

## **ANNEXURE 1 : SERGEANT BONGANI DLAMINI**

1. Bongani Anthony Dlamini, an experienced detective, was a member of the Provincial Organized Crime Unit headed by Brigadier Mbele . In November 2018 he received an Excellence award in Pretoria for the best Organized Crime detective.

2. After the task team had started its work in mid 2018, dockets with Brigadier Mbele's KZN Unit were transferred to them, including dockets Dlamini was investigating. Two of those cases (Umlazi and KwaNdengezi) are relevant to the way he has been treated, as discussed below.

3. One of the cases he was investigating was Umlazi 407/10/2018, the murder of ANC Umlazi councillor Maphumulo. He had made an arrest of another Umlazi councillor, Nojiyeza, who appeared in court in December 2018, where Dlamini successfully opposed bail. He says the deceased's family was satisfied with his investigations. When Khumalo became head of the task team he instructed Dlamini to arrest former eThekweni mayor, Zandile Gumede. He allegedly informed him that then Minister of Police Cele had told him to give instructions that Gumede was to be arrested. However, Dlamini had pointed out that he could not arrest without evidence and he had no evidence (he is not the only detective to have pointed out that Khumalo, who had never been a detective, instructed that arrests should be made without evidence. Khumalo is alleged to have responded they did not need evidence to arrest Gumede, saying they wanted the media to announce her arrest. Dlamini's response was that he was not working for the media and he did not take political instructions about his cases. He requested instructions from Khumalo in writing. Dlamini says Khumalo was angry when he refused to make the arrest, and accused him of having been paid not to arrest her (according to an experienced detective there are certain protocols which must be observed before prominent leaders are arrested). Soon afterwards, he was dismissed from the political killings team

3.1 It should be noted that in 2023 an anonymous group of Hawks detectives circulated details of alleged gross corruption in the DPCI, and claimed that instructions came from Cele via Lebeya about which politicians should be investigated. The name of Zandile Gumede was

among them (she is among those facing municipality-linked corruption charges investigated by other police members).

4. Dlamini's interaction was with General Khumalo, but he used to see the then minister Cele visiting him at their safe house in Durban. He had visited the day before Dlamini was given instructions by Khumalo to arrest Gumede.

5. The composition of this team, and how members were selected, has always been opaque. Some refer to it as a 'family business'. There are said to be six members named Khumalo in the team, and a further Khumalo in the National Intervention Unit who works with them. Two of them have been promoted as members of the team. A Sergeant Khumalo and a captain of the same name are named as involved in the Dlamini case. In March 2019, Sergeant Khumalo opened a case against him (Berea 96/03/19) and was the investigating officer. Dlamini was never charged in this matter as there was no evidence..

6. Dlamini's investigations into the KwaNdengezi murder case had led to the High Court, but he had been removed from it when dismissed from the task team.. Another case was opened against him in 578/10/2019. This case was opened by a Section 204 witness in the KwaNdengezi case. Giving evidence in the court case, Dlamini avers that this witness had said he had been advised to open the case by Captain Khumalo. In the Departmental hearing against Dlamini, the same witness also allegedly said he had been called to the Provincial SAPS office by General Khumalo, where the case had been discussed and he had been influenced to open the case against Dlamini. Other SAPS members, including one of two who had been charged with him, had apparently been approached to implicate him in crimes and had refused to do so.

7. Dlamini was arrested on 7 February 2020. He was returning from Richards Bay and his telephone had been hacked from that morning. He had had advance warning from colleagues that there were plans to arrest him. The investigations were by the same task team members (who had influenced the KwaNdengezi witness to open it). This was reported to IPID which had the investigative mandate for the matter but, despite statements given to the office, no action appears to have been taken.

8. Bail has been refused since Dlamini's arrest, but was given to his two co-accused who were arrested months after him. One was arrested after reportedly refusing to give a statement implicating Dlamini. Even when applied for on the basis of new facts, when his mother died, Dlamini was refused even permission to grieve with his family when his mother was buried. He alleges that this bail refusal – extraordinary for an experienced police member with a clean record, charged with relatively minor offences – was due to Advocate Gcaba having lied to the court and not even brought investigating officers to give evidence and face cross examination.

9. During his incarceration he has been subject to serious mental and emotional abuse by members of the task team. He received an unlawful visit to his cell at night by Sergeant Khumalo, who is the investigating officer in his case. Referring to support he enjoyed from his 'brother' the general, Khumalo allegedly hurled verbal abuse at him. He complained to the prison head who confirmed that no permission for the visit had been obtained. Not surprisingly, he has suffered severe depression but did not receive treatment because there was at that time no prison doctor and permission to attend a private facility was refused. He was then forcibly admitted to a psychiatric hospital against his will by NIU, in breach of health legislation, despite a psychologist having reported that he did not need psychological support.

10. In 2022, Dlamini was irregularly dismissed from the SAPS, without even his representative being present, and despite being given a report from his psychologist that he was suffering from depression, the presiding officer ignored it and said he was lying (such disciplinary processes, which are frequently used by the police to fire members for personal reasons, have been declared illegal by the court). He will return to the Pinetown court in December for closing argument. The magistrate before whom he will appear is, coincidentally, magistrate Khumalo.