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Zondo Commission – Mdluli was protected by Phiyega, Mthethwa, and NPA prosecutors

Richard Mdluli was the Achilles Heel for politicians and senior law enforcement officials alike, because of the protection he required from prosecution for his alleged crimes while he headed up the South African Police Service's (Saps) crime intelligence unit. A document referred to as the "ground coverage document", which surfaced around 2010, became a source of frustration for former KwaZulu-Natal Hawks head Johan Booyesen, and led to false reportage by the *Sunday Times* newspaper of a rogue unit he led during his tenure.

Booyesen told the commission of inquiry into state capture on Friday that Mdluli enjoyed the protection of not only former national police commissioner Riah Phiyega and police minister Nathi Mthethwa, but also senior prosecutors within the National Prosecuting Authority (NPA) who stopped at nothing to get rid of his enemies.

Booyesen added that the document, believed to have been compiled by a crime intelligence official known to him only as NH Singh – from court documents in his own criminal case later - was intended by Mdluli to bolster the investigation into false charges of racketeering against Booyesen and several members of his team linked to the Cato Manor "death squad" allegations. Booyesen was arrested in 2012 on these charges, for having overseen the work of the death squad, which was said to have terrorised KwaZulu-Natal at the time, ordering the killing of suspects in serious organised crime cases.

Interestingly, Phiyega's predecessor Bheki Cele and other politicians were also implicated in the document in a plot to unseat former president Jacob Zuma. When it surfaced, Booyesen contacted Cele, who had supported him in the past in the investigation of an alleged corruption case involving Durban businessman Thoshan Panday and two senior Saps officials. The case had been the subject of blatant interference from not only the provincial police commissioner Mmamonye Ngobeni, but also acting NPA head Nomgcobo Jiba and senior colleague Lawrence Mrwebi, at some point.

Cele told Booyesen, when the ground coverage file emerged, that Mthethwa was protecting Mdluli from prosecution for his own alleged corruption relating to a secret service account, and in turn was frustrating all who were out to get him. Mthethwa had allegedly benefited from the funds by having a security fence erected at his home.

Cele was himself on suspension when he had this conversation with Booyesen, for his role in the alleged police building lease corruption scandal that would later be used to fire him. He told Booyesen at the time, however, that he had been asked by Mthethwa to drop the charges against Mdluli, and refused.

Ground coverage, which had to that point been classified by crime intelligence, was de-classified by Mdluli, and used to support a letter he sent to Zuma, with the promise that if the president re-instated him to his post at crime intelligence, he would get to the bottom of the matters in which he was implicated.

Mdluli's suspension came about when Booyesen's then Gauteng counterpart, Shadrack Sibiyi, began investigating him for the alleged murder of his love rival, Oupa Ramokgibe, back in 1999. In this case, Mdluli was implicated along with other Saps officials who had been under his command in the Vosloorus police, before he moved up the Saps ladder to crime intelligence. The secret service account matter was under the scrutiny of the Independent Complaints Directorate (later called the Independent Police Investigative Directorate or Ipid).

Former Ipid head Robert McBride testified in April that his investigators were continuously frustrated by crime intelligence with regard to access to critical information. In retaliation to Sibiyi's move, Mdluli's subordinates at crime intelligence moved in on Sibiyi and his boss, national Hawks head Anwa Dramat, accusing the pair of the illegal deportation of two Zimbabwean nationals sought by police in that country, who were later killed upon being returned. Dramat and Sibiyi were both suspended and tried criminally over the charges, which were later withdrawn. Both left the Hawks after that.

Booyesen, however, was a harder nut to crack, and so came the Cato Manor matter. He too was suspended over it, while a parallel criminal trial was also pursued, only to be cleared on both fronts. It was only when Dramat's replacement, Berning Ntlembeza, suspended him for a third time in 2015 on the same matter, that Booyesen decided that fighting to stay on was not worth it this time round. He was due for retirement in 2017, and opted to go that route instead.

In closing off his testimony, Booyesen expressed that there would not be any point in fixing the state if Saps and NPA were not fixed, because taxpayers' money was used to fight political battles, even where there were no prospects of success.

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