

Shaun K Abrahams
Curriculum Vitae

and Civil Society and the Republic's TRC Process in the fight against impunity of the most serious international crimes, namely, genocide, crimes against humanity and war crimes. I was commended on my presentation and positively responded to a number of sensitive issues raised during the questions session by the learned audience.

Presented a paper on "*The Role and Functions of the NPA in National Counter Espionage Investigations*" – in 2007 & 2008.

The audience were very senior members of the intelligence community from the SAPS, the SASS, the NIA and Military Intelligence. The Ambassador from Foreign Affairs on International Relations and the Director-General: SASS were also present. I have since been requested on a regular basis to present the same paper and have given lectures on this topic.

Espionage Case Studies

Presented a paper at the Counter Espionage Functional Committee (CEFC) Workshop where the development of guidelines for court directed evidence in counter espionage investigations were discussed. The paper was titled "*Case Studies: The NPA's Perspective*." Draft guidelines were compiled by the CEFC based on the contents of my presentation. Have since been requested to present training to the National Intelligence Agency on Counter Espionage Investigations.

Presented a paper on "*The Role of Fraud in Circumventing Proliferation Controls*" to the Marine Insurance community. The presentation focused on weapons proliferation legislation, South Africa's international obligations, practical and or operational controls, fraud prevention, cooperation between entities and law enforcement agencies and case studies.

Presented a Paper on "*Bilateral Discussions on the Treaty between the Government of the USA and the Government of the RSA on Mutual Legal Assistance in Criminal Matters*" The audience included the Special Director in the NDPP's office, very senior representatives of the US Central Authority and the Director of International Affairs at the Department of Justice and Constitutional Development.

Presented a paper titled "*The Nuisance of General Faustin Nyamwasa*" at the ISS/NFA International Crime and Terrorism Workshop. The presentation was a practical case study of our domestic legislation on Extraditions, Terrorism and the Implementation of the Rome Statute Act. The NDPP, International experts and various DPP's were present.

D. Briefings and Advisory assistance

Counter Terrorism Executive Directorate (CTED) of the Security Council of the United Nations

Briefed, advised and submitted written submissions to the Republic's Counter Terrorism Working Group on information relating to international co-operation, extraditions, terror financing, money laundering, freezing orders and forfeiture provisions, which was incorporated into the Republic's final report to CTED. Responded in writing to additional queries raised by the CTED experts and which was incorporated into CTED's assessment report.

Financial Action Task Force (FATF)

FATF experts conducted a visited the Republic to assess inter alia, South Africa's credit rating and standing with the World Bank, it's ability to successfully investigate and prosecute organised crime, money laundering, terrorism, terror financing,

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financial crimes and it's ability to freeze terror funds without delay as well as freezing and confiscatory provisions. I made written submissions on the above topics which were incorporated into the Republic's report to FATF. I also represented the NPA and a Government delegation at a preparatory-FATF visit where questions were raised by former FATF and international financial experts on South Africa's ability to successfully negotiate the above aspects. I actively participated in this process and in effect led the NPA delegation.

Advised the Malawian Attorney-General and Director of Public Prosecutions on South Africa's international co-operation and witness protection legislation, requirements and procedures.

Advised the Director-General: NIA: Operations on state security, in-camera applications, the principle of open justice and the prospects of a successful prosecution in respect of an extremely sensitive investigation.

Briefed the Director-General: Justice on South Africa's domestic legislation governing mutual legal assistance in criminal matters and the role of the NPA therein.

I regularly briefed and advised Justice Officials and the National Director of Public Prosecutions Office on matters relating to international mutual legal assistance and extraditions.

Briefed a team of American Nuclear experts on South African legal requirements in so far as it relates to contraventions of our Weapons of Mass Destruction and Nuclear legislation.

Briefed a delegation of US Government legal advisers in Washington on international co-operation in criminal matters.

Chaired the interrogation/questioning of a witness in South Africa relating to Iran's nuclear facilities. The panel consisted of senior MI5, MI6, NIA and CIA officials.

Made advisory briefings to the relevant parties in so far as it relates to the investigation of the arms deal, in particular, in respect of assistance sought from foreign States.

E. International Mutual Legal Assistance

I have assisted foreign law enforcement agencies by leading evidence in and executing requests for mutual legal assistance in respect of the following matters:

In Re: Dalibor Kopp and Joseph Ondrouch (Czech Republic) (Arms Proliferation and money laundering)

This matter related to the supply of arms to Kopp Arms in the Czech Republic by a South African arms manufacturer. After initiating a local investigation, I discovered no crime had been committed in the RSA and the local evidence could be of great importance to the Czech authorities. I subsequently formally led the evidence and supplied same to the Czech Republic.

In Re: Gotthard Lerch (Germany) (Proliferation of weapons of mass destruction, nuclear proliferation, money laundering, fraud, export control violations)

I led evidence in rendering assistance to the Germans for use in their investigation into Lerch for his role in the AQ Khan Network in the proliferation of sensitive nuclear weapons technology to Libya. Lerch was

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convicted by a German court for his role in violating the German Weapons Export Control legislation in assisting the Khan Network.

Operation Aquarium (UK) (Proliferation of weapons of mass destruction, nuclear proliferation, money laundering, fraud, export control violations)

I led evidence on two occasions in rendering assistance to the UK for use in their investigation into Peter and Paul Griffin for their roles in the AQ Khan Network in the proliferation of sensitive nuclear weapons technology to Libya.

In Re: Urs Tinner and others (Switzerland) (Proliferation of weapons of mass destruction, nuclear proliferation, money laundering, fraud, export control violations)

I led evidence on two occasions in rendering assistance to the Swiss for their investigation into Frans, Urs and Marco Tinner for their roles in the AQ Khan Network in the proliferation of sensitive nuclear weapons technology to Libya.

Operation Overcast (UK) - Terrorism

I led evidence in rendering assistance to the UK authorities in relation to 24 persons' suspected involvement in terrorist activities with Al Qaeda links. This related to planned bomb attacks in the UK to detonate explosives on Trans-Atlantic flights outbound from the UK to the USA and Canada. The evidence provided by me led to the conviction of a number of persons, including one of the main role players as well as the arrest of additional persons.

Operation Theseus (UK) - Terrorism (London Bombings)

I led evidence in rendering assistance to the UK authorities in relation to persons suspected of involvement in terrorist activities in relation to the London Bombings of July 2005. The suspects are strongly aligned to Al Qaeda.

MLA Request from Australia

I led evidence in rendering assistance to the Australian authorities in respect of an investigation of contravening War Crimes Act by a foreign national, resident in that country. Irregularities that came to light were the modus operandi of the Australian Federal Police and/or members of the Australian Intelligence Community conducting espionage activities in South Africa which was brought to the attention of the relevant law enforcement agencies in South Africa.

Malawian Request: In Re: Dr Cassim Chilumpa SC & Yusuf Matumula - Treason & conspiracy to murder

This request related to evidence implicating the leader of the opposition political party and a notorious businessman for treason and conspiring to murder the president of Malawi. I was instrumental in, along with the Head of International Affairs in the Office of the DG: Justice and the DPP of Malawi, drafting an international Witness Protection Agreement between the RSA and Malawian Governments. The first of its kind. Prior to my involvement, this matter was a point of contention during the Ginwala Commission of Enquiry. I deemed it prudent to submit a rather comprehensive legal opinion to the Acting NDPP indemnifying the then suspended NDPP of any wrongful liability.

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Russian Federation - Fraud

The Russian federation submitted a request for mutual legal assistance in criminal matters to the Republic. The assistance sought related to the questioning of a South African citizen who's in the employ of PricewaterhouseCoopers in relation to a fraud investigation. The Minister directed the matter be dealt with in terms of Section 33(1) of the Supreme Court Act, whereby Judge issues a court order that a Magistrate be appointed as Commissioner to hear the evidence. Such an order was granted and the Chief Magistrate requested me to lead the evidence before him. I disagreed with the correctness of the order and drafted a legal opinion submitting the matter be returned to the Registrar of the High Court and be placed before a Judge for review as the mechanisms provided for by the International Co-Operation in Criminal Matters Act would be the correct legal mechanisms in this scenario. The Chief magistrate, relying wholly on my opinion, correctly submitted the matter for review.

Tennanbaum ponzi scheme investigations

Submitted an opinion to the NDPP on the letter of request to Australia, which had erroneously been issued by the magistrate and which was overly broad. As a result, the letter of request was redrafted and submitted accordingly; failure of which would have proved disastrous consequences for the investigation.

I assisted the Belgian Government in investigating the following matter: Rwandan Genocide/War Crimes/Crimes against Humanity
A witness, who enjoys refugee status in this country, approached the Belgian Embassy and informed the authorities that he shot one of 10 Belgian peacekeeping soldiers in Rwanda in 1994 minutes prior to the assassination of the Rwandan Prime Minister and that he can be a key witness against a former General in the Rwandese Army, who was a key role player in the Rwandan genocide and whose trial for crimes of genocide, crimes against humanity and war crimes was due to commence shortly in Belgium. The Belgian authorities, consequently, submitted a request for mutual legal assistance in this regard. I investigated the matter and discovered that he had fraudulently approached the Belgian Embassy in the hope of receiving asylum from that country. This saved the Belgians time, fruitless expenditure and embarrassment.

I have lodged requests for mutual legal assistance to the following countries for assistance in respect of S r Geiges, Wisser and Kirsch Engineering:

- I. The United Kingdom;
- II. The United States;
- III. France
- IV. Switzerland (High Court application);
- V. Malaysia (High Court application);
- VI. Germany (High Court application), and
- VII. Spain (High Court application).

I sit on a Counter-Terrorism Working Group, which deals with South Africa's obligations to the Security Council of the United Nations relating to terrorism and have made submissions relating to South Africa's capacity to combat terrorism in terms of the POCDATARA ACT. This includes interaction with the United Nations' Office on Drugs and Crime (UNODC), Counter Terrorism Executive Directorate (CTED) and the Financial Action Task Force (FATF).

F. Merit Awards

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I received meritorious performance awards annually from the period 2005 to 2013.

WORK EXPERIENCE: JUNE 2002 to SEPTEMBER 2004

| | |
|-------------------------|--|
| Employer: | National Prosecuting Authority Office of the Director of Public Prosecutions Pretoria |
| Designation: | State Advocate |
| Period Employed: | 1/06/2002 – 30/09/2004 |

2002

- A. Appointed as a State Advocate at the office of the DPP: Pretoria on 1 June 2002;
- B. Notable forensic experience:

Section 252 A on Project "Prado"

This matter related to an undercover operation in thwarting a national luxury vehicle theft syndicate. I managed an investigation team which included project planning. With my guidance the entire syndicate was brought to its knees. The kingpins were convicted and sentenced to lengthy periods of imprisonments. Most of the vehicles were recovered.

