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INSIDE A SOUTH AFRICAN POLICE DEATH SQUAD SHOOT TO KILL

Today the Sunday Times lifts the lid on killings committed by an elite police unit

Special investigation by
STEPHAN HOFSTATTER, MZILIKAZI WA AFRIKA and ROB ROSE

Police who examined death scene photographs said they appeared to be executions

Booyesen was previously the provincial head of organised crime. Suspended police chief General Bheki Cele caused a stir among provincial top brass last

year when he unexpectedly promoted Booyesen to head the Hawks in KwaZulu-Natal, even though his unit had courted controversy through its disproportionately high kill rate of crime suspects. Cele has been blamed for fuelling the killings of taxi bosses by making inflammatory remarks. According to court papers filed by taxi bosses fearing assassination at the hands of the unit, Cele reportedly said, speaking at the funeral of a slain police taxi task team investigator Superintendent Zethembe Chonco: "If SAPS members cannot arrest suspects and they feel that their lives are threatened they must take them to the nearest mortuary."

Police in KwaZulu-Natal, and the Cato Manor unit in particular, have been doing just that. Official figures from the Independent Complaints Directorate (ICD) show in the past three years KwaZulu-Natal police killed 527 suspects during the commission of a suspected crime, an escape, an investigation or arrest — by far the highest in South Africa. The Cato Manor organised crime unit accounted for 45 deaths. The ICD confirmed this week that six members of the Cato Manor unit had been investigated, some of them for killing suspects. Captains Mossie Mostert, Eugene van Tonder and Anton Lokum and the late Warrant Officer Rakesh Maharaj are among those being investigated. None of them could be interviewed by the Sunday Times this week, according to police spokesman Colonel Jay Naicker. The Sunday Times has, during an investigation that began last year, obtained testimony and copious evidence from dozens of people about the killings, including hundreds of death scene photographs and expert ballistics reports. Three senior police officials, a pathologist and a ballistics expert who examined the images concluded that they appeared to have been executions. None would be named. The Sunday Times has also interviewed several taxi industry bosses who claim to be assassination targets of the unit, and witnesses of at least two killings who refuse to make sworn statements to the ICD because they feared they would be killed. Suspect police killings linked to the unit include: ● KwaMaphumulo taxi boss Bongani Mkhize, killed on Febru-

ary 3 2009 on Umgeni road after he took out an interdiction in a bid to prevent police killing him; ● KwaMaphumulo taxi boss Lindelani Buthelezi, whose wife says he was "executed by police who entered my home"; ● Sandile Kinglock and Musa Qvabe, both suspects in the murder of a Durban lawyer, killed by police on September 14 2009 in two separate incidents; ● KwaMaphumulo taxi boss Magojela Ndimande and his bodyguard Sibusiso Tembe, killed on the N3 highway at Merivale on September 16 2008. Witnesses say the police fabricated claims of a shoot-out. ● Five robbery suspects shot on the N3 near Camperdown on January 21 2009, which police followed with a drink-fueled celebration; ● Four suspected cop killers massacred together on a mattress in a house in Inanda on April 13 2009; and ● ATM bombing suspect

... AND HAVE A BEER WITH YOUR MATES AFTERWARDS



Members of the Cato Manor organised crime unit celebrate just hours after killing five robbery suspects on the N3 highway near Camperdown on January 21 2009. The members with visible faces (not blurred) are, from left, Captain Eugene van Tonder, Captain Mossie Mostert and Captain Anton Lokum

SPECIAL REPORT:
Pages 4 & 5

Lebogang Ranyali killed on March 27 2009 in Pinetown. In an interview with the Sunday Times this week, Booyesen denied any knowledge of a hit squad. "I would strongly disagree with you. Their lives were at stake, they defended themselves in a shoot-out," he said. He said it was unfair to brand the unit a hit squad because of its high kill rate of suspects, given the high number of violent criminals arrested by members. "Cato Manor only investigates murder, armed robbery, ATM bombing, serial killing and serious rape cases," he said. "They made 437 arrests in the last two years. The facts are, they do arrest very violent people." Last month Colonel Navin Madhoo — an officer in the

