**AFFIDAVIT**

I, the undersigned

Roy Jankielsohn

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Hereby declare under oath as follows:

I am a major male residing at Bruwershoop Farm, Bethlehem. The contents of this affidavit is within my personal knowledge true and correct.

During the funeral of the late Mr Sandile Msibi, former Head of the Free State Department of Police Roads and Transport, on 6 January 2018 it has been widely reported (see an example of a newspaper article in this regard marked as attachment 1) that the former Premier of the Free State Mr Elias Sekgobelo Magashule is alleged to have publicly stated that Mr Sandile Msibi’s death was a result of poisoning.

This is confirmed in a reply from the Minister of Police Mr B.H. Cele MP to a parliamentary question (see attachment 2) from Mr George Michalakis MP. In his reply the Minister indicates that “The allegations by the Premier, were made during the funeral. No information or statement was made or brought to the South African Police service”

This implies that Mr Magashule has breached Section 2 of the Inquest Act (58 of 1959) which states the following:

“2. Duty to report deaths:
(1) Any person who has reason to believe that any other person has died and that death was due to other than natural causes, shall as soon as possible report accordingly to a policeman, unless he has reason to believe that a report has been or will be made by any other person.
(2) Any person who contravenes or fails to comply with the provisions of subsection (1) shall be guilty of an offence and liable on conviction to a fine not exceeding R1 000.
[Sub-s. (2) amended by s. 2 of Act 45 of 1990.]”

I would request that the South African Police Service investigate the breach of the Inquest Act (Act 58 of 1959), and perhaps other relevant legislation in this regard, and ensure that Mr Magashule is prosecuted accordingly.

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Dr Roy Jankielsohn

1. Signed and Sworn to me at Parys on 17 July 2018 by the deponent who has stated that it is true and correct;
2. He has no objection to take the prescribed oath; and
3. He regards the prescribed oath as binding on his conscience.

**Signed before me**

**COMMISSIONER OF OATHS ---------------------------------------------------------------------**

**Attachment 1**

**Media 24 News Report**

Ace’s bizarre poison claims

 06:03 07/01/2018  Hlengiwe Nhlabathi

Newly elected ANC secretary-general Ace Magashule has claimed that a key ally of his was poisoned and that he sought President Jacob Zuma’s help to get him to Russia for treatment.

Magashule shocked mourners at the funeral of his homeboy, Free State head of the police, roads and transport department Sandile Msibi, in Parys this week with the revelations.

He said North West premier Supra Mahumapelo accompanied him when they sought Zuma’s help. Msibi died a few days later.

He was buried on Thursday, the day after he was to have been flown out of the country.

A deafening silence in the packed room of friends and family who had come to lay Msibi to rest followed Magashule’s revelations.

He was a controversial figure and was being investigated for allegedly channelling millions of rands worth of legal consulting business for the province to his personal attorney.

He allegedly ensured that a firm controlled by a close friend bagged a lucrative provincial government contract.

“We said president [Zuma], we have a friend; that this man has been poisoned. Can we please take him to Russia? There are others who have gone to Russia and come back alive,” Magashule told mourners.

During the proceedings, none of Msibi’s relatives revealed details of his cause of death.

Magashule, however, stole the limelight by claiming his “best HOD in the history of the administration” was “murdered ruthlessly by heartless people”.

However, activists in the Free State claimed Msibi could have been killed by his collaborators in corruption because he had “outlived his usefulness” and because the Hawks had him in their sights.

They said Msibi had been ill since August and that if Magashule wanted to, he could have intervened a long time ago.

Magashule blamed white monopoly capital for hunting down Msibi and his associates.

“They may boast that he is dead, but who among us here will not die eventually?

“Those most at risk were those fighting monopoly capital. We are in danger of being murdered. Once you touch the nerve of white monopoly capital, you will never survive,” Magashule warned.

Last year, Zuma spoke about “foreign forces” having tried three times to poison him. He claimed they targeted him after he called for radical economic transformation.

Newly elected ANC deputy president David Mabuza claimed to have survived being poisoned in 2015.

He subsequently hitched a lift on the controversial Gupta family’s private jet, from Moscow to Johannesburg, after receiving treatment.

“I said to him ‘Msibi, I suspect you are poisoned’. I told him to retrace his whereabouts and what he ate or drank and from who and where in the last three weeks or month,” Magashule said.

