

JUDICIAL COMMISSION OF INQUIRY INTO CRIMINALITY,
POLITICAL INTERFERENCE AND CORRUPTION IN THE
CRIMINAL JUSTICE SYSTEM

HELD AT

BRIGITTE MABANDLA JUSTICE COLLEGE

29 SEPTEMBER 2025

DAY 8



PROCEEDINGS ON 29 SEPTEMBER 2025

CHAIRPERSON: Still switching off my phone, I would be embarrassed if it were to go off. Yes, Ms Hassim.

ADV HASSIM SC: Morning, Chair, morning, Commissioners. The witness for today is Lt-Gen Khumalo, and he is ready to take the oath.

CHAIRPERSON: Thank you. Good morning, General.

LT GN KHUMALO: Good morning, Chairperson, Commissioners.

10 **CHAIRPERSON:** Please state your full names for the record.

LT GN KHUMALO: I am Samuel Dumisani Khumalo.

CHAIRPERSON: Are you going to affirm or swear?

LT GN KHUMALO: I will swear, Chair.

CHAIRPERSON: Do you swear that the evidence you are going to give is the truth, the whole truth, nothing but the truth? If so, please raise your righthand and say, so help me God.

LT GN KHUMALO: So, help me God.

20 **SAMUELDUMISANI KHUMALO:** (duly sworn states)

CHAIRPERSON: Thank you, General. Before we start, we have so many files for the first time today. Can you please, if that is what is going to happen, tell us which ones you are going to be using today so that we put away the others? We have quite a clutter in front of us. Not clutter in a

negative sense, no.

ADV HASSIM SC: Commissioners, I am very well aware that there are thousands of pages before you for this witness. For today, what you will require is the bundle with the statement, file 1 of 1, and it says Lt-Gen D Khumalo's statement. You will need the annexures to that statement, which says Lt-Gen D Khumalo annexures. And I am also struggling with these files, Chair. Then you will need file 1, which is marked Annexure WB1 and WB2. So those are the
10 three you will require today.

CHAIRPERSON: Thank you. And will you be getting to WB1 and WB2 shortly, or should I put it behind me?

ADV HASSIM SC: It is quite likely we will get there after tea.

CHAIRPERSON: Okay. We are ready.

EXAMINATION BY ADV HASSIM SC: Thank you, Chair. General Khumalo, you would have heard me explain to the Commission the files that we have in front of us. So, the three for today is the statement folder, the annexures to
20 your statement folder, and the file that says WB1 and WB2. Do you have those in front of you?

LT GN KHUMALO: That is correct, Commissioner.

ADV HASSIM SC: Thank you. So, if we could begin with your statement.

CHAIRPERSON: General, if you could please speak up a

bit and bring one of the two mics right in front of you, please. Thank you, thank you.

ADV HASSIM SC: Thank you. General, your statement is 78 pages. Can you go to page 78? Is that your signature at the end of the statement?

LT GN KHUMALO: That is correct, Commissioner.

ADV HASSIM SC: And have you read the statement?

LT GN KHUMALO: Yes, I have read it.

ADV HASSIM SC: And can you confirm on oath that the
10 contents are true and correct?

LT GN KHUMALO: I do confirm the contents of my affidavit are true and correct.

CHAIRPERSON: Will there be any technological issues if the General leaves his mic on? I think it is quite awkward that he keeps switching on and off, switching on and off.

ADV HASSIM SC: I will be guided by the techies on that.

CHAIRPERSON: Who can give us guidance? Is there anyone, a technical person? Is it fine if the General leaves it on? Please leave it on, General. Thank you.

20 **ADV HASSIM SC:** I assume that it is also fine if I leave mine on then as we proceed.

CHAIRPERSON: Is it fine if both are on? Thank you.

ADV HASSIM SC: Thank you, Chair. Okay, if we can begin at the beginning. Page 1 of your statement sets out a table of contents. And you have divided your statement into

three parts. Can I ask you, for those who do not have the statement in front of them, to just go through the headings of your statement so that people have a roadmap of your evidence.

LT GN KHUMALO: Thank you, Chairperson, Commissioners. My affidavit is divided into three parts. The first part, or Part A, I will be introducing the whole affidavit and then I will follow it up with my service history and background in the SAPS, South African Police Service.

10 I will also give my role within SAPS leadership. And then lastly, under Part A, I will take the Commission through the establishment of the Political Killings Task Team. Under Part B, I will be dealing with the evidence of infiltration and the influence of organised crime in the criminal justice system.

I will also deal with organised crime in the Republic of South Africa as well as the events that led to the Gauteng counter-intelligence operation and also give further evidence on infiltration of the criminal justice system.

20 Under Part C, I will be dealing with the disbandment or disestablishment of the Political Killings Task Team with specific reference to the 121 dockets that were retained. I will also deal with the retaliation against the Political Killings Task Team and then I will conclude my affidavit.

ADV HASSIM SC: Thank you, General Khumalo. So,

paragraphs 1 to 4, then, of your statement. You provide your current position and your reasons for furnishing a statement to the Commission. Can you please explain those paragraphs to the Commission?

LT GN KHUMALO: Introducing myself, I am Lt-Gen Khumalo in the South African Police Service, currently holding the rank of Lt-Gen and the post title, I am the Divisional Commissioner of Crime Intelligence since the 1st of December 2022. Coupled with my current title and
10 position, I have also been the project leader of the Political Killings Task Team since I succeeded Maj-Gen Ramatswele who retired at the end of September 2018. But from the inception, I was the project coordinator for the Political Killings Task Team since July 2018.

In furnishing this statement, I will describe the history of the Political Killings Task Team from its establishment date and also, I will show the role that organised crime cartel played in an attempt to close down the Political Killings Task Team. It is my view that the
20 attempt to disband the Political Killings Task Team was due to the influence of a particular organised crime cartel over the Ministry of Police as well as the South African Police Service who mistakenly thought that the Political Killings Task Team was investigating the same cartel.

ADV HASSIM SC: Thank you. Before we proceed to

paragraphs 5 and 6, you have indicated that the evidence that you provide today is what you are able to speak of in public and that there is additional evidence you wish to submit to the Commission. Can you address that, please, with reference to paragraphs 5 and 6?

LT GN KHUMALO: That is correct, Commissioners. Included in my affidavit is all the evidence that I will be able to share in the public hearing. But alongside this evidence set out in the statement, there is also considerably more
10 evidence at my disposal that cannot be shared in a public space for the following reasons. Sharing some of evidence will expose our methodologies, will expose our informants, the resources, taking also into consideration the high risk, the current threat assessment of the Gauteng organised crime, Gauteng counterintelligence investigation.

As it is still ongoing, also sharing some of the information will compromise the same ongoing investigation. After giving oral evidence on the basis of the statement, I will apply to the Commission for the remaining evidence to
20 be heard *in camera* or in respect of the second class of the evidence described above to defer the giving of such evidence in open hearing until such time that it will be possible to do so without again compromising the current and ongoing criminal investigations. As I have said, for the safety of those involved and the protection of the

investigation itself.

ADV BALOYI SC: Can I just check Ms Hassim? The second class of evidence General that you refer to, is that what you have in paragraph 5.2 where you say giving some of your evidence in public would prejudice against ongoing criminal investigation? Is that the second class you are referring to?

LT GN KHUMALO: The second-class Commissioners refers to if it happens that during the sitting of the
10 Commission there is some evidence that can safely be shared in public, we will do so.

ADV HASSIM SC: Do I understand you to be saying, General, that if current and ongoing criminal investigations reach a point where they are concluded before the Commission has completed its investigations, that you would share that publicly?

LT GN KHUMALO: That is correct, Commissioners.

ADV HASSIM SC: Thank you. Can we then turn to your next topic that you address is your service history and your
20 background. Can you please explain to the Commission with reference to paragraph 7 to 9, your background?

LT GN KHUMALO: Thank you, Commissioners. As I have introduced myself, I have been serving as the Divisional Commissioner of Crime Intelligence since December 2022. My whole service history is contained in the SAPS 96 record

of service that is attached as Annexure SDK1. And I confirm its correctness.

ADV HASSIM SC: Are you done, or do you want to continue with that?

LT GN KHUMALO: I am continuing. I joined the South African Police Service in July 1991 as confirmed and reflected in the attached service records. As a constable, and I grew up each and every rank to the current rank of a Lt-Gen. I have served the police for the period of 34 years.

10 Testimony to that are the 10 years, 20 years, and 30 years loyal service medals that has been bestowed to me. I have served and excelled in all policing environments or programmes at both operational and managerial levels that is from crime prevention to crime investigation and to Crime Intelligence. Thank you, Commissioners.

ADV HASSIM SC: Thank you. And the long service medals, are those reflected in your SAPS 96?

LT GN KHUMALO: That is correct, Commissioners.

20 **ADV HASSIM SC:** All right, so in your next section, you speak about something called the five-pillar approach. So, as I understand it, this is your approach to crime prevention and combating. Can you please explain that to the Commission?

LT GN KHUMALO: Thank you, Commissioners. It happened as I grew up the ranks that between 2011 and

2018, I was at the level of a Brigadier, and I was appointed the Head of National Operations, responsible for the planning, the execution of the plan, the monitoring of the operation, as well as the assessment thereof. It happened then that during my course of duty, I identified one of the shortcomings that was affecting our threat-specific or periodical operations and at some level also affecting the normal operations of the police, which was lack of coordinated efforts. SAPS had become more over-
10 specialised in terms of the environment that you are operating on, which was making it difficult then to approach the operations then in a unified and coordinated manner.

CHAIRPERSON: What do you mean by specialised, General?

LT GN KHUMALO: By over-specialisation, Commissioner, I am meaning that if you are within the crime prevention environment, you will regard it as your specialisation that has got nothing to do with the investigation environment of crime. Hence then, it was affecting the coordinated efforts
20 in terms of dealing with a particular crime or threat in an operation format. The initiative then that is normally called and referred to now as five-pillar approach was meant to address that shortcoming.

As I have mentioned that during my assessment of all the operations that I was coordinating nationally, this

shortcoming came up, and it was rendering our operations to be ineffective. Since then, we had to initiate this five-pillar approach, which was firstly presented to the South African Police Board of Commissioners in 2016, where it was formally approved. I subsequently then oversaw the implementation of this approach in all national interventions or police operations. Since the introduction of this approach, the five-pillar approach then has been adopted as the standard operational methodology of the whole of the
10 South African Police Service.

CHAIRPERSON: Before Advocate Hassim asks you to tell us what this five-pillar approach is exactly, I too had a question for you on this. You deal with it in paragraph 10, or I should not even say you deal with it, you mention the five-pillar approach and you again mention it, let me see where, in paragraph 14 as well, you mention it, but nowhere, unless I have misread your statement, nowhere do you tell us or give us the five pillars. What are the five pillars themselves? I am asking because of the later
20 mention in paragraph 14, it seems that it is of relevance. If you had just mentioned it in passing in paragraph 10, I would not have bothered, but paragraph 14 suggests that it is relevant, so that is why I want to know what these five pillars are.

