONEL DHANAJAYA GANGULU NAIDOO: That is correct Chair.

CHAIRPERSON: Where the amount had been filled in by General Lazarus?

COLONEL DHANAJAYA GANGULU NAIDOO: That is correct Chair.

CHAIRPERSON: And you deposited that cheque into the account of
10 Karin Hanekom Attorneys?

COLONEL DHANAJAYA GANGULU NAIDOO: That is correct Chair.

CHAIRPERSON: That was - that cheque was for R30 000,00?

COLONEL DHANAJAYA GANGULU NAIDOO: R40 000,00.

CHAIRPERSON: R40 000,00?

COLONEL DHANAJAYA GANGULU NAIDOO: Yes.

CHAIRPERSON: Okay.

COLONEL DHANAJAYA GANGULU NAIDOO: Chair if I can just make a correction quickly.

CHAIRPERSON: *Ja.*

20 **COLONEL DHANAJAYA GANGULU NAIDOO:** When I said the amount of 40 000 the amount was already written in by General Mdluli ...

CHAIRPERSON: Oh.

COLONEL DHANAJAYA GANGULU NAIDOO: But where you had to write physically the amount in words that was written by General Lazarus.

CHAIRPERSON: General Mdluli had written the - the amount in - in figures?

COLONEL DHANAJAYA GANGULU NAIDOO: That is correct Chair.

CHAIRPERSON: And then he had not written the amount in words?

COLONEL DHANAJAYA GANGULU NAIDOO: The words were written in by General Lazarus.

CHAIRPERSON: Oh, okay. Okay. So did you understand that this money was in relation to a property that General Mdluli was buying ...

COLONEL DHANAJAYA GANGULU NAIDOO: That is what I ...

10 **CHAIRPERSON:** Or not really?

COLONEL DHANAJAYA GANGULU NAIDOO: That is what I can recall Chair.

CHAIRPERSON: Yes, but why - why did General Lazarus have to be the one to fill in the amount in words? Do you know?

COLONEL DHANAJAYA GANGULU NAIDOO: (No audible reply).

CHAIRPERSON: If General Mdluli had already written the amount in figures.

20 **COLONEL DHANAJAYA GANGULU NAIDOO:** Chair it was blank Chair at that stage. There was nothing written in - in the cheque when he was - when he handed it over to me.

CHAIRPERSON: When General Mdluli handed it over to you?

COLONEL DHANAJAYA GANGULU NAIDOO: No Chair. General Mdluli handed the cheque over to General Lazarus and General Lazarus subsequently gave me the instruction to - to make the deposit. The actual writing of the - the amount in words was done by

General Lazarus.

CHAIRPERSON: Oh. I thought that you said that General Mdluli had written the amount in words - in figures ...

COLONEL DHANAJAYA GANGULU NAIDOO: In figures Chair. That is what ...

CHAIRPERSON: But had not written the amount in words?

COLONEL DHANAJAYA GANGULU NAIDOO: That is correct.

CHAIRPERSON: General Lazarus was the one who wrote it in words?

COLONEL DHANAJAYA GANGULU NAIDOO: Yes Chair.

10 **CHAIRPERSON**: Okay. Which one is - which his which?

COLONEL DHANAJAYA GANGULU NAIDOO: Okay. The amount was - was already written in Chair by General Mdluli. The figures I am talking about. The amount of R40 000,00 in words was written out by General Lazarus in my presence.

CHAIRPERSON: Now were you present when General Mdluli wrote the amount in words ...?

COLONEL DHANAJAYA GANGULU NAIDOO: Hm.

CHAIRPERSON: In - in figures?

COLONEL DHANAJAYA GANGULU NAIDOO: No Chair.

20 **CHAIRPERSON**: *Ja* and were you present when General Lazarus wrote the amount in words?

COLONEL DHANAJAYA GANGULU NAIDOO: That is correct Chair.

CHAIRPERSON: But - so then when you spoke about the cheque being blank what were you talking about?

COLONEL DHANAJAYA GANGULU NAIDOO: When I said it was blank

Chair I meant that - I was referring to the words. The words were not written in but the amount was written in.

CHAIRPERSON: Yes.

COLONEL DHANAJAYA GANGULU NAIDOO: There was no - the - the space where you have to write out the amount that was blank.

CHAIRPERSON: Ja. Is - is your recollection on this matter quite clear?

COLONEL DHANAJAYA GANGULU NAIDOO: Very clear Chair.

CHAIRPERSON: Yes. I am asking that because I seem to think that
10 you have gone from one version of saying the cheque was blank and that General Lazarus wrote both the - both the amount in figures and the amount in words to a version that says General Mdluli wrote the amount in figure - in figures but General Lazarus wrote the amount in words.

COLONEL DHANAJAYA GANGULU NAIDOO: Chair if I ...

CHAIRPERSON: I seem to think you have said that a few times. Am wrong?

COLONEL DHANAJAYA GANGULU NAIDOO: If I may Chair let me clarify.

20 **CHAIRPERSON:** Did I misunderstand something?

COLONEL DHANAJAYA GANGULU NAIDOO: I am not sure. Maybe I - I was not very clear Chair. If I may. The amount in - the actual figure was written by General Mdluli and the cheque was given to General Lazarus. When I met him at his office the space where you had to write out the amount in words was blank. That was written out

by General Lazarus in my presence.

CHAIRPERSON: How - how do you know that the amount in figures was written by General Mdluli when you were not there when he - whoever wrote the amount wrote it?

COLONEL DHANAJAYA GANGULU NAIDOO: Okay Chair. That - that would not be very clear because that was his cheque with his pre-printed name at the bottom. So I am assuming that figure was written in by General Mdluli.

10 **CHAIRPERSON:** Yes, but you see now you are saying you are assuming.

COLONEL DHANAJAYA GANGULU NAIDOO: Yes Chair. That - that part may not be very clear. That is - that is an assumption yes ...

CHAIRPERSON: Yes.

COLONEL DHANAJAYA GANGULU NAIDOO: But what - what I can confirm is that that was a cheque by General Mdluli because his name was pre-printed on the bottom.

20 **CHAIRPERSON:** Yes, but you remember a while ago I said please if you are not sure if you assume do not tell me. Just tell me what you know and you will remember I - I asked you is your memory quite clear on this matter and you said yes.

COLONEL DHANAJAYA GANGULU NAIDOO: Chair my apologies Chair. What I am - what I am sure about is that General Lazarus wrote in the figure or the words.

CHAIRPERSON: Yes.

COLONEL DHANAJAYA GANGULU NAIDOO: The figure. I will - I will

stay away from that.

CHAIRPERSON: You - you are not sure ...

COLONEL DHANAJAYA GANGULU NAIDOO: I am not sure.

CHAIRPERSON: As to who wrote the amount in figures?

COLONEL DHANAJAYA GANGULU NAIDOO: I will stay away from that
Chair.

CHAIRPERSON: Yes.

COLONEL DHANAJAYA GANGULU NAIDOO: My apologies.

CHAIRPERSON: Okay, alright.

10 **ADV SUSAN WENTZEL:** Thank you Chair. In whose name was the
advance for the additional amount of 30 000 taken?

COLONEL DHANAJAYA GANGULU NAIDOO: Chair this advance was
taken on my name Chair. This was an instruction of General Lazarus.

ADV SUSAN WENTZEL: And who approved that advance?

COLONEL DHANAJAYA GANGULU NAIDOO: It was General Lazarus.

ADV SUSAN WENTZEL: And why was the advance taken in your
name?

20 **COLONEL DHANAJAYA GANGULU NAIDOO:** Chair this was an
instruction like I said from General Lazarus. This was the cash amount
of 30 000. When he further instructed me to take the cheque together
with the cash of R30 000,00 that he had just approved and deposit into
this account of Karin Hanekom Attorneys.

ADV SUSAN WENTZEL: And if you have regard to page 116.

COLONEL DHANAJAYA GANGULU NAIDOO: Yes.

ADV SUSAN WENTZEL: Is that the deposit slip that you are referring

to?

COLONEL DHANAJAYA GANGULU NAIDOO: That is correct.

CHAIRPERSON: What page is it? 1-1-6?

ADV SUSAN WENTZEL: 116.

CHAIRPERSON: Did you fill in that deposit slip?

COLONEL DHANAJAYA GANGULU NAIDOO: Chair that is my writing.

That is correct.

CHAIRPERSON: Yes. Okay. Thank you.

ADV SUSAN WENTZEL: And after this were arrangements made to
10 repay this advance of 30 000 that had been taken in your name to
Crime Intelligence?

COLONEL DHANAJAYA GANGULU NAIDOO: Indeed. Chair as I
testified to previously. A safe house was being rented or
General Mdluli's safe house was being rented by Crime Intelligence.
When I met General Mdluli a week or two after taking this advance I
suggested to him that I pay off this outstanding advance of R30 000,00
on my name if I could with his permission use the money from - from
the premises which was R7 000,00 to pay off this outstanding advance
on my name.