provincial procurement office charged with trying to bribe Booyesen with R2-million to drop a R60-million corruption case — gave the Hawks boss a memory stick, hard drive and two CDs containing hundreds of photographs showing what appear to be gruesome killings of suspects at the hands of the police. The images included several post-kill celebrations of members of the Cato Manor unit. In an affidavit, Madhoo says Booyesen asked him to get the CDs as they contained "incriminating evidence of serious crimes in a unit under his direct command". The Sunday Times has obtained the photographs. Asked if he believed it was callous to hold a party after killing suspects, Booyesen said

there was nothing wrong with police enjoying "social events". The Camperdown images show close-ups of three of the suspects shot in the head. "That's troubling. With head shots you want to look closely for evidence that suggests execution," said a senior pathologist. "You would expect [many] more body and limb shots." This was confirmed by the ballistics expert and two senior police officials, who said head shots of fleeing suspects were "highly unusual". The experts all referred to images of weapons in several of the killings, including those of Qvabe, Ranyali, Buthelezi and Mkhize, as "highly suspicious". They cited unusually clean guns in pools of blood and improbable positioning of suspects' firearms. In court papers ballistics expert Kobus Steyl — a former member of the ballistics section of the SAPS forensic science

laboratory with 19 years' experience — concluded in two of the cases that "the shooting of the suspects, as alleged by the police, is questionable in regard to the self-defence scenario". Although questions were put to individual members of the Cato Manor unit about their role in the killings, police spokesman Naicker said the policemen "cannot speak" as the ICD investigations "have not been finalised [and] we don't want to compromise [them]". In September, the South African Communist Party's provincial leader, Thamba Mthembu, issued a public resolution calling on the government to launch a judicial commission of inquiry to probe the Cato Manor "death squad". "The Cato Manor squad is the new Vlakplaas, they operate in the same style," he told the Sunday Times this week, referring to the apartheid-era unit led by Eugene de Kock that assassi-

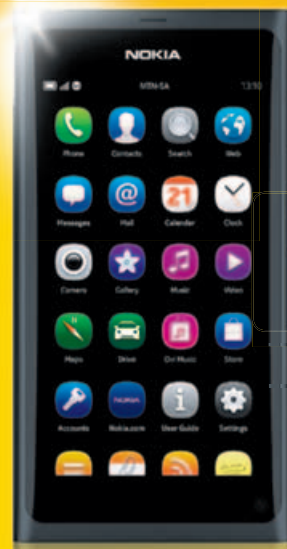
nated opponents of the National Party government in the 1980s. "We strongly believe that the duty of the police is to investigate and arrest suspects. But this unit has been killing more suspects than putting them behind bars." Booyesen said he would have "no objection to something like [an official probe] — it may prove once and for all that the picture created about Cato Manor is totally wrong." "You weren't there. I wasn't there. Let's allow these cases to be investigated by the ICD and let the prosecuting authority deal with it in the appropriate way," he said.

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'The Cato Manor squad is the new Vlakplaas ... something the government should be very worried about'

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Inside the police hit squads of KwaZulu-Natal

THE DEATH SQUADS

No lights, no warnings, just a barrage of rifle fire, and a taxi boss and his bodyguard were dead — at the hands of rogue cops

On the morning of December 16 2008, taxi boss Magojela Ndimande and his bodyguard Sibusiso Tembe were travelling in his silver Hyundai Tucson SUV near the Merrievale offramp on KwaZulu-Natal's N3 when all hell broke loose.

Ndimande was a member of the KwaMaphumulo Taxi Association, whose members had been accused of ambushing and killing the police's taxi task team investigator, Superintendent Zethembe Chonco, in August 2008.

That day, Ndimande and Tembe would join the growing list of Chonco murder suspects shot dead by the infamous Cato Manor organised crime unit, ultimately commanded by Major-General Johan Booyesen, who is also the head of the Hawks in KwaZulu-Natal.

A metallic silver BMW allegedly driven by Cato Manor officers in plain clothes drew up alongside them and, without any notifying lights or loud-hailer warnings, unleashed a barrage of assault-rifle fire on the SUV.

The BMW came to a screeching halt in front of the Hyundai, and a gold metallic Toyota Corolla pulled up behind it, blocking it.

Several members of the Cato Manor unit jumped out of the BMW and Corolla, and pumped a few more rounds into the Hyundai.

Then one of the policemen calmly discharged a pistol into the bushes, apparently to make it appear as if there had been a shoot-out. Another cop smashed the driver's window of the Hyundai with his rifle butt, evidently to make it look like shots had also been fired out of the vehicle, not just into it.