ADV HASSIM SC: So, General, the Chair is asking the

relevance of the five-pillar approach plan and what the content is, and as pointed out, you deal with it later to say that that is the approach that informed the work of the Political Killings Task Team, so it is quite important that you set out what the five pillars are.

CHAIRPERSON: The first pillar is, the second pillar is, right up to pillar 5.

LT GN KHUMALO: Thank you. Thank you, Commissioners. The first pillar talks to the intelligence gathering, coordination and analysis. The second pillar talks to the proactive approach, in dealing with crime or a particular threat. The third pillar talks to the more combat approach, in dealing with the particular threat. And pillar number 4 talks to the reactive, through detection. In other words, forecast investigation of reported cases. Pillar number 5 talks to communication and liaising aspects of the whole approach. But as the, Chair, has indicated, I will dwell much on those pillars when I get to paragraph 14 and linking this five-pillar approach to other operations where it has been used with more specific reference than to the Political Killings Task Team.

ADV HASSIM SC: Thank you, General. You also give an example or is the example that you provide in paragraph 12 an example of the implementation of this approach?

LT GN KHUMALO: Thank you, Commissioners. Yes,

indeed, in paragraph 12, we are noting one example of a successful application or implementation of this approach in one of our national intervention operations that we ran in three provinces, which was Mpumalanga, Limpopo and Kwa-Zulu Natal. That was focussing on rhino poaching or wildlife trafficking. I was the leader, the project leader, as well as the commander of this operation, which ran under the nickname OPS Rhino, which ran then for close to 7 years in those three provinces where we implemented this
10 five-pillar approach in its totality.

The operation itself happened then to coincide with a need for us to develop the strategy that was going to be implemented in the country in dealing with wildlife trafficking. I was part of the leadership that developed the strategy that is now referred to as National Integrated Strategy to Combat Wildlife Trafficking in South Africa, which is, of course, internationally recognised as we speak. It was the first of its kind in the country and was approved by the cabinet during May 2023.

20 The primary objective of the strategy was to guide the law enforcement agencies in South Africa and to equip them with necessary resources to reduce and prevent the escalating problem of wildlife trafficking. It was recommended by the cabinet as a more practical tool for the investigation and prosecuting of wildlife trafficking

syndicates internationally.

ADV HASSIM SC: Thank you.

ADV BALOYI SC: General, when you say it was recommended by cabinet, you mean commanded by cabinet.

LT GN KHUMALO: I am sorry, Commissioner, it was commanded, yes.

ADV HASSIM SC: And so, General, as I understand, because you are still busy dealing with your background, are you going to return to the issue of this approach to
10 investigations when you talk about the work of the PKTT?

LT GN KHUMALO: That is correct, Commissioners. I thought of explaining this approach at the beginning of my affidavit because it will assist us as we go through the methodology that is currently utilised in the Political Killings Task Team.

ADV HASSIM SC: Thanks. All right, so can you, in paragraphs 13 to 16, you speak about crime investigation and your role, your background since 2018. Can you briefly take the Commission through that?

20 **LT GN KHUMALO:** Yes, Commissioners. Since July 2018, I was assigned initially as the project coordinator, which subsequently led to my appointment as the project leader. From September 2018, the national task team that is still responsible for the investigation of politically related incidents in the province of KwaZulu-Natal. This was as a

result of the directive by the president in establishing the inter-ministerial committee, which was appointed to ensure that those that are responsible for the killings in the province of KwaZulu-Natal are held accountable.

During my initial days in the project, it became clear from also the assessments by the inter-ministerial committee, as well as ourselves as the new command, that the investigations in these cases were not yielding any successful results for a variety of challenges that I will also
10 indicate as I move on with the briefing on the establishment of the Political Killings Task Team, as well as methodologies employed. It was during the initial stages that I had to develop the strategy that was going to be used. The strategy of which now we refer to it as ‘tried and tested’. It is the analysis-led investigation using organised crime approach.

CHAIRPERSON: General Mkhwanazi and General Masemola told us about the prosecution-led investigation process. You have now added analysis and prosecutorial-
20 driven, you call it. Can you explain to us this new aspect of analysis-led, which the other generals did not mentioned?

LT GN KHUMALO: Thank you, Chairperson, Commissioners. The analysis-led is the initial approach or the initial plan that we developed at the beginning of the project. The integrated approach came a few months down

the line. Hence, then, I thought that I start from the beginning just to show the investigative approach before we expand it to include then other stakeholders. The analysis-led approach was basically meant to bring different expertise from within SAPS to work in a coordinated fashion. Our approach was, let us get our house in order first before we invite other stakeholders, so as then the integrated approach will be more effective once then we have sorted our own issues within SAPS.

10 **CHAIRPERSON:** Do I understand you then to mean that this analysis-led was not something applied on a case-by-case basis? It is something that you engaged in at the initial stage. Because I do know that the prosecution-led process was on a case-by-case basis. Each case involved prosecutors engaging with the investigators, making suggestions to them on what to investigate. Hence, prosecution-led investigations. So, obviously, that is on a case-by-case basis. Now, I understand your answer with regard to analysis-led to mean that you did the analysis as
20 different role players within SAPS. And I understand this to have taken place at the initial stage. Do I understand you correctly or was it also applicable on a case-by-case basis?

LT GN KHUMALO: Thank you, Chairperson, Commissioners. Partly it means that, but correctly so, it means the analysis-led approach is also utilised on a case-

to-case basis. To explain it further, we moved away from the investigators-led investigation. We moved towards analysis led. Hence, even now, our team is made up mainly of different analysts that are leading the investigating team towards the direction that is directed by the information at hand.

Starting from the initial statement from the docket, which will need a thorough analysis from the operational analysis point of view. But then we will line up all the
10 analysis capabilities that are available in the South African Police Service that we know are there. Your forensic analyst, your ballistic analyst, your cold data analyst, your communication analyst, all these different types, your financial statement analyst. We brought them together as the plan for the investigation of each and every case moves, each and every analyst will be able to deposit their input for the operational analyst then to look at the holistic picture and be able to direct the investigation of each and every case towards the right direction.

20 **ADV HASSIM SC:** Thank you, Chair. Thank you, General. Am I right that you will be dealing with this in more detail with reference to SDK4, which is the Integrated Strategic Plan for Investigation and Prosecution of Politically Related Cases?

LT GN KHUMALO: That is correct.

ADV HASSIM SC: Specifically, for the PKTT. You will come back to the question that the, Chair, asked later on in your evidence with reference to your plan. Is that right?

LT GN KHUMALO: That is correct, Commissioner.

ADV HASSIM SC: Thank you. So, we are still in the background. Can you explain your background in Crime Intelligence? So that would be paragraph 17 onwards. I think that is where you were. If there is something you wish to say before you get there, you are free to do so.

10 **LT GN KHUMALO:** I can proceed to paragraph 17, Commissioners.

ADV KHUMALO SC: Sorry, you skipped 15. May or may not be relevant.

ADV HASSIM SC: I thought so. Thank you, Commissioner Khumalo. So, before we get there, can you deal with paragraphs 15 and 16?

LT GN KHUMALO: Thank you, Commissioners. Paragraphs 15 and 16 are the extension of the explanation as to how we assess the analysis-led investigation that was
20 implemented in the Political Killings Task Team.

CHAIRPERSON: I am sorry, Adv Hassim. I am very sorry, General. You were at 14, and I am the one who moved you away from that after asking you about the analysis led. There is something that I consider quite important, which is your last sentence of paragraph 14, the one starting the

adoption of this multidisciplinary. Perhaps you might want to read that into the record.

ADV HASSIM SC: So that is the last sentence of paragraph 14.

MS LUVUNO: Thank you, Commissioners:

10 “The adoption of this multidisciplinary national task team underpinned by the five-pillar approach that is coming from the experience of how both proactive and reactive activities or operations in the SAPS were not so effective. The five-pillar approach became also the basis of the analysis-led approach of the Political Killings Task Team and proved highly effective, and as it is now regarded as the benchmark for tackling contract killings of any kind.”

ADV HASSIM SC: That is fine. Thanks.

20 **LT GN KHUMALO:** On paragraph 15, we are citing one other example of how effective this analysis-led investigation is coupled with the five-pillar approach can be utilised in any other organised crime approach investigation. We are citing an example where the same Political Killings Task Team was assigned to the Eastern Cape in the University of Fort Hare to investigate a series

of murder and attempted murder cases that are totally not related to the political environment or killings.

There were incidents where the university officials and staff were targeted. It is during those investigations utilising the same analysis-led in the Eastern Cape where this approach proved to be effective and proved that it can be utilised in any investigation of contract killings, not only to the political killings. I will dwell much on the investigation or the extension of the mandate of the
10 Political Killings Task Team to the Eastern Cape, more specifically University of Fort Hare later on, Chair.

ADV HASSIM SC: Can I ask you, General Khumalo, was there already an investigation ongoing in the Eastern Cape with regard to the University of Fort Hare, or were you as a PKTT brought in to begin investigating?

LT GN KHUMALO: Thank you, Chair. It is one of the yardsticks that we use to assess the effectiveness of the approach because, as was the case in the PKTT KZN, the cases that were assigned to the team were the cases that
20 have been investigated before, either by the Gen-Det at station level or organised crime units at provincial level. So, same in the Eastern Cape, the cases that were referred to the team were the cases that have been investigated before, at station and provincial level.

CHAIRPERSON: And why do you emphasise that? Why do

you emphasise that these would be cases that have been investigated in the conventional way or by some specialised units but were then taken over or given to the PKTT? What is the significance of that? The historical aspect of them having been investigated by some other sub-entity before.

LT GN KHUMALO: Thank you, Commissioner. I emphasise that because I am still in the explanation on the effectiveness of this analysis-led investigation to prove that investigations on the same case that were done utilising the
10 traditional way of investigation seemed to be not effective. Hence, then, as we implemented it in KZN and it became successful and we were roped in in the Eastern Cape, it also became successful. Hence, then, we concluded that it is the effective approach on the investigation, more especially of organised contract killings.

CHAIRPERSON: I thought that is where you wanted to go but you kept silent at some point and that is when I decided to ask you the question.

ADV HASSIM SC: You anticipated my question, Chair.

20 **CHAIRPERSON:** My apologies, Adv Hassim.

ADV HASSIM SC: Are you satisfied with the answer?

CHAIRPERSON: I was too quick to the draw again. No, I am satisfied, thank you.

ADV HASSIM SC: Thank you. General, can you explain for the Commission your background in Crime Intelligence?

And so now we will be dealing with paragraph 17 to 19 of your statement.

