

**IN THE REGIONAL DIVISION OF GAUTENG  
(HELD AT RANDBURG)**

In the matter of: -

**THE STATE**

versus

**1. JACOB SELLO SELEBI**

(hereinafter also referred to as the accused)

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**CHARGE SHEET**

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The State alleges that the accused is guilty of the following crimes:

**COUNT 1:**      **CORRUPTION** in contravention of section 4(1)(a) read with section 1, 2, 24, 25 and 26 of the Prevention and Combating of Corrupt Activities Act, No 12 of 2004.

**In the alternative (as separate counts)**

**SUBCOUNT 1: CORRUPTION** in contravention of section 1(1)(b) read with section 3 of the Corruption Act, No 94 of 1992. (In respect of the period 1 January 2000 to 26 April 2004)

**SUBCOUNT 2: CORRUPTION** in contravention of section 3(a)/4(1)(a) read with sections 1, 2, 21, 24, 25 and 26 of the Prevention and Combating of Corrupt Activities Act, No. 12 of 2004. (In respect of the period 27 April 2004 to 16 November 2005)

**Alternatively to sub count 2:**

**RECEIVING AN UNAUTHORISED GRATIFICATION BY A PERSON WHO IS PARTY TO AN EMPLOYMENT RELATIONSHIP** in contravention of section 10(a) read with sections 1, 2, 21, 25 and 26 of the Prevention and Combating of Corrupt Activities Act, No. 12 of 2004. (In respect of the period 27 April 2004 to 16 November 2005)

**COUNT 2: DEFEATING THE ENDS OF JUSTICE**

**WHEREAS:**

1. The accused was deployed by the African National Congress (ANC) as Head of it's Social Welfare and Development Department and acted in this capacity during 1990, and

**WHEREAS:**

2. The accused was appointed by the "President, as head of the national executive of the Government of the Republic of South Africa, as National Commissioner of the South African Police Service, to control and manage the police service" in terms of the provisions of section 207(1) of the Constitution of the Republic on 01/01/2000, and

**WHEREAS:**

3. In terms of section 205(3) of the Constitution the "objects of the police service are to prevent, combat and investigate crime, to maintain public order, to protect and secure the inhabitants of the Republic and their property, and to uphold and enforce the law, and

**WHEREAS:**

4. The accused was appointed as the Head of Interpol in October 2004, and

**WHEREAS:**

5. **Glenn Norbert Agliotti (Agliotti)** is a business man that met the accused in 1990.
6. Dianne Muller, an ex-fiance of Agliotti, owned Mavericks/Maverick Masupatsela, and allowed Agliotti the use of the facilities.
7. Martin Flint, the father of Dianne Muller, is the financial officer at Mavericks/Maverick Masupatsela and

**WHEREAS:**

8. **Paul Stemmet** is a businessman that created a business venture called PALTO and was appointed as a Reservist Captain in the SAPS and
9. **Clinton Nassif (Nassif)** is a business man that owned and managed, CNSS and CNSG, security companies in Johannesburg, and

10. The late **Brett Kebble** (Kebble) was the chairman of JCI, and
11. **John Stratton** (Stratton) is a business man who was associated with and was a confidant of and advisor to Kebble

**WHEREAS:**

12. A relationship developed between the accused and Agliotti, wherein:
  - a. They met in 1990 when Agliotti wanted to enter into a business deal with the ANC as partner. The discussions were done at Shell House with the accused who was at the time the Social Welfare representative of the ANC. At some stage during the initial meetings the accused indicated that he was short of money and unable to pay the medical bills for the treatment of his son. Agliotti gave the accused money to cover the medical costs.
  - b. They met again during 2000 in Woodmead at a meeting with Mr Yusuf Surtee. At this time the accused was already appointed as the National

Commissioner of SAPS and attended the meeting in full uniform.

- c. At the abovementioned meeting Paul Stemmet was introduced to the accused
- d. During 2000/2001 Agliotti and others came up with a proposal to raise funds for mentally challenged kids, which would, if approved, include the participation of SAPS. Agliotti discussed the idea with the Accused who committed the SAPS to the project, and

**WHEREAS:**

13. Agliotti was appointed as a SAPS informer with the knowledge of the accused on or about 23/02/2002 and was paid a recruitment fee, and

**WHEREAS:**

14. The "relationship" became a **generally corrupt relationship** at the instance of the accused;
  - a. The accused during the arrangements of the fund raising event in the period 2000/2001 (the actual

event took place in July 2001) and on various other occasions indicated that he was short of cash and was given money by Agliotti as and when he requested. These monies were handed over at Mavericks/Maverick Masupatsela in varying amounts over a period of time.