S v Baloyi and 2 others

The accused were convicted of a farm murder and sentenced to life imprisonment. Judge Els, who presided over the matter, commended me on my presentation of the evidence, my legal arguments and my professionalism.

Full Bench Appeal

Argued a full bench appeal in Afrikaans before three of the most senior Afrikaans Judges (Van der Westhuizen J (now at the Constitutional Court), Mynhardt J and De Villiers J). The matter related to multiple taxi violence murders/hits; The quorum commended me on the presentation of my Heads of Argument and the Appellant's appeal was dismissed.

Successfully conducted two TPD court roles and went on a Northern Circuit;

Appeal

Argued an appeal before the now Deputy Chief Justice, Justice Dikgang Moseneke. The matter related to the intention of the legislature when promulgating minimum sentence legislation in relation to 9mm semi-automatic firearms and revolvers;

2003

- A. Forensic experience:

Went on 6 circuits in the TPD, and 4 circuits in the Bophuthatswana Provincial Division;

S v Daniels Mataba & 6 Others

Was in charge of the prosecution of the matter in the Molepo Regional Court. The matter related to the biggest group of names in South Africa who were arrested for

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conspiring to commit a cash-in-transit robbery in Botswana and involved over 50 million Pula. I interacted with foreign law enforcement agencies, Witness Protection, Police Intelligence and the National Head of the Special task Force. This matter attracted quite a bit of media attention.

S v Eugène Terre'Blanche

The accused was the leader of the AWB, a right-wing political party. Prosecuted the accused on five counts of terrorism committed during the Apartheid Era in the North West Province in contravention of our Internal Security laws. The matter attracted quite a bit of media coverage, both locally and abroad, as it was the first post-TRC prosecution.

S v Gaekwatt & Others

Drew up a 24-count indictment for a trial to be conducted in the Bophuthatswana High Court involving 10 accused persons who had been arrested during a cash-in-transit robbery.

Conducted a prosecution before the former Judge President of the Bophuthatswana Provincial Division, Mogoeng JP (as he then was). The evidence relied on was that of a confession made by Accused 1 along with circumstantial evidence which implicated Accused 2. The Court commended me for bringing the relevant recent case law (*S v Ndhlovu*) to its attention, which allowed the Court to convict both accused on multiple counts of murder.

Taxi Violence

Conducted a taxi violence murder trial before Judge Willem Van der Merwe in the Northern Circuit of the TPD. The Judge commended me on my legal arguments, presentation of the State's case and my court etiquette.

Argued numerous bail appeals and appeals in the TPD, as well as the Bophuthatswana Provincial Division. These related to various technical legal aspects. I have been commended for my ability to correctly argue and apply the law by, among others: Hartzenberg J, Preller J, Basson J, Webster J, Claasen J, Mogoeng JP, Makafola AJ and Hendrickse J.

Drafted numerous review opinions and assisted judges with in-chamber confirmation of review opinions.

Drafted numerous indictments for both the Office of the DPP: Pretoria and the Office of the DPP: Mmabatho

S v Patrick Mohlaka and Lochus Makhubedu

The two accused, who were members of the South African Defence Force, went on a shooting spree and robbed a bottle store. In the process they murdered an innocent young man and injured many others. Both accused were convicted of Murder and sentenced to an effective 25 years' imprisonment.

S v Peter Malepane and Custodio Guambe

The two accused were employed by a German national on his farm outside Rustenburg in the North West Province. At the time of his death, the deceased, a paraplegic, was having an affair with his domestic worker, who happened to be accused 1's sister. Accused 2 was a Mozambique citizen. The accused were convicted and sentenced to 25 years' imprisonment

2004

- A. Forensic experience:

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S v Chauke (The "Highway Man Serial Killer")
Prosecuted the accused, a serial rapist and murderer. The *modus operandi* of the accused was to lure women with offers of employment, would meet them in a secluded area, rape, murder and rob them of their belongings. The accused received several life sentences and an additional 165 years' imprisonment. I was commended by Makafola AJ for the articulate manner in which I presented the State's case.

S v Bertie van Zyl
Conducted the prosecution of the director of the largest tomato farm in the country for shooting hunting dogs worth well over R1 million. The accused was represented by a prominent Senior Counsel who, among others, also previously represented Dr Wouter Basson and the former National Commissioner of Police.

S v Ou'rooi Mashene
The accused, a 19-year old, was tried in the High Court for the rape and the murder of a 74-year old woman. This matter involved intense legal argument on legal and factual causation, medical negligence and *mens rea*. Judge Webster commended me for my integrity, objectivity and legal arguments.

Murder of the NUM Chairman
Conducted the prosecution of the murder of the chairman of the National Mine Workers' Union before Shongwe DJP (as he then was). The accused was convicted and sentenced to an effective 25 years' imprisonment. The matter related to internal politics at NUM which led to a "hit" on its Chairman. The DJP commended me for my articulate presentation of the State's case.

S v David Mofokeng
The accused was convicted of murder and robbery. The accused was a passenger in a taxi vehicle driven by the deceased. In an attempt to rob the deceased of his vehicle the accused shot the deceased in the back of the head and kicked him out of a moving vehicle. Traffic officers apprehended the accused not too long thereafter.

WORK EXPERIENCE: APRIL 2000 to MAY 2002

Employer: National Prosecuting Authority
Pietermaritzburg Magistrates' Court

Designation: Prosecutor

Period Employed: 1/04/2000 – 31/05/2002

- A. District Court Prosecutor at Pietermaritzburg Magistrates' Court from 1 April 2000 to 31 May 2000
- B. Problems were experienced with the statistics of the District Courts at the Pietermaritzburg Magistrates' Court and due to my administrative and organizational skills, I was appointed as the District Control Prosecutor from 1 July 2000 to 5 January 2001 so as to rectify the problems
- C. Received a delegation to prosecute in the Regional Court in November 2001
- D. Forensic experience:

S v Pienzer and 4 others

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Shatu K Abrahams
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The 5 accused were senior members of the local Murder and Robbery Unit who were convicted of indecent assault and assault with intent to do grievous bodily harm. The accused were investigating a local bank robbery when they committed the crimes against a witness. The witness, a female employee of a financial institution in Richmond, was forced to remove all her clothes, after which a rubber tube was placed tightly around her nose and mouth until she almost suffocated to death. The accused were represented by one of the top law firms in KZN who were later unsuccessful in trying to recruit me to join the side bar.

S v Cuan McKinley

This related to the bail application of the accused who was later convicted in the NPD for murdering his girlfriend by ligature strangulation. A top advocate who usually represented many top IFP officials in criminal matters represented the accused.

S v Annette Els

The accused, a local bank employee, was convicted of 35 counts of fraud.

S v Letsoalo

The accused, a member of a platoon, had lost his firearm. In terms of military legislation, the accused was obligated to report the loss of such firearm to his platoon commander. The admissibility of that statement had to be decided on and the Court found in my favour.

Prosecuted many matters between the Regional - and Districts Courts in Pietermaritzburg, Camperdown, Impendle and Richmond until May 2002;

E. Administration and Management

Managed the District (and the Regional Courts only on Saturday Courts) in Pietermaritzburg. This included the drafting of monthly reports and statistics on the prosecutors' and courts' performance, briefings on ways to enhance the efficiency of the prosecuting system and to improve the statistics. Represented the Senior Public Prosecutor at Business Against Crime and AOCOC meetings. Was a member of the Juvenile Justice Forum. Managed and participated in Saturday Courts. Briefed and made regular presentations to NICRO on juvenile justice. Trained and guided new prosecutors. Assisted final year law students in community service;

F. Merit Awards

- o Received a meritorious performance award for the period 2000 to 2001.

WORK EXPERIENCE: February 1997 to MARCH 2000

Employer: Justice: Office of the Attorney-General: KZN (DPP: KZN)
Designation: Assistant Admin Officer/mentorship programme
Received a delegation to prosecute
Period Employed: 1/02/1997 - 31/03/2000

My main responsibilities included the following:

General administrative functions.

Since I was a law student, the Attorney-General (and later DPP) deemed it necessary, as part of my internal mentorship and training, to allocate me as part of the professional staff. In this

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regard, I received a delegation to prosecute in February 2007. Perused dockets and made decisions whether or not to prosecute in respect of all criminal matters. I attended all professional staff meetings, including training and lectures on various legal issues. Prosecuted matters in the District Court, Pietermaritzburg. Managed all traffic representations in KZN during the "Zero Tolerance" project.

REFERENCES

1. Aubrey Ledwaba DJP
Deputy Judge President, North Gauteng High Court
Contact numbers: 012 3157711 / 0922547894
2. CJ (Neels) Claassen J
Judge of the South Gauteng High Court
Contact numbers: 011 3350168 / 0824682854
3. (Korky) Mkhotedi Joseph Mpshe SC
Acting Judge and former Acting National Director of Public Prosecutions
Contact number: 084 821 1811
4. Regional Magistrate, Mr Vernon Smith
Kimberley
Contact numbers: 0824523833 / 0538299100
5. Anton Rossouw Aokermann SC
(Former Special Director of Public Prosecutions and
Head: Priority Crimes Litigation Unit)
Contact number: 084 291 3550
6. Dr Silas Ramaite SC
Deputy National Director of Public Prosecutions:
Contact number: 012 845 6000/082 4954603
7. JLCJ (Koos) Van Vuuren SC
Sandton Bar
Group 21
Sandown Village Chambers
Contact numbers: 0118959000 / 0827014156
8. Johann Engelbrecht SC
Pretoria Bar
Contact number: 0825681605
9. Ben Bredenkamp SC
Contact number: 0832858528



state security
State Security Branch
REPUBLIC OF SOUTH AFRICA

CONFIDENTIAL

SECURITY CLEARANCE CERTIFICATE

THIS IS TO CERTIFY THAT
SECURITY CLEARANCE NO.

735315

TO THE LEVEL OF
TOP SECRET
HAS BEEN ISSUED TO

ABRAHAMS SK
ID: 7603195126085


ACT DIRECTOR: DOMESTIC BRANCH

2013.03.01

DATE

EXPIRY DATE: 2018/08/31

CONFIDENTIAL

0004105



State Security
State Security Agency
REPUBLIC OF SOUTH AFRICA

Private Bag X757, PRETORIA, 0001 State Security Agency Headquarters, Maseru, Dalmeida Road, PRETORIA
Tel: (012) 427 4000, Fax: (012) 480 7882, www.ssa.gov.za

SSDB/D201(VA40)/3/1/14/1/2

Office of the Director
Domestic Branch

8 August 2013


The Acting National Director
Mr N Jiba
National Prosecuting Authority of South Africa
Private Bag X752
PRETORIA
0001

For attention: Ms ST Sizani

Dear Colleague

Security Clearance: Mr Abrahams SK: ID 7603195120085

1. Your request for a security clearance on the above-mentioned individual refers.
2. A security clearance investigation to the level of TOP SECRET was conducted on Mr ABRAHAMS SK and was found positive.
3. Clearance number 735315 is issued for a period of five (5) years.