LT GN KHUMALO: Thank you, Commissioners. As I have indicated before that I was appointed as the Divisional Commissioner of Crime Intelligence in December 2022. This is the environment that I have spent more than a decade of my earlier career period. It is normally referred to as non-commissioned period from the rank of a Sergeant up until then the rank of a Junior Officer, a Captain. I was
10 within the Crime Intelligence environment. And also, between the year 2011 and 2012, I was appointed - I was, by that time, then at the level of a Brigadier within the Division Operational Response Services. But between the year 2011 and 2012, I was appointed as the Acting Head of Counter and Security Intelligence in the Division Crime Intelligence.

ADV HASSIM SC: So then ...[intervenes]

ADV KHUMALO SC: Sorry, Adv Hassim, can I just get clarity on this? General, as Divisional Commander of Crime
20 Intelligence and Project Lead of PKTT, where were you based? Were you in KZN or in Pretoria? Because you said in your intro that the crime syndicates had mistakenly assumed that the PKTT was investigating them in Gauteng. Specifically in Johannesburg. So, I just want to get clarity. Where were you based throughout this period, let us say

from 2022 to 2024?

LT GN KHUMALO: Thank you, Commissioners. Between the period 2022 to date, or 2024, I was based in Pretoria as the Divisional Commissioner of Crime Intelligence full-time. And I was also still the Project Coordinator of the Political Killings Task Team.

CHAIRPERSON: No longer Coordinator, General. You were Coordinator until September of 2018, when General – who is it Ramatswele?

10 **LT GN KHUMALO**: Ramatswele.

CHAIRPERSON: Retired. You were Coordinator before that, and you became the leader. You referred to yourself as Coordinator in 2022 to 2024.

LT GN KHUMALO: Yes, Chair. Maybe then it was my mistake that I did not emphasise the fact that when I was made the Project Leader, I was not stripped of the title of being the Project Coordinator, which then happened to combine being both the Coordinator and the Leader.

CHAIRPERSON: Okay, okay. Yes, it is not significant, but
20 it is just that you differentiated between Coordinator and Leader when the PKTT was established. You were the coordinator, and you said you then became the Leader when General Ramatswele retired in September of 2018. So, my understanding then was that there were two positions, one of Coordinator and one of Leader. So that is, as I say, it is

not significant, and I just corrected you or attempted to, I may have been wrong, when you still referred to yourself as the coordinator when you said since September 2018 you have now been the Leader and no longer just a Coordinator. As I say, let us not get bogged down by that. It is not significant.

ADV HASSIM SC: Perhaps I could ask one follow-up question on that, Chair. When you became Project Leader, when you assumed that role after Maj-Gen Ramatswele
10 retired, was anyone appointed as the role of Project Coordinator?

LT GN KHUMALO: Thank you, Chair. Maybe then let me link the current period, 2022 to 2024, with the SIS. So as then we all understand. In 2018, I was holding a rank of a Brigadier. It was my co-function to coordinate all national operations. I was the National Operations Coordinator. Hence, then I had to resume that role, that initial role in the Political Killings Task Team from July 2018. And then when General Ramatswele retired, I was then appointed to be the
20 Project Leader, which coincided with my promotion to a Maj-Gen's level, the level where General Ramatswele was when he was a leader.

And my post then was above the National Operations Coordinator at national level. I was the Head of National Operations. And then there was then a head of

both National Operations Planning and National Operations Monitoring. So, I was then appointed to the level above the Coordinator of National Operations. Hence, then the coordination part of the operation that I was doing at a Brigadier's level, I was still doing it now as the Leader of the operation at a Maj-Gen's level.

ADV HASSIM SC: So, there was not another person who was appointed is the answer.

LT GN KHUMALO: No.

10 **ADV HASSIM SC:** Thank you. I think you were dealing with paragraph 17 when the question arose. Can you continue from there?

LT GN KHUMALO: Yes. Thank you, Commissioners. On paragraph 18 ...[intervenes]

ADV HASSIM SC: Sorry, sorry, General. On paragraph 17, before you leave it, you say that when you - prior to your appointment as the Divisional Commissioner of Crime Intelligence, the division was beset by numerous challenges. What challenges were you faced with? You
20 then go on to say that you introduced a management style to deal with this. But perhaps you could just explain what the challenges were when you took that office.

LT GN KHUMALO: Thank you, Commissioners. Maybe then, if I may reverse a little bit, coming to the question, starting or linking it up with my acting period between 2011

and 2012 as the Acting Component Head within Crime Intelligence Division. So as maybe it is clear, Commissioners, I will attach names during that period. It is the period when the current Provincial Commissioner of KwaZulu-Natal was the Acting National Commissioner. And the current National Commissioner was the Acting Divisional Commissioner of Crime Intelligence.

And the current Divisional Commissioner of Crime Intelligence was the Acting Component Head within Division
10 Crime Intelligence. That is between 2011 and 2012. The reason why I reverse a little bit before I come to my second homecoming from 2022 is because I want to highlight the issues that will then help us understand the paragraph 18 on my affidavit. During that span between 2011 and 2012, it was during the time when the division was in the public space for more negative reasons than positive.

One might say, similar to what we experienced since the beginning of this year. The critical issues, without explaining them more, because they are reflected
20 on the state capture report that are talking specifically to the Division Crime Intelligence. So, during 2011 and 2012, there were attempts by the acting management that have cited to put a stop to most of the issues that were negatively affecting the environment. To sum them up, there was a misuse of resources as well as methodologies

of the environment.

During those acting years, attempts were made to correct all those mistakes. If I may refer to the testimony by the then acting national commissioner who came before this Commission as the provincial commissioner Kwa-Zulu Natal and expanded more on the happenings and experiences in relation to Crime Intelligence during those acting periods. So, the division was attempting to move away from those situations, but then unfortunately it did not
10 happen because all the acting heads that I have cited then happened to be moved away prior to the finalisation of that project of trying to turn the environment around.

CHAIRPERSON: If your reference to those that were acting includes General Mkhwanazi, I understood him to say that he decided to leave and left. And you have said those that were acting were moved. So that would not quite accord with what he said, which is that he decided to leave the position of acting national commissioner. Unless I misunderstood him or I have forgotten his testimony in this
20 regard.

LT GN KHUMALO: Yes, Commissioners, in his testimony, it is exactly like the Commissioner is reflecting, decided to move, but not out of free will. So, it was the case with also the two of us, the same situation.

CHAIRPERSON: Thank you, General. I interrupted you I

am sorry.

LT GN KHUMALO: Yes, I was tempted to reflect on the 2011-2012, so as then when I approach 2022. Now when I am appointed the divisional commissioner, firstly to say, maybe let me quote the words of the current national commissioner during my appointment, where he said ...[intervenes]

ADV HASSIM SC: Where are you quoting from, General? You are quoting from the national commissioner's
10 statement?

LT GN KHUMALO: No, not the statement.

ADV HASSIM SC: Okay.

LT GN KHUMALO: It is not in the statement. I am quoting the words during my appointment as I am approaching December 2022 when I was appointed. Why I am quoting his words is because I want to tie it up with 2011, 2012 when he said:

20 “Go back there, but you must know that everything that you had implemented by then was reversed within two months of your departure. So, as you go back there, you will start from scratch.”

Now I am going to paragraph 18 to reflect as to the status of the division and the programme that was put in place

then since December 2022.

ADV BALOYI SC: General, in that paragraph 17, remember that not everybody has got your statement, and you are missing stuff that we think is critical. In that paragraph 17, you do explain how you end up as Divisional Commissioner of Crime Intelligence, and then you have spoken to the problems that beset, but then you leave out the last sentence, which starts ‘upon assuming’. So, you do not explain what happens after you came into a division that
10 was beset with problems. I think you should complete the paragraph.

LT GN KHUMALO: Thank you, Commissioner. To complete my paragraph 17, I am submitting that in the division, I introduced a management style that has since proven effective, resulting in enhanced stability, more especially at management level, and also in the improved status of compliance with various policies, as well as the cessation of resources and Crime Intelligence methodologies abuse.

20 **ADV HASSIM SC:** Thank you, Commissioner Baloyi. You can continue with paragraph 18.

LT GN KHUMALO: Continuing then to paragraph 18, under my leadership of the division, currently, the operational performance has improved significantly. In particular, when one refers to the national security threats that are identified

at SAPS level or AOP, talking to organised crime priorities. We have also managed to foster stronger relations with other operational environments. Also, the reports from most of oversight bodies, from the Joint Standing Committee on Intelligence at Parliament level, the Auditor General of South Africa, as well as the office of the Inspector General of Intelligence, the reports for the past two years, they bear testimony to the improvement.

ADV BALOYI SC: What are the operational environments
10 that you refer to here?

LT GN KHUMALO: The operational environments, Commissioners, I am referring to both proactive as well as reactive environments of policing.

ADV HASSIM SC: General, could you be more specific? So, if you are talking about reactive environment, are you talking about prosecution environment or more specific?

LT GN KHUMALO: To be more specific, Commissioners, the proactive environment refers to what is normally known as visible policing, crime prevention, and then the reactive
20 normally talks to the investigation of crime. Because our main purpose as Crime Intelligence is to provide intelligence to both of those environments to effect successful policing. In paragraph 19, in closing on the discussion of my role within Crime Intelligence, the examples that I have highlighted, they just highlight the

broader scope of my contribution in the service, in the South African Police Service in line with the Constitution of the Republic as well as the South African Police Act. Throughout my tenure, I have sought to distinguish myself by delivering service of particular meritorious as well as exemplary nature, which is characterised by being resourceful, also characterised by correct leadership as well as profound sense of duty. Thank you, Chair.

ADV HASSIM SC: Thank you, General. You probably
10 come to that conclusion a little soon because you continue to set out a bit more of your background and your leadership role. But I think that the contents of paragraph 19 are understood. From paragraph 20, you wish to set out your formal qualifications. So, as I understand it, your SAPS 96 that you have addressed so far sets out your service background but not your academic qualifications outside of your in-service training, if I can put it that way. Is that correct?

LT GN KHUMALO: That is correct, Commissioners.

20 **ADV HASSIM SC:** Okay, so can you describe for the Commission your formal qualifications?

LT GN KHUMALO: The formal qualifications that I possess are the Bachelor of Arts in Police Science with the University of South Africa, as well as the Certificate in Refugee Law and Humanitarian Support, still with the

University of South Africa, and also the Certificate from the George C Marshall for the European Centre for Security Studies. The programme there was the Security, Stability, Transition and Reconstruction that I attended then in Germany. And the copy of my CV is attached as SDK2.

ADV HASSIM SC: Thank you. Can you then turn to the next chapter, which is your role within the SAPS leadership? And if you could just focus for now on paragraphs 22 to 26.

10 **LT GN KHUMALO:** Thank you, Commissioners. My role within SAPS leadership currently as a Divisional Commissioner of Crime Intelligence, I am responsible for the management of the whole intelligence processing process, which starts with the collection to the analysis and dissemination of intelligence to support the crime prevention, combating and investigations within SAPS. This role involves overseeing the gathering component of the intelligence processing, as well as the analysis component and the distribution within our distribution centres.