20 He agreed Chair. I also relayed this message or rather
relayed this conversation that I had with General Mdluli to
General Lazarus and they were both fine with that.

CHAIRPERSON: I am going to come back to - and ask you to repeat
this discussion that you had with General Mdluli but I just want to go
back to the deposit slip at page 1-1-6.

COLONEL DHANAJAYA GANGULU NAIDOO: Yes Chair.

CHAIRPERSON: You know the paragraph which deals with this is paragraph 1-6-3. The deposit into the account of Karin Hanekom Attorneys and that paragraph has got two - at least two amounts. The amount of R40 000,00 and the amount of R30 000,00.

COLONEL DHANAJAYA GANGULU NAIDOO: That is correct Chair.

CHAIRPERSON: Now I understood you earlier on and you must just tell me if I misunderstood you to say that the amount that you deposit into the account of the attorneys - Karin Hanekom Attorneys - was
10 R40 000,00.

COLONEL DHANAJAYA GANGULU NAIDOO: That is correct Chair.

CHAIRPERSON: Now this cheque here there is a reference to R30 000,00 two times and then there is R40 000,00. What can you say to me to try and clarify?

COLONEL DHANAJAYA GANGULU NAIDOO: Chair this is simply - the R30 000,00 was a cash advance that I have taken from the Secret Service Account. The other R40 000,00 was the cheque. I think the cheque - the cheque number is also on - on the deposit slip. Where - where the other R30 000,00 is reflected Chair is merely a sub total
20 because there is no other amounts there.

CHAIRPERSON: So the - the amount that you actually deposited into the account of Karin Attorneys was R70 000,00?

COLONEL DHANAJAYA GANGULU NAIDOO: That is correct Chair.

CHAIRPERSON: Not R40 000,00?

COLONEL DHANAJAYA GANGULU NAIDOO: No Chair.

CHAIRPERSON: But do you recall that when I asked you said it was R40 000,00 or did I misunderstand you?

COLONEL DHANAJAYA GANGULU NAIDOO: Chair if - if I did it - it was a mistake on my part but the actual amount was R70 000,00.

CHAIRPERSON: Yes.

COLONEL DHANAJAYA GANGULU NAIDOO: Maybe I was referring to the cheque ...

CHAIRPERSON: Yes.

COLONEL DHANAJAYA GANGULU NAIDOO: And not the cash.

10 **CHAIRPERSON:** Okay.

COLONEL DHANAJAYA GANGULU NAIDOO: But in total it was 70 000 that was deposited.

CHAIRPERSON: Okay, alright. So the R70 000,00 was made up of two amounts. There was R30 000,00 which was an advance for - that you took in your name?

COLONEL DHANAJAYA GANGULU NAIDOO: That is correct Chair.

CHAIRPERSON: Which was cash?

COLONEL DHANAJAYA GANGULU NAIDOO: That is correct.

CHAIRPERSON: And then there was R40 000,00.

20 **COLONEL DHANAJAYA GANGULU NAIDOO:** In the form of a cheque, yes.

CHAIRPERSON: In the form of a cheque ...

COLONEL DHANAJAYA GANGULU NAIDOO: Indeed.

CHAIRPERSON: And that cheque being the cheque from General Mdluli?

COLONEL DHANAJAYA GANGULU NAIDOO: That is correct Chair.

CHAIRPERSON: Okay. So - so you deposited in the end an amount of R70 000,00?

COLONEL DHANAJAYA GANGULU NAIDOO: That is correct.

CHAIRPERSON: Okay, thank you. You can proceed.

ADV SUSAN WENTZEL: Chair Colonel Naidoo was dealing with how the arrangement that he sought to make to pay back the R30 000,00 that advance had been taken in his name at page ...

CHAIRPERSON: Yes. I would like him to repeat that.

10 **ADV SUSAN WENTZEL:** Yes.

CHAIRPERSON: Colonel Naidoo you said that about two weeks after you had taken out this advance payment you had a discussion with General Mdluli about it. Please just repeat that discussion.

COLONEL DHANAJAYA GANGULU NAIDOO: Yes Chair. It - it was probably a few weeks after this deposit was made and after the advance that I had taken on my name which was outstanding. I - I suggested to General Mdluli that I could use the money that was - that he was collecting as rent from the property that CI was renting from him to pay off this advance.

20 Chair I did this over - over a period of a few months where I would take the R7 000,00 and instead of giving it or - or handing it over to General Mdluli I would pay off the advance. Although it would be a part payment of 7 000. This I did over four months and I think the last payment was R2 000,00 Chair. That is how this - that is how this advance was settled or reconciled.

CHAIRPERSON: So money was - money was taken from where and put where?

COLONEL DHANAJAYA GANGULU NAIDOO: Chair if - if I can just refresh. I testified earlier that General Mdluli's flat in Gordon's Bay was being rented by CI ...

CHAIRPERSON: Yes.

COLONEL DHANAJAYA GANGULU NAIDOO: And on a monthly basis I would collect the cash from Mr John Appalsamy from Daez Trading ...

CHAIRPERSON: Yes.

10 **COLONEL DHANAJAYA GANGULU NAIDOO:** And hand over the cash to General Mdluli.

CHAIRPERSON: Yes.

COLONEL DHANAJAYA GANGULU NAIDOO: This was on a monthly basis.

CHAIRPERSON: Huh-uh.

COLONEL DHANAJAYA GANGULU NAIDOO: When I took this advance Chair to pay the attorneys this was outstanding. I could not reconcile this advance.

CHAIRPERSON: Hm.

20 **COLONEL DHANAJAYA GANGULU NAIDOO:** I then suggested to General Mdluli if I could with his permission the money that I collected from Mr - Mr John Appalsamy for his property with regards to the rent the R7 000,00 if I could pay it off each month against this outstanding R30 000,00. He agreed Chair. This was done over a few - a few months until this advance was paid off.

CHAIRPERSON: Yes, okay. So - so - and the effect of that was that in the end the money that had been paid the R30 000,00 that you had taken as an advance payment for - for his benefit was repaid?

COLONEL DHANAJAYA GANGULU NAIDOO: That is correct Chair. Over a period of five months.

CHAIRPERSON: Yes, okay. Alright and this was - the deposit was made on 25 May 2010?

COLONEL DHANAJAYA GANGULU NAIDOO: That is correct Chair. Yes.

10 **CHAIRPERSON:** Hm. Okay.

ADV SUSAN WENTZEL: Thank you Chair. Colonel Naidoo you then deal with upgrades to the properties of various Crime Intelligence members. Could you first please deal with a property owned by General Lazarus' sister?

COLONEL DHANAJAYA GANGULU NAIDOO: Chair, K - regarding Upgrading of CI Members Properties. I am going to skip this section as well because all of this was conversations or general conversations that I had with various members of Crime Intelligence and I picked up these things. So I am going to skip this Chair.

20 **CHAIRPERSON:** Okay, alright.

COLONEL DHANAJAYA GANGULU NAIDOO: Hm.

CHAIRPERSON: As - as I said in regard to - in the context of the other part which you skipped they can still be investigated further ...

COLONEL DHANAJAYA GANGULU NAIDOO: That is correct Chair.

CHAIRPERSON: To establish whether it is indeed what happened and

if it is then either you or somebody else can come and give evidence about those aspects.

COLONEL DHANAJAYA GANGULU NAIDOO: That is correct Chair. Chair if I may.

CHAIRPERSON: Yes.

COLONEL DHANAJAYA GANGULU NAIDOO: There is just one aspect where I have personal knowledge ...

CHAIRPERSON: Yes.

COLONEL DHANAJAYA GANGULU NAIDOO: And I refer to - still under
10 the heading of K: Upgrading of CI Members Properties and I refer to point 167.7.

CHAIRPERSON: Yes.

COLONEL DHANAJAYA GANGULU NAIDOO: Chair this was my own property.

CHAIRPERSON: Huh-uh.

COLONEL DHANAJAYA GANGULU NAIDOO: This was a period when General Lazarus was busy renovating his home Chair. There was a period I think of two or three weeks where there was down time for the renovations at his property. He said to me that - I think he gave me a
20 cheque. No he did give me a cheque. I remember clearly Chair.

It was a cheque for R20 000,00. He said that I should upgrade the property to my own house. Well not the whole property. It was a boundary wall and to replace the - the driveway gate.

CHAIRPERSON: Yes.

COLONEL DHANAJAYA GANGULU NAIDOO: And this was an amount

of R20 000,00 Chair.

CHAIRPERSON: Was this money that he was just like giving to you to spend for this purpose with nothing for him - in it for him?

COLONEL DHANAJAYA GANGULU NAIDOO: Chair it was a cheque that he had given. It was cash but he did mention to me that he would sort it out with Deena. Dina referring to Major-General Deena Moodley who was a Crime Intelligence Head KwaZulu-Natal at that stage.

CHAIRPERSON: Why would he sort it out with him?

COLONEL DHANAJAYA GANGULU NAIDOO: Chair again this would be
10 hearsay if I go into - if I delve into that ...

CHAIRPERSON: Go into that, yes okay.

