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Zondo Commission – businessman Thoshan Panday's dodgy connections with Saps

Former KwaZulu-Natal police commissioner Mmamonye Ngobeni received so much protection from members of the South African Police Service (Saps) and the National Prosecuting Authority (NPA) that a corruption case that implicated her was swept under the carpet. This was the evidence of former Hawks investigator Colonel Johannes van Loggerenberg, who took the witness stand before the commission of inquiry into state capture on Wednesday.

An NPA official, Advocate Abram Letsholo, went as far as accusing Van Loggerenberg's team of obtaining evidence by illegal means, essentially killing the case on technical terms.

Ngobeni at some point faced allegations of receiving benefits from controversial businessman Thoshan Panday in return for Saps contracts worth millions of rands. One of these was a surprise birthday party thrown in 2010 for her husband, a brigadier with Saps, at Panday's expense.

According to Van Loggerenberg, several cases linked to Panday also showed deep seeded corruption within the police's procurement structures in the province, but were subject to a lot of interference all the way to the NPA. When Van Loggerenberg and his colleagues uncovered allegations of corruption within the supply chain management (SCM) unit of the provincial Saps in early 2010, they pursued an inquiry so as not to raise alarm. Among those who knew of the initial probe was former provincial Hawks head Johan Booysen, who would later be ordered by Ngobeni to drop it. But the team proceeded, despite giving Ngobeni the impression that they had abandoned the investigation, and later learned that Panday's connection within Saps were colonels Navin Madhoe and Ashwin Narainpersad, who both worked in the SCM unit.

Among their findings were cases of grossly inflated invoices for services provided by Panday's companies in relation to the accommodation of Saps officials from other provinces who were trained for different functions in preparation for the 2010 world cup.

Once Letsholo got hold of the docket for the fraud and corruption case against Panday involving the inflated invoices, he gave a legal opinion that the investigators' choice of invoking Act 70 measures to get evidence was illegal and improper. Act 70 involves investigators in criminal cases getting permission from a judge to intercept phone calls of identified suspects in order to gain information on the case. Van Loggerenberg asserted on Wednesday, however, that the only instance in which the Act 70 measure applied was when he started getting tipoffs that Panday wanted to kill him, and wanted to record the phone calls through which these were made. At the time of Letsholo's studying of the docket, the matter of Act 70 had not even been included, as it did not form part of the investigation, said Van Loggerenberg. He believes that Letsholo was inspired by presentations made by Panday's legal representatives on the matter, where he told the advocate that his phone was intercepted solely for rogue reasons.

The advocate persisted, however, despite confirmation from the investigators that this was untrue, and his legal opinion led to the decision later by then provincial NPA head advocate Moipone Noko to not prosecute Panday. Van Loggerenberg believes that this was a mere smokescreen however, to enable the officials to protect Ngobeni.

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