20 Moving to paragraph 23, highlighting my key responsibilities. My responsibilities are firstly in terms of the National Strategic Intelligence Act. And those are the responsibilities of any Divisional Commissioner of Crime Intelligence within the South African Police Service. In other words, the appointment or the incumbent of the Office

of the Divisional Commissioner is firstly in terms of the Constitution of the Republic, section 2010, which gives then the powers, the functions and the monitoring of intelligence services in the country, including those services, intelligence services of the South African Police Service.

And then coupled with the Constitution, as I have referred, there is section 23 of the National Strategic Intelligence Act of 1994 that provides for the establishment of the SAPS Crime Intelligence to gather, to correlate and
10 to evaluate the intelligence in support of the functions of the SAPS. Before I proceed with the list of the key responsibilities from paragraph 23.1 to 23.8, Commissioners, as I go through the responsibilities, I felt that I need to explain the modalities of accountability within the environment.

I referred to the environment as established in terms of the Constitution as well as the SAPS Act and also in terms of the National Strategic Intelligence Act. That then will tell us that the SAPS Crime Intelligence accounts
20 for both overt-related activities together with all other South African Police Service divisions to the Portfolio Committee of Police in Parliament, accounting for Programme 4 of the South African Police Service. And the very same division, because of its establishment under the National Strategic Intelligence Act of 1994, together with other intelligence

agencies, it also accounts now for covert-related activities to the Joint Standing Committee on Intelligence, also at Cabinet or Parliament level.

Going back to my responsibility as listed on paragraph 23 of my affidavit, the first one is the intelligence management that talks to the whole intelligence cycle from collection to analysis as well as dissemination. The second responsibility talks to the strategic oversight where the environment is expected to collect and package strategic
10 intelligence for the provisioning of such intelligence to the National Intelligence Coordination Centre together with all other intelligence agencies.

The provisioning of actionable intelligence to the crime prevention and investigation and to manage the resources, both overt and covert, and also to liaise and coordinate with other foreign law, foreign intelligence agencies through the platforms that are in place like Interpol and also the SADC region, Coordination of Intelligence. As I have reflected, the key responsibility is
20 talking to the dissemination or ensuring that the intelligence products are disseminated then to operational environments as well as at strategic level.

The other key responsibility is to ensure compliance with legal requirements, both on programme for or within SAPS and also the legal requirements then that

are guiding the intelligence agencies of the country and to ensure that there is support services then that is looking after all operational environments of the division.

ADV HASSIM SC: You can continue.

LT GN KHUMALO: In explaining those key responsibilities, Commissioners, one will then deduct that it means Crime Intelligence remains the cornerstone of SAPS operations. More especially if we look at the shift of our traditional crime threat analysis, moving or leaning more on organised
10 crime, that then will tell us that this is the crucial time where then the effective intelligence within SAPS will be required. Without getting into details on paragraph 25, I am indicating that Crime Intelligence utilises both conventional and unconventional methods in terms of collecting intelligence for operational purposes.

In paragraph 26 also which is in line with my conclusion as per the previous stanza on my affidavit, my extensive experience within the division Crime Intelligence is positioning me to address the critical issues, more
20 especially that are referring to the infiltration of both the division as well as the South African police service by criminal cartels. Having served in these key leadership roles and also managed sensitive intelligence operations, I have gained in-depth understanding of sophisticated methods that are applied nowadays with organised crime

groupings to compromise the operations of South African Police Service as well as the operations of the division itself. This background allows me to identify vulnerabilities in advance and then implement the most effective counter measures. One of our responsibilities as the division Crime Intelligence is to implement counterintelligence measures that are directed towards protecting the operations of the South African Police Service from both the internal within SAPS and outside of SAPS from making our operations
10 unsuccessful.

ADV HASSIM SC: You mean the internal and external threats to the work of the SAPS?

LT GN KHUMALO: Yes, Commissioners. It is very unfortunate, Commissioners, that nowadays these two points of threats are more made possible with the strength of the internal part. The interventions in the SAPS have never been so important like nowadays because of the level of threats that are from within the department or the organisation itself. On my next part of the statement, I will
20 be focussing on the PKTT, its establishment, expanding on its working model as well as successes and also to demonstrate the reasons related to the ineffectiveness that have never been seen before or made to be ineffective of the Political Killings Task Team as a reason for its disbandment. Thank you, Chair.

ADV HASSIM SC: General Khumalo, before you turn to the establishment of the PKTT, when you speak of the threat being so pronounced, is that related to the evidence you will be providing to the commission in Part B of your statement and perhaps *in camera*, is that what you mean by the threats? Will you be speaking to those?

LT GN KHUMALO: That is very correct, Commissioners. It refers to the level of internal threats that are making it easier for the external threats to thrive, more especially
10 facing the levels of organised crime that we have to deal with within the country. And it will be contained in my further evidence that I will produce then when I talk to the infiltration of SAPS. Thank you, Chair.

ADV HASSIM SC: Thank you. You may turn now to the topic of the establishment of the task team. And you can begin from paragraph 27.

LT GN KHUMALO: Thank you, Commissioners. And talking to the formation of the Political Killings Task Team, the background thereof was made also was placed before
20 this commission by the national commissioner as well as the provincial commissioner, of Kwa-Zulu Natal. And I can confirm that the Political Killings Task Team was established at a time when these political killing incidents were increasing in Kwa-Zulu Natal during the period leading up to 2018, roughly from the year 2011 up until 2018, when

there was a need for the establishment of this Political Killings Task Team.

Following the directive by the President of the Republic when establishing the inter-ministerial committee that was specifically mandated to ensure that there is accountability for these politically motivated incidents, the IMC then was established by the President which was made up of the Ministers from the State Security Agency, the defence and military veterans, the police, as well as justice
10 and correctional services, which by then was still a one department.

The IMC was chaired or led by the minister of police, who was then during the time of establishment, General Bheki Cele. The IMC was mandated as I have said then to ensure the accountability for these incidents, but most importantly to ensure that there is cooperative effort between the national as well as provincial governments in terms of dealing with these issues. Commissioners, maybe then I will take an opportunity between or from paragraph
20 29 to 30 to explain the common misperception that we have seen and heard around the establishment of this Political Killings Task Team.

There is a perception that talks to this Political Killings Task Team has formed as part of a response to the findings of the Moerane Commission of enquiry into political

killings in the same province of Kwa-Zulu Natal, which is not the case or not correct. As far as I recall, more especially as I was part of the initial stages of the Political Killings Task Team in July 2018, the Moerane Commission findings were only published in 2019, when the Political Killings Task Team was in place or established already.

As I have indicated, the processes of establishing the Political Killings Task Team started in May 2018 with the planning and also putting together the resources that
10 will be utilised. Hence, then it commenced its operations in July. Of course, the Moerane Commission had findings that came after the team was already established. One of the findings talks to the loss of public confidence in the criminal justice system in that province in relation to these cases that are politically related in nature.

As part of recommendations, the Moerane report talks to the importance of recruiting and training as well as deploying police officers that will be able or that are properly qualified to deal with the situation as it was the
20 case then, as I have indicated, from 2011 to 2018. One can safely say that it happened that most of the recommendations by the Moerane Commission were implemented in advance by the Political Killings Task Team, which was already in place. So those findings are contained in our initial threat and risk assessment of the

threat that we had to deal with which is political killings in the province.

ADV BALOYI SC: General, did the Moerane Commission consider the work of the PKTT at all, or the PKTT as an organisation at all?

LT GN KHUMALO: One can speculate, Commissioners, that it did because the Political Killings Task Team was already in place when then the commission was still continuing. There were participants to the commission that
10 were also part of the Political Killings Task Team leadership at strategic level.

ADV HASSIM SC: Thanks, General. Would it be correct then to say that the extracts that you have quoted from the commission, from the Moerane Commission resonated with what you were observing in your leadership role as the PKTT? Would that be correct?

LT GN KHUMALO: Yes, Commissioners, that would be correct. As we moved along implementing our concepts within the Political Killings Task Team, we were also putting
20 the Moerane Commission findings and recommendations on the table, so as then we can see that we are not off track. There are areas that are talking to the recommendations of Moerane Commission that were implemented after the Moerane Commission's report.

ADV HASSIM SC: Thank you. Can you go to paragraph

31, then, to 34, where you speak about the constitution of the PKTT?

LT GN KHUMALO: Thank you, Commissioners. On paragraph 31, I am submitting that the Political Killings Task Team was established and constituted administratively by the National Commissioner of Police, which was by then the retired General Sithole. It was not created through any legislation or regulations. It is still one of the task teams that will be established by the National Commissioner from
10 time to time. It was established as an ad hoc intervention to deal with the threat of political killings in the province, focussing on the province of KwaZulu-Natal. Of course, then as I have hinted earlier on, that the mandate of the Political Killings Task Team will now and again be extended to other provinces and to other threats other than the political killings. On paragraph 32 ...[intervenes]

ADV KHUMALO SC: Can I just check something with you, General? Does that apply to all other task teams that you are aware of? Are they usually established by the National
20 Commissioner and not, say, by Ministers?

LT GN KHUMALO: That is correct, Commissioners. The task teams – maybe before I get straight to the question, let me refer to the background of this particular Political Killings Task Team. There was a provincial task team that was in place in KZN and dealing with the same matters,

which was not established by the IMC. It was established by the Provincial Commissioner in consultation with the National Commissioner. By then, it was provincial-based and using the provincial resources.

Then, when then the matter or the issue of political killings caught the President's eyes or the national level eyes, that is when the President appointed the IMC, because the province, as well as the provincial subs, seemed to be failing to address the problem. Hence, when
10 it was escalated to national, it was the National Commissioner who had to establish or upgrade the provincial task team to the national task team, which was going to be overseen by the IMC that was established by the President.

ADV HASSIM SC: The question, more pertinently as I understand it, is whether other task teams were also set up in the same way by the National Commissioner.

LT GN KHUMALO: Yes.

CHAIRPERSON: I see that it is 11 o'clock. General, I
20 trust that you will remember what the question was and respond at 11:15, or Adv Hassim will repeat the question. Let us adjourn until 11:15.

INQUIRY ADJOURNS

INQUIRY RESUMES

CHAIRPERSON: Yes, Adv Hassim.

EXAMINATION BY ADV HASSIM SC (CONTINUES): Chair, when we left off the witness was about to answer a question and the question, General, is you were discussing the point you make at paragraph 31 about the team being constituted administratively by the National Commissioner and the question is whether this is how other Task Teams, National Task Teams has been constituted, or is it only the PKTT?

LT-GEN KHUMALO: Thank you, Commissioners. All the Task Teams are constituted administratively by the National
10 Commissioner who has to assign the resources to the Task Team, including financial resources. The IMCS appointed or established by the President it is appointed at a Cabinet level to ensure that the resources of National are then also then taken down to a province where then the National Commissioner has to implement the safety and security measures that are talking to the identified threat or complaint.