"They were unmarked cars, unmarked clothes, no warning, no flashing lights," said one witness. "There was very definitely no shoot-out — the only bullets went in from outside," said another. "There was no shoot-out. The cops pulled up alongside the Hyundai and just executed them."

Ndimande and Tembe now dead, the police calmly put on their police jackets and, a few seconds later, a convoy of marked police vans arrived. Minutes later, Booyesen himself landed in a police chopper to congratulate his team on a job well done.

This is the version of events related to the Sunday Times by witnesses too terrified to go to the police or even the Independent Complaints Directorate (ICD). "If they can execute people in broad daylight like that, what would they do to us?" one asked.

Without their story, the official statement from the police — accepted by the ICD — is all that stands on the record.

The official SAPS version presents a completely different picture.

In a statement, Booyesen says "police vehicles employing their sirens and appropriate flashing lights attempted to stop them, [but] they resisted and shot at police. The police returned fire, and [Ndimande and Tembe] were killed."

The image of Booyesen landing victoriously on the scene was plastered all over newspapers the next day under the headline, "PAYBACK — Cops gun down this man and are told: Well done!"

One newspaper reported that police appeared to be heeding the call of then KZN safety MEC and now suspended police commissioner Bheki Cele to "defend themselves and shoot hard at criminals".

The ICD, the body tasked with investigating police abuses, says only that "a full investigation was done" into whether police had acted improperly — but admits that, three years later, "technical reports are still outstanding".

Ndimande wasn't the only person suspected of being involved in Chonco's killing who ended up dead.

Five other suspects were also killed by the police in murky circumstances which witnesses have described as cold-blooded murder.

One of those, taxi boss Lindelani Buthelezi, was

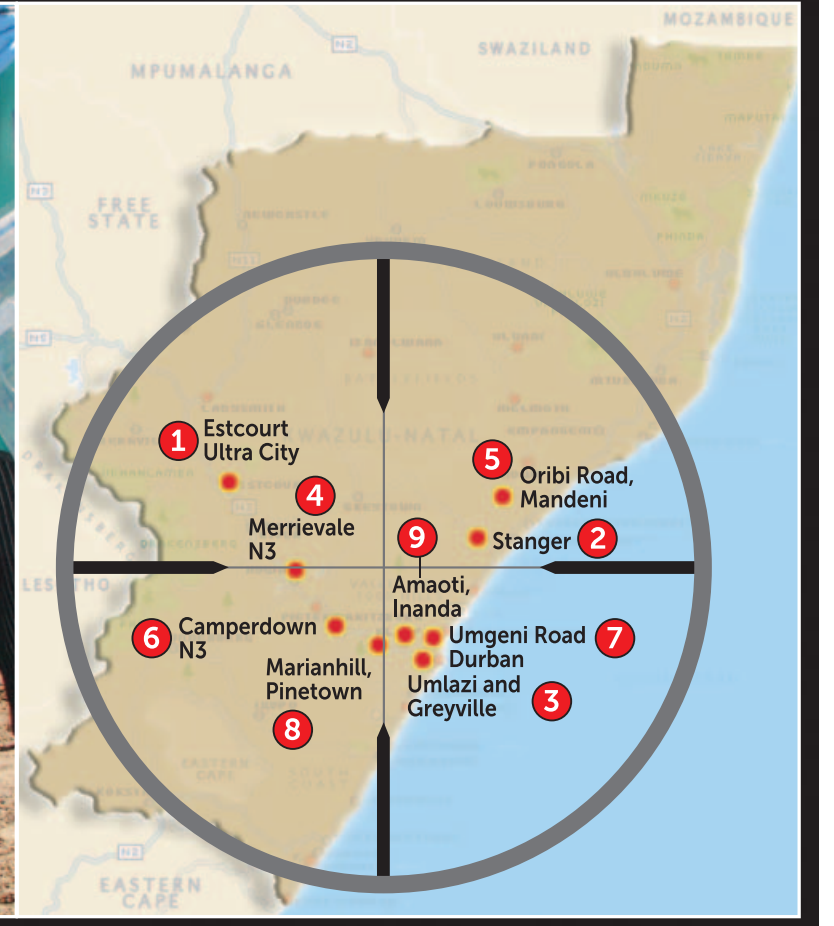


The bloody trail of the killer cops

Graphic: MATTHYS MOSS Source: SUNDAY TIMES INVESTIGATION, ICD



Unidentified bodies, allegedly killed by police 'hit squads' in KwaZulu-Natal in January 2009. This was one of the police pictures circulating among top cops in recent weeks, supposedly providing incriminating evidence of assassinations



