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From: Sally Evans <sallye@amabhungane.org>

Date: 21 October 2015 at 11:49

Subject: Questions for the attention of Lieutenant-General Khomotso Phahlane

To: beukesheleen@saps.org.za

Good morning, please would you help me with the below queries for the urgent attention of Lieutenant-General Khomotso Phahlane, acting National Police Commissioner:
Please respond by 09h00 tomorrow (Thursday October 22, 2015).

Lt. General Phahlane was Divisional Commissioner: Personnel Services before he moved to head of SAPS forensics. During his time as head of Personnel Services, Lt General Phahlane was also the secretary of the SAPS National Appointment Panel for SAPS.

In his capacity as both head of Personnel Services and as secretary for the National Panel, Lt General Phahlane was therefore responsible for the recruitment, selection and appointments processes in the SAPS.

ONE

Lt General Phahlane and the appointment during 2009 and 2010 of 250 undercover crime intelligence agents.

QUESTIONS:

A) We believe that Lt General Phahlane played a key role in these (250) appointments. *Please confirm.

B) It is alleged that these appointments were part of a "scheme ... designed" on November 14, 2009 by Lt General Phahlane together with ex senior Crime Intelligence officers Richard Mdluli and Solly Lazarus. Please comment and elaborate where necessary.

C) We understand that at least 15 of the 250 crime intelligence agents appointments (as referred to above) had criminal records, including Nkosana Killer Ximba. *Please comment.

TWO

It is alleged that Lt General Phahlane was crucial in Nkososana "Killer" Ximba's re-enlistment to SAPS in 2007, despite Ximba's criminal record.

QUESTIONS:

A) Please confirm that Lt General Phahlane received a letter of recommendation from Richard Mdluli — then the Deputy Provincial Commissioner of Gauteng — regarding Ximba's re-enlistment application (dated September 10, 2007).

B) We understand that Mdluli told Phahlane, then Divisional Commissioner that he knew Ximba, who had worked with him between 1993 and 1999 in Vosloorus. *Please confirm the date on which Lt General Phahlane received this letter from Mdluli.

C) We further understand that although Ximba had resigned as a Constable in 2005, Mdluli told Phahlane that Ximba had resigned as a Sergeant. *Please comment.

D) On September 20, 2007 — 10 days after Ximba's application and Mdluli's letter to Phahlane— Phahlane made recommendations in support of Ximba's reenlistment to Saps. *Please comment.

E) Phahlane's recommendation went against that of Assistant Commissioner Nkrumah Mazibuko who informed Phahlane that Ximba had a criminal conviction relating to reckless and negligent driving [Vosloorus CAS 376-07-1999]. *Please comment.

F) We understand that Phahlane overruled the protestations raised by Gauteng Province, and issued an instruction that Ximba's application forms be completed and sent to Head Office. *Please comment.

G) Ultimately Ximba's reenlistment was approved by then National Commissioner Selebi on September 28, 2007. And on November 30, 2007, Ximba completed his formal application for employment with SAPS. *Please confirm.

H) We understand that in his formal application, Ximba stated under oath that he did not have any criminal convictions. Is this considered perjury by SAPS? Please comment.

THREE:

During the appointments of the 250 crime intelligence agents/officers, members from both Mdluli and Lazarus' families were among those appointed, including:

- Vusiwane Lilly Mdluli (wife of Mdluli) as superintendent,
- Theresa Lyons (wife of Mdluli) as superintendent,
- Bonny Mdluli (daughter of Mdluli) as warrant officer,
- Clement Mandla Mdluli (son of Mdluli) as captain,
- Zukiswa Gloria Mpondonqi (mother of Mdluli's child) as captain,
- Evelyn Kathleen Lyons (sister in law of Mdluli) as warrant officer,
- Sandra Lazarus (Lazarus' wife) as superintendent,
- Miranda Abigail Lazarus (Lazarus' daughter) as warrant officer,
- Nonhlahla Portia Mdlalose (Ximba's sibling) as chief financial clerk,

QUESTIONS:

A) Lt General Phahlane was key to these appointments [made on January 28, 2010]. Please comment.

B) On the same day January 28, 2010 Nkosana "Killer" Ximba was promoted from Constable to the rank of Superintendent, he was on bail facing criminal charges at court. *Please comment and clarify why this was not seen as a problem by Lt General Phahlane?

FOUR

Ximba was investigated and arrested by the then Independent Complaints Directorate (ICD) in September 2009 and released on bail. Ximba was accused of torture [Johannesburg Central CAS 2922/07/2009]. The case was struck off the roll on 21-03-2010 and summons issued on 24-08-2010 and served on Ximba on 28-09-2010.

In March 2010, when Ximba was to be appointed as a Colonel (Senior Superintendent) he allegedly lied again in his application form, regarding his previous conviction. A case of fraud and perjury was subsequently opened against him at Kemptonpark [CAS 186/01/2012].

QUESTIONS:

A) We understand this case is being investigated by the Detectives: Head Office. What is the current status of the investigation?

Between March 10 and March 16, 2010, a couple of months after the above mentioned appointments were made in January 2010, we understand that Lt General Phahlane recommended the following promotions [from Superintendents to Senior Superintendents]:

- Nkosana "Killer" Ximba to senior superintendent.
- Vusiwane Lilly Mdluli (wife of Mdluli) to senior superintendent,
- Theresa Lyons (Mdluli's wife) to senior superintendent,
- Sandra Lazarus (Lazarus' wife) to senior superintendent,

B) Please explain why these promotions were made and made so quickly?

C) It would appear these promotions were a misrepresentation in that they were a higher level than those authorised in January 2010. Please comment.

FIVE:

QUESTIONS:

A) Please confirm that Lt General Phahlane testified in defence of Solly Lazarus during his internal disciplinary hearing?

B) He defended Lazarus against the SAPS. What did Lt General Phahlane say/testify to exactly?

From: Sally Evans [mailto:sallye@amabhungane.org]

Sent: 21 October 2015 05:02 PM

To: Mulaudzi H

Subject: Fwd: Questions for the attention of Lieutenant-General Khomotso Phahlane

This is for the URGENT attention of Lt General Phahlane please. Thank you Brig Mulaudzi.

Kind regards,

Sally Evans

Dear Sally

We have taken note of your enquiry. We are however perplexed by the sudden resurgence of these malicious allegations hardly a week into the appointment of Lieutenant General Kgomotso Phahlane as the acting National Commissioner of the SAPS.

The SAPS is not a one man's show wherein one individual is responsible for the appointment and promotion of people. Lieutenant General Phahlane did not and still does not employ or promote people. We are well aware that all these baseless and manufactured allegations are aimed at frustrating the leadership of the SAPS as well as unsettling the newly appointed Acting National Commissioner.

As the SAPS we have the mandate to maintain stability, peace and order and we have no time to be entertaining home-made propaganda whose sole aim is to shift the focus of the SAPS employees from their core business.

We are not going to be destructed and lose focus on the responsibility that has been entrusted to SAPS management and there we are not prepared to entertain any groundless claims.

Regards

Brigadier Hangwani Mulaudzi