COLONEL DHANAJAYA GANGULU NAIDOO: But I can provide more details further to this.

CHAIRPERSON: Yes. Oh, after some investigation.

COLONEL DHANAJAYA GANGULU NAIDOO: At a later stage, yes.

CHAIRPERSON: Okay. No that is fine. I mean we - in a Commission one - we allow hearsay but there has got to be some limit and where things can be investigated first they should be investigated first as far as possible. Okay.

20 **COLONEL DHANAJAYA GANGULU NAIDOO**: Yes Chair.

CHAIRPERSON: Okay. So he gave you this amount and said use it to upgrade your own property by building a boundary wall. Is that right - and driveway?

COLONEL DHANAJAYA GANGULU NAIDOO: That is correct Chair and replacing the driveway gate.

CHAIRPERSON: And you had not asked for this. He just came up with the idea?

COLONEL DHANAJAYA GANGULU NAIDOO: That is correct Chair.

CHAIRPERSON: Yes and - but what was your understanding of whose money you were going to use for - for this purpose - purpose? Was your understanding that he was giving you or maybe let me ask first you said it was a cheque? Was it his cheque?

COLONEL DHANAJAYA GANGULU NAIDOO: It was his own cheque
Chair, yes.

10 **CHAIRPERSON:** Yes. Did you have an understanding of what he meant when he said he would sort it out with Deena?

COLONEL DHANAJAYA GANGULU NAIDOO: Chair ...

CHAIRPERSON: Your own understanding of what he meant?

COLONEL DHANAJAYA GANGULU NAIDOO: Chair my understanding of that ...

CHAIRPERSON: Or are you not sure?

COLONEL DHANAJAYA GANGULU NAIDOO: Would be indeed Crime Intelligence money but like I said I cannot delve into that ...

CHAIRPERSON: Yes.

20 **COLONEL DHANAJAYA GANGULU NAIDOO:** Further.

CHAIRPERSON: Yes. Yes, okay.

COLONEL DHANAJAYA GANGULU NAIDOO: It is as far as I can take it.

CHAIRPERSON: But you - you are not able to think of any reason why without you having asked him he would give you R20 000,00 from his

own pocket to improve your property?

COLONEL DHANAJAYA GANGULU NAIDOO: No Chair. It was R20 000,00 Chair.

CHAIRPERSON: R20 000,00?

COLONEL DHANAJAYA GANGULU NAIDOO: That is correct.

CHAIRPERSON: Yes, okay. Thank you.

ADV SUSAN WENTZEL: Thank you Chair.

COLONEL DHANAJAYA GANGULU NAIDOO: Chair I must also mention if I may that amount was never paid back to General Lazarus
10 by myself.

CHAIRPERSON: Yes and he never asked for it?

COLONEL DHANAJAYA GANGULU NAIDOO: No Chair.

CHAIRPERSON: Yes. Okay. Thank you and - and we do not have a copy of that cheque here. Do we?

COLONEL DHANAJAYA GANGULU NAIDOO: (No audible reply).

CHAIRPERSON: Colonel Naidoo ...

COLONEL DHANAJAYA GANGULU NAIDOO: Chair I am not aware of ...

CHAIRPERSON: In - in the bundle?

20 **COLONEL DHANAJAYA GANGULU NAIDOO:** Of that annexure. I am not sure if it is here.

CHAIRPERSON: Oh, okay.

ADV SUSAN WENTZEL: It is not in the bundle.

CHAIRPERSON: It is not here?

ADV SUSAN WENTZEL: No.

CHAIRPERSON: Okay, alright. Do you have a recollection of roundabout when this was when he gave you this cheque?

COLONEL DHANAJAYA GANGULU NAIDOO: Chair, he - he - General Lazarus was renovating his own property around 2006/2007. So it would have been probably in the same - in the same timeframe.

CHAIRPERSON: Okay. Alright. Yes continue.

ADV SUSAN WENTZEL: Thank you. Colonel Naidoo you then deal with the acquisition of State vehicles. As far as you are aware were the Generals in Crime Intelligence entitled to acquire State vehicles?

10 **COLONEL DHANAJAYA GANGULU NAIDOO:** Chair, I am going to skip that as well. It is also hearsay. This was through general conversation that I had.

CHAIRPERSON: Yes.

COLONEL DHANAJAYA GANGULU NAIDOO: Hm.

CHAIRPERSON: Okay.

ADV SUSAN WENTZEL: Who was responsible for acquiring ...?

CHAIRPERSON: Let - let me first understanding from - from where he skips to where. So you would be skipping from page - paragraph 1-6-8 ...

20 **COLONEL DHANAJAYA GANGULU NAIDOO:** That is correct Chair.

CHAIRPERSON: Up to where?

COLONEL DHANAJAYA GANGULU NAIDOO: Up to 170.

CHAIRPERSON: Up to 170?

COLONEL DHANAJAYA GANGULU NAIDOO: Ja.

CHAIRPERSON: Okay. Thank you and from 171 you are ready to deal

with that?

COLONEL DHANAJAYA GANGULU NAIDOO: From ...

CHAIRPERSON: Or from 1-7-2?

COLONEL DHANAJAYA GANGULU NAIDOO: No Chair. It would go to
- from 168 to 172.5.

CHAIRPERSON: (Indistinct). Those are the paragraphs you are
skipping?

COLONEL DHANAJAYA GANGULU NAIDOO: Yes Chair.

CHAIRPERSON: Okay, thank you. So it means we go to ...

10 **ADV SUSAN WENTZEL:** Page 40.

CHAIRPERSON: We go to the next heading. Is that right?

ADV SUSAN WENTZEL: Page 40 Chair. Yes.

CHAIRPERSON: SR Vehicles. Okay. Take it from there.

ADV SUSAN WENTZEL: Thank you. Colonel Naidoo who was
responsible for the acquisition of State vehicles?

COLONEL DHANAJAYA GANGULU NAIDOO: Chair this is in reference
to the Mdluli family one point - 173 Chair.

CHAIRPERSON: Yes.

20 **COLONEL DHANAJAYA GANGULU NAIDOO:** I was in charge of these
seven agents. So I would ultimately take care of their petrol claims
regarding these vehicles Chair.

CHAIRPERSON: Yes.

COLONEL DHANAJAYA GANGULU NAIDOO: It was seven vehicles in
total. If I just may name then Chair.

CHAIRPERSON: Ja.

COLONEL DHANAJAYA GANGULU NAIDOO: One was a BMW 330 diesel - a sedan. The second one was - and if I can just give the amount Chair.

CHAIRPERSON: Yes.

COLONEL DHANAJAYA GANGULU NAIDOO: The amount of R487 313,00 this was utilised by FM24.

CHAIRPERSON: Huh-uh. Yes.

COLONEL DHANAJAYA GANGULU NAIDOO: The second vehicle Chair a Nissan Micra. The amount for this particular vehicle was
10 R127 000,00. This was utilised by FM30. The third vehicle Chair a VW Gold 1.6 or rather VW Golf 6 1.4. Utilised by FM25. The amount Chair R220 365,00.

Chair the fourth vehicle Chair a Honda Jazz 1.5. Utilised by FM29. The amount Chair R172 000,00. The fifth vehicle Chair. An Audi A4 2 litre utilised by FM28. The amount R352 309,10. The sixth vehicle Chair. A VW Golf 6 1.4. Utilised by FM27. The amount of R221 376,00 and the last vehicle being the seventh one Chair.

A VW Golf 6 GTi. Utilised by FM26 and I do not see an amount. The amount is unknown to me but I can confirm if the
20 documents are shown to me.

CHAIRPERSON: Okay. Okay.

ADV SUSAN WENTZEL: Colonel Naidoo this section of your statement is prefaced by a statement at paragraph 173 that you were shown documentation by Colonel Roelofse regarding State vehicles that were delivered to General Mdluli's family members.

COLONEL DHANAJAYA GANGULU NAIDOO: That is ...

ADV SUSAN WENTZEL: But you say you comment on them as follows.
Is that correct?

COLONEL DHANAJAYA GANGULU NAIDOO: That is correct.

ADV SUSAN WENTZEL: Now on whose instructions were these vehicles delivered to the Mdluli family members?

COLONEL DHANAJAYA GANGULU NAIDOO: Chair these are the instructions that I received from General Lazarus. He also informed me that I would be responsible for these vehicles insofar as the claims in
10 respect of each one of these vehicles. Chair on a monthly basis I would receive petrol slips from these members and I would complete the necessary compilation of the claims.

Chair being them as they were agents their daily trips were not logged. Rather it was just an opening mileage for the month and a closing mileage at the end of the month. So I had no idea where the vehicles were being utilised and for what purpose.

CHAIRPERSON: Yes.

ADV SUSAN WENTZEL: And who delivered these vehicles?

COLONEL DHANAJAYA GANGULU NAIDOO: Chair these vehicles
20 were delivered to, I am not sure if I can, I won't mention the area where they were delivered to, but they were delivered to ...[intervenes]

CHAIRPERSON: To the persons that are mentioned in – to the persons mentioned who are part of the list of seven?