ADV HASSIM SC: So the answer to the question is yes?

LT-GEN KHUMALO: Yes.

20 **ADV HASSIM SC**: Okay.

ADV BALOYI SC: Ms Hassim, if I may. If I can just take you one question back, because of an explanation that you gave later on. The, I asked the question whether the Moerane Commissioner considered the role and the work of the PKTT. I just want to clarify, when you said PKTT, there

was participation, did you mean the PKTT as now constituted in 2018 or the Provincial Task Team that participated in the Moerane Commission?

LT-GEN KHUMALO: Thank you, Chair. The Provincial Task Team that was in place when the Moerane Commission was constituted and looking at the political killings incidents that the Provincial Killings Task Team was working on, they were participating at all levels from the Police to Provincial Government to the Moerane Commission.

10 **ADV HASSIM SC**: So that takes us to paragraph 33 – no, sorry, paragraph 32. Can you elaborate on that, please, for the Commission.

LT-GEN KHUMALO: Thank you, Commissioners. Paragraph 32 talks to the second level of the strategy when then the IMC had directed that an integrated strategic plan needs now to be developed so as then other criminal justice stakeholders can be part of the intervention. Then that strategy plan was then approved by the IMC, which was then talking to the main, two main stakeholders, which is
20 South African Police Service as well as National Prosecuting Authority taking a leading role in the development and implementation of such strategy.

Moving to paragraph 33, one is highlighting the fact that the PKTT as an operational level or operational wing of this intervention its work was overseen by the National

Steering Committee at national level, the IMC as well as the Presidency of the Republic of South Africa that had established the Interministerial Committee.

CHAIRPERSON: And what do you mean by overseen in this context?

LT-GEN KHUMALO: The overseen by the National Steering Committee I am referring to the fact that the resources that were deployed in the PKTT since July 2028 were no longer the provincial resources, but were national
10 resources, that is why then the National Steering Committee had to oversee and account for the deployment of those resources.

ADV HASSIM SC: Thank you. Can you conclude then on paragraph 34.

LT-GEN KHUMALO: Thank you, Commissioners. In conclusion, the PKTT that was operating in KwaZulu-Natal under my direct supervision as well as Lieutenant-General Mkhwanazi as the Provincial Commissioner focussed on addressing politically motivated incidents in that province of
20 KwaZulu-Natal as I have said directed by the National Steering Committee and then accountable to the Interministerial Committee as well as to the President. And then in the Eastern Cape the PKTT investigated crimes within the University of Fort Hare as designated or directed by the National Commissioner.

ADV KHUMALO SC: General, what does that entail? PKTT operates primarily in KwaZulu-Natal under my supervision, what does that supervision entail? As I understood your earlier answer you were based in Pretoria and the PKTT operated in KZN initially. So what was the nature of your supervision of the PKTT, was it merely reporting or what did it involve exactly?

LT-GEN KHUMALO: Yes, one of the – thanks, Commissioners. One of the good practices that we have
10 implemented in the Political Killings Task Team is to improve on accountability with talks through continuous reporting. I will explain that when I get to the reporting structures, but it means that even if you are not physically in the operational area, you are still supervising and giving guidance, because you are getting daily reports that are talking to the activities as well as the feedback of, on each and every activity.

ADV HASSIM SC: So practically how would you do that if you are in Pretoria?

20 **LT-GEN KHUMALO:** Based in Pretoria I still receive those daily reports. I am still able to guide the investigations with continuous interaction with the Commander, Operational Commander that is on the ground and then I will do some, I will do visits now and again if there is a need, but then there are those periodical visits that one will pay to the

team.

ADV BALOYI SC: General, the, you say at the time the Minister was Minister Cele when the PKTT was established. In your recollection did Minister Cele outside of the IMC, the Interministerial Committee, did he give any directions to the PKTT, instructions or guidance outside of the component of the IMC?

LT-GEN KHUMALO: According to my recollection and my knowledge as I have been there, there were no instructions
10 that will come from the Minister as a Chair. The Chair as well as the IMC they will receive the progress report from the Political Killings Task Team on continuous basis.

ADV HASSIM SC: Thank you. General, we are going to be going through a section now, you deal with the issue of reporting structures, as you do so could you provide the Commission with information as to how often these structures reported to each other and what the reporting line was? So you would begin now at paragraph 35.

LT-GEN KHUMALO: Thank you, Commissioners. From
20 paragraph 35 where we are talking to the reporting structures of the Political Killings Task Team, as it is always or it is part of the five pillar approach that you first determine the operational area, in this case the mission or operational area was the province of KwaZulu-Natal. Now for the proper implementation of the strategy it has got that

requirement that you need to cut your mission area into small manageable parts so as then you are able to be everywhere.

It is taking the mode of, I will refer to the SAPS, the organization that I know very well, that is represented or that is managed at national level, but represented then up to grassroot or station level. So our approach in this project was the same. We determined the whole province as the mission area as it was affected by these incidents
10 and then we divided the province into four parts, which are the south coast of the province, the north coast, the midlands and the central part.

And then we had to put then those small manageable teams in those areas that will be responsible for the daily activities which are reported on daily basis at the mission area coordination centre that is, or that was situated then at the provincial office.

ADV HASSIM SC: So did those smaller units, the Tactical Joint Operational Centres, report to the Mission Area Joint
20 Operational Centre or how did that work and how often?

LT-GEN KHUMALO: As I indicated, Commissioners, earlier on that we were and are still implementing the analysis led investigation. So at the mission area, head office level, we will have then the Commanders that are experts on each and every part of firstly analyses, the different parts of

analysis. There will be Commanders at a mission area level as well as the Commander of investigations, that they will sit then at that head office level to give guidance to these four teams.

But the same structure and expertise that are found at mission area level will be duplicated at all tactical level, those four small manageable structures so as then they are able to give guidance also at that level.

ADV HASSIM SC: Thank you. I am just trying to get a
10 sense of practically how that would work. I understand what you are saying about giving guidance, but practically how would that work, how often would they meet for example?

LT-GEN KHUMALO: Okay, thank you, Commissioners. As
I have indicated earlier on that one of the best practices or pillars of this approach, firstly it emphasize more on command and control. It emphasize more on discipline. It emphasize more on accountability, irrespective of the level. You may be at a very lower level of SAPS but you are still
20 accountable for each and every action or tasking or activity that is expected of you.

So that is done on daily basis at a tactical level. And then on daily basis the Commanders there will submit the report at mission area, head office level. So the mission area is moving together with these four teams continuously

or daily and then once a week then they will have that extended mission area meeting where the four Commanders will sit with the Commanders at mission area level to plan for the week or month. In other words, they will be giving the medium term directives so as then at tactical level then they are able to give those daily taskings that are inputting into the medium term directive given every week.

ADV HASSIM SC: Thank you. So that is the, at operational level. And then in paragraph 36 you deal with
10 the reporting lines above the operational, well, from the MAJOC upwards.

LT-GEN KHUMALO: Yes.

ADV HASSIM SC: So can you take the Commission through that, please.

LT-GEN KHUMALO: Thank you, Chair. Maybe then to explain paragraph 36 properly so I will start from where I ended with the four small manageable areas in the province that are reporting on daily basis to the mission area and then the mission area they will consolidate the weekly
20 reports. At tactical level it is daily reports and then at the end of the week the mission area in preparation for the weekly meeting so as they are able to guide the lower level.

And then the MAJOC or the mission area will then report to the Provincial Steering Committee and then, and thereafter the Provincial Steering Committee together with

the leader of the operation will report then to the National Steering Committee. During the years, the previous years, the reportings to the Provincial Steering Committee as well as the National Steering Committees it was always every time there will be an Interministerial Committee so as then all the structures from grassroot level will be having the common understanding on the progress in preparation for the reporting to the Interministerial Committee.

ADV HASSIM SC: Thank you. Is there anything further on those reporting structures? If not, then we can go to the organogram.

LT-GEN KHUMALO: So maybe then, Commissioners, if I may indicate the importance of these reportings. I have touched on the main purpose of the four small manageable teams reporting on daily basis to the mission area, command structure. The further reporting it is not only about like to the Provincial Steering Committee as well as the National Steering Committee, it is mainly to escalate the challenges that cannot be attended to or resolved at provincial, or at MAJOC, at the mission area level so as then the Provincial Steering Committee can intervene.

Same applies then to the National Steering Committee that is responsible for the deployment of the national competencies. Same applies then to the IMC. I will make an example of the report that was made to the

IMC which was then escalating the challenges that were coming from tactical level before small manageable areas to the mission area and they were not successfully resolved and then they were moved to provincial, to National Steering Committee up until the IMC.

Those challenges are contained in a letter that was compiled citing all the challenges that are at operational level which was then signed off by the Chairperson of the Interministerial Committee to attend to those issues that
10 could not be addressed at operational level. The letter, I am not sure whether it is attached to my bundle, but it is the letter that was referred to under oath by both the DPP, KwaZulu-Natal as well as the Provincial Commissioner, KwaZulu-Natal, the letter that was signed by the former Chairperson of the IMC.

ADV HASSIM SC: I do not believe ...[intervenes].

CHAIRPERSON: Just for clarity, a letter that I remember that was signed by then Minister Cele, which was referred to by the KZN Director of Public Prosecutions is a letter
20 which on my understanding preceded the formation of the PKTT. General Cele, or rather Minister Cele in that letter was highlighting all the problems, even referring to 2012 cases I think all the way up to about 2018 cases, so basically saying these are the problems that have been encountered with regard to all those cases and after all the

engagements that then followed, the PKTT was formed.

Now I understand you now to be mentioning this letter in the context of an already existing PKTT and I am a bit confused.

LT-GEN KHUMALO: Thank you, Chair. As I have indicated that the preparations, the assessment, the compilation of plans started during May when the National Task Team was preparing to come on board. Then from May, June, July the letter was written when the Task Team
10 was already on the ground. So most, if not, no, all of the challenges were experienced by the Task Team at operational level that were escalated throughout up until the IMC level.

ADV HASSIM SC: General, would this ...[intervenes].

CHAIRPERSON: It is a pity we do not have the letter readily at hand. I would have been very interested in its date so as to relate it to the date, so as to relate it to the date of the formation of the PKTT. Are our techies in a position to show us the letter? I am just interested in the
20 date, that is all.

ADV HASSIM SC: And while we are trying to find that, would this question also be answered through your Annexure SDK3, which is the information note that was prepared to report on the challenges and what needs to happen going forward? And we can deal with it when we

come to that annexure perhaps, which is quite soon. It is SDK3. General, the letter is now available. It might be easier for you to look at it at the screen just behind you.

CHAIRPERSON: Oh, I see it is 24 May 2019. So the PKTT already exists.