He spoke mostly in Sesotho and often paused to scan the crowd of mourners or lock eyes with the assembled clergy.

“But we will get them,” he asserted.

“It’s quite unfortunate, because Wednesday was the date decided on with the president for him to be flown to Russia.”

Explaining the delay in getting him on a plane, Magashule said they could not summarily take him out of ICU.

“But if we had taken him to Russia, he would still be alive today.”

A relative said he felt guilty after convincing Msibi not to resign from work a few months ago, after Msibi said things were not well anymore and that “he no longer did what he had been intended to do there”.

He recently spoke to his family about a planned early retirement.

“Had I known this is how he would end up, I would not have stopped him,” said his brother, identified as Advocate Msibi.

Magashule said he warned all Free State heads of department over a year ago not to accept food or drink from anybody.

“Even with Msibi gone, we are still in charge,” he said in a message aimed at his detractors.

“Magwala ha wa cheche [The cowards must retreat].”

Magashule spoke fondly of him as a man who was both loved and hated for championing radical economic transformation.

He called him a “true revolutionary”.

“He was brave to stand against white supremacy and purged most of the white staff from the old administration who had overstayed their welcome.

"He diverted tenders away from white-owned firms to benefit blacks and fired workers he deemed lazy or entitled.”

Msibi served in three Free State municipalities: Dihlabeng (Bethlehem), Ngwathe (Parys) and Mangaung (Bloemfontein).

Some workers in Mangaung were apparently seen celebrating the news of his death.

**Attachment 2**

**36/1/4/1(201800003)**

**NATIONAL COUNCIL OF PROVINCES**

**FOR ORAL REPLY**

**QUESTION 3** [was written question number 6]

**DATE OF PUBLICATION IN INTERNAL QUESTION PAPER: 8 FEBRUARY 2018**

**(INTERNAL QUESTION PAPER NO 1-2018)**

**3.**​**Mr G Michalakis (Free State: DA) to ask the Minister of Police:**

(1)​Whether, in view of the allegations of poisoning that were made by the Premier of the Free State (details furnished), an autopsy was carried out to determine the cause of death of the Head of Department of the Free State Department of Police, Roads and Transport; if not, why not; if so, what are the relevant details;

(2)​whether a murder case was laid with the SA Police Service; if not, why not; if so, (a) by whom, (b) where, (c) on what date and (d) what is the case number;

(3)​whether the allegations are being investigated; if not, why not; if so, what are the relevant details?

CO06E

**REPLY:**

(1)​No, an autopsy was not carried out yet. The allegations by the Premier, were made during the funeral. No information or statement was made or brought to the South African Police Service.

(2)​A murder case was not registered with the South African Police Service (SAPS).  However, the SAPS opened an enquiry case docket, after hearing of the allegations of poisoning. The enquiry was registered to conduct an investigation into the allegations and to establish if there is enough evidence to confirm the allegations. If there are grounds to believe that an offence was committed, a case docket will be registered. An autopsy will be conducted during the investigation of the enquiry. The results of the autopsy will also indicate whether a criminal case docket will be opened or not.

(2)(a)​The enquiry case docket was opened by Brigadier TA Posholi, the acting Provincial Head of the Directorate for Priority Crime Investigation(DPCI), in the Free State.

(2)(b)​It was opened at Bloemfontein Police Station,Free State.

(2)(c)​The enquiry case docket was opened, on 10 January 2018.

(2)(d) and (3)​ The enquiry number is 2/01/2018.

*Original signed*​​​​**MAJOR GENERAL**

**ACTING DIVISIONAL COMMISSIONER: DETECTIVE SERVICE**

**TC MOSIKILI**

Date:  14 February 2018

Reply to question 3 recommended/~~not recommended~~

*Original signed*​​​**LIEUTENANT GENERAL**

**DEPUTY NATIONAL COMMISSIONER:  CRIME DETECTION**

**LJ TSUMANE**

Date:  19 February 2018

Reply to question 3 recommended/~~not recommended~~

*Original signed*​​​​​​**GENERAL**

**NATIONAL COMMISSIONER:  SOUTH AFRICAN POLICE SERVICE**

**KJ SITOLE (SOEG)**

Date:  6 March 2018

Reply to question 3 approved/not approved

**MINISTER OF POLICE**

**BH CELE, MP**