COLONEL DHANAJAYA GANGULU NAIDOO: As in 173 Chair yes.

CHAIRPERSON: From the Mdluli family that you were handling?

COLONEL DHANAJAYA GANGULU NAIDOO: That is correct Chair.

CHAIRPERSON: Yes, okay, so you delivered the vehicles to each one of them, their one.

COLONEL DHANAJAYA GANGULU NAIDOO: That is correct Chair.

CHAIRPERSON: Whatever the place was where you were asked to deliver it?

COLONEL DHANAJAYA GANGULU NAIDOO: That is correct Chair.

CHAIRPERSON: Okay.

ADV SUSAN WENTZEL: Thank you.

10 **CHAIRPERSON:** And did you make them sign any documents?

COLONEL DHANAJAYA GANGULU NAIDOO: They had to sign on receipt of the vehicle Chair that they did receive that particular vehicle. I think there is a signature thereof in the agent files.

CHAIRPERSON: Yes, and you told them what was expected of them in terms of their use of the vehicles under Crime Intelligence.

COLONEL DHANAJAYA GANGULU NAIDOO: That is correct Chair.

CHAIRPERSON: Okay.

ADV SUSAN WENTZEL: Thank you. Colonel Naidoo if you could please then deal with General Mdluli's vehicles, the vehicles he used
20 himself, not delivered to family members?

COLONEL DHANAJAYA GANGULU NAIDOO: Chair, yes Chair General Mdluli made use of seven vehicles, Chair this was not at any one particular given time, it was over a period of time, from the time he was appointed, that was in July 2009 until I went into witness protection, that was in October 2011, so this was a period of over the time period

that I have just mentioned, the one vehicle Chair this was an Audi Q7, this vehicle was utilised by General Mdluli Chair, as his official vehicle, this was from the Open Account, this was not procured from the Secret Service Account Chair.

CHAIRPERSON: Yes.

COLONEL DHANAJAYA GANGULU NAIDOO: General Mdluli at that stage was a Divisional Commissioner of Crime Intelligence so in terms of his rank I think he was – he had the authority to use this vehicle with an official driver. Chair he also had a bodyguard but I am not sure if
10 that is within the prescripts but he did have a bodyguard.

CHAIRPERSON: Yes.

COLONEL DHANAJAYA GANGULU NAIDOO: And then I referred to a Mercedes Benz in 177.2, Chair this was a Mercedes Benz E350 CDI ...[intervenes]

CHAIRPERSON: I'm sorry let us go back to the first one, the Audi 27 are you able to indicate during which period he used that vehicle?

COLONEL DHANAJAYA GANGULU NAIDOO: Chair this is a vehicle he would have received when he was appointed, that was in July 2009.

CHAIRPERSON: Yes, okay.

20 **COLONEL DHANAJAYA GANGULU NAIDOO:** Until the period of 2011, March thereabout where he was arrested.

CHAIRPERSON: Yes.

COLONEL DHANAJAYA GANGULU NAIDOO: This was his official vehicle.

CHAIRPERSON: Did he – you did say that he didn't use all of these

seven vehicles at the same time.

COLONEL DHANAJAYA GANGULU NAIDOO: No Chair.

CHAIRPERSON: Are you able to say whether at any one time he would have had a minimum of X number of vehicles that he used, or is that something you are not able to say.

COLONEL DHANAJAYA GANGULU NAIDOO: Chair I am not sure exactly of the time frames but I would say at least three of those vehicles were used for his use at any given time.

CHAIRPERSON: Yes, okay, alright. Continue you were onto 177.2.

10 **COLONEL DHANAJAYA GANGULU NAIDOO:** Chair this vehicle was purchased through funds from the Secret Service Account.

CHAIRPERSON: That's the Mercedes Benz E350 CTI?

COLONEL DHANAJAYA GANGULU NAIDOO: That is correct Chair.

CHAIRPERSON: Alright.

COLONEL DHANAJAYA GANGULU NAIDOO: This is – sorry Chair can I continue?

CHAIRPERSON: Yes, continue, *ja*.

20 **COLONEL DHANAJAYA GANGULU NAIDOO:** Chair as opposed to the first vehicle when I mentioned the Audi Q7 this was procured via the open account, the Mercedes and the rest that I mentioned is all procured using funds from the Secret Service Account.

CHAIRPERSON: Yes.

COLONEL DHANAJAYA GANGULU NAIDOO: The first one a Mercedes E350 CDI this vehicle was purchased from Mercedes Benz Lifestyle Centre Menlyn, the amount being R636 950.

CHAIRPERSON: Yes.

COLONEL DHANAJAYA GANGULU NAIDOO: Chair however
...[intervenes]

CHAIRPERSON: It was purchased by Company X?

COLONEL DHANAJAYA GANGULU NAIDOO: That is correct Chair.

CHAIRPERSON: Using the Secret Service Account?

COLONEL DHANAJAYA GANGULU NAIDOO: Secret Service Account
Chair, that is correct.

CHAIRPERSON: Yes.

10 **COLONEL DHANAJAYA GANGULU NAIDOO:** Chair if I just may give
you some insight regarding this particular vehicle.

CHAIRPERSON: Yes.

COLONEL DHANAJAYA GANGULU NAIDOO: General Mdluli initially
he was happy with the vehicle Chair but a few months later he
instructed General Lazarus to trade this type or this particular vehicle
for another one. Chair I was there when General Mdluli came to
General Lazarus' office, he gave General Lazarus a list of extras that
this particular vehicle, and I am referring to the Mercedes Benz that did
not have. He wanted those extras to be installed on the Mercedes
20 Benz. Chair those extras only comes from the factory, subsequently
another Mercedes Benz, Chair if you look at 177.3 Mercedes Benz E-
Class 350 CDI, Chair it is exactly the same vehicle, I am talking about
now this is the second Mercedes Benz that was purchased for General
Mdluli, it is exactly the same vehicle Chair, but if you look at the
difference in the amount that was paid.

CHAIRPERSON: The price?

COLONEL DHANAJAYA GANGULU NAIDOO: Yes Chair the first one was R636 950, I refer to the second one, this was R826 780,01. Chair the difference between these two figures that I have just given was the extras that was fitted onto the next or the second Mercedes as per General Mdluli's instruction to General Lazarus.

CHAIRPERSON: Yes.

COLONEL DHANAJAYA GANGULU NAIDOO: The next vehicle Chair is a BMW 530 Diesel Sedan, this vehicle was purchased from Nieuhaus, 10 that is in Pretoria, the amount being R706 150, purchased by Company X. Chair the next one a black Jeep, General Mdluli also made use of this vehicle Chair, however this was not purchased specifically for General Mdluli, this vehicle was previously utilised by Commission Mpego when he was the Divisional Commissioner. When General Mdluli was appointed for a short period he made use of this vehicle. Chair however he was not very happy with this vehicle and this vehicle was redirected to another Province, I think it was KZN.

CHAIRPERSON: Mmm.

COLONEL DHANAJAYA GANGULU NAIDOO: Chair then I go to the 20 next ...[intervenes]

CHAIRPERSON: The – I'm sorry – the BMW 530D at the top of the page was it bought with money from the Securities Secret Service ...[intervenes]

COLONEL DHANAJAYA GANGULU NAIDOO: Secret Service Account, that is correct Chair.

CHAIRPERSON: Okay and actually all these vehicles were purchased using the funds from that account, other than the first one which you said was the Audi Q7.

COLONEL DHANAJAYA GANGULU NAIDOO: That is correct Chair.

CHAIRPERSON: Which was purchased through the Open Account

COLONEL DHANAJAYA GANGULU NAIDOO: That is correct Chair.

CHAIRPERSON: Okay, alright, yes, continue.

COLONEL DHANAJAYA GANGULU NAIDOO: Chair the black Jeep like I mentioned that was not purchased specifically for General Mdluli, it
10 was a vehicle previously utilised by the then CI Head Commissioner Mpego. General Mdluli made use of this vehicle for a very short period Chair, a few months if I can remember correctly and it was redirected to another Province.

CHAIRPERSON: Yes.

COLONEL DHANAJAYA GANGULU NAIDOO: Chair the next vehicle a Lexus, this vehicle was initially purchased by Company X for General Ntwe Chair. I will testify to this a little later on and give more detail but this vehicle also purchased initially for the intention to be given to General Ntwe, she did not like this vehicle so General Mdluli made use
20 of this vehicle for a few months, no not a few months it was until his arrest in 2011.

CHAIRPERSON: Yes.

ADV SUSAN WENTZEL: Who was responsible for the petrol claims in respect of these vehicles?

COLONEL DHANAJAYA GANGULU NAIDOO: Chair all of these

vehicles that I have referred to was my responsibility Chair, this was an instruction that was given to me by General Lazarus that I would be personally responsible. Chair these claims were not done, as opposed to normal vehicles these claims were not done on a monthly basis. Whenever I would get receipts from General Mdluli I would complete the logbooks or the petrol claim Chair.