- b. This developed to an extent where the accused would phone with a request for money, whereafter arrangements would be made for him and/or someone delegated by himself (Andries/Jenner) to collect the money. This mainly took place at Mavericks/Maverick Masupatsela
- c. The visits to Mavericks were frequent.
- d. Agliotti frequented Sandton City where he met the accused for shopping excursions at Grays and other clothing shops whereafter they often had beverages at the Brazilian.
- e. Agliotti bought and paid for clothing items for the accused, his wife and his sons. Agliotti bought the accused suits, shirts, ties and shoes from Grays in Sandton and Hugo Boss and Harrods in London. Agliotti bought the accused's sons clothing from FUBU in Sandton. He also bought the accused's

wife and girlfriend handbags from Gucci in London and Sandton and Louis Vuitton in Sandton. Agliotti also bought them clothing from Lacoste in Sandton.

**WHEREAS:**

15. It became known that the accused and Agliotti were close friends. Brett Kebble and John Stratton wanted to exploit this opportunity to their advantage, they arranged a meeting that was facilitated by Stemmet with Agliotti (date):

- a. An arrangement was made in which the parties to the meeting, conspired to bribe or "buy" the favor and support of the accused in a range of matters.
- b. It was agreed between the parties that the bribes would not be paid directly to the accused, but that some method of payment would be employed that was calculated to disguise the true nature of the payments, so as to avoid detection. It was arranged that Kebble would deposit money into an account (Spring Lights 6 (Pty) Limited) to be used to fund various investigations, campaigns and initiatives and to buy the favor and support of the accused to promote their business.



- c. An arrangement was made to utilize a shelf company, Spring Lights 6 (Pty) Limited. This company was incorporated on 24 October 2001 with Martin Flint as the sole director thereof. He had signing powers for the company's cheque account which was held at Nedbank. This company was made available for them (the aforementioned individuals) to utilize as a Special Purpose Vehicle in order to swindle funds on instruction of Agliotti.
- d. A further special purpose vehicle – Misty Mountains Trading 18 (Pty) Limited was incorporated on 13 June 2003 for the abovementioned purpose. Vivian M. Agliotti was the sole director from 29 September 2003. She is the ex wife of Glen Agliotti.
- e. It was agreed that 1million US Dollars would be made available for the purpose of conducting various investigations, campaigns and initiatives and to buy the favor and support of the accused to promote their business, and

**WHEREAS:**

16. During August/September 2004 the accused requested money to fund a dinner in Paris on the

occasion of his election as President of Interpol, and was given R30 000 in cash by Agliotti for this purpose.

17. The accused requested money on various occasions and on one occasion, during or about November/December 2004, specifically indicated that he wanted an amount of R1 million and was given an amount of R310 000 by Agliotti, drawn mainly from the Spring Lights account during the period of the 13<sup>th</sup> up to and including the 20<sup>th</sup> December 2004.

**WHEREAS:**

18. It became known to the Kebbles that Mr Billy Rautenbach, a fugitive of justice, living in Zimbabwe, had information that would benefit the Kebbles, Agliotti was tasked to make contact and facilitate the handing over of the information sought.
19. During meetings between Agliotti, Rautenbach, Rautenbach's legal representative James Tidmarsh and Paul Stemmet, Rautenbach requested assistance regarding an arrest warrant in South Africa. Some of the meetings took place at a hotel in Sandton, Gauteng during the period 17 June 2004 up to and including 30 November 2005.

Meetings also took place in Harare and in Lumbombashi during the aforementioned period.