1	2	3	4	5	6	7	8	9
August 2008 Estcourt Ultra City Suspected ATM bombing suspect Muzi Majola was killed in mid August, with reports saying he was killed in an exchange of gunfire at the toilets of an Ultra City.	September 3 2008 Stanger Lindelani Buthelezi, a KwaMaphumulo taxi boss and suspect in Chonco's murder, was shot at his home in Stanger. While police say he was 'resisting arrest', his wife, who witnessed it, says in a sworn statement that police simply executed him.	September 14 2008 Umlazi and Greyville After lawyer Naren Sham and his family were murdered, the police arrested Sandile Kinglock and killed him at his house. On the same day, Musa Qwabe was then arrested and taken to the Sham house, where he too was killed suspiciously.	September 16 2008 Merrievale offramp, N3 Magojela Ndimande and his bodyguard Sibusiso Tembe — also suspects in the Chonco killing — were killed while travelling in a silver Hyundai Tucson. The police claim they fired on the cops, but this is strongly contradicted by other eyewitness accounts.	September 18 2008 Oribi Road, Mandeni KwaMaphumulo taxi boss Mzumeni Ntuli and his friend Nathi Mthembu were killed at Ntuli's girlfriend's house in Mandeni. In court papers, experts say the police explanation that they fired in self defence was questionable.	January 21 2009 Camperdown, N3 Five robbery suspects were killed in a taxi on the N3 near Camperdown. Experts cast serious doubt on whether cops acted in self defence, and police followed this killing with a massive party.	February 3 2009 Umgeni Road, Durban Another KwaMaphumulo taxi boss, Bongani Mkhize, was killed in broad daylight, even after getting a court interdict to prevent the police from killing him. Experts cast doubt on police version that they were 'defending themselves'.	March 27 2009 Marianhill, Pinetown Lebogang Ranyali, a suspected ATM bomber, was shot dead at his house in Marianhill by police. While the official version is that Ranyali started firing on them first, experts cast doubt on this version.	April 13 2009 Amaoti, Inanda Four suspects in the killing of Inanda policemen were shot and killed at Amaoti, Inanda. Experts say it's inconclusive from the pictures whether they attacked police, but that the images warrant a thorough investigation.
ICD ACTION: No action. No evidence found to refute police explanation.	ICD ACTION: No action. Technical reports outstanding.	ICD ACTION: No action. No evidence found to refute police explanation.	ICD ACTION: No action. Technical reports outstanding.	ICD ACTION: No action. Investigation still ongoing.	ICD ACTION: No action. No evidence found to refute police explanation.	ICD ACTION: Referred to NPA. Set down for inquest.	ICD ACTION: No action. No evidence found to refute police explanation.	ICD ACTION: No action. No evidence found to refute police explanation.

Special reports by STEPHAN HOFSTATTER, MZILIKAZI WA AFRIKA and ROB ROSE

accosted at his house in Stanger in September 2008 by eight policemen, according to court papers.

His wife, Thandeka Sokhulu, described in two sworn statements how police assaulted her, threw a blanket over her head and then shot her unarmed husband for "resisting arrest".

"I am steadfast in my belief that my husband was executed by police who entered my house that night, and will not be swayed by anything to the contrary," she says in a sworn affidavit.

This bloody trail of corpses rattled Bongani Mkhize, another KwaMaphumulo taxi boss, to the extent that he took the bizarre step of going to court in 2008 to obtain an interdict to prevent the police from killing him.

In his affidavits, Mkhize said he was "reliably informed by certain members of the SAPS who are close to the investigating team that the policy being adopted is to kill or eliminate all [people] suspected of involvement in the murder of Chonco".

Booyesen responded, saying Mkhize had "no reason to be afraid", as "it is not the intention of the police to kill anyone".

On November 14 2008, Judge David Ntshangase gave an order preventing the police from "unlawfully killing, injuring, threatening [or] harassing" him.

Unfortunately for Mkhize, it didn't help.

