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**AFFIDAVIT**

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I, the undersigned,

**THOSHAN PANDAY**  
**(ID NUMBER: 720402 5192 080)**

do hereby make oath and state:

**1.**

I am an adult male businessman currently residing at No 14 Blenheim Court, Umhlanga Ridge. The facts deposed to herein are, unless otherwise stated, within my personal knowledge and understanding and are, to the best of my belief, both true and correct.

**2.**

This statement is being made in order to recount an incident involving General Deena Moodley and myself where it had become obvious to me that the General had been conducting unlawful surveillance upon me and those associated with me and began to use this information in order to attempt to improperly and unlawfully leverage certain concessions from me.




## 3.

On or about the 12<sup>th</sup> September 2011 I was telephoned by Warrant Officer Shamlan Moodley who was, at that time, based at the SAPS Detective Branch in Loop Street, Pietermaritzburg. Warrant Officer Shamlan Moodley had been a friend of mine and we had schooled together. However, prior to the telephone call I had not communicated with Warrant Officer Shamlan Moodley for approximately 10-12 years. Warrant Officer Shamlan Moodley had requested that we meet urgently as there was a matter of "*urgent personal importance*" that he wished to discuss with me. I was non-committal on the request to meet which resulted in Warrant Officer Shamlan Moodley making several follow-up calls in the succeeding days. I eventually relented and agreed to meet with him at Nando's in the Gateway Shopping Centre on 18<sup>th</sup> September 2011.

## 4.

I met Warrant Officer Shamlan Moodley as pre-arranged and drove around in my car with him whilst I tried to assess the situation surrounding this urgent and inexplicable need on his part to meet with me. We drove around Umhlanga making casual banter on various inconsequential issues. I then asked him why he had wanted to see me and it was then that he informed me that he had been requested by General Deena Moodley to approach me with a request to meet. He informed me that he had not wanted to discuss the matter with me telephonically as it was "*sensitive*". Warrant Officer Shamlan Moodley informed me that he was "*related*" to General Deena Moodley and that a meeting with the latter would "*benefit*" me.



5.


Whilst driving around together, Warrant Officer Shamlan Moodley, telephoned General Deena Moodley from his cellular telephone and informed him that he was in my company. Whilst chatting the call was dropped and the follow-up call to the General was made from my personal cellular telephone after Warrant Officer Shamlan Moodley insisted that I speak personally with the General.

6.

When I spoke to General Deena Moodley he said words to the following effect: *"I need to meet with you urgently. The wheels are turning very fast and you need to make a decision on which side of the fence you are on."* I tried to get an explanation from him about what he meant but he insisted that he would explain once we met.

7.

I agreed to meet with General Deena Moodley on the same day at approximately 17h00 at his offices at Provincial Headquarters. When I proceeded to the General's Office I was still in the company of Warrant Officer Shamlan Moodley and upon arrival at the General's Office we found the General present. He was in the company of two other gentlemen. One was introduced to me as "Jesse" or "Jessie" and the other was a tall, dark-skinned gentleman with gold fillings in his mouth. Both were Indian.



8.

General Deena Moodley thanked me for coming and then said: *"Thoshan, you have serious problems with CAS 781 and 466 but I can help you if you see things my way. If not, I can make things very fucking bad for you."*

9.


At that time I was aware that I was being investigated criminally and CAS 781 and 466 referred to the docket register numbers that had been allocated to two of the investigations. I tried to respond but the General told me to *"keep quite"* and immediately proceeded to instruct *Jesse/Jessie* to *"play something for Thoshan"*.

10.

Jessie/Jesse was, at the time of receiving the instruction, standing in the office and had been carrying a black knapsack. He proceeded to sit on a chair in the General's office and removed a device from the said knapsack. The General's office is made up of a lounge or reception area as well as a separate office. I had remained in the lounge/ reception area with the others.

11.

Immediately before the device was played General Deena Moodley said the following to me: *"I need to get rid of this Black Bitch Commissioner and I need your assistance."* Immediately thereafter Jesse/Jessie started playing the device. It was a recording of a number of telephone conversations I had had with various individuals which included business people, politicians, my Attorney as well as the KZN Provincial Commissioner. There were also recordings of conversations I had had with Colonel Navin Madhoo, my co-accused in a certain



matter as well as with Edward Zuma (the son of the President), Simal Singh and Ashwin Narainpersad (another co-accused). Conversations I had had with various female acquaintances were also played to me and General Deena Moodley threatened to reveal these to my wife should I refuse to co-operate with him.

12.


In the conversation with my Attorney (Ms. Giyapersad) we were heard to be discussing the merits of my Criminal case under CAS 781 as well as the approaches we would use in defence of the charges. At that point General Deena Moodley quipped: *"Now that we know what defences you will use, I will make sure that all those avenues are closed to you."*

13.

