

"IDP-SWI"

**SEARCH WARRANT**

(Section 29(5) of the National Prosecuting Authority Act, No. 32 of 1998)

**TO: The Investigating Director: Directorate of Special Operations or any person authorised thereto by him/her in writing**

**WHEREAS IT APPEARS TO ME** from information on oath setting out the nature of the investigation, which also appears from the description of the persons and entities and the offences that are mentioned in **Annexure A** hereto, and the description of the objects and information mentioned in **Annexure B** hereto that may be searched for and seized;

**THAT** there exists a reasonable suspicion that a specified offence/offences (as per **Annexure A**) has/have been or is/are being committed, or that an attempt was or has been made to commit such an offence/offences;

**AND THAT** there is a need, in regard to such investigation, for a search and seizure in terms of the above-mentioned section, of any object as per **Annexure B** hereto, which has a bearing, or might have a bearing, on the investigation in question;

**AND WHEREAS** it appears to me from the said information on oath that there are reasonable grounds for believing that an object/s having a bearing or which might have a bearing on, or is/are connected with the investigation, is/are on or in the premises or suspected to be on or in the premises of

**The residence and/or office premises of Fana Hlongwane at**

**111 4th Road, Hyde Park**

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11/11/08 08:30:01



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**YOU ARE HEREBY AUTHORISED** to enter the said premises during the daytime and there to inspect and search and make such enquiries that you may deem necessary, examine any object (as per **Annexure B** hereto) found on or in the premises which has a bearing or might have a bearing on the investigation in question and, against the issue of a receipt, to seize anything on or in the premises (as per **Annexure B** hereto) which has a bearing or might have a bearing on the investigation, or if you wish, to retain it for further investigation or for safe custody, (including inspecting, searching and seizing computer-related objects in the manner authorized in **Annexure C** hereto) and to remain on the said premises and to complete the abovementioned inspection, search, enquiries, examination and seizure during the nighttime if necessary.

Given under my hand at **PRETORIA** on this .....day of **NOVEMBER**  
**2008**

**SIGNATURE**

**Judge in Chambers**

  
M. SCHERMAN  
M. Scherman



**ANNEXURE A****OFFENCES, PERSONS INVOLVED AND NATURE OF THE INVESTIGATION**

1. The investigation, duly authorized in terms of section 28(1)(a) and 28(1)(c) of the National Prosecuting Authority Act, No. 32 of 1998, involves the suspected commission or attempted commission of specified offences, *to wit:*

- i) Racketeering in contravention of Section 2 of the Prevention of Organised Crime Act, No. 121 of 1998, as amended;
- ii) Corruption in contravention of section 1 of the Corruption Act, No. 94 of 1992 and section 3 of the Prevention and Combating of Corrupt Activities Act, No. 12 of 2004;
- iii) Money laundering in contravention of section 4 of the Prevention of Organised Crime Act, No. 121 of 1998; and
- iv) Fraud;

that have been committed in an organised fashion or that attempts were made or are being made to commit such offences arising out of the the strategic arms acquisition programme (the "Arms Acquisition Deal") which was embarked upon by the South African government during the second half of the 1990's and early 2000's for the Department of Defence, involving the following persons and entities:

- i) **British Aerospace Systems PLC (BAE)** as prime bidder/contractor for the supply of aircraft for the Lead in Fighter



Trainer (LIFT) and/or Advanced Light Fighter Aircraft (ALFA) programmes;

- ii) The advisers, consultants, agents, employees and/or nominees appointed, utilized, employed or paid by BAE, whether directly or indirectly, in relation to the said programmes, including **Head Quarters Marketing Services (HQMS) [now called International Business Support ("IBS")]**; **Red Diamond Trading Limited**; **Novelmight Ltd**; **Kayswell Services Ltd**; **FNTSA Consulting Ltd**; **Osprey Aerospace (Pty) Ltd**; **Huderfield Enterprises Inc**; **Brookland Management Ltd**; **Zomita Development SA**; and **Hlongwane Consulting (Pty) Ltd**; and also including the following entities or persons: **BAE Systems Holdings (South Africa) (Pty) Ltd**, **BAE Systems (Gripen Overseas) Ltd**, any other person or entity within the BAE group, **Arstow Commercial Corporation**, **Commercial International Corporation Ltd (CIC)**, **Osprey Aviation Holdings (Pty) Ltd**, **Jasper Consultants Ltd**, **Fana Hlongwane**, his family, **Ngwane Aerospace (Pty) Ltd**, **Tsebe Properties (Pty) Ltd** and/or **Trevor Wilmans** or his family, **John Bredenkamp**, **Richard Charter**, **Hugh Thurston**, **Alexander Roberts** and/or **Julien Pelissier**.
- iii) **Officials of the South African government and its agencies** pertaining to the said programmes.
2. The investigation also includes the reasonable suspicion that BAE devised a system of payments (whether before, during or after the Arms Acquisition Deal) to its said advisers, agents, consultants and/or nominees in order to disguise the true nature of the payments, being designed as bribes in order to achieve success in the said programmes and to seek to obtain undue advantage over its competitors in the bidding process

