



PARLIAMENT
OF THE REPUBLIC OF SOUTH AFRICA

NATIONAL ASSEMBLY
OFFICE OF THE CHIEF WHIP OF THE
OPPOSITION

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18 May 2017

Dr Setlhomamaru Isaac Dintwe
Office of the Inspector-General of Intelligence
Bogare, Corner of Atterbury Road and Lois Avenue
Menlyn
Pretoria

Dear Dr Dintwe,

REQUEST FOR INVESTIGATION INTO MALADMINISTRATION, ABUSE OF POWER, AND TRANSGRESSIONS OF THE CONSTITUTION, APPLICABLE LAWS AND RELEVANT POLICIES BY MR ARTHUR FRASER AND OTHERS

I am writing to you to formally lodge a complaint against the Director-General (D-G) of the State Security Agency, Mr Arthur Fraser, in terms of section 7(cA) of the Intelligence Services Oversight Act (40 of 1994), and request an investigation into his involvement with the Principle Agent Network (PAN) programme which he, as the then-Deputy Director-General: Operations of the National Intelligence Agency (NIA), initiated and oversaw from 2007 to 2009.

The PAN programme was plagued by serious irregularities and overspending of its allocated budget, prompting then-Minister of State Security, Mr Siyabonga Cwele, to request an investigation in September 2009. A summary of the findings of the final report of the PAN programme investigation (with reference SSA/6/1/4/5) and a presentation on the report has been provided. This report details maladministration, abuse of power, transgressions of the Constitution, applicable laws and relevant policies on intelligence and counter-intelligence, and offences in terms of the Prevention and Combating of Corrupt Activities Act (12 of 2004). I am reliably informed that a similar investigation was undertaken by the Office of the IGI during the tenure of your predecessor, Faith Radebe.

During 2010 and as the PAN programme investigation was ongoing, Mr Fraser left the agency and co-founded Resurgent Risk Managers with Mr Manala Manzini, the former D-G of the NIA who had approved the PAN programme in 2007 and was similarly implicated in the investigation. Despite the circumstances surrounding his departure from the NIA and the damning findings of the PAN programme investigation, President Jacob Zuma appointed Mr Fraser as the D-G of the State Security Agency (SSA) on 26 September 2016.

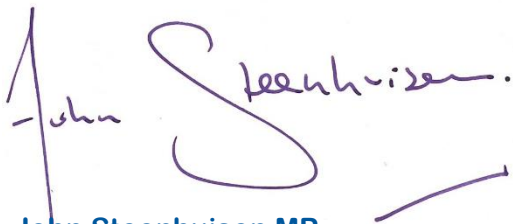
I believe that Mr Fraser's return to the intelligence services is wholly inappropriate, considering the findings of the PAN programme investigation. Furthermore, I contend that the then-ministers of State Security and Justice and Constitutional Development failed to effectively refer the matter to relevant law enforcement for investigation, despite an acknowledgement by the latter that a *prima facie* case existed.

We respectfully ask the Office of the IGI to:

- Provide us and the Joint Standing Committee on Intelligence with an update on all existing investigations into the PAN programme at the soonest possible convenience;
- Confirm if any person(s) have been subject to disciplinary action in respect of the PAN programme investigation or whether any such action is currently ongoing or pending;
- Confirm if any person(s) have been criminally charged in respect of the PAN programme investigation;
- Confirm if any of the person(s) mentioned by name in the PAN programme report remains in the employment of the SSA.

I trust you will consider this complaint with the seriousness and urgency it warrants.

Yours faithfully,



John Steenhuisen MP
Chief Whip of the Official Opposition
Parliament of RSA