NG Bam
Acting Director, Domestic Branch

Adv R. Maccadam

COMMISSIONER OF CATS

Deputy Director
OFFICE OF NATIONAL DIRECTOR OF PUBLIC PROSECUTIONS
VGM BUILDING
123 WESTLAKE AVENUE
WEAVIND PARK, SILVERTON

J 56

G.P.S. 025-0277

12/3/2009

SECTIONED TRUE COPY OF ORIGINAL
OFFICE OF NATIONAL DIRECTOR OF PUBLIC PROSECUTIONS

IN DIE HOOGGEREGSHOF VAN SUID-AFRIKA
IN THE HIGH COURT OF SOUTH AFRICA

NATAL PROVINCIAL

Afdeling
Division

VOOR SY EDELE
BEFORE THE HONOURABLE MR JUSTICE MAGID; and
THE HONOURABLE MR JUSTICE KONDILE

Te PIETERMARITZBURG hedé die 11th dag van
At this 11th day of

MARCH Jaar 2002
year 2002

NADEMAAL DIT GEBLYK HET DAT
IT APPEARING THAT

SHAUN KEVIN ABRAHAMS

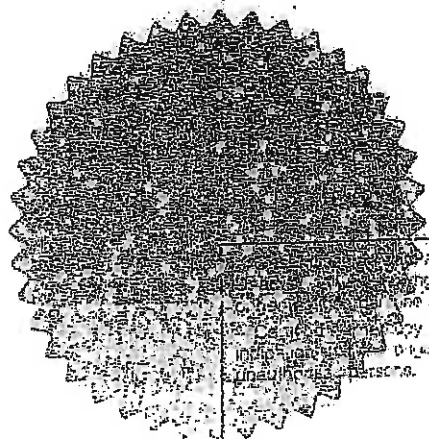
bevoeg is om Ingevolge die Wet op die Toelating van Advokate, 1964 (Wet 74
is duly qualified in terms of the Admission of Advocates Act, 1964 (Act 74 of

van 1964), toegelaat te word om as advokaat van die Hooggeregshof van Suid-Afrika
1964), to be admitted and authorised to practice and to be enrolled as an advocate

te praktiseer en ingeskryf te word, word hiermee gelas dat sy/haar naam as sodanig
of the High Court of South Africa, It is hereby ordered that his/her name

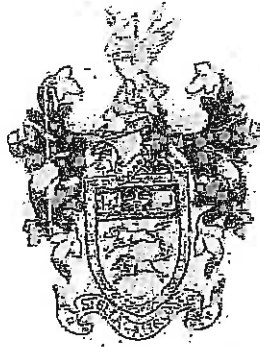
deur die bevoegde beampste op die Rol aangeteken word.
be Enrolled as such by the proper officer.

OP LAS VAN DIE HOF
BY ORDER OF THE COURT



afskrif van die oorspronklike dokument.
copy of the original document. There is no
original document has been appended by
HOOFKLERK VAN DIE PROKURIEUR-GENERAAL

Director of Public Prosecutions
Private Bag/Privateasak X 300
PRETORIA 0001
2002-03-07
Direktur van Openbare Vervolgins



University of Natal

We, the Vice-Chancellor, the Registrar,
and the Dean of the Faculty,
hereby certify
that

Shaun Kevin Abrahams

has this day been admitted to
the degree of

Baccalaureus Juris

Adv RC MACADAM

COMMISSIONER OF OATHS

Deputy Director

RANK

OFFICE OF NATIONAL DIRECTOR OF PUBLIC PROSECUTIONS

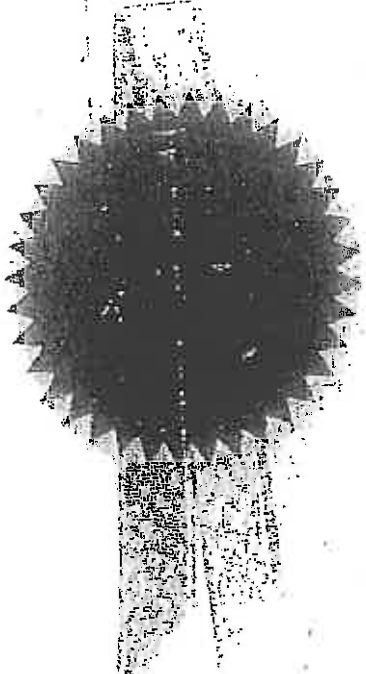
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128 WESTLAKE AVENUE

WEAVER PARK, SILVERTON

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OFFICE OF NATIONAL DIRECTOR OF PUBLIC PROSECUTIONS



[Signature]

Vice-Chancellor

[Signature]

Registrar

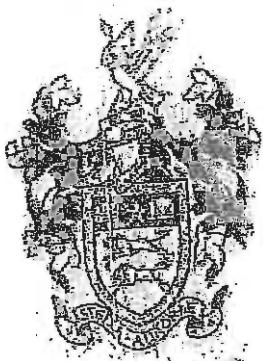
[Signature]

Dean

DATE: 12/5/2009

OFFICE OF NATIONAL DIRECTOR OF PUBLIC PROSECUTIONS

12 April 2000



University of Natal

We, the Vice-Chancellor, the Registrar,
and the Dean of the Faculty,
hereby certify
that

Shamir Kevin Abrahams

has this day been admitted to
the degree of

Baccalaureus Procuratoris

Adv. RC Macossolam

COMMISSIONER OF OATHS
Deputy Director
OFFICE OF NATIONAL DIRECTOR OF
PUBLIC PROSECUTIONS
VGM BUILDING
120 WESTLAKE AVENUE
WEAVERD PARK, SILVERTON

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OFFICE OF NATIONAL DIRECTOR OF PUBLIC PROSECUTIONS

[Signature]
Vice-Chancellor

[Signature]

Registrar
[Signature]
Dean

DATE 12/3/2009
OFFICE OF NATIONAL DIRECTOR OF
PUBLIC PROSECUTIONS

12 April 2000



University of Natal

We, the Vice-Chancellor, the Registrar,
and the Dean of the Faculty,
hereby certify
that

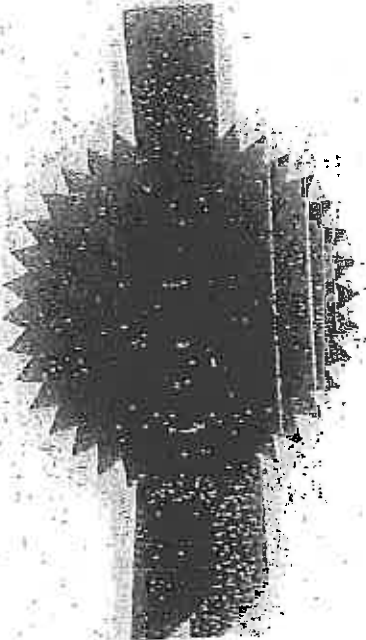
Shamir Robin Abrahams

has this day been admitted to
the degree of

Bachelor of Laws (4 year)

CERTIFIED TRUE COPY OF ORIGINAL
OFFICE OF NATIONAL DIRECTOR OF PUBLIC PROSECUTIONS
OFFICE OF NATIONAL DIRECTOR OF PUBLIC PROSECUTIONS

Rank **Deputy Director**
COMMISSIONER OF DATAS
OFFICE OF NATIONAL DIRECTOR OF
PUBLIC PROSECUTIONS
YGM BUILDING
123 WESTLAKE AVENUE
WEAVER PARK, SILVERTON



[Signature]
Acting
Vice-Chancellor

[Signature]
Registrar

[Signature]
Dean

DATE **12/3/2009**
OFFICE OF NATIONAL DIRECTOR OF
PUBLIC PROSECUTIONS

10 April 2002

South African
Certification Council



Suid-Afrikaanse
Sertifiseringsraad

SENIOR CERTIFICATE SENIOR SERTIFIKAAT

Awarded to/Toegeken aan

SHAUN KEVIN ABRAHAMS

Date of Birth

1976-08-19

Geboortedatum

Subjects passed/Vakke geslaag

English : First Language / Engels : Eerste Taal
Afrikaans : Second Language / Tweede Taal
Biology / Biologie
History / Geskiedenis
Mathematics / Wiskunde
Geography / Aardrykskunde
Aggregate / Groottotaal

| | | |
|----|---|-----------|
| HG | D | 50%-59% |
| HG | B | 70%-79% |
| HG | E | 40%-49% |
| HG | D | 50%-59% |
| SG | C | 60%-69% |
| SG | A | 80%-100% |
| | C | 1260-1469 |

ENDORSEMENT

This candidate has complied with the minimum statutory matriculation requirements for admission to Bachelor's degree study at a university in the Republic of South Africa.

ENDORSEMENT

Hierdie kandidaat voldoen aan die minimum statutêre matrikulasie vereistes vir toelating tot Baccalaureusgraadstudie aan 'n universiteit in die Republiek van Suid-Afrika.

With effect from

DECEMBER/DESEMBER 1999

Met ingang van

Executive Officer

Uitvoerende Beampte



OFFICE OF THE DEPUTY JUDGE PRESIDENT A P LEDWABA
HIGH COURT OF SOUTH AFRICA, NORTH GAUTENG DIVISION
P O Box 442, PRETORIA 0001 - Tel 012- 315-7575
Email: Aledwaba@justice.gov.za
Cnr. Madiba (Vermeulen) & Paul Kruger Streets
7th Floor, Room 7.15, High Court Building, Pretoria

24 JULY 2013

TO WHOM IT MAY CONCERN

Dear Madam/Sir

RE: ADV. SHAUN ABRAHAMS

I have known Adv Shaun Kevin Abrahams since 2005 whilst he was a Senior State Advocate at the Priority Crimes Litigation Unit in the Office of the National Director of Public Prosecutions and since my appointment as a Judge.

My colleagues before whom Adv Abrahams has appeared made extremely positive comments about his professional handling of cases and his acute legal mind.

In the years 2011, 2012 and 2013 I was privileged to work closely with Adv Abrahams in the criminal trial of S v Kiratzidis and 2 Others, in the Circuit Local Division of the Northern Circuit District, sitting in Phalaborwa. The trial lasted approximately 50 days and he was the prosecutor therein. Two of the three accused were represented by very competent and reputable Senior Counsels.