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relating to the said programmes. The said system of payments is reasonably suspected to include payments emanating from, destined for or routed through banks, other financial entities or other persons or entities globally, being in at least the United Kingdom, the Republic of South Africa, Switzerland, Jersey, Liechtenstein and/or the People's Republic of China, in the period from when the SA government embarked upon the Arms Acquisition Deal in the mid 1990s to date.

3. The investigation also involves the suspected commission of the offences mentioned in paragraph 1 above, pertaining to the making and receiving of corrupt payments by officials of **BAE**, and or **SANIP (Pty) Ltd** and or the **Department of Trade and Industries (DTI)** and or any other related entity or individual for the benefit of the said officials in relation to the counter trade obligations by **BAE** regarding their National Industrial Participation Programme (NIP) and or Defence Industrial Participation Programme (DIP) agreement with the Government of South Africa in the period from when the SA government embarked upon the Arms Acquisition Deal in the mid 1990s to date.

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**ANNEXURE B**

1. Any notes, minutes of meetings, diary entries, reports, records of telephone conversations and any other correspondence, e-mails, faxes, computer entries or documentation which have or might have a bearing on or are connected with any gift, payment, loan, other benefit or gratification, assistance of whatever nature, direct or indirect, monetary or otherwise, which **BAE and its associates\*** directly or indirectly gave, intended to give or agreed to give to **Fana Hlongwane and his associates\*\*** and any receipt of, or agreement to receive such by **Fana Hlongwane and his associates\*\***.
  
2. Any notes, minutes of meetings, diary entries, reports, records of telephone conversations and any other correspondence, e-mails, faxes, computer entries or documentation which have or might have a bearing on or are connected with **Fana Hlongwane's** appointment as the adviser or consultant to the **Minister of Defence**, the late **Joe Modise**, and/or his employment by or other links with the Department of Defence.
  
3. Notes, minutes of meetings, diary entries, reports, records of telephone conversations and any other correspondence, e-mails, faxes, computer entries or documentation which **Fana Hlongwane and his associates\*\*** and/or their secretaries, assistants or colleagues would have compiled and/or received and/or kept, relating to or connected with any meeting(s), or other contacts with **BAE and its associates\*** relating to or connected with any influence or attempted influence on the course or outcome of the Armaments Acquisition Deal and/or the National Industrial Participation Programme (NIP) / Defence Industrial Participation Programme (DIP) related to the Armaments Acquisition Deal.

J.F. SCHNEIDERMAN  
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4. Any notes, minutes of meetings, diary entries, reports, records of telephone conversations and any other correspondence, e-mails, faxes, computer entries or documentation relating to or connected with any gift, payment, loan, other benefit or gratification, assistance of whatever nature, direct or indirect, monetary or otherwise, which **BAE and its associates\*** and/or **Fana Hlongwane and his associates\*\*** directly or indirectly gave, intended to give or agreed to give to any person involved in or connected with the Armaments Acquisition Deal and/or the NIP / DIP related to the Armaments Acquisition Deal, or who, by reason of his or her employment or political office, might be in a position to influence the course or outcome of the same, or who might have been perceived to be in a position so to influence the course or outcome of the Armaments Acquisition Deal, whether or not he or she was in fact in such a position.
5. Notes, minutes of meetings, diary entries, reports, records of telephone conversations and any other correspondence, e-mails, faxes, computer entries or documentation which **Fana Hlongwane and his associates\*\*** and/or their secretaries, assistants or colleagues would have compiled, and/or received and/or kept, which have a bearing or might have a bearing on any contracts or any agreements between **BAE and its associates\*** that have or might have a bearing on the Armaments Acquisition Deal and/or the NIP / DIP related to the Armaments Acquisition Deal.
6. Notes, minutes of meetings, diary entries, reports, records of telephone conversations and any other correspondence, e-mails, faxes, computer entries or documentation relating to any allegations of corruption and/or money laundering and/or fraud in respect of the Arms Acquisition Deal and which have a bearing or might have a bearing on the investigation.
7. Any financial records of whatever nature, including ledgers, cash books, company registers, share registers, share certificates, bank documents,