LT-GEN KHUMALO: Yes, Chairperson.

CHAIRPERSON: As I said, I said I am probably confused. It seems, I should not even say it seems, it is clear that I was. Sorry about that, General.

10 **ADV HASSIM SC:** Chair, if I could, could I pause for one minute to – actually intended to hand up as an exhibit for the assistance of the Commissioners, and I think it was going to become even more important as we continue with this witness, a working chronology and so it will give you a quick guide as to where the witness' testimony fits in the overall timeline of events. May I seek leave to hand up that as Exhibit CJC1. Thank you, Chair.

Okay, so if we may then just revert to the paragraph where the witness was addressing the question of reporting
20 lines of the PKTT, which was paragraph 36. And, General, you have covered this, but could you also explain to us how often the IMC met? How often would there be reports to the IMC and for what purpose? Was it for policy guidance or can you just be a bit explicit about that?

LT-GEN KHUMALO: Thank you, Chair, Commissioners. At

Political Killings Task Team level we were not privy to the scheduled meetings by the Interministerial Committee who will get the notification as then it will be inviting us to come and brief the IMC, but based on the experience and being involved there were meetings one, maybe twice per year on the initial stages up until 2020 as a result of Covid19 and then one will remember very well from our side that there was no IMC during that time. And then afterwards and then the committee resumes to meet or to convene.

10 So at Provincial and National Steering Committee as I have indicated, mainly the National Steering Committee will meet now and again when there will be IMC, but most importantly towards the end of the deployment period and then the National Steering Committee will sit and assess the performance and get a detailed threat and risk assessment so as they are able to take an informed decision in terms of extending the project or not.

ADV HASSIM SC: Thank you.

ADV BALOYI SC: General, when you say end of
20 deployment you mean the end of the authorized period?

LT-GEN KHUMALO: Yes, Commissioners.

ADV BALOYI SC: Okay.

ADV HASSIM SC: So at the end of each, as the end of the authorized period was drawing closer there would be a report to determine whether there is a need for the

extension of the work of the PKTT in essence.

LT-GEN KHUMALO: Yes, Commissioner, that will be the case, because the National Steering Committee is made up of National Directors Generals that are deploying the resources. That meeting will take place towards the end of each financial year so as then they can determine firstly the need for the extension so as then they can inform the IMC in advance of the extension or termination based on the current threat and risk assessment. That will be the
10 practice then each and every financial year.

ADV HASSIM SC: Thank you. Your next topic then is on the organogram and the structure of the PKTT, but you begin with an assessment of the work that was already ongoing by the provincial team and the challenges. So can you start at paragraph 38.

LT-GEN KHUMALO: Thank you, Chair. As I have indicated briefly when I am discussing the part, this part of the establishment of the National Political Killings Task Team that the IMC was formed around May 2018 and then
20 the IMC had their initial meetings in May as well as June. When they went down to the province of KwaZulu-Natal to assess the interventions that were in place addressing the complaint or the threat or the issue that has been raised by the President and then they received briefings from the Provincial Task Team by then during those two initial IMC's

where then they will do their assessment and then one of their observations was that that Task Team was working in silos and the members that were deployed in that Task Team as they were from local level, they were compromised and that more especially it did not have an investigation and prosecutorial plan or strategy.

As a result then there was little or no progress in the investigation and prosecution of these cases, the point that I highlighted earlier on as to what is it that the National
10 Task Team had to put in place in order to correct that situation. I touched on the plan by the Political Killings Task Team that was informed by the five pillar approach which was confirmed as a solution to most of the problems that were identified by the IMC.

One can add that that happened at a time I saw during the testimony by the Provincial Commissioner, Lieutenant-General Mkhwanazi when he highlighted that the establishment of the National Political Killing Task Team coincided with his acting period in the province and I was
20 also seconded to the province not for political killings, but for provincial operations in the office of the Provincial Commissioner.

So the movement from the Provincial Task Team to the National Political Killings Task Team was overseen by myself, hence then it was not that difficult to compile the

strategy, because the strategy was emanating from the tried and tested five pillar approach that has been proven to be successful during the wildlife trafficking interventions. Then the same plan was then implemented in KZN.

ADV HASSIM SC: Thank you. So can we, can I take you to your Annexure SDK3, because that is, speaks directly to the implementation of the strategy that you just referred to and this is the information note as I understand it correctly is prepared by, well you can say who prepared the
10 information note that is on SDK3.

LT-GEN KHUMALO: The information note was prepared and compiled by Brigadier SD Khumalo who happened to be the Lieutenant-General Khumalo, the witness to the Commission, on the 15th of June 2018.

ADV HASSIM SC: You in other words?

LT-GEN KHUMALO: Me.

ADV HASSIM SC: It was prepared by you. Thank you. And in paragraph 3, perhaps you could just read paragraph 3 of the first page.

20 **LT-GEN KHUMALO:** Paragraph 3 of the first ...[intervenes].

ADV BALOYI SC: Sorry, General, before you do that and for purpose of the record so that when we later look at this there is no confusion, Ms Hassim, at page 19 it indicates, the document indicates the signature of Mkhwanazi, NS and

then as you page through, unless I miss it, I do not see General Khumalo as one of the parties presenting, preparing, What does it mean, General, that you prepared and yet it is signed by General Mkhwanazi?

LT-GEN KHUMALO: Thank you, Commissioners. The current operational or administrative guidelines in the SAPS in line with the command and control, the compiler of the plan, because this was the plan, will not have to attach the signature on the communication of the plan. You will only
10 attach the signature on the plan itself that will be used at operational level, because it will be your plan.

But then the plan that is inclusive of other strategic decisions then will be signed by the Accounting Officer of that particular environment. In this case it was the Acting Provincial Commissioner, KwaZulu-Natal.

ADV HASSIM SC: Commissioner Baloyi, could I ask you to turn to page 22 and that might answer your question. It is – page 22 of the information note. So I believe it is the last page.

20 **ADV BALOYI SC:** I see that, thank you.

ADV HASSIM SC: At the bottom it indicates information note compiled by Brigadier S Khumalo.

ADV BALOYI SC: Thank for you that.

ADV HASSIM SC: Sorry, to go back to where you were, General, you were talking about implementation of a new

strategy now, right. Could you please read paragraph 3 on page, of the first page of the information note.

LT-GEN KHUMALO: Paragraph 3 of paragraph 2 under background reads:

10 “The IMC, Interministerial Committee, met with the Task Team that was investigating these cases on the 21st of May 2018 and one of the preliminary observations was that this multidisciplinary Task Team was working in silos and that it does not have an investigation and prosecutorial plan or strategy that is aligned to the overall Government priorities contained in the National Development Plan 2013, the Medium Term Strategic Framework and other key policy prescripts of creating safe and secure environment.”

20 **ADV HASSIM SC**: Thank you. And then on page 15 of that bundle, so two pages over, is paragraph 3 addressing then the proposed strategy. Is that what is being set out in paragraph 3? And related to that is this your five pillar approach?

LT-GEN KHUMALO: Thank you, Commissioners. Yes, indeed paragraph 3 that is having a heading “the

operational approach and concepts” it talks to the approach that I have explained of the establishment of the mission area and the tactical areas and also further on it lists the competencies or expertise that will be needed in terms of the five pillar approach to implement the plan.

ADV HASSIM SC: Thank you. And if we then turn to page – there is, okay page 19 to begin with.

ADV BALOYI SC: Can I just – sorry, I do apologize for this delayed question. General, in where you set out the pillars
10 and that is bullet point 3 and then there is a sub-bullet there which is the second one, the second sub-bullet after 3, it is, so the first one is crime intelligent gathers and then the second one is NIU and TRT to implement. You see that? You see where I am referring?

LT-GEN KHUMALO: Yes.

ADV BALOYI SC: Yes, are you able without disclosing anything that you should be disclosing, if there are any anxieties coming from my question, why it is that it is the NIU and TRT that are deployed for this kind of project as
20 against the usual policing units that you may have? And I ask, because they both in urban legend have a reputation of being tough and when they appear, no nonsense, we are told to stop our nonsense when they appear. Is there a particular reason that it is these units that have been used?

LT-GEN KHUMALO: Thank you, Commissioner. Maybe let

me start by highlighting the difference between, on the five pillar approach, the proactive as well as combat approach. Proactive is your normal crime prevention capability and then the combat one is starting from the public order policing to TRT, the specialized uniform then in terms of training. So coming back to the question as to why in this case, pillar one talks to crime intelligence gathering analysis. So that is the pillar that will, that will be deployed in advance, in early operation to conduct a through threat
10 and risk assessment that will help the determination of the deployment capabilities.

So in this case, and then based on the threat and risk assessment that was conducted, then it was determined that the proper and suitable level of deployment from the specialized uniform will be from tactical response units and national intervention units.

ADV HASSIM SC: Thank you. Commissioner Baloyi, I think that it is a question that we will return to again as we go through the work of this team. So, General, at page 19
20 is the recommendation to implement this strategy that was outlined in the preceding pages, is that right?

LT-GEN KHUMALO: That is correct, Commissioners.

ADV HASSIM SC: And the second recommendation is for a budget to be approved for the operationalisation of that plan, is that correct?

LT-GEN KHUMALO: That is correct, Commissioner.

ADV HASSIM SC: And the amount for that budget can you just let us know?

LT-GEN KHUMALO: The estimated budget for that initial deployment of the Political Killings Task Team was at 49,1 million for the period of 6 months.

ADV HASSIM SC: And from what budget was that to be drawn?

LT-GEN KHUMALO: It was ...[intervenes].

10 **ADV HASSIM SC:** The province or the ...[incomplete].

LT-GEN KHUMALO: It was going to be from the national budget as the plan and the implementation as well as the recommendations and the request for these resources, because the plan and the request was for resources, personnel as well as financial resources. So it was going to be from the national budget.

ADV HASSIM SC: So the request was for the budget to be approved as a national budget and that is indeed what then followed, is that correct, on pages 20 and 21, the
20 signatures?

LT-GEN KHUMALO: That is correct, Chairperson.

ADV HASSIM SC: Thank you. So that deals with your Annexure SDK3 and paragraph 38. I think now where your statement intends to go is to the setup of the, the structure of the team, is that correct?

LT-GEN KHUMALO: That is correct, Commissioners. Under paragraph 39, after the approval we are indicating that indeed then from July 18 then we started then implementing the structures as I explained earlier on.

ADV HASSIM SC: Can you then turn to paragraph 40 and maybe you could just read paragraph 40 and then we can go to Annexure SDK4.

LT-GEN KHUMALO: Paragraph 40 reads:

10 “Thus to enable the Political Killings
Task Team to function as a
multidisciplinary team, including
personnel from relevant law
enforcement and justice agencies, an
investigative and prosecutorial strategy
was developed. Such strategy is
attached as Annexure SDK4.”

ADV HASSIM SC: And is this strategy then meant to address the lack of coordination between different stakeholders or different agencies within law enforcement?