A few days later, he was leaving his girlfriend's house one morning when he noticed that his Toyota was being followed by the Cato Manor unit. They cornered him in Durban's busy Umgeni Road and, according to witnesses, began shooting into the car.

One member of the police unit, according to witnesses who spoke to Sunday Times, stepped out of his car, walked calmly to the window of Mkhize's car and fired into the vehicle, finishing him off.

Another witness, who captured images of Mkhize's alleged assassination by police with his cellphone, was assaulted by angry officers after they realised that they had been caught on camera. The cellphone with all the evidence was smashed on the ground, in full view of other witnesses.

At that moment, the metallic silver BMW — the same one that had been at Ndimande's killing — screeched to a halt. One of the Cato Manor policemen, whose name was mentioned to the Sunday Times, leapt out and began screaming at the men.

"Are you stupid," he yelled. "Why are you doing this in broad daylight?" This was also heard and witnessed by several uniformed police at the scene.



Then one of the policemen calmly discharged a pistol into the bushes, apparently to make it appear as if there had been a shoot-out. Another cop smashed the driver's window of the Hyundai with his rifle butt, evidently to make it look like shots had also been fired out of the vehicle, not just into it. "There was no shoot-out. The cops pulled up alongside the Hyundai and just executed them"

Major-General Johan Booyesen, head of the Hawks in KZN, at the right in the picture, arrived by police helicopter at the scene of one of the killings

These are just two of the seven bloodcurdling cases investigated by the Sunday Times — killings which often took place in broad daylight, all committed by this elite KwaZulu-Natal police unit based in Cato Manor.

- The others include:
- Five robbery suspects shot dead in their minibus near Camperdown on the N3;
 - An ATM bombing suspect shot dead in a Durban service station toilet;
 - Another ATM bombing suspect killed at his home in Pinetown;
 - Two men suspected of slitting the throats of prominent Durban lawyer Naren Sham and his family, who were shot dead on the same day during two separate pointing-out incidents — which involve suspects going to the scene with police; and
 - A taxi boss and his friend shot dead at a house in Mandeni.

In all of these cases, seasoned senior policemen, as well as ballistics and pathology experts — speaking to the Sunday Times on strict condition of anonymity — raise serious doubts about the official versions of events.

While the ICD was established to probe these kinds of alleged police abuses, question marks hang over whether it has the capacity or will to do any serious investigation.

In many cases, postmortem examination results have yet to be submitted — even years after the event. And when they have been done, experts are not convinced of their thoroughness.

In Ndimande's case, for example, forensic expert Jacobus Steyl's report concluded that, contrary to police claims, "there is no indication that shots were fired through closed [car] windows from the inside to the outside".

Despite the ICD claim of a full investigation, Steyl's reports say the ICD had not even done basic ballistic tests, suggesting that rogue cops know they have nothing to fear from the ICD.

At least on the Mkhize case, the ICD forwarded its findings to the public prosecutor, and a formal inquest will now be held.

In an interview with the Sunday Times, Booyesen denied that this unit under his control conducted a series of "hits" in revenge for cop killings, and urged witnesses to come forward.

"That's why we have legal processes," he said. "Let's allow these cases to be investigated by the ICD and presented to the prosecuting authority."

But the witnesses who spoke to the Sunday Times are petrified of coming forward, lest they, too, end up being taken out on a quiet road while "resisting arrest". — investigations@sundaytimes.co.za

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WHO KILL WITH A GRIN

Cop says bribe charge is bid to shut him up over KZN hit squads

COLONEL Navin Madhoo — who was arrested on charges of offering a R2-million bribe to Hawks provincial head Major-General Johan Booyesen — claims the real reason for the action against him was that he tried to blow the whistle on the alleged police hit squad operating in KwaZulu-Natal.

In an affidavit filed during his bail application, which is in the possession of the Sunday Times, Madhoo claims that Booyesen contacted him and "requested a meeting" on August 25.

He states: "I was informed by General Booyesen to obtain certain compact discs containing incriminating evidence of serious crimes in a unit under his direct command."

"This, he informed me, was damaging for him as the discs contained direct evidence of serious and violent crimes of his members and could lead to widespread criminal prosecutions."

The Sunday Times was told the discs contained hundreds of photographs of people who were allegedly killed by police officers in the province.

Most of the killings were allegedly committed by members of the Cato Manor organised crime unit. Witnesses claim some of the people were executed by unit members and crime scenes were doctored.