J.F. SCHOEMAN  
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notes, minutes of meetings, diary entries, records of telephone conversations and any other correspondence, e-mails, faxes, computer entries or documentation in connection with payments made to **Fana Hlongwane and his associates\*\*** by or at the instance of **BAE and its associates\*** that have or might have a bearing on the Armaments Acquisition Deal and/or the NIP / DIP related to the Armaments Acquisition Deal.

8. Any financial records of whatever nature, including ledgers, cash books, company registers, share registers, share certificates, bank documents, notes, minutes of meetings, diary entries, records of telephone conversations and any other correspondence, e mails, faxes, computer entries or documentation relating to the mutual financial arrangements between **BAE and its associates\***, and/or **Fana Hlongwane and his associates\*\***, that have or might have a bearing on the investigation, including NIP/DIP related to the Armaments Acquisition Deal.
9. Any records of whatever nature relating to any foreign bank accounts held by **BAE and its associates\***, and/or **Fana Hlongwane and his associates\*\*** that have or might have a bearing on the investigation, including NIP / DIP related to the Armaments Acquisition Deal.
10. Any records of whatever nature relating to any interests held by **BAE and its associates\*** and/or **Fana Hlongwane and his associates\*\*** in any entity (company, close corporation or trust) which have a bearing or might have a bearing on the investigation, including NIP / DIP related to the Armaments Acquisition Deal.
11. Any financial records of whatever nature, including ledgers, cash books, company registers, share registers, share certificates, bank documents, notes, minutes of meetings, diary entries, records of telephone

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conversations and any other correspondence, e-mails, faxes, computer entries or documentation in connection with **BAE and its associates\*** and/or **Fana Hlongwane and his associates\*\***, on the one hand, and the South African government and/or government departments and or government officials, on the other hand, that have or might have a bearing on the Armaments Acquisition Deal and/or the NIP / DIP related to the Armaments Acquisition Deal.

\* Any reference above to "BAE and its associates" refers to any one or more of the following: **British Aerospace Systems PLC, BAE Systems Holdings (South Africa) (Pty) Ltd, BAE Systems (Gripen Overseas) Ltd, Head Quarters Marketing Services (HQMS) [now called International Business Support ("IBS")], Red Diamond Trading Limited, any other person or entity within the BAE group, Trevor Wilmans or his family, Arstow Commercial Corporation, Commercial International Corporation Ltd (CIC), Osprey Aviation Holdings (Pty) Ltd, Osprey Aerospace (Pty) Ltd, SANIP (Pty) Ltd, Kayswell Services Ltd, Huderfield Enterprises Inc, Jasper Consultants Ltd, John Bredenkamp, Richard Charter, Alexander Roberts, Julien Pelissier and/or any other adviser/agent acting on behalf of BAE and/or HQ marketing and/or Red Diamond.**

\*\* Any reference above to "Fana Hlongwane and his associates" refers to any one or more of the following: **Fana Hlongwane, his family, Hlongwane Consulting (Pty) Ltd, Ngwane Aerospace (Pty) Ltd and/or Tsebe Properties (Pty) Ltd.**

J.F. SCHOENMAN  
1.11.08, 11:50 AM



**ANNEXURE C**

1. Making two mirror images (complete disc copies) of computers, laptops, notebooks or hard drives, or any other electronic device on which information can be stored or saved, such as stiffies, compact discs, DVD's, floppies, flash drives, jazz drives, zip drives, data cartridges, iPods, shufflers, mobile telephones or SIM cards.
2. Making digital images of any of the above for identification purposes.
3. Seizing computer hardware and software components and computer manuals necessary to facilitate forensic analysis.
4. Thereafter, and at a location removed from the premises, conducting searches by way of forensic analysis to identify and retrieve all information, as more fully described in the body of the Search Warrant and Annexure B thereto, which has a bearing, or might have a bearing, on the investigation in question.