CHAIRPERSON: So did the availability of all these vehicles to him mean that he could leave his official car and use any one of those vehicles that were available to him as he saw fit?

10 **COLONEL DHANAJAYA GANGULU NAIDOO:** That is correct Chair.

ADV SUSAN WENTZEL: And did anyone else have use of these vehicles?

COLONEL DHANAJAYA GANGULU NAIDOO: Not that I am aware of Chair.

CHAIRPERSON: What are the chances that there could be somebody else or other people use them and you would not have been aware of it?

20 **COLONEL DHANAJAYA GANGULU NAIDOO:** Chair there is a possibility but it is going to be speculation so I would not speculate Chair.

CHAIRPERSON: Yes, so it could be that they were or some of them were used by one or more other people but you might not know?

COLONEL DHANAJAYA GANGULU NAIDOO: Indeed Chair.

CHAIRPERSON: Okay.

ADV SUSAN WENTZEL: And Colonel Naidoo did you ever process

petrol claims for any other person at Crime Intelligence in respect of these vehicles? Did you hear me?

COLONEL DHANAJAYA GANGULU NAIDOO: Sorry Ms Wentzel, please repeat?

ADV SUSAN WENTZEL: Did you ever process petrol claims by anybody else at Crime Intelligence in respect of these vehicles?

COLONEL DHANAJAYA GANGULU NAIDOO: No, not – no, no.

CHAIRPERSON: If anyone else used them and in the process of doing so had to put in petrol and one – oh and had to put in petrol ...

10 **COLONEL DHANAJAYA GANGULU NAIDOO:** Chair pardon me, I did not hear that Chair.

CHAIRPERSON: Excuse me.

COLONEL DHANAJAYA GANGULU NAIDOO: Oh sorry Chair.

CHAIRPERSON: If anybody used any one or more of the vehicles at any stage other than General Mdluli and did put in petrol would you have been the only person to whom they would have had to submit petrol slips or could they submit them to somebody else?

20 **COLONEL DHANAJAYA GANGULU NAIDOO:** Chair that would also be speculation, if somebody else within Crime Intelligence had indeed access to these vehicles there is a possibility that they could have used the vehicles, put in petrol and done the claim separately to what I was received from General Mdluli in terms of the receipts, so there is a possibility yes.

CHAIRPERSON: Okay.

ADV SUSAN WENTZEL: Thank you.

CHAIRPERSON: Okay, let us continue.

ADV SUSAN WENTZEL: Are you okay?

CHAIRPERSON: I'm trying.

ADV SUSAN WENTZEL: I can see Chair. If you indicate to us you are not feeling fine you will let us know.

CHAIRPERSON: Let us try and see how far we can go.

ADV SUSAN WENTZEL: Yes.

CHAIRPERSON: Yes.

ADV SUSAN WENTZEL: Colonel Naidoo at paragraph ...[intervenes]

10 **CHAIRPERSON:** Maybe I might – maybe we should take a short adjournment, I could arrange for some prescription, further prescription from the doctor before they leave.

Let's take ten minutes, we will resume at twenty past three.

We will adjourn.

REGISTRAR: All rise.

INQUIRY ADJOURNS

INQUIRY RESUMES

CHAIRPERSON: Okay let us proceed.

20 **ADV SUSAN WENTZEL:** Thank you Chair. I beg your pardon. Colonel Naidoo could you please tell the Chair about the vehicle purchased for the use by Minister Mthethwa?

COLONEL DHANAJAYA GANGULU NAIDOO: Yes Chair this was a Mercedes Benz ML350. This vehicle was purchased at Mercedes Benz Umhlanga Rocks or Umhlanga Chair. The amount – this particular vehicle was R373 850.00 Chair. Chair I have personal knowledge of

this vehicle.

CHAIRPERSON: Which year was that?

COLONEL DHANAJAYA GANGULU NAIDOO: This was in – would probably be in 2009 or 2010 Chair.

CHAIRPERSON: Okay alright. Yes the price was R373 850.00. R373 850.00.

COLONEL DHANAJAYA GANGULU NAIDOO: That is correct Chair.

CHAIRPERSON: Yes.

COLONEL DHANAJAYA GANGULU NAIDOO: This vehicle was
10 specifically purchased for use by the then Minister of Police Minister
Nathi Mthethwa. Chair it was myself and Colonel FM11 who delivered
this vehicle to Minister Mthethwa's residence in Pretoria. This
particular vehicle Chair that I refer to was registered in the name of
FM11.

CHAIRPERSON: FM?

COLONEL DHANAJAYA GANGULU NAIDOO: 11.

CHAIRPERSON: Yes okay.

COLONEL DHANAJAYA GANGULU NAIDOO: Chair the Minister
utilised this vehicle for a few months. I remember this because
20 General Mdluli when I met him at his office on one occasion he
instructed me to pick up the vehicle from the Minister's house as the
Minister informed him that he no longer wanted to make use of this
vehicle as journalists were following him. I remember Chair I spoke to
FM11 to make arrangements for the vehicle to be fetched from Minister
Mthethwa's house.

CHAIRPERSON: Yes. Was this a vehicle that was purchased with money or funds from the Secret Service Account?

COLONEL DHANAJAYA GANGULU NAIDOO: That is correct Chair. Purchased through Company X.

CHAIRPERSON: Yes. Were all purchases of goods or were all payments made by Company X from the Secret Service Account or were there some payments that were made by Company X from the open account?

COLONEL DHANAJAYA GANGULU NAIDOO: Chair all of these
10 vehicles that I mentioned except the Audi Q7 were purchased with funds from the Secret Service Account ultimately being Company X.

CHAIRPERSON: Yes. And in regard to this one you are sure about that

COLONEL DHANAJAYA GANGULU NAIDOO: That is correct Chair.

CHAIRPERSON: Yes. Okay. So arrangements – General Mdluli gave instructions that arrangements should be made to – for the vehicle to be fetched from Minister Mthethwa’s residence in Pretoria?

COLONEL DHANAJAYA GANGULU NAIDOO: That is correct Chair. He instructed me to retrieve the vehicle from the Minister’s house as the Minister no longer wanted to make use of that particular vehicle as he
20 mentioned to General Mdluli that journalists were following him. I thereafter made arrangements with Colonel FM11 Chair to pick up the vehicle from the Minister’s house. FM11 knew where the Minister’s house was because he had previously went there with me deliver the vehicle initially Chair. This vehicle was...

CHAIRPERSON: When the vehicle was delivered for the first time were

you part of that?

COLONEL DHANAJAYA GANGULU NAIDOO: Yes Chair I arranged with FM11 to drive the vehicle because he had not known at that stage where Minister Mthethwa stayed. I did Chair because on previous – on a previous few occasions I had taken or driven General Mdluli there for a meeting that he was having with the Minister. So I knew where the residence was.

CHAIRPERSON: Oh. Yes okay. So when it was to be fetched you also went to the Minister's residence together with MF11?

10 **COLONEL DHANAJAYA GANGULU NAIDOO:** No Chair I made arrangements with FM11 to fetch the vehicle from the Minister's house.

CHAIRPERSON: And this time he knew the way to get there/

COLONEL DHANAJAYA GANGULU NAIDOO: Chair having been there the first time with me to deliver the vehicle yes he did know where the premises was.

CHAIRPERSON: Yes. Okay continue.

20 **COLONEL DHANAJAYA GANGULU NAIDOO:** Chair after FM11 collecting the vehicle from Minister Mthethwa the vehicle was parked at our vehicle store – when I say our it is CI vehicle store. It was occasionally used by General Lazarus. On at least one occasion we used this particular or he used this particular vehicle to Island Rock. Chair this vehicle was thereafter driven to Cape Town. It was utilised by General Mdluli. If I am given to understand correctly I think this is the same vehicle that was – this was the vehicle that was registered in the name of FM24.

CHAIRPERSON: Initially it was – you said it was registered in the name of FM11 is it not?

COLONEL DHANAJAYA GANGULU NAIDOO: That is correct Chair.

CHAIRPERSON: Was that registration changed afterwards?

COLONEL DHANAJAYA GANGULU NAIDOO: That is correct Chair. Registered in the name of FM24.

CHAIRPERSON: Are you able to say for how long the vehicle was with Minister Mthethwa?

COLONEL DHANAJAYA GANGULU NAIDOO: Chair it would have been
10 probably a few months Chair.

CHAIRPERSON: Yes.

COLONEL DHANAJAYA GANGULU NAIDOO: Not more than a year.

CHAIRPERSON: Yes. Okay. Now vehicles that are bought by National Crime Intelligence do they – does Crime Intelligence ever buy vehicles for Ministers – for Minister of Police? I take it that he was Minister of Police at the time?

COLONEL DHANAJAYA GANGULU NAIDOO: That is correct Chair he was the Minister of Police. In terms of him using a vehicle from Crime Intelligence I cannot be certain Chair. I am not sure what the policy is.

20 **CHAIRPERSON:** You do not know?