The charges listed in the indictment emanated from the accused being incensed at the death of a former AWB leader at the hands of black people and the song "kill the Boer, kill the farmer" as sung by a former African National Congress Youth League ("ANCYL") President, and planned to commit random acts of terror against members of the African National Congress ("ANC") residing in the black neighbourhoods of Phalaborwa. The accused's elaborate plan commenced with the damage to the grave of a former ANC diplomat. The charges, *inter alia*, included:

- Contravening Section 14(c) read with Section 2 of Act 33 of 2004 (Conspiracy to engage in a terrorist activity);
- Contravening Section 14(b), read with Section 3(2)(d), read further with Section 2 of Act 33 of 2004 (Attempt to recruit and enlist, connected with the engagement in a terrorist activity);
- Contravening Section 28 of Act 26 of 1953 (Possession of Explosives);
- Contravening Section 3(1) of Act 26 of 1956 (Unlawful Manufacturing of Explosives);
- Contravening Section 3 of Act 60 of 2000 (Unlawful Possession of Firearms);
- Contravening Section 90 of Act 60 of 2000 (Unlawful Possession of Ammunition) and;
- Violation of a Grave.

Adv Abrahams struck me as an extremely conscientious prosecutor. He was always punctual and thoroughly prepared for the matter. He was courteous to the Court and handled the witnesses, including the accused with respect.

Adv Abrahams impressed me with his cross-examination, raising valid objections and in responding to objections raised against him. Where necessary, he would make the necessary concessions. He has formidable intellect, common sense and good humour.

Adv Abrahams furnished the Court with well researched meticulous heads of argument which really assisted me when I prepared my judgment.

I am advised that Adv Abrahams is presently serving in the position of Acting Special Director of Public Prosecutions. I strongly recommend the permanent appointment of Adv Abrahams to the aforementioned position or to any other position for which he is being considered for. I am of the view that which-ever organization he is employed at will be better and stronger with him present.

Adv Abrahams has proven to have sound maturity in judgment, professionalism,

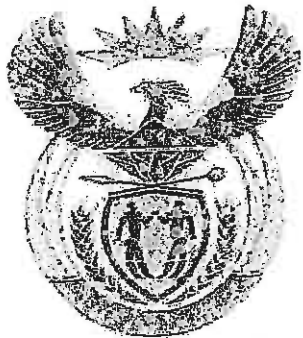
leadership, integrity, conscientiousness and forensic advocacy experience and, as such, he has my recommendation and support for the conferral of Senior Consultants (SC) on him. As a well-respected member of the legal fraternity, Adv Abrahams will contribute meaningfully to this highly regarded status.

Yours sincerely



**AP LEDWABA
DEPUTY JUDGE PRESIDENT
NORTH GAUTENG HIGH COURT**

Tel: 011-3350168



Judges' Chambers
Private Bag X7
High Court
Johannesburg
2000

12 June 2015

TO WHOM IT MAY CONCERN

Adv. Shaun Kevin Abrahams (identity number 7603195126085) is well known to me. It gives me great pleasure in recommending him for higher office for the reasons set out below.

He appeared before me in the criminal trial of *S v Henry Okah* in the High Court South Gauteng. It was a protracted and complicated trial as it was the first of its kind under the provisions of the Protection of Constitutional Democracy against Terrorist and Related Activities Act 33 of 2004. The trial presented with novel and logistical problems unforeseen by any previous precedent. It was the first instance where a South African court was authorized with extra-territorial jurisdiction to try a foreigner for terrorist crimes committed beyond the borders of South Africa, in this case in Nigeria. More than 30 foreign witnesses had to be transported to South Africa at various intervals, accommodated in strict witness protection programs and then are repatriated upon completion of their testimony. The documentary evidence comprised some 30 arch lever files that included highly technical computer and cellphone analyses. He showed remarkable leadership and organizational qualities that proved indispensable for the timeous and effective conclusion of the trial.

Mr. Abrahams performed his duties as the single prosecutor in this matter in an exceptionally competent and masterful manner. He proved himself to be hard working, punctual, always prepared for the task at hand and very proficient in his forensic skills. He is a masterful cross-examiner that makes the task of a judge to decide credit worthiness of witnesses that much easier.

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At all times he was courteous to the bench, his opponents, witnesses and those he came into contact with.

At that time, he held the position of Senior State Advocate, Priority Crimes Litigation Unit, Office of the National Director of Public Prosecutions. The Minister of Justice, on the recommendation of the Acting National Director of Public Prosecutions and the Senior Management of the NPA, appointed him as Acting Special Director of Public Prosecutions, Acting Head: Priority Crimes Litigation Unit, Office of the National Director of Public Prosecutions. I understand that only the President of the Republic can appoint him permanently to the aforementioned position or one equivalent thereto. I have no hesitation in strongly recommending him for permanent promotion to such a position. He has proved himself to be a deserving candidate in more ways than one.

I have also been advised that Mr. Abrahams is considering applying for Senior Consultus (SC) status. His experience, integrity, honesty, leadership, character, conscientiousness and general demeanour are all consummate with the high status of an SC. He will be a valued and respected member of that status, able to give good guidance and leadership to those that follow in his footsteps. The conferral of such and honour upon Mr. Abrahams carries my wholehearted support.

Sincerely,



The Hon. Mr. Justice C.J. CLAASSEN

LETTER OF COMMENDATION

RE: ADV SHAUN KEVIN ABRAHAMS

To whom it may concern

I am a former Special Director of Public Prosecutions and Head of the Priority Crimes Litigation Unit (PCLU) in the Office of the National Director of Public Prosecutions, having retired in February 2013.

Advocate Shaun Kevin Abrahams is presently the Acting Special Director of Public Prosecutions and Head: PCLU, a position he has held since 1 March 2013, after his appointment by the Minister of Justice and Constitutional Development.

I have known Adv Abrahams since mid-2002 when I was a Deputy Director of Public Prosecutions at the office of the Director of Public Prosecutions, Pretoria and responsible for the allocation of High Court trials for prosecution to the professional staff at the aforementioned office. Adv Abrahams joined the aforementioned office as a State Advocate from the prosecutorial ranks. Soon after his arrival, I recognised Adv Abrahams as a more than conscientious and capable lawyer with exceptional knowledge of the law and litigation competence who performed his duties with the utmost integrity. As a result, when the PCLU was established in 2003 I immediately identified him as a suitable candidate to join my office. In September 2004 he was seconded to my office.

Adv Abrahams has since consistently been the most outstanding prosecutor in my office. As such, the leadership of the National Prosecuting Authority allocated most of the high profile cases to him for prosecution. Adv Abrahams has proven to have a sound knowledge of the law and has written many challenging opinions which confirmed his ability to easily assimilate facts and apply them to the law. Due to his experience, integrity and ability, he has over the years regularly been tasked by various National and/or Acting National Directors of Public Prosecutions with extremely sensitive and complex matters.

Adv Abrahams is in good standing in the legal profession as a whole and is well respected by his peers within the entire legal fraternity, as well as amongst Judges, regional magistrates and magistrates before whom he has appeared and in general. I have first-hand experience of his incredible work ethic. Adv Abrahams has over the years also taken the initiative of transferring his exceptional legal forensic experience to colleagues within the NPA, those in the private sector and to other stakeholders, having embraced transformation and equity in his selfless mentoring quests.

Adv Abrahams is a highly experienced Counsel and an exceptional leader who has not only demonstrated his ability and versatility in the litigation of matters, but also in the manner in which he assisted with the daily management of the PCIU and the guidance and advice provided to key stakeholders in the management of investigations and the prosecution of extremely sensitive investigations.

As a senior officer of the Court, Adv Abrahams has been seen to be a person of integrity in his role as an administrator of justice. In this regard he administered justice impartially and independently, acting in the interest of the community. He executed his duties without fear, favour or prejudice. He always presented himself in a fair and transparent manner, and applied the law to any given situation in line with the Constitution, upholding human dignity and fundamental rights. In my experience and to my knowledge, Adv Abrahams, at all times upheld the values, ethos and responsibilities with which he has been entrusted.

Adv Abrahams is an expert on international cooperation in criminal matters having formally and informally rendered assistance to various countries, including, *inter alia*, the USA (nuclear and arms proliferation, terrorism), UK (London terror attacks and nuclear proliferation), Belgium (Rwandan Genocide and crimes against humanity), Malawi (treason and conspiracy to murder the President), Switzerland (nuclear proliferation), Germany (Nuclear proliferation), the Czech Republic (arms proliferation and money laundering), Australia (crimes against humanity), the Russian Federation (fraud), and Nigeria (terrorism, money laundering and arms proliferation). He has also drafted and submitted various letters of requests for mutual legal assistance to *inter alia* Malaysia (nuclear proliferation), Nigeria (terrorism and money laundering), Spain (nuclear proliferation), France (nuclear proliferation), Germany (nuclear proliferation), Switzerland (nuclear proliferation), Zimbabwe (mercenary activity), US (terrorism and nuclear proliferation) and UK (nuclear proliferation), and has written numerous legal opinions on this topic.

Adv Abrahams has become an expert on terrorist, terror financing and related matters. He is accredited to having successfully prosecuted the only two terrorism related matters in contravention of the Protection of Constitutional Democracy Against Terrorism and related Activities Act, No 33 of 2004, one of which was a historical extra-territorial prosecution expounded on the international principle *aut dedere aut judicare* (extradite or prosecute). He has also represented the NPA on an Inter-Departmental Terrorism Working Group where he played leading roles as a local expert on, *inter alia*, legal issues, international cooperation, extraditions, money laundering, terror financing, freezing orders and confiscatory provisions during the United Nation's (UN) Counter-Terrorism Executive Directorate's (CTED) visit to South Africa during 2008 and the UN's Financial Action Task Force (FATF) visit. He also assisted with the drafting of formal responses to the aforementioned bodies setting out the Republic's legal and practical positions on the issues raised. During 2011 Adv Abrahams was invited by the US Attorney-General to present a keynote address on the international challenges in cooperating on terrorism matters. Due to other professional obligations he sadly had to decline the invitation.

Adv Abrahams has presented a paper at the International Criminal Tribunal of Rwanda (ICTR), representing the South African Government at a Forum between Offices of the Prosecutors of UN ad Hoc Tribunals and National Prosecuting Forums, titled "Challenges of cooperation in Africa: A South African Perspective", which focussed on the issues of complementarity, jurisdiction, mutual legal assistance, extraditions, witness protection, retributive justice, the role of NGO's and civil society and the TRC process. He has also presented papers to the Institute of Security Studies (ISS) at workshops on International Criminal law.

In recent years, Adv Abrahams was identified by the leadership of the National Prosecuting Authority to prosecute in a number of high profile matters which I refer to in an Annexure attached hereto.

It is for the aforementioned reasons that I am absolutely certain that Adv Abrahams has the necessary experience and excellence in forensic advocacy, conscientiousness, integrity and leadership skills to be appointed to any position to which he is nominated or to any status which he qualifies to be bestowed upon him.

I wish Adv Abrahams well.