20. Agliotti discussed Rautenbach's request with the accused and the latter indicated a willingness to assist. During 2005, the accused attended a meeting with Rautenbach's legal representative, James Tidmarsh, at the Sandton Intercontinental Towers and gave him the undertaking that Rautenbach's request will be attended to.
21. Rautenbach made 40 000 US Dollars available as payment for the accused to have the arrest warrant cancelled. Of this amount, 30 000 US Dollars, was paid over to the accused, by Agliotti.
22. An amount of R30 000 was requested by the accused and handed over to him by Agliotti/on the instruction of Agliotti at Mavericks on or about 27 September 2005, a day or two after the death of Brett Kebble. This payment was in furtherance of a generally corrupt relationship between the two parties.

**WHEREAS:**

23. During 2004, one Stephen Sanders and Nassif met with, amongst others, the accused. Agliotti arranged the meeting.
24. At the meeting, the accused handed over or caused to be handed over to Nassif and/or Sanders an official document indicating what equipment and/or services would be needed for a SAPS/Sudan training initiative.
25. The accused gave out that he was in control of the funds relating to the work in SUDAN and that he would ensure that the process worked in favour of Sanders/Nassif and others.

**GENERAL CORRUPTION**

1. Agliotti and/or Kebble and or Rautenbach and/or the relevant corporate entities have benefited the accused in the period 1 January 2000 up to and including the 31<sup>st</sup> December 2005, all dates inclusive, in an amount of at least but not restricted to R1,2 million. This was by way of payments by Agliotti on his own account and on behalf of Rautenbach, the Kebbles and others.

2. The payments to the accused make no legitimate business sense, in that neither Agliotti, Kebble, Rautenbach, JCI, nor any of the other legal entities and/or individuals mentioned, had any legitimate business dealings with the accused and or the South African Police Service.
3. That the payments and the benefits to the accused and/or his family were intended as bribes, whatever their description or form.
4. The payments and/or benefits received by the accused and/or his family as aforementioned from the people mentioned and/or the other relevant corporate entities, as set out above, constituted benefits which were not legally due to the accused.

**GENERAL CORRUPTION GIVING RISE TO THE SPECIFIC CORRUPTION**

5. During January 2002 the accused was given information that Agliotti may have been involved in a major drug smuggling case in which the police have seized Mandrax with a value of R105 million and arrested 5 people. The accused took no action against Agliotti and in fact the matter was later withdrawn and people arrested for dealing in drugs, were subsequently released and have never been prosecuted.

6. The accused having been informed of the facts regarding the abovementioned drug bust, as National Commissioner of the South African Police Service, authorized the payment of a R500 000,00 reward to Stemmet based on incorrect and false information. The reward was authorized by the accused for Randburg CAS 42/01/2002 on 27 February 2002.
7. The SAPS received 5 reports from the UK Law Enforcement during the period 4/10/2004 up to and including the 23/11/2005 about Agliotti's suspicious dealings and visits to London, with a request to investigate same. They suspected him of amongst others drug smuggling which clearly called for a substantive criminal investigation. One of these reports were shown to and discussed with Agliotti by the accused.
8. During 2005 the accused met, on request of Agliotti, with the Lawyer of Rautenbach, in a hotel in Sandton. The accused attended the meeting dressed in full police uniform
9. The accused, when his "corrupt" relationship with the Kebbles, became known, gave Agliotti access to a portion of the Top Secret, NATIONAL INTELLIGENCE ESTIMATE 2005, with a request to establish who Jurgen Kogl was. In the report it was mentioned that Kogl was the source of the information contained in the report.

10. The accused used his position, on request of Agliotti to give instruction to SAPS members on a housebreaking scene to treat the case with great care and attention, as the people are his friends. In fact they were friends of Agliotti's and Agliotti phoned the accused from the scene.

## **AND WHEREAS**

### ***Applicability***

- a. The Prevention and Combating of Corrupt Activities Act, No 12 of 2004 (hereinafter also referred to as **the New Act**) was assented to and commenced on 27 April 2004.
- b. Section 36 of the New Act makes provision for transitional arrangements.
- c. The accused is the National Commissioner of the South African Police Service and a public officer as defined in section 1 of the New Act.

***Gratification***

- d. The money, donation's, gift's and/or loan's received by or on behalf the accused as aforementioned from Agliotti and/or Kebble and/or Rautenbach and/or the other relevant corporate entities and/or individuals, as set out above, constituted "gratification" as defined in section 1 of the New Act, which were not legally due to accused.
- e. Such gratification's were unauthorized by the accused's employer and in this instance the President of the Republic.

