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### **Zondo Commission – Panday called in Zuma assistance when the trap tightened**

A mutual friend of former KwaZulu-Natal Hawks head Johan Booyesen and Edward Zuma attempted to get the latter's father, former president Jacob Zuma, to intervene during a tense period when Booyesen was investigating an apparent business associate of Edward's, Thoshan Panday, in 2010. Booyesen began testifying before the commission of inquiry into state capture on Wednesday.

Following some reassurance from then national police commissioner Bheki Cele, who was concerned with the interference into the investigation by Booyesen's team into an irregular relationship between Panday and the province's police head office, the probe gained traction.

The Hawks obtained search and seizure warrants for Panday's home and business, and for the homes of two senior police officials implicated along with him, Navin Madhoe and Aswin Narainpersad, both of whom worked in the supply chain management unit of the police. The two officials were alleged to be facilitators of irregular payments amounting to millions to Panday's company, Gold Coast Trading, that were linked to the 2010 world cup. Gold Coast was claiming for work done for the provincial police head office, but grossly inflating the charges to bolster its income. Although there was progress in the case, there were also information leaks.

One such leak occurred on the day of the searches, pre-arranged to take place simultaneously to catch all suspects off-guard. Despite this, Panday must have learned of the trouble coming, because he was not at his Umhlanga Rocks home when the investigators arrived. When he was called, he claimed to be in Newcastle, some three hours away, but availed himself in a matter of 30 minutes when investigators insisted on waiting.

Documents and files were seized during the operation, including a copy of the investigation progress report given to Booyesen during the initial stages, by investigator Vassen Subramoney. Booyesen had made only two copies available, one to provincial commissioner Mmamonyane Ngobeni and the other to Bongani Ntanjana, an official to whom Ngobeni had re-allocated the investigation, to deter Booyesen at the time. Ntanjana, who passed away in 2012, would later become deputy provincial commissioner. Ngobeni had repeatedly instructed Booyesen to drop the case, an act which in itself is improper. Booyesen confronted both about the report found at Madhoe's home, and Ntanjana produced his copy, which he had kept in his office, while Ngobeni dismissively pushed the matter aside. "Anyone could have given it to them," she declared, according to Booyesen.

Panday, Madhoe and Narainpersad launched a court application to have the search warrants used for the operation set aside. Panday argued that the investigators had breached his privacy prior to the operation, by digging into his bank account. Booyesen confirmed that an enquiry had indeed been made with Nedbank, following the purchase of a R2-million Ferrari by Panday in May 2010. A suspicious purchase, given that until just months before, his company Gold Coast had been struggling financially, to the point that the bank recorded a long-running series of bounced cheques associated

with it. Around December 2009 and January 2010, however, the company's finances emerged from the red, and payments into the bank account could be traced back to Saps.

In a later effort to get out of the sticky situation Madhoe tried in 2011 – through a member of Booyesen's team, Dina Govender – to “engage” Booyesen on the case. A meeting was set up at Elangeni Hotel at which Madhoe requested that Booyesen manipulate the date entry on the Subramoney progress report so that it predated the search and seizure operation. By doing this, Booyesen would effectively deem the warrants for the operation null and void, and this would help bolster the case of the suspects, who would argue that Booyesen's team had obtained information on them without going through the official channels to necessitate the searches.

Also during the meeting, Madhoe attempted to intimidate Booyesen by showing him pictures of dead people on a laptop he had brought along. “I don't know what he was thinking, I'm a cop, I've seen pictures of dead people before,” Booyesen shared. He pretended to agree, and even asked Madhoe what was in it for him, to which Madhoe asked him how much he wanted. As luck would have it, a text message from Madhoe the next day suggested Booyesen be paid R2-million, and the message came in while he was in Pretoria for a Hawks meeting and was sitting next to his superior, national Hawks head Anwa Dramat, to whom he showed the text.

Once he was back in Durban, further exchanges between the two men would narrow down plans for Booyesen to deliver the doctored report to Madhoe, in return for the R2-million. Meanwhile, Booyesen was prepping his team for a sting operation, intended to catch Madhoe red-handed with evidence he should not have as a suspect. The sting took place on 8 September 2011, with Madhoe bringing R1.3-million in a suitcase, which he moved from the boot of his car into Booyesen's. The arrangement between the two men had been that Booyesen would receive the money in two tranches, when Madhoe was first handed the report, and later when he had satisfied himself that it was legit. Madhoe was arrested shortly after the exchange of money, an event that Booyesen filmed using a keyholder camera given to him by his brother.

With his wingman now apprehended, Panday panicked, and on one occasion called Deebo Mzobe, a relative of the Zumas with whom he seemed to have a business association. A telephonic conversation that apparently happened between the two men, and was intercepted by crime intelligence, revealed that Panday was desperate and nervous about the turn of events. He told Mzobe that Booyesen thought he was the mafia, and that he needed to be “clipped”. At some point he can be heard alluding to his frustration over the developments exacerbated by the absence of “our lady”, presumably Ngobeni, who was at the time in Pretoria on official business.

Another recording of an intercepted call from just before the sting operation, said Booyesen, reveals that Panday called Madhoe just after the latter had started off, cash in a brand-new suitcase bought for the purpose, to meet Booyesen. In it, Panday seems to have an afterthought after the two part, and instructs Madhoe to stop his car and wipe his fingerprints from the outer surface of the suitcase, before meeting Booyesen.

Panday was arrested soon after Madhoe as he touched down at King Shaka International Airport in Durban, upon returning from a trip to the DRC. He was charged with corruption.

As the case progressed and with developments that necessitated that Panday's assets be frozen, Booyesen received a visit from Edward Zuma, who asked that an amount of R15-million, part of the frozen funds, be released. He claimed that he had invested R900 000 in a venture of Panday's and was now adversely affected by the turn of events. On visiting Booyesen's office, he had come across the mutual friend – who Booyesen did not identify. Booyesen told the inquiry that he told Edward that he was unable to authorise the release of funds, but suggested that he approach Panday and demand his

money back so that he could walk away. At the end of the conversation Booyesen was of the impression that the two of them had understood each other, so he was surprised when in the following weeks Edward would lambast him and attack his character in the media.

With the help of the friend, Booyesen arranged to meet the former president in Nkandla to discuss his difficulties with Edward. Through the friend, the older Zuma relayed a message to Booyesen that he would not intervene in the matter and that the men would have to seek an alternative solution. The friend then suggested that they speak to Khulubuse, Edward's cousin. He explained the older Zuma's reluctance to chip in, saying father and son were not in good terms. Edward had apparently sidelined his father at the time that he had bought a home some time back, an act deemed disrespectful in the family's culture. His father had also been unhappy with the drinking habits of his son. Hearing this, Booyesen chose to seek an alternative solution.

Booyesen continues to testify.

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