Yours sincerely,

ANTON ACKERMANN SC

ANNEXURE

S v Henry Okah (Nigerian terrorism matter)

The accused, a Nigerian national, was convicted in the South Gauteng High Court on 21 January 2013 on thirteen (13) terrorism related charges. The accused was the leader of a rebel organisation known as the Movement for the Emancipation of the Niger Delta ("MEND"). The charges emanated from the accused's leading role in masterminding the bombings in Warri, Nigeria on 15 March 2010 and the Nigerian Federal Government's 50th Independence Day anniversary celebrations at Eagle Square, Abuja, Nigeria on 1 October 2010. The accused was later sentenced to serve an effective 24 years imprisonment. The accused was dissatisfied at what he believed to be the alleged discriminatory sharing of oil revenues as extracted from the Niger Delta region to the detriment of the people of that region and the failure by the Nigerian federal Government to return the land to its people.

The trial was a historical prosecution on the principle *aut dedere aut judicare*. Approximately twenty-eight (28) witnesses were flown in from Nigeria, seven (7) of which were placed in Witness Protection in South Africa during the trial. Two (2) reportable judgments were delivered by the trial Court, namely on the conviction of the accused by the trial Court and in respect of the trial Court's refusal to note special entries of irregularities in terms of section 317 of Act 51 of 1977. The unreported written judgment on the accused's unsuccessful bail appeal has since been referred to and relied upon in other cases.

Adv Abrahams received commendations from the trial Judge as well as from the Nigerian and South African Governments. In a publication, the ISS described this prosecution as a victory for Africa in the fight against terror.

S v Kiratzidis & Another (Phalaborwa terrorism matter)

The two accused were convicted during December 2012 in the Circuit Local Division of the Northern Circuit District, sitting in Phalaborwa by the Deputy Judge President of the North Gauteng Provincial Division on charges of conspiracy to engage in terrorist activities. The accused were incensed at the death of former AWB leader, Eugene Terre 'Blanche at the hands of black people and the song "kill the Boer, kill the Farmer" as sung by Julius Malema and planned to commit random acts of terror against members of the African National Congress ("ANC") residing in the black neighbourhoods of Phalaborwa. Accused 1 was sentenced to serve an effective 12 years imprisonment whilst accused 2 was sentenced to serve 5 years imprisonment.

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S v Trollip & Others (Mangaung treason matter)

The four(4) accused were arrested on charges of high treason and conspiracy to engage in terrorist activities which emanated from their elaborate plan to kill the President of the Republic and senior Cabinet Ministers at the ANC's elective conference on 16 December 2012, Mangaung, with the use of mortar bombs and high calibre automatic machine guns. At extremely short notice, Adv Abrahams was requested by the leadership of the NPA to prosecute the bail application before the Chief Magistrate, Bloemfontein, which was successfully opposed in respect of three (3) of the accused. Two (2) of the accused have since unsuccessfully appealed to the Free State High Court. Two (2) reportable judgments have been written in this regard.

S v Kazongo & 19 Others (DRC coup plot)

The accused, of which eighteen (18) are nationals from the Democratic of Republic ("DRC") and one (1) a naturalised US citizen were arrested in an undercover operation for recruiting mercenaries and for receiving military training in South Africa with the aim of overthrowing the DRC government. Adv Abrahams successfully opposed the bail application of all the accused in the Pretoria Regional Court.

S v Uriwani & 5 Others (Conspiracy to murder a former Rwandan General)

The accused, who are all foreign nationals, are presently on trial in the Johannesburg Regional Court on charges relating to the attempted murder of a former Rwandan General who was shot in a failed attempted assassination in his driveway of his residence in Johannesburg during June 2010. At the time of his shooting, the complainant enjoyed asylum in the Republic. The extradition of the complainant was sought by Rwanda (on terrorism charges), France and Spain (on charges of crimes against humanity and genocide). The presence of the complainant and the Republic and the subsequent prosecution of the accused resulted in what can only be described as a diplomatic feud between South Africa and Rwanda which has only recently been resolved. The trial is nearing its conclusion.

S v Geiges and Wisser (Nuclear proliferation)

The accused, a Swiss and German national, were convicted in the North Gauteng High Court for their respective roles in the manufacture of a weapons grade uranium enrichment plant in South Africa which would have enabled Libya to produce nuclear weapons.

S v Mustafah Mohamed (possession of items related to the engagement in terrorist activities)

The accused was the founder member of an organisation known as the Imam Haroon Brigade ("IHB"), an Islamic organisation aligned to Al Qaeda. The IHB were dissatisfied with the alleged capitalist democratic economic policy of the South African Government and believed that the aforementioned policy was implemented to the detriment of the people of the Republic of South Africa. As a result the accused experimented with the manufacturing of explosives with the intent to engage in terrorist activities. As a result of a search and seizure operation conducted at his residence, the police seized chemicals and instructions for use in the manufacturing of self-made improvised explosive devices known as Triacetone Triperoxide (TATP). Although the accused challenged the lawfulness of his search and seizure the Supreme Court of Appeal later confirmed the correctness thereof. The accused eventually pleaded guilty in the Wynberg Regional Court to a charge of possessing items to be used in the engagement of terrorist activities. Adv Abrahams also provided legal advice to the Senior Counsels appointed by the police to oppose the accused's challenge to the search and seizure.

S v Visagie & another (possession of self-made firearms)

The accused is a leader of an extremist right-wing organisation known as the *Geloftevolk Republikeine*. The organisation is intent on fighting at all costs for an independent homeland for the Boer nation. The accused has been prosecuted in the Kimberley Regional Court on charges of unlawful possession of self-made shotguns and large quantities of ammunition without having the prerequisite licence or permit to possess same. Judgement is awaited therein.

S v Eugene Terre'Blanche (Terrorism)

The accused was the leader of the AWB, an extremist right-wing organisation. Prior to the inaugural democratic elections of 1994, the accused directed members of the AWB to commit acts of terror in an attempt to destabilise the country. In the face of overwhelming evidence against him, the accused pleaded guilty to five (5) counts of terrorism in the Potchefstroom Regional Court.

SALUTATIONS

SHAUN KEVIN ABRAHAMS

The writer is Johann Engelbrecht SC who received his letter of patent on the 16th November 1994 signed by President Nelson Mandela. The writer has practised as an advocate since 1984. With due regard to the onus resting on me as a senior advocate of the High Court of South Africa it is my pleasure to record the following observations regarding the above-mentioned.

I have known the above-mentioned for several years and came to know him very well when he appeared on behalf of the State in the Kiratzidis-matter and I represented accused number three. This was a high profile case where racism came to the fore-front by reason of the attitude of accused number one and accused number two during the commission of the crime.

The above-named handled the presentation of the evidence very well and presented the evidence in such a way that nobody present felt aggrieved without detracting from his obligation to present the State case as complete as possible and ensuring that justice is done. This he could achieve because of his friendly disposition, fairness and objectivity. I had occasion to observe him handling the media as well as aggressive spectators. He came through with flying colours. This satisfies me that the above-named can take control of the office of the Special Director of Public Prosecutions and Head: Priority Crimes Litigation Unit.

The above-named's honesty and integrity is beyond question. This was clearly exhibited during not only the bail application but the trial. He had no hesitation in discovering, as he should do, favourable information for the defence. It must be recorded that after my client had been sentenced and the matter post-poned for sentencing proceedings of accused number one and two, I invited the above-named to join us for lunch. He expressed appreciation of the gesture but declined the invitation because the sentencing proceedings against accused number one and accused number two were still pending. The parents of my client expressed their appreciation for the honesty of the above-named to me and I conveyed same to the above-named.

During the trial intricate matters regarding the admissibility of evidence surfaced and the above-named showed a sound knowledge of not only of the Criminal Procedural aspects but also of the Law of Evidence. I as ad hoc lecturer at the University of Pretoria in Criminal Procedure and Law of Evidence was impressed with the above-named's knowledge of the topics and his research and presentation of argument.

The above-named demonstrated his sound knowledge of the administrative law when the SCA declared the appointment of the NDPP irregular and set it aside.

Without fear for contradiction taking into account my years of experience I categorically state that the above-named was fully and adequately prepared for the presentation of his case not only on the facts but also on the law. As I record the evidence digitally I had plenty of time to observe the above-named during the presentation of his case and to me it was clear that he was not manuscript bound (he did not constantly refer to his statements) when leading the evidence. This satisfied me that the above-named had a sound knowledge of the content of his statements and my opinion was confirmed by the fact that I also had copies of the statements.

As we all stayed at Phalaborwa though in different venues I could detect no irresponsible behaviour on the part of the above-named after court hours. I have a wide friends circle at Phalaborwa and no untoward conduct was reported to me by my friends.

I have no hesitation in stating that the above-named's personality character, ability to appear in court, his knowledge of the law makes him a suitable candidate for the above-mentioned position as well as the awarding of senior status. When making the last statement I place on record that I have frequently sat on the panel evaluating applicants for senior status. The above-named qualifies for the awarding of senior status should he have been a member of the Pretoria Society of Advocates.

I will gladly answer any further questions if required to do so and can be contacted at 082 568 1605.

ADV JOHANN ENGELBRECHT SC

ADV J.L.G J VAN VUUREN SC

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19 July 2013

TO WHOM IT MAY CONCERN

RE: TESTIMONIAL – ADV SHAUN ABRAHAMS

1. I have known Adv Shaun Abrahams for the past 3½ years arising from three criminal matters in which he conducted the criminal prosecutions on behalf of the State and in which cases I appeared for the Defence: -

1.1. S v Henry Okah: -

1.1.1. I took this matter over from the Accused's previous attorneys who handled the bail application on behalf of the Accused in the Regional Court, Johannesburg. The bail application carried on for a lengthy period of time. The Accused allegedly was the mastermind behind bombings which occurred in Nigeria which he orchestrated from South Africa. These bombings killed several people and also injured a number of Nigerian citizens.

1.1.2. I was instructed to consider bringing a new bail application based on new facts and for this purpose I had to read the entire case record running over 1,000 pages. From my reading of the record, I gathered that Adv Abrahams conducted the State's opposition to the bail application with great vigour and skill.

1.1.3. The eventual trial lasted for several weeks in the High Court, Johannesburg before Claassen J. I took an interest in the case as I was intermittently requested to advise on the strategy to be followed and eventually when the Accused was convicted and sentenced to an effective period of 25 years on the prospects of success in the appeal.

1.1.4. I know that Adv Abrahams had to travel to Nigeria to consult witnesses. The matter had a political angle to it as it concerned an organisation called MEND and I am aware of the fact that witnesses were also called to deal with certain political ideologies.

1.1.5. From a reading of the cross-examination of Oka in the bail application I can safely say that Adv Abrahams was well-prepared and due to his thorough cross-examination the Magistrate, Mr Louw, made a credibility finding against the Accused and refused him bail.

1.2. S v H D Sefu and P Kanyandekwe and Others: -

1.2.1. I initially appeared with Adv Venter from the Johannesburg Bar in this matter during the bail application. Adv Venter appeared in the trial on behalf of Kanyandekwe in the Regional Court.