COLONEL DHANAJAYA GANGULU NAIDOO: No Chair.

CHAIRPERSON: Okay alright. Yes. And in terms of you have no recollection also in terms of kilometres that it would have travelled during the time that it was with him when it was returned?

COLONEL DHANAJAYA GANGULU NAIDOO: Chair I cannot say

exactly but it would not have been used extensively because it was just a few months.

CHAIRPERSON: Yes.

COLONEL DHANAJAYA GANGULU NAIDOO: So it would have been fairly – still fairly new.

CHAIRPERSON: Yes. Did you have any understanding of the context for the statement that according to General Mdluli the Minister did not want to continue using the car because journalists were following him? Do you have – did you have any understand what that was about? Why
10 would journalists have been following him?

COLONEL DHANAJAYA GANGULU NAIDOO: Chair from what I am – I am given to understand from this instruction that – or conversation that I had with General Mdluli regarding the vehicle and journalists following the Minister. I believe Chair that this was not a – or above board transaction being afraid that journalists were following him he was reluctant thereafter to use this vehicle and instructed me to retrieve the said vehicle.

CHAIRPERSON: Yes. Okay.

ADV SUSAN WENTZEL: Thank you Chair. Could you then deal with
20 the vehicle purchased for General Nchwe?

COLONEL DHANAJAYA GANGULU NAIDOO: Yes Chair this was a – Chair as I said initially when I referred to the vehicle that was being utilised by General Mdluli the Lexus Chair this particular vehicle was initially purchased for the use of General Nchwe. Chair when this – when this vehicle was purchased he did not like this vehicle. That is

how General Mdluli came about making use of this particular vehicle. With regards to General Nchwe's vehicle a vehicle was purchased for her. It was an Audi Q4 Chair 3 litre TDI. I do not have the documents in front of me so I cannot say what the value of this particular vehicle was. Chair but I have insight as to how this vehicle was or why this vehicle was procured for this particular individual. Chair it was in around 2010 this was when the promotion – I am speaking now of the 250 posts which is commonly known at the 250 post. It was around that time 2010. It was probably in the first – first half of 2010. General
10 Mdluli called me he was at his office – Crime Intelligence Head Office. He asked me to fetch him. Thereafter proceeded – he informed me that he is having a meeting with General Nchwe and that I should drive him there which I did. Chair I waited for him. When he came back he mentioned and he smiled or laughed a bit. He said hey Solly must buy this aunty a car.

CHAIRPERSON: Who was saying that and saying to whom or in relation to whom?

COLONEL DHANAJAYA GANGULU NAIDOO: General Mdluli said to me Solly you must buy this aunty a car.

20 **CHAIRPERSON:** And who is Solly now?

COLONEL DHANAJAYA GANGULU NAIDOO: Solly if I just – if I – sorry Chair. If I can explain? Solly being the reference to General Lazarus and aunty being the reference to General Nchwe.

CHAIRPERSON: Oh was Solly General Lazarus' name?

COLONEL DHANAJAYA GANGULU NAIDOO: Yes.

CHAIRPERSON: Or nickname?

COLONEL DHANAJAYA GANGULU NAIDOO: His name Solomon Lazarus.

CHAIRPERSON: Solomon. Okay alright.

COLONEL DHANAJAYA GANGULU NAIDOO: Yes Chair.

CHAIRPERSON: Yes okay continue.

COLONEL DHANAJAYA GANGULU NAIDOO: Chair at that stage there was the relationship between – okay Chair sorry I am going to – I am going to not speak on that because it is speculation. I am going to speak of what I know.

CHAIRPERSON: Yes.

COLONEL DHANAJAYA GANGULU NAIDOO: What I can say is that at that stage General Nchwe was not employed at CI. I think she was the Divisional Commissioner of Head of Human Resources at the SAPS.

CHAIRPERSON: Yes.

COLONEL DHANAJAYA GANGULU NAIDOO: She had no dealings with Crime Intelligence or rather she did have dealings with Crime Intelligence but she was not stationed at Crime Intelligence. Chair what I can say further is that this particular vehicle was purchased for General Nchwe. I together with FM02 who is actually a relative of General Lazarus. FM02 Chair was at that stage living with General Lazarus at his house. I got a call from General Lazarus. He asked me to come to his home. He further instructed me I – when I got there I saw this particular vehicle that I speak of Chair. It was a – a white Audi Q5. It was parked in his driveway. He instructed me together with

FM02 to take the vehicle and deliver it to General Nchwe. This was at her residence in Bedfordview Chair. I think it was Essex World.

CHAIRPERSON: Yes.

COLONEL DHANAJAYA GANGULU NAIDOO: FM02 drove the vehicle and I followed him to General Nchwe's house. Chair I met General Nchwe in her driveway and she personally took possession of this vehicle. I handed over the keys. At that stage the vehicle had – had been – it was not registered Chair. It had those temporary plates. I also remember very clearly Chair.

10 **CHAIRPERSON:** So it was brand new?

COLONEL DHANAJAYA GANGULU NAIDOO: It was brand new Chair.

CHAIRPERSON: Hm.

COLONEL DHANAJAYA GANGULU NAIDOO: I also remember on that particular date when I delivered this vehicle it was parked on a driveway not on the roadside.

CHAIRPERSON: Yes.

COLONEL DHANAJAYA GANGULU NAIDOO: Chair and she said to me – are you just going to – before I left after handing the keys over to her. She said to me – are you going to park the – you just going to
20 park this vehicle on the roadside?

CHAIRPERSON: Hm

COLONEL DHANAJAYA GANGULU NAIDOO: So I was not really sure what she meant by that because the vehicle was parked inside her property on the driveway.

CHAIRPERSON: On the driveway. Yes.

COLONEL DHANAJAYA GANGULU NAIDOO: So I really do not know what she meant by that.

CHAIRPERSON: Hm.

COLONEL DHANAJAYA GANGULU NAIDOO: Nevertheless I did not pay much attention to that Chair. The vehicle like I mentioned had temporary plates.

CHAIRPERSON: You left the vehicle where it was parked?

COLONEL DHANAJAYA GANGULU NAIDOO: In her driveway at her premises Chair.

10 **CHAIRPERSON:** Ja. Okay.

COLONEL DHANAJAYA GANGULU NAIDOO: Chair although I did not register this particular vehicle myself but I did facilitate in the vehicle being registered on General Nchwe's name.

CHAIRPERSON: On whose name?

COLONEL DHANAJAYA GANGULU NAIDOO: On General Nchwe's name.

CHAIRPERSON: Oh so it was registered in her personal – as her personal car?

COLONEL DHANAJAYA GANGULU NAIDOO: That is correct Chair.

20 **CHAIRPERSON:** Yes.

COLONEL DHANAJAYA GANGULU NAIDOO: In order for me to – to facilitate this process I required certain documents Chair from her namely her ID and a utility bill. If I remember correctly I had a conversation with General Mdluli and I think he facilitated this for me to receive those documents in order for me have the vehicle registered in

General Nchwe's name.

CHAIRPERSON: Yes. Can I take you back to paragraph 182? There you say that General Lazarus informed you that General Mdluli had suggested that you purchase or I guess CI purchase a vehicle for General Nchwe?

COLONEL DHANAJAYA GANGULU NAIDOO: Yes.

CHAIRPERSON: As there was bad blood between her and General Lazarus. Why would bad blood between General Nchwe and General Lazarus be the reason for her to be bought a car by Crime Intelligence?

10 **COLONEL DHANAJAYA GANGULU NAIDOO:** Chair if I – still on 182 as you referred. If I can just correct? This is incorrect Chair. If I can just rectify that?

CHAIRPERSON: Yes.

COLONEL DHANAJAYA GANGULU NAIDOO: It was not General Lazarus who informed me that General Mdluli buy a vehicle for General Nchwe. I informed General Lazarus of this – of this arrangement.

CHAIRPERSON: Oh you informed General Lazarus that General Mdluli had suggested that you purchase a vehicle for General Nchwe?

20 **COLONEL DHANAJAYA GANGULU NAIDOO:** Yes Chair. After – after – as I have testified already. After dropping General Mdluli off from this meeting that he had with General Nchwe and after having that discussion with me regarding the purchase of this vehicle for General Nchwe I – I informed General Lazarus about what the contents of the discussion I had with Mr Mdluli. But I informed him also that General Mdluli will speak to him further when he sees him.

CHAIRPERSON: Did you say anything along the lines to – that is now to General Lazarus that there was bad blood between General Mdluli and General Nchwe?

COLONEL DHANAJAYA GANGULU NAIDOO: Chair not General Mdluli between General Lazarus and General Nchwe. But also I am going to stray away from that Chair because that is an assumption. Because this was a time when the post – the 250 posts were – were in the process of being concluded.

CHAIRPERSON: Are you going to stay away from it in relation to – in
10 relation to what this related to or even whether this was said you are not sure about – about it?

COLONEL DHANAJAYA GANGULU NAIDOO: Chair what I am going to – what I am sure of is that the conversation that I had with General Mdluli regarding the purchase of the said vehicle for General Nchwe but I will stay away from the assumption that there was bad blood.

