



2 May 2019

Zondo Commission – Booysen describes determined efforts to work him out of the KZN Hawks

Just one year after nailing Durban businessman Thoshan Panday and one of his accomplices, police colonel Navin Madhoe, for attempting to bribe him in 2011 to evade prosecution in a R60-million corruption case, former KwaZulu-Natal Hawks head Johan Booysen was himself facing prosecution and fighting to keep his job – because he ruffled a few political feathers. Booysen returned to give evidence before the commission of inquiry into state capture on Thursday.

In 2012 he was charged with racketeering by newly-appointed provincial head of public prosecutions, Moipone Noko, a short while after she assumed office. The move was initially pursued by then acting national director of public prosecutions, Nomgcobo Jiba, who tried to get Noko's predecessor, Advocate Simphiwe Mlotshwa, to sign an indictment to enable prosecution.

Mlotshwa refused, citing lack of substance for the charges, and was swiftly replaced. He testified at the recent inquiry into Jiba's fitness for office, chaired by retired Constitutional Court justice Yvonne Mokgoro, which found that Jiba had used her senior position to pursue an agenda that fell outside of the mandate of her employer, the National Prosecuting Authority (NPA). Jiba has since been fired from the NPA by President Cyril Ramaphosa, on Mokgoro's recommendation.

The charges brought against Booysen were linked to allegations that under his watch, the Cato Manor "death squad" – operating under the official mandate of an organised crime unit – ran amok, killing suspects and using unconstitutional methods to pursue its work. The evidence of these killings, Booysen told the inquiry, were photographs of suspects murdered by the police over time, which had also been used in the *Sunday Times* reportage of the matter. Madhoe had shown him some of the photographs, he added, in the initial stages of his investigation of alleged corruption involving Madhoe and Panday. The colonel had asked to meet Booysen to talk, and when the conversation, held at Durban's Ilanga Hotel earlier in 2011, did not seem to go as Madhoe would have liked, he opened a laptop he had brought along and showed Booysen the photographs, presumably as a tactic to scare him into backing off and stopping his investigation.

Madhoe and Panday, along with a third South African Police Service (Saps) employee, Aswin Narainpersad, were investigated by the Hawks in connection with alleged irregular procurement linked to the 2010 Fifa World Cup. Panday's companies were said to have scooped up to R60-million in contracts between 2009 and 2010. Madhoe and Narainpersad worked in the supply chain management division of the provincial Saps and were suspected of having facilitated the payments.

Feeling the pressure from the investigation, Madhoe offered Booysen R2-million in return for Booysen's alteration of key evidence in the case, that would render parts of the investigation invalid. Booysen played along, pretending to be interested in taking the money, but instead set a trap for Madhoe, who came with some of the cash in his car, and proceeded to move it to Booysen's car,

unaware that the latter was filming the whole transaction and that members of Booyesen's team were on guard to arrest him. Panday's arrest followed soon afterwards.

The case seemed to be gaining some traction until July 2012 when Jiba appointed Noko, who proceeded to withdraw the charges against the two, saying there was not enough evidence to support a prosecution in the matter. Weeks later, the Booyesen indictment was signed and he was arrested. Released on bail, he returned to work, only to be suspended over the racketeering matter.

No formal disciplinary process was instituted as required by law, said Booyesen, and so he spent the next two years away from work, while fighting a legal battle as well.

Once Booyesen's case was successfully challenged in the Durban High Court, another battle soon ensued. He returned to work in November 2014, only to face disciplinary processes that had previously been neglected and were now instituted. He was, however, cleared of wrongdoing. Just as his troubles were meant to be over, Booyesen and then national Hawks boss Anwa Dramat were called to the office of the national police commissioner at the time, Riah Phiyega.

Booyesen was given three options over his future with the Saps: he was to either return home to resume a special leave, agree to be transferred to another province, or take a golden handshake. He had a month to decide on his own fate, and when that deadline came, Booyesen told Phiyega that he chose to stay in his position. He was suspended again, and once more challenged his suspension successfully, but with Dramat now edged out of his own position over another matter, and replaced later by Berning Ntlemeza, Booyesen's prospects did not bode well.

Ntlemeza was first appointed in an acting position, and when in 2015 Dramat chose early retirement after his own criminal charges were dropped, Ntlemeza became permanent. No sooner had he occupied the position, than he instituted a third suspension on Booyesen, which the latter again challenged initially, but eventually threw in the towel, in light of his imminent retirement in 2017.

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