1.2.2. The main witness in the case against the Accused deviated from his statements and from his version even during consultations with the State. Before cross-examination could commence, Adv Abrahams requested a postponement and consulted and advised his superiors that the State should stop the prosecution against the Accused, which was duly done.

1.2.3. I thought that his attitude and approach in this matter was commendable, clearly indicating sound judgment having regard to the saving of resources and more particularly that the Accused should not be subjected to a trial where

the outcome was obvious, saving them great legal expense.

1.3. S v Armani Uriwani and 5 Others: -

1.3.1. This matter commenced during June 2011 in the Regional Court, Johannesburg. I appear on behalf of Accused 6 (Kanyandekwe in this matter).

1.3.2. Like the previous matter, this case involves charges of conspiracy and attempted murder, as well as a charge under the Corruption Act and the Possession of Firearms and Ammunition Act.

1.3.3. The Accused alleged to have attempted to kill General Nyamwasa, a former General of the Rwandan Army who was residing in South Africa at the time of the assassination attempt.

1.3.4. The State case has lasted for several days. Adv Abrahams called a number of witnesses on behalf of the State. Trials within a trial in respect of certain of the Accused, as well as pointings out were held.

1.3.5. The matter also involved the leading of expert witnesses with regard to the capture and analysis of cellphone records which forms the cornerstone of the State case. The evidence in chief of one of these witnesses lasted for more than three days.

1.3.6. The cellphone records in respect of the Accused run into hundreds, if not thousands, of pages. It was clear to me that Adv Abrahams did a careful analysis of the various cellphone records, moreover he must have spent endless hours cross-referencing the various cellphone records to enable him to lead the main State witness in this respect and more particularly to be able to cross-examine the Accused thereon.

1.3.7. At this stage the case of Accused 1 to 5 has been closed, they all having elected to testify in their defence. My client (Accused 6) still has to give evidence and to be cross-examined. I can categorically state that the preparation, presentation and cross-examination of the Accused who testified (Accused 1, 3, 4 and 5) were extremely thoroughly done and Adv Abrahams needs to be commended therefor.

1.3.8. Due to the lengthy trial and even the fact that these Accused are all in custody, Adv Abrahams was prepared that we sit on Saturdays to finalise the matter. This has indeed been done on one occasion and he has agreed that we consider doing same again and for that matter the case has been postponed to the 26th of July 2013 in order for the necessary arrangement in this regard to be made.

2. I have been most impressed with the high work ethics shown by Adv Abrahams with regard to his profession. I have also observed that he has exceptional people skills. In this respect I have seen how he is able to interact with court stenographers, court personnel, police officers, colleagues employed by the State and Defence counsel.
3. I therefore recommend him for any position he should be appointed to within the sphere of the National Director of Public Prosecutions.

4. Conferment of Silk: -

- 4.1. The status of silk is a high honour conferred on a person by the State President.
- 4.2. With regard to the complexity of the matters assigned to Adv Abrahams, I am of the respectful view that he normally appears in complex matters and almost exclusively against senior practitioners.
- 4.3. With regard to the criterion of integrity and honourable conduct that his conduct in general and particular his attitude displayed in the matters I have discussed above is clearly indicative of his

integrity and honourable conduct required from a senior practitioner.

- 4.4. In my humble view, Adv Abrahams has the maturity of judgment required for a candidate to be recommended for the conferment of silk.
- 4.5. In my view Adv Abrahams has the necessary ability, leadership qualities, people skills and experience.
- 5. I know that his personal life is beyond reproach – he is also perceived to be a family man of note.
- 6. Moreover, he conducts the matters entrusted to him without fear or favour.
- 7. I therefore strongly support his application for the conferment of senior status.

Yours faithfully

J L C J VAN VUUREN SC

ADV. B C BREDENKAMP (SC)

083 2858528

25, 7th Avenue
Voëlklip
Hermanus

18 July 2013

To whom it may concern

I have known Shaun Abrahams for approximately 10 (ten) years.

I met him at the time when he represented the State in the matter of State v Wisser and Geiges which was a complicated case which related to the building of a centrifuge Uranium plant by the accused.

The charges were *inter alia* the contravention of the Non-Proliferation of Weapons of Mass Destruction Act, No. 87 of 1993 and the Nuclear Energy Act, No. 46 of 1999.

Shaun at all times conducted himself in a manner befitting of a senior advocate and his grasp of the rather intricate legislation was remarkable.

We once again crossed swords in the matter of the State v Kiralidis, Vorster and Louw. Shaun conducted this case on his own against two senior counsel and one very experienced senior/junior counsel.

His preparation and presentation of the case on behalf of the State was faultless.

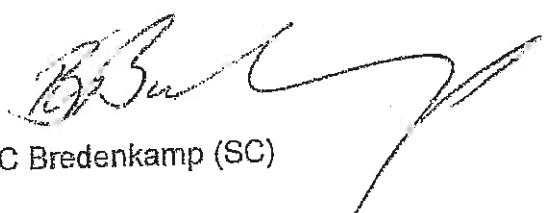
2.

In my opinion considering the complexity and nature of the cases which he handles with consummate ease he is qualified not just to be promoted but to be considered for senior status.

As far as I know his colleagues have a high regard for his abilities and work ethics and he has all the qualities that becomes senior counsel.

I have no hesitation in recommending Shaun in his application for promotion and senior status and wish him the best of luck.

Signed at Pretoria on this 18th day of July 2013.



B C Bredenkamp (SC)



REPUBLIC OF SOUTH AFRICA

REPUBLIC VAN SUID-AFRIKA

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THE MAGISTRATE
Private Bag X9011
PIETERMARITZBURG
5200
27 November 2001

To Whom It May Concern


Shaun Abrahams has been working with me as a prosecutor for the past year. During this period I have spent many hours working with him and am therefore in a position to give a detailed report regarding his professional conduct and abilities.

Mr Abrahams has proved himself to be a pleasant and hardworking person who always conducts himself in a professional manner. He treats both his peers and superiors with respect and courtesy. I have always found him to be above reproach and of tremendous assistance when called upon to render his input in any given situation.

Mr Abrahams is a confident decision maker who is never deterred by opposition and is well known for his ability to excel under pressure. His performance as a prosecutor serves as a constant reminder of his exceptional command of both substantive and procedural law. He is distinguished from his peers by his exceptional ability to interpret both legislation and legal precedent. His honest and impartial presentation of cases to the court is indicative of his objective and well-balanced approach and application of the law.

It is evident that this highly motivated and loyal individual will be a tremendous asset to any future employer.

I wish Mr Abrahams every success for the future.


A F VAN ROOYEN

MAGISTRATE / PIETERMARITZBURG

E A RUDDER

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Director of Public Prosecutions
Private Bag X9003
PIETERMARITZBURG
3200

TO WHOM IT MAY CONCERN

Sirs

RE : SHAUN ABRAHAMS

I have known Shaun Abrahams since 1 March 1995.

Shaun was studying his B-Iuris degree while working at the Director of Public Prosecutions office. In June 1996 he was promoted to Senior admin Clerk and in July 1997 promoted to Assistant Admin Clerk. On obtaining his degree he was transferred to the Magistrate Pietermaritzburg as a Prosecutor.

During the years I worked with Shaun he has never shown any hesitation to assist in whatever he was required to do. Although he was studying he never hesitated to work overtime when requested to do so.

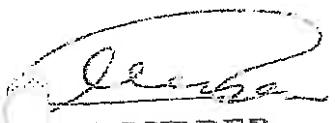
I have always experienced Shaun as an efficient and hardworking member of staff. He had to work under pressure which seemed to bring out the best in him as he discharged his duties in the most commendable manner despite such pressure.

Shaun is an intelligent, reliable, honest and diligent person. I know of no occasion that any complaints were leveled against his conduct as an employee or relating to his personal conduct towards colleagues or members of the public. He has at all times been a thorough gentleman.

2/...

Shaun's organizational skills are probably his strongest asset and I would not hesitate to recommend him for a job for which he is qualified.

Yours faithfully



E A RUDDER

ASST DIRECTOR ADMIN

**Office of the
National Director of Public
Prosecutions**



Victoria & Griffiths
Orange Building
Westlake Avenue
Wentworth Park
Silverton

P/Bag X752
Pretoria
0001
Tel: (012) 845-6000
Fax: (012) 804 9529
www.npa.gov.za

**MR. J.T. RADEBE, MP
MINISTER OF JUSTICE & CONSTITUTIONAL
DEVELOPMENT**

**SUBJECT: MEMORANDUM TO THE MINISTER IN
TERMS OF SECTION 13(3) OF THE NPA
ACT 32 OF 1998, AS AMENDED**

**SUBMISSION TO APPOINT ADV SHAUN
KEVIN ABRAHAMS AS THE ACTING HEAD
OF THE PRIORITY CRIMES LITIGATION
UNIT (PCLU)**

**DR. M.S. RAMAITE SC
ACTING NATIONAL DIRECTOR OF PUBLIC
PROSECUTIONS**



Office of the National Director of Public Prosecutions



The National Prosecuting Authority of South Africa
NATIONAL PROSECUTING AUTHORITY OF SOUTH AFRICA
KOMmissie vir Nasionale Oplegtingsaansake
COMMISSION FOR NATIONAL PROSECUTIONS
Die Nasionale Vervolgingsgesag van Suid-Afrika

MINISTRY FOR JUSTICE AND CONSTITUTIONAL DEVELOPMENT
CAPE TOWN
2013-03-14
CAPE TOWN
MINISTERIE VIR JUSTISIE EN STAATKUNDIGE ONTWIKKELING

2013-03-13
RECEIVED
MINISTERIE VIR JUSTISIE EN STAATKUNDIGE ONTWIKKELING

Victoria & Griffiths
Mxengo Building
123 Westlake Avenue
Weavind Park
Sibertown

Sag 7752
Pretoria
0001
Tel: (012) 645-6000
www.npa.gov.za

MINISTERIAL MEMORANDUM

TO: MR. J.T. RADEBE, MP
MINISTER OF JUSTICE & CONSTITUTIONAL DEVELOPMENT

FROM: DR. M.S. RAMAITE, SC
ACTING NATIONAL DIRECTOR OF PUBLIC PROSECUTIONS

SUBJECT: MEMORANDUM TO THE MINISTER IN TERMS OF SECTION 13(3) OF THE NATIONAL PROSECUTING ACT, NO 32 OF 1998, AS AMENDED

SUBMISSION TO APPOINT ADV SHAUN KEVIN ABRAHAMS AS THE ACTING HEAD OF THE PRIORITY CRIMES LITIGATION UNIT (PCLU)

DATE: 22 FEBRUARY 2013

1. PURPOSE OF MEMORANDUM

The purpose of this memorandum is to request the Honourable Minister to appoint Adv Shaun Kevin Abrahams as the Acting Head of the Priority Crimes Litigation Unit (PCLU).