CHAIRPERSON: The reason. You will stay away from the reason or motive for buying the car?

COLONEL DHANAJAYA GANGULU NAIDOO: Yes Chair.

CHAIRPERSON: Okay. But apart from what you may have been told by
20 General Mdluli are you able to enlighten me on why General Mdluli or Crime Intelligence had to buy General Nchwe a motor vehicle when she was not part of Crime Intelligence? Or is that something you know nothing about?

COLONEL DHANAJAYA GANGULU NAIDOO: That – that would delve directly on – on what I said ...

CHAIRPERSON: On what you are not sure about?

COLONEL DHANAJAYA GANGULU NAIDOO: That I need to stray away from.

CHAIRPERSON: Yes okay.

COLONEL DHANAJAYA GANGULU NAIDOO: So I cannot go further than that Chair.

CHAIRPERSON: Okay no that is fine.

COLONEL DHANAJAYA GANGULU NAIDOO: In terms of the reasoning behind the purchase.

10 **CHAIRPERSON:** Okay that is fine. Yes Ms Wentzel.

ADV SUSAN WENTZEL: Colonel Naidoo in the CI's asset register in whose name was this vehicle registered?

COLONEL DHANAJAYA GANGULU NAIDOO: Chair this vehicle was registered as an asset against my name Chair. But it was not actually registered as an Audi Q4 Chair it was registered as an Audi A4. This was intentionally done as to not attract any attention to the relevant people who would be auditing CI books. This instruction or this arrangement was told to me By Colonel Barnard.

20 **CHAIRPERSON:** I am sorry I am trying to look at your affidavit to see where you – oh this is 184 where you say the vehicle was – said General Lazarus then arranged for the purchasing of a white Audi Q5 3.0 TDI. Is that right?

COLONEL DHANAJAYA GANGULU NAIDOO: That is correct Chair.

CHAIRPERSON: And that is the vehicle that was purchased?

COLONEL DHANAJAYA GANGULU NAIDOO: That is indeed the

vehicle that I delivered to General Nchwe.

CHAIRPERSON: And – but you say in the asset register of Crime Intelligence the position was misrepresented?

COLONEL DHANAJAYA GANGULU NAIDOO: The true identity of that vehicle was misrepresented Chair. It was not an Audi Q4 but it was captured as an Audi A4.

CHAIRPERSON: Yes and what was the reason for that? You say not to attract attention?

COLONEL DHANAJAYA GANGULU NAIDOO: That is correct. This was
10 deliberate not to attract any attention to myself.

CHAIRPERSON: Yes.

COLONEL DHANAJAYA GANGULU NAIDOO: Because Chair at that stage this was quite an extravagant vehicle for me to drive as a Lieutenant Colonel.

CHAIRPERSON: You would not have been entitled to a car of that value?

COLONEL DHANAJAYA GANGULU NAIDOO: That is correct Chair.

CHAIRPERSON: Yes. And whose idea was it that the true – the nature of the car be misrepresented?

20 **COLONEL DHANAJAYA GANGULU NAIDOO:** This was done by Colonel Barnard Chair.

CHAIRPERSON: Yes with your approval – with your knowledge?

COLONEL DHANAJAYA GANGULU NAIDOO: Yes Chair.

CHAIRPERSON: Yes.

COLONEL DHANAJAYA GANGULU NAIDOO: Colonel Barnard Chair at

that stage was the Head of ...

CHAIRPERSON: Procurement.

COLONEL DHANAJAYA GANGULU NAIDOO: The Procurement Section at CI.

CHAIRPERSON: Was he Head of Procurement?

COLONEL DHANAJAYA GANGULU NAIDOO: That is correct Chair.

CHAIRPERSON: Yes. And he also knew where the vehicle was? Who would be using the vehicle?

COLONEL DHANAJAYA GANGULU NAIDOO: I am not sure Chair.

10 **CHAIRPERSON:** You are not sure about that?

COLONEL DHANAJAYA GANGULU NAIDOO: I am not sure if he knew who that vehicle went to.

CHAIRPERSON: Yes. Okay. And did he know that there was misrepresentation or he truly believed that the vehicle the one that was written on the asset register?

COLONEL DHANAJAYA GANGULU NAIDOO: Chair he would – he definitely would have known because the suggestion came from him.

CHAIRPERSON: Oh okay. Okay. So – so the – you – you talked earlier on about General Nchwe giving you her ID and utility bill. Was
20 that because at the Department of Transport the vehicle was to be registered in her name?

COLONEL DHANAJAYA GANGULU NAIDOO: That is correct Chair.

CHAIRPERSON: But on the asset register at Crime Intelligence it would be reflected differently?

COLONEL DHANAJAYA GANGULU NAIDOO: That is indeed correct

Chair.

CHAIRPERSON: Okay. What was going to happen in terms of this arrangement to petrol slips and so on? Because if a car is under the – under Crime Intelligence and is used – being used for the operations of Crime Intelligence one would expect that there would be petrol slips that would be brought in from time to time. Did this happen in regard to this car even though it was being used by General Nchwe?

COLONEL DHANAJAYA GANGULU NAIDOO: Yes Chair. What I can say with regards to what you just mentioned. Although the said vehicle
10 was allocated on my name on the CI Register. Chair from the time that this vehicle was purchased and subsequently handed over to General Nchwe up until the time that I was admitted into the witness protection program I had not received a single receipt in terms of petrol slips or any other receipts regarding this vehicle Chair. So basically there was – there would be no claims posted against this vehicle in the timeframe that I mentioned because I had never received any – any receipts.

CHAIRPERSON: And of course if they came would anything written in them betray the lie that was to be found in the asset register? In other words would the petrol slip reflect that it is a different car – a much ...

20 **COLONEL DHANAJAYA GANGULU NAIDOO:** The petrol slip – the petrol...

CHAIRPERSON: Or would they not?

COLONEL DHANAJAYA GANGULU NAIDOO: The petrol slip no Chair because that would just be a normal petrol slip that you would fill in any other vehicle.

CHAIRPERSON: Yes.

COLONEL DHANAJAYA GANGULU NAIDOO: But in terms of this vehicle being registered on the system it would have been allocated a SR number.

CHAIRPERSON: Yes.

COLONEL DHANAJAYA GANGULU NAIDOO: So if one had to punch in that asset or rather sorry SR number it would come up as an Audi A4 and not an Audi Q5.

CHAIRPERSON: Oh so all the places where information needed to be
10 changed in order to accord with the misrepresentations had been changed?

COLONEL DHANAJAYA GANGULU NAIDOO: Chair when the initial – when the initial change was made as to disguise the true identity of this vehicle.

CHAIRPERSON: Yes.

COLONEL DHANAJAYA GANGULU NAIDOO: Once it was captured on the system as an A4...

CHAIRPERSON: It will remain like that Ja.

COLONEL DHANAJAYA GANGULU NAIDOO: Wherever you go in any –
20 sorry Chair.

CHAIRPERSON: It remained like that throughout?

COLONEL DHANAJAYA GANGULU NAIDOO: Exactly.

CHAIRPERSON: Yes. Okay alright. So – but if there were no petrol slips anybody investigating would have found it strange that there were no petrol slips for a long period of time in regard to a vehicle that was

supposed to be used?

COLONEL DHANAJAYA GANGULU NAIDOO: Chair there would have been queries and I had a few – at a later stage or a few months later I did this – I did bring this to the attention of General Lazarus and informed him that – that I was – there was nothing forthcoming from General Nchwe with regards to any expenses with respect to this vehicle. Chair General Lazarus instructed me to contact General Nchwe to enquire from her as to what the position was in terms of the cost – in terms of petrol etcetera. Chair I never got around to meeting
10 General Nchwe I was subsequently admitted into the witness protection program. So I do not know what became of this vehicle in terms of – or physically where it is now or any expenses related to this vehicle.

CHAIRPERSON: And also I take it that if it was a vehicle under National – under Crime Intelligence one would expect that whenever it had to be serviced the relevant documentation would have had to be put into the records of Crime Intelligence, is that right?

COLONEL DHANAJAYA GANGULU NAIDOO: That is correct Chair.

CHAIRPERSON: And in this case there would be – there certainly would be no records of any such documents at Crime Intelligence for
20 the period that you were there?

COLONEL DHANAJAYA GANGULU NAIDOO: Chair I had not received any documents from General Nchwe regarding this particular vehicle so yes I would say...

CHAIRPERSON: Yes.

COLONEL DHANAJAYA GANGULU NAIDOO: From my knowledge I do

not have any documents regarding this vehicle.

CHAIRPERSON: Yes.

COLONEL DHANAJAYA GANGULU NAIDOO: Except that it was registered on her name.

CHAIRPERSON: Yes and normally you would be the person who would know if there were documents suggesting that it was taken for a service under Crime Intelligence?

COLONEL DHANAJAYA GANGULU NAIDOO: That is correct Chair.

CHAIRPERSON: Yes okay.