***General offence of corruption***

- f. The accused accepted and/or agreed and/or offered to accept such gratification, in order to act and/or omit to act, either personally by influencing another person so to act, in the manner described in section 3 of the New Act.
- g. Neither the acceptance of or agreement or offer to accept the gratification, nor the giving or agreement or offer to give the gratification can be linked to any lawful authority or excuse on the part of the accused.



- h. The Accused was, by virtue of his position of National Commissioner of the South African Police Service, party to an employment relationship at all material times, from the date of commencement of the New Act until the last ascertainable payment on 27 November 2005.
- i. The Accused accepted and/or agreed and/or offered to accept the gratification in relation to the exercise, carrying out or performance of his powers, duties and/or functions within the scope of his employment relationship as described above.

**COUNT 1:**

**NOW THEREFORE** the accused is guilty of the crime of **CORRUPTION** in contravention of section 4(1)(a) read with sections 1, 2, 21, 24, 25 and 26 of the Prevention and Combating of Corrupt Activities Act, No 12 of 2004.

IN THAT during the period 1 January 2000 to 31 December 2005 but more specifically from 27 April 2004 to 17 November 2005 and at or near Midrand in the district of Randburg, the accused directly or indirectly and wrongfully accepted and/or agreed and/or offered to accept the gratifications as described above from another person,  
to wit:

Agliotti and/or Keble and/or Rautenbach and/or the public entities mentioned in the preamble, in order to act and/or omit to act, personally and/or by influencing another person(s) to act, in a manner:

- a. that amounts to illegal, dishonest, unauthorized, or biased exercise, of carrying out or performance of any powers, duties or functions arising out of a constitutional, statutory, contractual or other obligation; and/or
- b. that amounts to:
  - the abuse of a position of authority
  - a breach of trust; and/or
  - the violation of a legal duty or a set of rules; and/or
- c. designed to achieve an unjust result; and/or
- d. that amounts to an unauthorized or improper inducement to do or not to do anything.

TO WIT by:

1. sharing with Agliotti secret information about an investigation against himself from the United Kingdom Law Enforcement Authorities  
and/or

2. protecting Agliotti from criminal investigation  
and/or
3. sharing with Agliotti information about Saps investigations  
and/or
4. sharing secret and or confidential information with Agliotti  
and/or
5. agreeing to and/or attempting to influence the investigative  
and/or prosecutorial process against Rautenbach  
and/or
6. sharing with Sanders/Nassif and others tender information  
relating to impending contractual work to be performed in  
SUDAN  
and/or
7. assisting Agliotti and/or Agliotti's associates to receive  
preferential or special Saps services

**IN THE ALTERNATIVE TO COUNT 1 (AS SEPARATE COUNTS)****SUBCOUNT 1:**

That the accused is guilty of the crime of **CORRUPTION** in contravention of section 1(1)(b) read with section 3 of the Corruption Act, No. 94 of 1992.

IN THAT during the period 1 January 2000 to 26 April 2004 and at or near Sandton and/or Midrand in the district of Randburg, the accused, upon whom the powers had been conferred and/or who had the duties as set out in the preamble, unlawfully and corruptly received money and/or clothing items, which were not legally due, from Agliotti and/or the other persons and/or entities mentioned in the preamble, with the intention that he should commit and/or omit any act in relation to his powers and/or duties to protect Agliotti against police or criminal investigation and/or to be rewarded for having committed or omitted to do any act constituting any excess of such powers or any neglect of such duties, as set out in the preamble.

**SUBCOUNT 2**

That the accused is guilty of **CORRUPTION** in contravention of section 3(a) read with sections 1, 2, 24, 25 and 26 of the Prevention of Corrupt Activities Act, No. 12 of 2004. (In respect of the period 27 April 2004 to 16 November 2005)

IN THAT during the period 27 April 2004 to 17 November 2005 and at or near Midrand in the district of Randburg, the accused directly or indirectly and wrongfully accepted and/or agreed and/or offered to accept the money and/or clothing items as described in the preamble above from another person, to wit:

Agliotti and/or Kebble and/or Rautenbach and/or the public entities mentioned in the preamble, in order to act and/or omit to act, personally and/or by influencing another person to act, in a manner:

- e. that amounts to the illegal, dishonest, unauthorized, or biased exercise, carrying out or performance of any powers, duties or functions arising out of a constitutional, statutory, contractual or other obligation; and/or
- f. that amounts to:
  - the abuse of a position of authority
  - a breach of trust; and/or
  - the violation of a legal duty or a set of rules; and/or
- g. designed to achieve an unjust result; and/or
- h. that amounts to an unauthorized or improper inducement to do or not to do anything.
- i.