2. BACKGROUND

2.1 The PCLU was established by Presidential Proclamation on 24 March 2003 and has been mandated by the President of the Republic to manage investigations and conduct all prosecutions



which impact on the security of the Republic of South Africa, both nationally and internationally. This, *inter alia*, includes contraventions of the following laws:

- 2.1.1 Implementation of the Rome Statute of the International Criminal Court Act, No 27 of 2002 (i.e. Crimes against humanity, genocide and war crime);
 - 2.1.2 High Treason;
 - 2.1.3 Sedition;
 - 2.1.4 Protection of Constitutional Democracy Against Terrorist and related Activities Act, No 33 of 2004;
 - 2.1.5 Regulation of Foreign Military Assistance Act No 15 of 1998;
 - 2.1.6 Non-Proliferation of Weapons of Mass Destruction Act, No 87 of 1993;
 - 2.1.7 Nuclear Energy Act, No 46 of 1999;
 - 2.1.8 National Nuclear Regulator Act, No 49 of 1999;
 - 2.1.9 National Conventional Arms Control Act, No 41 of 2002;
 - 2.1.10 Protection of Information Act, No 84 of 1982;
 - 2.1.11 Intelligence Services Act, No 65 of 2002;
 - 2.1.12 The Second Criminal Law Amendment Act, No 126 of 1992, and;
 - 2.1.13 Any other priority crimes as determined by the National Director.
- 2.2 The PCLU is situated in the office of the National Director of Public Prosecutions and falls within the National Specialised Services Division.
 - 2.3 Advocate AR Ackermann SC, a Special Director of Public Prosecutions, has been the Head of the PCLU since its inception.
 - 2.4 Adv Ackermann requested the President of the Republic of South Africa to release him from his responsibilities due to ill health.

- 2.5 On 21 February 2013, the President acceded to Adv Ackermann's request and has released him from his duties with effect from 26 February 2013.
- 2.6 As a result, the PCLU will be without a head to manage the unit's affairs from 1 March 2013.
- 2.7 In order for the PCLU to function optimally, I deem it absolutely imperative that an Acting Head be appointed until such time that a permanent Head has been appointed to manage the PCLU's affairs.

3. THE NATIONAL PROSECUTING AUTHORITY ACT, NO 32 OF 1998

- 3.1 Adv Ackermann was appointed as a Special Director of Public Prosecutions in terms of section 13(1)(c) of Act 32 of 1998.
- 3.2 In terms of section 13(2), the Minister shall as soon as possible thereafter appoint another person as a Special Director and Head of the PCLU.
- 3.3 While the appointment of the new Special Director and Head of the PCLU is pending, the Minister may in terms of section 13(3) of Act 32 of 1998, after consultation with the National Director, appoint an acting Special Director to discharge the duties of the Special Director.
- 3.4 In terms of the section 13(3), the aforementioned acting appointment should be made from the ranks of Deputy Directors or persons who qualify to be appointed as Deputy Director as contemplated in section 15(2) of Act 32 of 1998.
- 3.5 Section 15(2) makes provision for the appointment of a Deputy Director in the following instances:
 - (a) Where the person has the right of admission to appear in the High Court, and;
 - (b) Where the person possess such experience which in the opinion of the Minister renders him or her suitable to be appointment as a Deputy Director.
- 3.6 It is submitted that Adv Abrahams qualifies to be appointed as a Deputy Director and as such as the acting Director of the PCLU.

4. RECOMMENDATION AS ACTING HEAD: PCLU

4.1 I recommend that the Honourable Minister appoints Adv Shaun Kevin Abrahams, as Acting Head of the PCLU until such time that a new permanent Head for the unit has been appointed.

4.2 Adv Abrahams is a highly experienced Counsel and an exceptional leader who has not only demonstrated his ability and versatility in the litigation of matters, but also in the manner in which he has assisted with the day-to-day management of the PCLU and the guidance and advice given to key stakeholders in the management and prosecution of extremely sensitive investigations.

4.3 In recent years, Adv Abrahams has been identified by the NPA leadership to, *inter alia*, prosecute in the following high profile matters:

4.3.1 S v Henry Okah

(a) The accused, a Nigerian national was convicted in the South Gauteng High Court on 21 January 2013 on thirteen (13) terrorism related charges in contravention of the Protection of Constitutional Democracy Against Terrorist and Related Activities Act, No 33 of 2004.

(b) The accused was the leader of a rebel organisation known as the Movement of the Emancipation of the Niger Delta ("MEND"). The charges emanated from the accused's leading role in masterminding the bombings in Warri, Nigeria on 15 March 2010 and the Independence Day celebration bombings at Eagle Square, Abuja, Nigeria on 1 October 2010 for which MEND took responsibility.

(c) The trial was a test case in the history of our law on the principle of *aut dedere aut judicare* (i.e. extradite or prosecute) expounded in United Nations' Security Council Resolution 1373/2001, which is binding on all Member States. Although the crimes were committed in Nigeria, the accused was arrested and prosecuted in the Republic. The accused is expected to be sentenced on 28 February 2013.

4.3.2 S v Trollip & Others (Mangaung matter)

(a) The accused, extreme right-wingers, are facing charges of High treason and conspiracy to engage in terrorism activities which emanate from their

intention to attack the African National Congress ("ANC") Elective Conference on 16 December 2012 in Mangaung.

- (b) The accused had planned to kill the leadership of the ANC, which included the President of the Republic, Deputy President and senior Cabinet Ministers, by using mortar bombs and high calibre automatic machine guns.

4.3.3 S v Kazongo & 19 Others (DRC matter)

The accused, of which eighteen (18) are Democratic of Congo ("DRC") nationals and one (1) a naturalised American citizen, are facing charges of contravening the Regulation of Foreign Military Assistance Act for recruiting mercenaries and for receiving military training in South Africa with the aim of overthrowing the DRC government.

4.3.4 S v Kiratzidis & Another

- (a) The two accused were convicted on 10 December 2012 in the Circuit Local Division of the Northern Circuit District, North Gauteng High Court on charges of, *inter alia*, conspiring to engage in terrorist activities by committing random acts of terror against members of the ANC residing in the townships of Phalaborwa.

- (b) The accused will be sentenced in April 2013.

4.3.5 S v Uriwani & 5 Others (Rwandan matter)

The accused, Tanzanian, Ugandan and Rwandan nationals, are presently on trial in the Johannesburg Regional Court for the attempted murder of former Rwandan General Kayumba Nyamwasa who was shot in a failed attempted assassination in his driveway on 19 June 2010 in Atholl-Oakland Road, Melrose. The trial is expected to be finalised during May 2013.

4.3.6 S v Gelges & Wisser (Nuclear case)

The accused, a Swiss and German national, were convicted in the North Gauteng High Court for their respective roles in the manufacturing of a weapons grade uranium enrichment plant which would have enabled Libya to produce nuclear weapons.

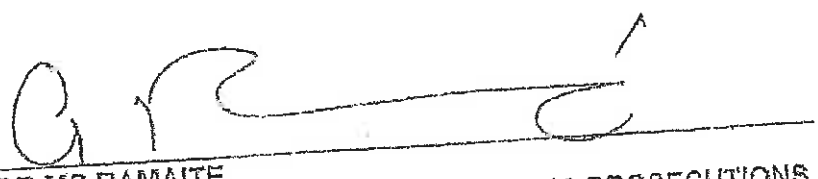
- 4.4 Adv Abrahams also led evidence in numerous mutual legal assistance matters including the London Bombings, which assisted the British government with their investigations into the matter.
- 4.5 Adv Abrahams, had also been entrusted by the former National Director of Public Prosecutions, to decide on whether senior members of the NPA should be prosecuted or not in criminal related matters.
- 4.6 I have been advised by Adv Ackermann SC that he has known Adv Abrahams for the last ten (10) years and when the PCLU was established in 2003, he immediately identified him as a suitable candidate to join his office, having previously been alluded to Adv Abrahams knowledge of the law and litigation competence.
- 4.7 Adv Ackermann SC has further advised me that Adv Abrahams:
- 4.7.1 Has been the most outstanding prosecutor in his office over the years and as such most of the high profile cases were allocated to him for prosecution;
 - 4.7.2 Has proven to have a sound knowledge of the law and has written many opinions which confirmed his ability to easily assimilate facts and apply them to the law.
 - 4.7.3 Has regularly been tasked by various National and/or Acting national Directors of Public Prosecutions with extremely sensitive and complex matters as a result of his aforementioned abilities;
 - 4.7.4 Is on merit alone, the best candidate for the position.
- 4.8 Adv Abrahams is in good standing with the NPA and within the legal profession as a whole.
- 4.9 Adv Abrahams has an incredible work ethic Adv Abrahams and has also taken the initiative by imparting his legal forensic experience and knowledge to colleagues in the NPA and to stakeholders.
- 4.10 Adv Abrahams is not only well respected amongst his peers, but also within the entire legal fraternity, amongst judges, regional magistrates and magistrates before whom he has appeared and in general.

- 4.11 Adv Abrahams executed his duties with the utmost integrity and due regard for the rule of law and the proper administration of justice.
- 4.12 I am satisfied that Adv Abrahams possesses the necessary experience and is a fit and proper person to be appointed as Acting Head of the PCLU.

5. CONCLUSION

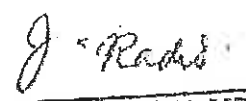
- 5.1 I have known Adv Abrahams since 2004 and I share Adv Ackermann SC's views in regard to Adv Abrahams. As such, I recommend that Adv Abrahams be appointed Acting Head of the PCLU.
- 5.2 I request the Honourable Minister to appoint Adv Shaun Kevin Abrahams as the Acting Head of the Priority Crimes Litigation Unit in terms of the provisions of section 13(3) of the National Prosecuting Authority Act, No 32 of 1998, with effect from 1 March 2013.

Yours sincerely



DR MS RAMAITE
ACTING NATIONAL DIRECTOR OF PUBLIC PROSECUTIONS
DATE: 11/03/2013

~~RECOMMENDED/NOT RECOMMENDED~~



MR JT RADEBE, MP
MINISTER OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT
DATE: 14/03/13

Shaun S.K. Abrahams

From: Internal Communication
Sent: 09 April 2013 12:23 PM
To: All NPA Users
Subject: Appointment of Adv Shaun Abrahams as the Acting Head: PCLU

-- NPA BULLETIN --

ALL NPA EMPLOYEES

Colleagues,

Appointment of Adv Shaun Kevin Abrahams as the Acting Head: Priority Crimes Litigation Unit

You are informed that the Minister of Justice & Constitutional Development, Mr. Jeff Radebe, has appointed Adv Shaun Kevin Abrahams as the Acting Head: Priority Crimes Litigation Unit in the office of the National Director of Public Prosecutions with effect from 1 March 2013.

Adv Abrahams will act in this position until further notice or until the vacant post is filled.

We wish him all the best in this role and urge all of you to offer him your support and co-operation.