20 **LT-GEN KHUMALO:** The integrated plan attached as SDK4 is now meant at improving the coordination, streamlining the activities of other criminal justice system stakeholders as I reflected earlier on that the main stakeholder was National Prosecuting Authority, which were then part of this integrated plan.

ADV HASSIM SC: Thank you. So if you can turn to SDK4 and particularly after you deal with background, at page 27 you explain the objectives of the strategy. Can you take the Commission through that, please.

LT-GEN KHUMALO: The objectives of the strategy, Commissioners, was to immediately attend to, investigate and prosecute reported incidents of political related cases in KwaZulu-Natal; to implement the multidisciplinary troika methodology consisting of intelligence gathering, crime
10 investigation and prosecution; to ensure perpetrators of politically related cases are arrested and prosecuted as speedily as possible; to instil the public confidence as well as stability; to identify and successfully prosecute the kingpins or masterminds behind the politically related cases; and lastly, to optimize the provision of witness protection program.

ADV HASSIM SC: Thank you. So the approach as we are learning is different from the business as usual approach and that brings us back to the question that emanated from
20 Commissioner Baloyi and specifically on page, I just need to find it, oh no, it is fine. It is actually not in this annexure. It is in a later annexure. I will come back to the point about the approach and the use of different agencies. Can you then take us to paragraph 44.

LT-GEN KHUMALO: Thank you ...[intervenes].

ADV HASSIM SC: Of your statement.

LT-GEN KHUMALO: Commissioners, paragraph 44 reflects to the extension of the mandate for the Political Killings Task Team. As I have hinted during my introduction that it happened that during the year 2023 there was a complaint from the Vice-Chancellor of the University of Fort Hare about the slow or no progress at all of the cases that were related to the University and then that complaint was then handed over by the Presidency to the three Ministries who
10 had to come up with the intervention.

Those three Ministries included the Minister of Police. Through the National Commissioner then the extension of the mandate was extended by the National Commissioner for the Political Killings Task Team to be deployed to go and intervene by investigating those cases in the University of Fort Hare.

ADV HASSIM SC: Thank you.

CHAIRPERSON: Just, I am looking at paragraph 44.2, General. It says:

20 “In response I prepared a proposal for recommendation by the National Commissioner and approval by the Minister to extend the PKTT to the Eastern Cape.”

I just want to understand approval, why would this

have had to be approved by the Minister? I am asking this in the context of evidence that has said on operational matters the Minister is not supposed to be involved. Was this not an operational matter? Why would the Minister have to approve?

LT-GEN KHUMALO: Thank you, Commissioners. The approval as reflected under paragraph 44.2 is not directing or talking to the Minister of Police approving the deployment. The PKTT was operating in KZN, so it was the
10 National Commissioner who approved the operational deployment, but then the Chairperson of the IMC had to be informed, because the very same Chairperson of the IMC was also one of the Ministers that were assigned by the President to intervene in the University of Fort Hare, Eastern Cape.

CHAIRPERSON: For me to understand, did the same thing happened then, that is an approval by the Minister when the ten PKTT members were sent up to Gauteng where we are sitting to assist with the GCI Ops investigations? Did the
20 Minister have to approve that? If not, why not? Are the two not comparable?

LT-GEN KHUMALO: Thank you, Commissioner. No. My response will be no in the latter and then why not will be the deployment in the University of Fort Hare, Eastern Cape as I have indicated, it came the route of the Presidency

assigning three Ministers to intervene. And then the assistance in the Gauteng Counter Intelligence investigation was an operational decision after the facts and lots of consideration in terms of then the threat that was in place. So it is not, the Gauteng Counter Intelligence investigation is not streaming from the Presidency to IMC route. It was just an operational decision at National Commissioner's level.

ADV KHUMALO SC: Can you maybe go to page 99 of the
10 same document under the heading "recommendations".

ADV HASSIM SC: Page 99.

LT-GEN KHUMALO: Of this statement?

ADV HASSIM SC: No, no, it is page 99 of SDK7.

LT-GEN KHUMALO: SDK7. Yes, Commissioner.

ADV KHUMALO SC: Does that assist in answering the Chair's question? Remember, the Chair asked you why does the Minister need to approve this document.

LT-GEN KHUMALO: Thank you, Commissioner. It assists
20 a lot. This was the progress report that was directed to the President who had assigned the three Ministers. So it was not an approval of the deployment, but it is to give progress to the President on the signature of the Minister of Police who was one of the Ministers that were assigned.

ADV HASSIM SC: General Khumalo, could you read the sentence under "recommendations" just so it is clear for the

record, because that was in effect what was recommended by you.

LT-GEN KHUMALO: -:

“It is recommended that the Minister of Police takes note of the progress report and approves the draft response to the President as attached.”

ADV HASSIM SC: Thank you. Chair ...[intervenes].

CHAIRPERSON: It seems to me then, General, that 44.2 is
10 not quite accurate, or am I missing it altogether?

LT-GEN KHUMALO: You are correct, Chair.

CHAIRPERSON: Yes.

LT-GEN KHUMALO: Reading it together with the National Commissioner in one line referring to this information note is not quite accurate.

CHAIRPERSON: Thank you. Thank you.

ADV HASSIM SC: Thank you, Chair.

CHAIRPERSON: Thank you, Ms Hassim.

ADV HASSIM SC: Thank you for the correction. But,
20 Chair, sorry, we have skipped a beat. We jumped to paragraph 44 without dealing with paragraph 43 and Annexure SDK5. So, General, could you go back to paragraph 43 and in paragraph 43 you talk about the briefing to the IMC, which you attached as SDK5. Can we go to SDK5.

LT-GEN KHUMALO: Thank you, Chair. Paragraph 43 reflects on the first IMC briefing that took place on the 3rd of August 2018 where it was during this briefing where the PKTT gave their first progress report to the IMC which was for the period the 9th of July up until the end of July. During that time the PKTT had only those 20 days lifespan as it was formally established on the 1st of July but then the reporting period, maybe, Chair, to explain the difference of the official establishment and the commencement.

10 As the national deployment it is impossible to have the operations beginning on the same day. You need mobilisation week, so between the 1st up until then the 9th, the 8th, that is when then the operations started. Then SDK5 talks to the briefing that was presented then to that first IMC of the National Political Killings Task Team.

ADV HASSIM SC: Thank you. And then on page 51 of the SDK5 does this depict what you are saying in your last sentence of paragraph 43, that it was in that short period of time that 126 dockets had already been referred to the
20 PKTT?

LT-GEN KHUMALO: That is correct, Commissioners. Within those 2½ weeks the team was already allocated a total number of 126 dockets and in page 51 of the annexure we are reflecting the distribution of those 126 dockets in line with the plan that I explained earlier on that we had

divided the province into four small and manageable areas of operation. The 126 dockets were then distributed accordingly to those four teams.

ADV HASSIM SC: Thank you. In the same annexure at page 83 there is, if you could just explain to us what are these cases that you are referring to? You have got a list of cases. Is this a report on the status of those dockets that now were within the remit of the PKTT?

LT-GEN KHUMALO: Thank you, Commissioners. As part
10 of this initial report we had to list all the cases that were already allocated to the team dividing them amongst those that were still under investigation, those that were at Court already and those that were finalized, if there were any. So under page 83 we are reflecting one of the cases that when the team came in, was still under investigation. There was no accused that was charged on that case and as it is reflected on a different colour, it was the case, I think on this report there are other two or three cases that are highlighted, that was an indication of the cases that the
20 team had worked on within that two to three weeks and had the potential of going to Court by charging identified suspects.

ADV HASSIM SC: Okay, so the point of the highlighting is to say those are the ones that are now ready to go forward to, you have made, those are the ones in which you have

made significant progress. I just want to understand the highlight.

LT-GEN KHUMALO: The highlight it is talking to those where the team had made a progress within three weeks. It is twofold. This particular case it is still going to be part of my testimony, affidavit. It also talks to the misinformation that has been flying around that talks to when the team was established this case was already at Court, but I will discuss that in details as we move on.

10 **ADV HASSIM SC**: Thank you. Okay, so we will return to that you say. Then you, can you go to paragraph 45 and this is where you ...[intervenes].

ADV BALOYI SC: Sorry, Ms Hassim, if I may, before you leave entirely paragraph 44, the, General, under SDK6 that is the letter from the President and this relates to how you, how the PKTT ends up looking at the Eastern Cape, in particular University of Fort Hare. Now I just want to clear what might be a gap for me. We have earlier in your statement a description of the IMC, who constitutes the
20 IMC. Now this letter from the President is addressed to the Minister of Defence and Military Veterans and the Minister of Police and then it is copied to the Minister of Education and then somewhere in the body of it, I think it is paragraph 4, it says, in paragraph 4 it says:

“I have directed Minister Nzimande to

engage with the security cluster to find more sustainable solutions towards arrest and prosecutions.”

This is about Fort Hare. Is security cluster the same as those people that you have described in your paragraph 28 as constituting the Interministerial Committee?

LT-GEN KHUMALO: The understanding might look exactly like that, Commissioners, but then the establishment of the IMC is done on a different directive like this one. So the
10 interpretation of the relevant Ministers by then was then that the Minister of Education needs to engage the security cluster Ministers to assist him. That was the understanding of this directive from the Presidency.

ADV BALOYI SC: Yes. I am asking the question to clarify, because if you recall, earlier I asked the question whether in your recollection or knowledge Minister Cele had ever issued instructions to the PKTT or relating to the PKTT and your answer was no, not to your recollection and I think I understood you now to say in this case of Fort Hare he did
20 and yet there is also, well you said he approved the plan, but also there is a reference, being a referral by the President. I am just trying to see where does the IMC fit in, in this referral of the Fort Hare issues.

LT-GEN KHUMALO: Ja, thank you, Commissioner. In response, maybe one has to tap from experience, because

one was part of this process, maybe starting by explaining the timeline looking at the date of the letter from the Presidency, which is dated the 8th of March 2023. The 8th of March 2023 came when the intervention was already in place. The initial complaint by the Vice-Chancellor was telephonically.

It happened on the day when the driver of the Vice-Chancellor was killed, so the deployment, and the decision and the deployment happened prior to the letter directing.
10 So the initial decisions, operational decisions by the National Commissioner was responding to the urgency of the matter as then came up during the engagement between the National Commissioner and the Vice-Chancellor after the complaint telephonically to the Presidency, which was followed later on by the directive dated 8th of March 2023.

ADV BALOYI SC: Thank you, General, that clarifies it.

ADV HASSIM SC: And then for completeness perhaps so then SDK7 is the information note that you prepared to address the extension of the mandate, University of Fort
20 Hare, is that correct?

ADV BALOYI SC: I think it is more a report ...[intervenes].

LT-GEN KHUMALO: SDK7 ...[intervenes].

ADV HASSIM SC: SDK7.