Photographs seen by the Sunday Times show members of the Cato Manor unit celebrating with a braai after some of the shootings.

Madhoo adds in his affidavit that he obtained "this information" and handed the first batch of compact discs to General Booyesen personally.

"We had approximately eight meetings at various times and places at his instance to obtain more discs and computer hard-drives of the source of the discs. He also asked me to approach another senior officer to estab-

lish if he too had copies of the said discs, which I did."

Madhoo says his action "in this regard was duly recorded and certain select police officers and intelligence were well aware of my action".

In an interview with the Sunday Times on Friday, Booyesen acknowledged that he received two discs, a memory stick and a hard-drive from Madhoo with photographs.

Booyesen denied that Madhoo had used the photos to try to

"I can tell you the photographs were stolen from police," he said. "Anybody in possession of them, is in possession of stolen goods."

But he could not explain why a charge of theft or possession of stolen goods in connection with the photos was not added to Madhoo's charge sheet when he was arrested.

Booyesen claims Madhoo had initiated the meetings between them.

But Madhoo claims police are trying to cover up the Cato Manor squad because the discs and computer hard-drive were not handed in as evidence when he was arrested in September.

He said: "I was arrested under the ruse of this alleged bribery attempt to falsely implicate the provincial commissioner and Panday."

Panday is also accused of bankrolling a birthday party for Brigadier Lucas Ngobeni, the husband of the provincial commissioner Lieutenant-General Mmamonye Ngobeni.

The birthday party, attended by 40 guests, was held at The Dish restaurant on May 29 2010.

A local DJ who entertained the guests was also allegedly paid by Panday.

Booyesen said the Internal Complaints Directorate (ICD) was investigating some of the killings linked to the photographs he obtained from Madhoo.

"The photos are the subjects of investigations by the ICD and the Hawks," he said.

ICD spokesman Moses Dlamini confirmed that the directorate, which deals with complaints against the police, was investigating members of the Durban organised crime unit.

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blackmail him into squashing a R99-million corruption case against Madhoo and businessman Toshan Panday.

The Hawks are investigating Madhoo and Panday for their alleged role in a police accommodation tender scam at a time when Madhoo was a senior supply chain management officer.

They are also accused of trying to bribe Booyesen to backdate an investigation report into the scam.

Panday and Madhoo are out on bail of R100 000 and R40 000 respectively.

With regard to the slew of crime scene pictures, Booyesen said: "I was never blackmailed but I was shown and handed the photographs."

He suggested the Sunday Times could be open to prosecution for having the pictures.

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GHOUlish GLEE: Members of the Cato Manor organised crime unit in a good mood after shooting two suspects at a homestead in KwaZulu-Natal in 2008, while someone, who appears to be a family member of the deceased, weeps. Experts shown images of the dead suspects said their deaths warranted investigation

IT has taken Major-General Johan Booyesen 35 years to rise to his position as head of the Hawks in KwaZulu-Natal. He joined the police in 1976 — the year in which the Soweto riots drew attention to the atrocities committed by the South African Police. His career advancement has been aided by training courses, including by the FBI in the US and the China Police University. Booyesen is at pains to deny reports of a close relationship

WHO IS JOHAN BOOYSEN?

with suspended police chief Bheki Cele, saying he barely knew the man and had been to the police chief's house only once — and that was on official business. Booyesen said Cele played no part in his promotion, even though he would have had to approve the appointment. "He doesn't even come into my office," Booyesen said. "You

can ask anyone in the building." Booyesen was recently lauded for having turned down a R2-million bribe. But, as the story opposite shows, there was much more to the tale. When he was appointed to head the province's Hawks in 2010, the father of three told journalists he wanted to leave a legacy of having made KwaZulu-

Natal "a safer place". Yet, weeks before taxi boss Bongani Mkhize was gunned down by cops in an apparent hit, it was Booyesen who said in an affidavit that Mkhize had nothing to fear from the police. The Independent Complaints Directorate confirmed this week that Booyesen has also been investigated for "intimidation",

but that the complaint had been withdrawn. In interviews with the Sunday Times, Booyesen denied all knowledge of police "hits", saying he "sits in this office" most days. But it was Booyesen who flew by police helicopter to the scene of the killing of Magojela Ndumande. There he apparently congratulated officers of the Cato Manor unit for shooting dead a suspected cop-killer.

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