Regards,

Done on behalf of:
Themba Mngcobo Jiba
National Director of Public Prosecutions

Delivered to you by Internal Communication



MINISTER
JUSTICE AND CONSTITUTIONAL DEVELOPMENT
REPUBLIC OF SOUTH AFRICA

Private Bag X 279, Pretoria, 0001, Tel: (012) 319 4100; Fax: 012 419 4650
Private Bag X 286, Cape Town, 8000, Tel: (021) 457 1700; Fax: (021) 457 6700

Adv. S Abrahams
Acting Special Director:
The Priority Crimes Litigation Unit
National Prosecuting Authority
Private Bag X 752
PRETORIA
0001

Dear Adv. Abrahams

RE: APPOINTMENT AS ACTING SPECIAL DIRECTOR: PCLU

1. As you are aware, Mr JT Radebe, MP, the former Minister of Justice and Constitutional Development, on 6 August 2013, appointed you as Acting Special Director and Acting Head of the Priority Crimes Litigation Unit (PCLU) until a permanent appointment is made/ or until further notice.

2. I have been informed by Mr M Nxasana, the National Director of Public Prosecutions, that after due consideration and following a revision of the organisational structure of the NPA, it is no longer necessary for a Special Director of Public Prosecutions to Head the Priority Crimes Litigation Unit. I am in agreement and have therefore decided to withdraw your appointment as Acting Special Director: PCLU with effect from 1 August 2014.



3. Please accept my appreciation for your contributions and leadership during this period.

Kind regards

A handwritten signature in black ink, appearing to read 'Tim Masutha'.

TIM MASUTHA, MP (ADV)
MINISTER OF JUSTICE AND CORRECTIONAL SERVICES
DATE 16.07.2014



Certificate

Of

Appreciation

AWARDED TO

Abrahams Shaun Kevin

ID NO: 760319 5126 085

In recognition of
**Excellence in Prosecution of Crimes that
Impact on the Security of the Country**

For 2012/13

Signature
Ms. Mxolisi Mxasana
National Director of
Public Prosecutions.

Signature
Adv. Karen van Rensburg
Chief Executive Officer.





Certificate

Of

Appreciation

AWARDED TO

Abrahams Shaun Kevin

ID NO: 721017 0070 058

In recognition of
Best Specialist Prosecutor

For 2012/13

Signature
Mr. Mxolisi Nxosana
National Director of
Public Prosecutions.

Signature
Adv. Karen van Rensburg
Chief Executive Officer.



DIPLO

www.diplomacy.edu

Online Course Certificate

This is to certify that

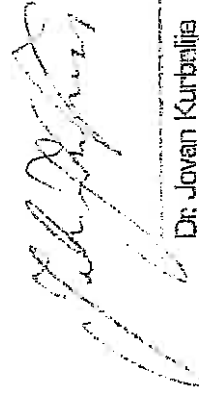
Saharun Zahrahman

participated in the following course:

**GLOBAL NORMS AGAINST TERRORISM AT WORK:
GETTING INTERNATIONAL LAW IN MOTION**

Offered by the United Nations Office on Drugs and Crime and DiploFoundation

DiploFoundation
Malta, July 15, 2009.

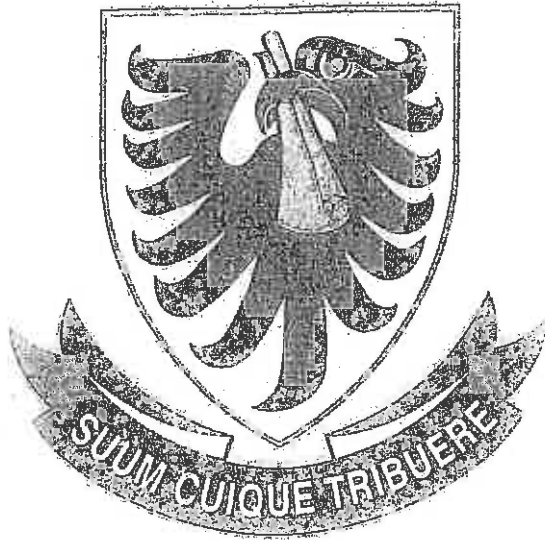


Dr. Jovan Kurbalija
DiploFoundation Director

014

J20

*Justice
College*



*Justisie-
Kollege*

IT IS HEREBY CERTIFIED THAT

S K ABRAHAMS

attended a

BASIC HUMAN RIGHTS COURSE

held at Durban

from 1999-04-21 to 1999-04-23

CHIEF : JUSTICE COLLEGE

1999-04-28

DEPARTMENT OF JUSTICE

This is to certify that

Abraham S

has successfully completed

Windows 95 and WordPerfect 8
Basic

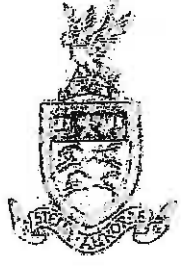
3-05-99

1999-07-14

Date

William J
Signat

SCHOOL OF LAW
UNIVERSITY OF NATAL
PIETERMARITZBURG



COMMUNITY SERVICE
CERTIFICATE

THIS IS TO CERTIFY

Sharon Abrahams

has participated in the School of Law
Community Service Programme for 2000

[Handwritten Signature]
Head of School

9 November 2000

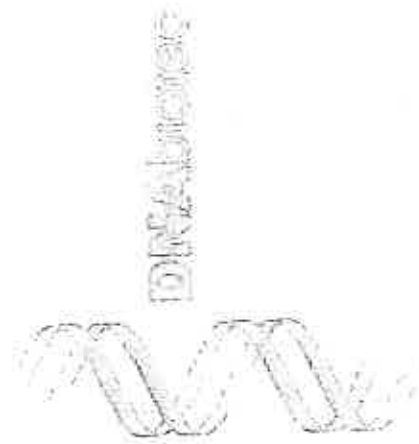
Certificate of Attendance

Essential DNA Evidence Short Course

It is hereby certified that

Shaun Abrahams

*Attended the above course on Thursday 13 June 2002
Presented at the Justice College, Pretoria*



13/06/2002

Date

H. Olickers

Prof A Olickers
CEO: DNAbiotech



President's Instructions No. 263

CONDITIONS OF SERVICE AND SERVICE BENEFITS OF NATIONAL DIRECTOR OF PUBLIC PROSECUTIONS IN TERMS OF SECTION 17(1) OF NATIONAL PROSECUTING AUTHORITY ACT, 1998 (ACT NO. 52 OF 1998)

In terms of section 17(1) read with section 17(2) of the National Prosecuting Authority Act, 1998 (Act No. 52 of 1998), I hereby determine the remuneration and other terms and conditions of service and service benefits of the National Director of Public Prosecutions as follows:

(a) Remuneration:

A total remuneration package of a National Director of Public Prosecutions (National Director) shall be equal to that of a Judge of the Supreme Court of Appeal as determined from time to time in terms of section 2(1) of the Judges' Remuneration and Conditions of Employment Act, 2001 (Act No. 47 of 2001). The total remuneration package shall consist of -

- (i) a basic salary component of 70%;
- (ii) the State's contribution to the Government Employees Pension Fund as calculated on the basic salary;
- (iii) a flexible portion structured in terms of the rules for the structuring of the flexible portion as set out in Chapter 3, read with Chapter 8, of the Handbook for the Senior Management Service.

(b) Leave:

All conditions of service pertaining to leave, including, normal sick leave, parental leave, family responsibility leave, special leave and unpaid leave, shall be regulated in accordance with the official Leave Policy of the National Prosecuting Authority read with section 17(2) of the National Prosecuting Authority Act, 1998.

(c) Motor vehicle

The National Director may be allocated a motor vehicle for official and private use -

(a) on such conditions as are applicable to a judge of the High Court in terms of section 12 of the Judges Remuneration and Conditions of Employment Act, 2001 (Act No. 41 of 2001);

or

(b) on such conditions as may be determined by the Minister after consultation with the National Director and the Director-General, Department of Justice and Constitutional Development.

(d) Security clearance

The employment of the National Director is subject to the obtaining of a top-secret security clearance.

Given under my Hand and the Seal of the Republic of South Africa at Pretoria this 28 day of October Two thousand and Fifteen.



[Signature]
Minister of the Cabinet

NDPP INTERVIEW GUIDE NOTES

1. Family background.

Applicant shared with us his family upbringing in the various places where they resided before settling in Pietermaritzburg.

2. Verification of each qualification.

Traversed all the qualifications set out in the Applicants CV and confirmed same.

3. Work Experience:

- a. Litigation which he has conducted either alone or as part of a team;
- b. Investigations conducted either alone or part of a team;
- c. Financial Management experience;
- d. Audit Reports and interaction with office of A-G;
- e. Managerial Experience at different levels;
- f. Managerial Experience in different Departments and Institutions;
- g. Knowledge of systems in bringing about efficiency and controls;
- h. International experience;
- i. Experience in compiling reports and engaging with stakeholders;
- j. Perception of management challenges which have bedevilled the institution;
- k. Views on political oversight in the institution.

Applicant took us through his work experiences and investigations, commencing with his duties in the Pietermaritzburg courts. The litigation

set out in his CV was traversed at great length and his roles, responsibilities and experiences relating thereto were discussed.

The Applicant also commented on his financial management experience, interaction with the office of the Auditor-General, general management experience both individually and as part of a team; his interaction with international institutions and organisations and the sensitivity required when dealing with certain cases; his interaction with DIRCO, SARS, Presidency and the Justice Ministry in general; his knowledge of the management of the NPA was incisive as well as some of the strategies which could be employed in turning the institution around; he expressed his views on political oversight of the Department of Justice in general and the need to maintain independence.

4. Personal circumstances:

a. Criminal convictions;

None

b. Disciplinary enquiries, past and present;

None

c. Any judgements or adverse financial decisions past and present;

None

d. Any claims by or against the State;

None

5. Any other disclosure which may impact on the consideration of the candidate as suitable for the position.

None, save to say that the Applicant displayed a passion and a drive to work collectively in ensuring that the work ethic, confidence and integrity of the NPA is upheld at all times. The Applicant gave his consent to been screened for a Security Clearance Certificate and advised that he had been subjected

to such a process before because of the nature of the work he had been engaged with.

STATEMENT OF REASONS(NDDP)

The following factors were taken into consideration;

1. The impact on the NPA as an institution and its ability to discharge its mandate, as well as any adverse effects, caused by the fact of a vacancy of its NDDP;
2. The public confidence in the integrity of the NPA as well of the duty of care which must be exercised;
3. The accountability of government as a whole to uphold the Constitution and in particular the Rule of Law;
4. The NPA Act, in particular Chapter 12 and the Constitution of the Republic of South Africa regarding the requisite appointments;
5. The interview conducted with the shortlisted Applicant at Genadendal, Cape Town.
6. All the documents filed of record herewith, receiving advice thereon and consultations with affected stakeholders.