10 **ADV SUSAN WENTZEL:** Thank you Chair. Colonel Naidoo after you delivered this vehicle to General Nchwe did you ever have contact with her again?

COLONEL DHANAJAYA GANGULU NAIDOO: Chair yes I did. I remember on one occasion I accompanied FM11 Chair to deliver an i-pad to General Nchwe at this residence that I speak of. Essex World Bedfordview. Chair at that stage she had already received her vehicle. And General Nchwe did not give me any documents regarding this specific vehicle. Be it like you mentioned if it was serviced or any petrol receipts.

20 **CHAIRPERSON:** Yes.

ADV SUSAN WENTZEL: And did you have cause to go to her premises again besides delivering the vehicle?

COLONEL DHANAJAYA GANGULU NAIDOO: Chair yes I did. There were security upgrades that were carried at General Nchwe's house. So I did go there at least one other occasion apart from - from

delivering the vehicle and accompany FM11 to deliver the iPad. At least one other time apart from these two occasions.

Chair I will testify to that later with regards to the upgrades. It is further in my statement - further down in my statement.

CHAIRPERSON: Yes, okay.

ADV SUSAN WENTZEL: And why did you deliver an iPad to her?

COLONEL DHANAJAYA GANGULU NAIDOO: I am not sure where that instruction came from. It would have probably come from either General Mdluli or General Lazarus.

10 **CHAIRPERSON:** Hm.

COLONEL DHANAJAYA GANGULU NAIDOO: I - I can confirm that I accompanied FM11 ...

CHAIRPERSON: That was ...

COLONEL DHANAJAYA GANGULU NAIDOO: To General Nchwe.

CHAIRPERSON: That was delivering an iPad to General Nchwe?

COLONEL DHANAJAYA GANGULU NAIDOO: That is correct Chair.

20 **CHAIRPERSON:** We did not do this earlier Ms Wentzel but we should - you should do it to assist the transcribers. Otherwise when we read the transcript you do not know what they are talking about if you look at what they have written when they rely on what - on the pronunciation of Nchwe. Nchwe is N-C-H-W-E. Yes, continue.

ADV SUSAN WENTZEL: Thank you Chair. If we can just go back just so we have a time line. On page 45 in paragraph 187 it said:

“Although you cannot recall the exact date on which we delivered the vehicle to General Nchwe the date

of 2 August 2010 as indicated on the purchase order suggest that I would have delivered the vehicle around the same time.”

Did you have cause to peruse this purchase order?

COLONEL DHANAJAYA GANGULU NAIDOO: I am not certain if I did. I am not sure if this particular purchase order was shown to me by Colonel Roelofse.

ADV SUSAN WENTZEL: Yes Mr Naidoo if you have also regard to 189 you say in the last sentence of paragraph 189 on page 45.

10 **COLONEL DHANAJAYA GANGULU NAIDOO:** Yes.

ADV SUSAN WENTZEL: “I have perused an eNaTIS printout indicating that the vehicle was registered in General Nchwe’s name on 13 August 2010.”

When would you have perused that?

COLONEL DHANAJAYA GANGULU NAIDOO: Chair this - these documents would have been shown to me by Colonel Roelofse during his investigations into Crime Intelligence.

ADV SUSAN WENTZEL: And then finally you sometimes refer to the vehicle delivered as a Q4 and sometimes a Q5. Do you recall what
20 type of vehicle it was - an Audi Q4 or an Audi Q5?

COLONEL DHANAJAYA GANGULU NAIDOO: Physically an Audi Q5. On paper in terms of Crime Intelligence System A - Audi A4.

ADV SUSAN WENTZEL: Thank you.

CHAIRPERSON: We are at 4 o’ clock now but we can still continue. Is that fine with you Colonel Naidoo?

COLONEL DHANAJAYA GANGULU NAIDOO: It is fine Chair we can continue.

CHAIRPERSON: *Ja.* Let us - let us continue and see how far we are at half past four.

ADV SUSAN WENTZEL: Yes.

CHAIRPERSON: We - we might have to go to five but let us see.

ADV SUSAN WENTZEL: Yes. Thank you Chair. Colonel Naidoo could you please now deal with the vehicle that was received by Mr Timmy Marimuthu.

10 **COLONEL DHANAJAYA GANGULU NAIDOO:** Yes.

CHAIRPERSON: That is page 47 of ...

ADV SUSAN WENTZEL: Page 47.

CHAIRPERSON: The affidavit.

COLONEL DHANAJAYA GANGULU NAIDOO: Chair I will - I will not deal with this matter.

CHAIRPERSON: Yes.

COLONEL DHANAJAYA GANGULU NAIDOO: As it is also hearsay. It was told to me by FM08. So I will not deal with this matter.

CHAIRPERSON: It requires further investigation?

20 **COLONEL DHANAJAYA GANGULU NAIDOO:** Yes Chair.

CHAIRPERSON: Okay and the one about General Lazarus at page 1-9-4?

COLONEL DHANAJAYA GANGULU NAIDOO: Chair General Lazarus kept a pool of SR vehicles at our store - CI store. Namely a Mercedes Viano, VW Caravelle, Nissan Pathfinder and a Nissan King Cab which

was used exclusively by General Lazarus and those close to him including myself Chair.

CHAIRPERSON: Yes.

COLONEL DHANAJAYA GANGULU NAIDOO: Most of these vehicles were used to Island Rock. Like I mentioned earlier Chair Island Rock was not accessible with an ordinary vehicle. It needed a 4 X 4 to get there.

CHAIRPERSON: Yes.

ADV SUSAN WENTZEL:

- 10 **COLONEL DHANAJAYA GANGULU NAIDOO:** So these vehicles would often be used for these trips and any other trip that General Lazarus undertook. So basically these vehicles were parked - when it was - was parked in the store when it was not been utilised by either General Lazarus or those close to him.

CHAIRPERSON: Yes, okay.

ADV SUSAN WENTZEL: And Colonel Naidoo did you say that you also had use of the four wheel drive vehicles?

COLONEL DHANAJAYA GANGULU NAIDOO: Yes. I did. Chair is it - is it possible if I can just take a five minute break?

- 20 **CHAIRPERSON:** Yes. No that is fine. Let us - well earlier on I said I think 10 minutes. I ended up taking more. Let us rather come back at quarter four. Is that alright?

COLONEL DHANAJAYA GANGULU NAIDOO: That is fine Chair. Thank you.

CHAIRPERSON: Just to give more time. So that whatever needs to be

done can be done. Okay. We - we will adjourn and ...

COLONEL DHANAJAYA GANGULU NAIDOO: Thank you Chair.

CHAIRPERSON: And return at quarter past four. We adjourn.

REGISTRAR: All rise.

INQUIRY ADJOURNS

INQUIRY RESUMES

CHAIRPERSON: Okay let us continue.

ADV SUSAN WENTZEL: Thank you Chair.

CHAIRPERSON: Are you back Colonel Naidoo.

10 **COLONEL DHANAJAYA GANGULU NAIDOO:** Yes I am Chair, Chair if I may just a humble request Chair, I asked for a break earlier just to stretch my legs and walk around, I am getting cramps in my legs Chair.

CHAIRPERSON: Oh, so maybe we should not continue for too long.

COLONEL DHANAJAYA GANGULU NAIDOO: Chair if I can request if we can continue tomorrow Chair, I am just battling to sit with my legs cramping and it is also quite warm in here where I am Chair.

CHAIRPERSON: Oh, okay. I have a hearing that is supposed to start at nine tomorrow in regard to some application and I wanted to finish this first before I get to that, but if you are no longer comfortable we
20 cannot continue. It is okay, what we will do is I will deal with the application tomorrow at nine and then when we are done with that then we will need to continue with Colonel Naidoo and finish.

ADV SUSAN WENTZEL: Yes Chair.

CHAIRPERSON: Whatever else was planned for tomorrow will have to wait until we have finished with Colonel Naidoo after that application,

so nine o'clock would be that application, as soon as we have finished with that application it will be Colonel Naidoo which I will go up to when we're finished then we will follow whatever else was planned for tomorrow, so I think you will need to – I think share information with the evidence leader who was going to lead whichever witness was going to be for tomorrow, but I am sure they will talk to me as well.

ADV SUSAN WENTZEL: Yes Chair. Chair if I can have just an indication just from the point of view of witness protection as to what time you would like the witness to be here tomorrow so that they can
10 make arrangements?

CHAIRPERSON: I think that it would be better that – I think he should be here about quarter to ten.

ADV SUSAN WENTZEL: Thank you Chair.

CHAIRPERSON: Ja, ja, ja.

ADV SUSAN WENTZEL: Thank you Chair.

CHAIRPERSON: Okay we will stop at this stage then to take into account Colonel Naidoo's situation and then we will continue tomorrow after the application that I will hear at nine o'clock.

We adjourn.

20 **REGISTRAR:** All rise.

COLONEL DHANAJAYA GANGULU NAIDOO: Thank you Chair for accommodating my request.

INQUIRY ADJOURNS TO 2 OCTOBER 2019