Various conversations which I had had with the KZN Provincial Commissioner were played for me. In one such conversation I criticized her for being overweight and referred to her "big backside" and suggested that she should start losing weight. General Deena Moodley laughed and commented that he did not believe that I could speak to the Provincial Commissioner in that manner.

14.

When Jesse/Jessie had finished playing the recordings of my telephone conversations General Deena Moodley informed me that he has the authority to grant me Indemnity on CAS 781 and 466 if I was prepared to incriminate the KZN Provincial Commissioner in corruption relating to her husband's birthday bash. General Deena Moodley alleged that he was aware that I had paid for the birthday party and of the fact that I had been paying "huge sums of money" to the Commissioner. He further alleged that he was aware that I had paid for her



renovations which had been carried out on her home and of the fact that I had paid for the acquisition of her furniture in her home. The General proceeded to state that he had had lengthy discussions with General Booysen about this matter and that General Booysen had agreed to the indemnity should I agree to co-operate with him.

15.

General Deena Moodley then proceeded to telephone General Booysen from his cellular telephone and placed the phone on speaker so that I could listen in on the conversation. General Deena Moodley told General Booysen that I was in his office and said further: *"Is it correct that if Thoshan made an affidavit implicating the Provincial Commissioner and her husband you would play ball and not charge Thoshan and you would proceed to close CAS 781?"* General Booysen responded by saying: *"Yes, it would be done immediately. We would also immediately release his outstanding payments as well."* The call was then ended.

16.

Some of the recorded conversations that had been played back to me had occurred in 2009. I asked General Deena Moodley *"Which Judge would give you such an open mandate to tap my telephones for such a long time?"* He replied that *"I've got my contacts, I'm not doing this from yesterday. I wasted R14 million on you alone."* He proceeded to brag about his accomplishments and what it was he could achieve.

17.

General Deena Moodley then proceeded to give me an ultimatum. He informed me that I needed to make a decision to co-operate by the following Monday at



the latest falling which I would be arrested and charged. The other occupants began exhorting me to co-operate as *"my life was at stake"*, that *"my family was at stake"*, that *"I would go to jail for a long time"* and that *"my children would be left destitute."* I told General Deena Moodley that I required time to consult my legal team on the matter. General Deena Moodley then shifted the deadline from the Monday to the Tuesday and threatened to obtain a warrant for my arrest if I failed to co-operate.

18.

General Deena Moodley then told me that he knew all of my telephone numbers and that it would be futile for me to change the telephones. He stated that he regularly sends his *"agents"* passed my house at night and they use a *"grabber"* which *"grabs"* all the live telephone lines and he then puts a tap or a trace in those lines.

19.

The time at this point was approximately 20h30 – 21h00. I had become concerned for my safety as the offices were quite and desolate. I asked permission to leave. At this point General Deena Moodley quipped: *"Why are you protecting this Black Bitch? You must give her up. If you give us an affidavit we will force her to resign. General Booysen would then become the new KZN Provincial Commissioner and you would enjoy full protection. I would remain in control of the Secret fund."*

20.

I left the building together with Warrant Officer Shamlan Moodley and drove back towards Umhlanga. On the trip he kept persuading me to co-operate with



General Deena Moodley. I asked Warrant Officer Shamlan Moodley what it was that he was going to get out of the deal and he responded by saying: *"I have been in the police force for a very long time and by bringing you in, General Moodley had promised that he would promote me to a Captain in the Crime Intelligence Unit."*

21.

A few days later I left on a business trip to the Congo DRC. Whilst there I received a telephone call from Warrant Officer Shamlan Moodley who wanted to know *"what my decision was"* I told Warrant Officer Shamlan Moodley that I was not prepared to co-operate and that *"they could do what they must"*. I then terminated the call.

22.

I returned to South Africa on the 24<sup>th</sup> September 2011 and was then arrested at OR Tambo International Airport on CAS 466. This arrest, I verily believe, happened because of my refusal to implicate the KZN Provincial Commissioner as suggested by the General.

23.

That is all that I wish to state.




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DEPONENT



I CERTIFY that the Deponent has acknowledged to me that he/she knows and understands the contents of this affidavit which was SIGNED and SWORN to before me at Durban on this 14 day of November 2012, the Regulations contained in Government Notice Nos. R1258 dated 21 July 1972 and R1648 dated 16 August 1977, as amended, having been complied with.

7067204-1  
 CST  
 NAME: WISEMAN N. ZUNGU  
 CAPACITY: CONSTABLE  
 ADDRESS: 01 AUTUMN DRIVE  
 AREA: DURBAN NORTH

SOUTH AFRICAN POLICE SERVICE 2012-11-14 DURBAN NORTH VISPOL KWAZULU-NATAL
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