TO WIT by:

8. sharing with Agliotti secret information about an investigation against himself by the United Kingdom Authorities and/or
9. protecting Agliotti from criminal investigation and/or
10. sharing with Agliotti information about Saps investigations and/or
11. sharing secret and/or confidential information with Agliotti and/or
12. agreeing to and/or attempting to influence the investigative and/or prosecutorial process against Rautenbach and/or
13. sharing with Sanders/Nassif and others information relating to impending contractual work to be performed in SUDAN and/or
14. assisting Agliotti and/or his associates to receive preferential or special Saps services

**ALTERNATIVELY TO SUBCOUNT 2**

That the accused is guilty of the crime of **RECEIVING AN UNAUTHORISED GRATIFICATION BY A PERSON WHO IS PARTY TO AN EMPLOYMENT RELATIONSHIP** in contravention of section 10(a) read with sections 1, 2, 21, 25 and 26 of the Prevention and Combating of Corrupt Activities Act, No. 12 of 2004

IN THAT during the period 27 April 2004 to 16 November 2006 and at or near Johannesburg in the district of Johannesburg, the accused, being a party to an employment relationship as described in the preamble, directly or indirectly and wrongfully accepted and/or agreed and/or offered to accept the unauthorized gratification described in the preamble from another person, to wit: Agliotti and/or Kebble and/or Rautenbach and or the public entities mentioned in the preamble, either for his own benefit or for the benefit of another person, in respect of his doing and or omitting to do any act in relation to the exercise, carrying out or performance of his powers, duties or functions within the scope of his employment relationship, more particularly as described in the preamble.

**COUNT 2:**

**DEFEATING THE ADMINISTRATION OF JUSTICE**

THAT the accused is guilty of the crime of Defeating or Obstructing the Administration of Justice

IN THAT upon or about 1 January 2000 up to and including the 31<sup>st</sup> December 2005 and at or near Johannesburg in the Regional Division of Johannesburg, the accused did unlawfully and with intent to defeat or obstruct the course of justice, commit acts, to wit:

15. sharing with Agliotti secret information about an investigation relating to drug smuggling against himself by the United Kingdom Law Enforcement  
and/or
16. protecting Agliotti and himself from police investigation and/or other investigation by sharing with him the details of the National Intelligence Estimate, 2005 and requesting further information about the source of the information  
and/or
17. failing to act on information relating to Agliotti's role in a SAPS investigation relating to a drug bust of R105 million at



Kaya Sands wherein 5 persons were arrested and subsequently released under Randburg CAS 42/01/2002 and/or

18. agreeing to and/or attempting to influence the investigative and/or prosecutorial process against Rautenbach and/or

which acts defeated or obstructed the administration of justice, in that, such information allowed Agliotti, Nassif and others, to stay ahead of any possible investigations and/or prosecutions, in that they were able to know who was investigating them, what the investigations related to and what the intention of the investigation(s) entailed and were thus able to evade possible arrests and/or prosecutions.

## LIST OF WITNESSES

- Paul Stemmet
- Dianne Marie Muller
- Stephen Colin Sander
- Martin Flint
- Dean Friedman
- Leon Fouche
- Aubrey Morris Shlugman
- Glen Norbet Agliotti
- Andrew Russos
- Freddie Burger
- Clinton Ronald Nassif
- Andrew Gordon Leask
- Leonard Frank McCarthy
- Vusumzi Patrick Pikoli
- Machiel Andries Burger
- Charles Dykes Bezuidenhout
- Ahmed Mohammed Surtee
- Tony Tenger
- Pierre du Toit
- Debra Van Dyk
- Barry Gilder
- Rachel Hobbs
- Robyn Plitt
- Jurgen Kogl
- Piet Marthinus van der Merwe

- Johannes L. Pieterse
- Neels de Lange
- Elias Maangwale
- Pieter Lesley Jonker
- Boitumelo Morapedi