LT-GEN KHUMALO: Commissioners, it is ...[intervenes].

ADV HASSIM SC: Yes, to the report.

LT-GEN KHUMALO: The progress report that talks to my previous explanation that the written directive by the Presidency came after the intervention was already implemented, hence the response is in the form of a progress report.

ADV HASSIM SC: Understood, thank you.

ADV KHUMALO SC: Does that explain, if you go to page 97 of the progress report, so if you look at block 3, investigating team, it says “National Task Team”, does that
10 mean that Task Team was already deployed?

LT-GEN KHUMALO: That is correct, Commissioner.

ADV KHUMALO SC: At Fort Hare?

LT-GEN KHUMALO: That is correct, Commissioner.

ADV KHUMALO SC: When this report was prepared?

LT-GEN KHUMALO: That is correct, Commissioner.

ADV BALOYI SC: In fact, General, if you look at 99, page 99, the date of the report, the letter from the President is the 8th of March and then the, your report is the 23rd of March, so that speaks to what you have just said that you
20 were already in deployment by the time the letter came.

LT-GEN KHUMALO: That is correct, Commissioners.

ADV BALOYI SC: Thank you.

CHAIRPERSON: And that decision was made solely by the National Commissioner. No Minister was involved in the decision to deploy.

LT-GEN KHUMALO: That is correct, Commissioner.

CHAIRPERSON: The Task Team at Fort Hare.

LT-GEN KHUMALO: Yes, Commissioner.

ADV HASSIM SC: So that addresses the deployment to the Eastern Cape. And then in paragraph 45 you speak of the mandate being extended further to include traditional leader killings in KZN. Can you just address paragraph 45 for the Commission.

LT-GEN KHUMALO: Thank you, Commissioners. The,
10 during March 2024 the mandate of the Political Killings Task Team was extended then to include the killings of traditional leaders in the same province, KwaZulu-Natal. The operational area remained the same, but it was then the criteria of cases that was extended, of cases that was extended. The information note as per SDK9 will give then more on this extension of the mandate.

ADV HASSIM SC: And the extension note, the information note and the extension, this is really for resources to enable the operation of the work on the traditional leader
20 killings, is that right?

LT-GEN KHUMALO: That is correct, Commissioners. The National Commissioner decided to extend the mandate based on the discussions that he might have had with the affected environments at his level, hence then it was then extended as per paragraph 5 of the SDK9.

ADV HASSIM SC: And then at paragraph, page 110 rather of that annexure the approval was for 20 million, is that correct?

LT-GEN KHUMALO: That is correct, Commissioners.

ADV HASSIM SC: And can you explain, you had requested more than that, is that correct? And can you just explain the approval of the budget.

LT-GEN KHUMALO: Thank you, Commissioners. The request was for the budget for the financial year 24/25.
10 That was submitted towards the end of March and then the approval was granted for 20 million instead of the amount applied for as reasons provided by the Accounting Officer that the further allocation will be finalized then during the allocation of budget for the Department for that particular financial year. So this was the approval of the first few expenditure activities before the approval of the budget for SAPS.

ADV HASSIM SC: And that budget too was to come from the national budget, is that correct?

20 **LT-GEN KHUMALO:** That is correct, Commissioners.

ADV HASSIM SC: So in your statement you then go to the status of the dockets at 31st December 2024. Can we go to paragraph 46, please.

ADV BALOYI SC: Perhaps before that, Ms Hassim, if we just go back to that information note and for completeness,

because this may well become relevant somewhere down the line, General, at page 109 of that information note you have a comment. So you have got that approval list. You are the first in that list of signatories as the recommender and then General Sibiya signs, approving on the 26th of March 2024 and then you have got General Dimpane. There are notes there and I think importantly perhaps let us look at the second note. Ms Hassim, that is post-elections? I cannot quite read all of it. And then the General, it seems
10 the National Commissioner comments in the next page following that note from General Dimpane. General, if you would just read that. It starts “post elections”.

ADV HASSIM SC: So it is the second bullet.

ADV BALOYI SC: Yes.

ADV HASSIM SC: The second dash.

ADV BALOYI SC: The second dash, yes.

LT-GEN KHUMALO: The second dash:

“Post elections. The Task Team be
deactivated as it has been in existence
20 for the last 5 years.”

ADV BALOYI SC: Yes.

LT-GEN KHUMALO: It is not quite clear.

ADV BALOYI SC: Yes.

LT-GEN KHUMALO: But I think it reads for the last 5 years.

ADV BALOYI SC: Yes.

LT-GEN KHUMALO: Chair.

ADV BALOYI SC: And in the next page where the National Commissioner approves the amount of 20 million, he says something, and really I again cannot quite read it. If you can, perhaps you should read that into the record.

LT-GEN KHUMALO: -:

10 “The National Commissioner on his approval responding to the comments by the Chief Financial Officer states that the Task Team will continue beyond elections so long there is work to be done. Team cannot be localised to KZN.”

ADV BALOYI SC: Okay. Now following this, and this is in 2024, March, April when this new approval is given, or extension is given, has there been discussion as leader of the project, has there been discussion internally about relocating or deactivating to use General Dimpane’s
20 language, deactivating the team, the Task Team?

LT-GEN KHUMALO: No, Commissioners. There has been no discussions about the deactivation of the Task Team, Political Killings Task Team.

ADV BALOYI SC: Until the 31st of December.

LT-GEN KHUMALO: Until the 31st of December.

ADV BALOYI SC: Thank you. Thank you, Ms Hassim.

ADV HASSIM SC: Thank you, Commissioner Baloyi. If I can ask a follow up question on this. The information note was prepared by you and it was approved by the Deputy National Commissioner: Crime Detection at the time was Lieutenant General Sibiya. And then obviously it needs to be approved by Financial Management and Administration and that is where we see the comment that post elections the team is to be deactivated. So when you were engaging,
10 I mean did you engage with Divisional Commissioner for Financial Management and Administration on those comments, on those notes?

LT-GEN KHUMALO: Thank you. My responsibility as it is rightfully reflected there starts with the submission as the project leader or manager, starts with the submission to the next level which is then the Deputy National Commissioner, Crime Detection for his or her recommendation and then it is, it was recommended.

And then the next step then is the financial approval
20 which is then the Chief Financial Officer or the Divisional Commissioner: Financial Management and Administration, which then indicated the availability of funds in words instead of indicating with those comments. And then the same submission then will be then to the National Commissioner and the Accounting Officer to give the

approval.

So firstly, the engagement needs to be between the two, the CFO who is then allocating the financial resources with the Accounting Officer who is approving both the operation as well as the financial allocation as recommended by the CFO. So the logic for now, Commissioners, will be the initial discussion was between the Chief Financial Officer and the Accounting Officer in terms of streamlining the recommendation into the approval.

10 **ADV HASSIM SC:** Thank you, that clarifies it. You did not have a discussion with the CFO. Thank you. So your next, the next issue you turn to is then moving away from April 2024 when this was approved for budget to December 2024 where you explained now the number of dockets that were in your possession as at that time. Can you take the Commission through your paragraph 46, please and the table.

LT-GEN KHUMALO: Thank you, Chair. The status as well as the workload that was with the Political Killings Task
20 Team as at the 31st of December 2024 starting by explaining the number of tables that are reflected there. They talk to the extensions that I have explained under the establishment of the Political Killings Task Team as well as the extensions that were there.

The first column talks to the political related cases.

That is based on the establishment since 2018, July. The cases that were allocated to the team as at 31st of December 2024 were 333. The case dockets that we are talking to, the mandate of the political killings investigation. And then the second part talks to the parallel cases that were also allocated to the team in addition to 333.

Those are 90 cases that as at the 31st of December were investigated and accounted for by the Political Killings Task Team based on their request. The reason that will
10 always be there for a parallel docket to be requested from a particular station will be either during the analysis by the team. It will come out that there is evidence that is linking the political related case with a particular case at any other station or country. It is either through ballistical analysis, it is either through fingerprints, it is either through the *modus operandi* and any other similarities that the team will recommend that that docket be assigned to the team for parallel investigation together with the main docket. So as at the 31st of December 2024 those dockets were 90.

20 Then the other group of dockets it is *ad hoc* dockets. That were 120 as at the end of December. Those dockets are related to the – the Task Team will now and again conduct intelligence driven operations that are mainly targeted to getting or finding the murder weapons, the firearms that are used in this political killings incidents. So

during those operations and then the team will confiscate a lot of unlicensed firearms for ballistic testing or ballistical analysis and then some of those firearms then will be positively linked with the political related cases and those that are not positively linked and then the team will register, it is self-generated docket this, will register then a docket of possession of unlicensed firearm. Those docket were 120 at the time of this report.

The next batch talks to the cases related to the
10 traditional leadership killings in the province. As at December 31st they were 51 of those docket that were allocated to the team. And then the University of Fort Hare cases they were 18. And then we are giving then the sum total in terms of the docket allocated to the team as at the end of December to be at 612.

ADV HASSIM SC: Thank you. So if the ...[intervenes].

CHAIRPERSON: Yes – sorry, Adv Hassim. General, is this the report that was presented to the Minister in February 2025?

20 **LT-GEN KHUMALO:** It is part of the report.

CHAIRPERSON: It is. When was this report prepared, the case management docket status report? I am assuming it is after 31 December 2024.

LT-GEN KHUMALO: Yes, that is correct, Commissioner. It is soon after 31st of December but the report was at the end

of December.

ADV HASSIM SC: So if there were 612 dockets as of 31 December, how do we come to the number 121 that we have been talking about in the Commission that, the 121 dockets that were to be handed over to head office?

LT-GEN KHUMALO: Thank you, Chairperson, Commissioners. Fast-forward to the famous number of 121 to explain it at this stage. This is the report as at the end of December, so the number 121 became famous around
10 after March, then that will mean that some of the, or four of the cases that were still under investigation as at the end of December were now no longer under investigation, but they were at Court, hence then the difference between 125 dockets under investigation in this report as at the end of December and the 121.

ADV HASSIM SC: So the 121 dockets are dockets that were under investigation.

LT-GEN KHUMALO: That is correct, Commissioners.

ADV HASSIM SC: Alright, can we go to your paragraph 47.

20 **LT-GEN KHUMALO:** Thank you, Commissioners. Then going to paragraph 27, unpacking the stats as provided on the, on paragraph 46. We are reflecting that the figures as highlighted under paragraph 46 they demonstrate both the scale and diversity of political related cases in the province of KwaZulu-Natal and also talking to the systematic

approach that is used by the team. That I explained earlier on in order to ensure accountability on the investigation and prosecution of these cases that are involving then the political stakeholders, the Municipality employees or officials as well as officials at the University of Fort Hare and the traditional leadership as per the current mandate and the extensions of the Political Killings Task Team.

Looking at the numbers that I am talking to under paragraph 47, the 612 dockets that has been allocated to
10 the team gradually so as and when the case is reported or as and when the mandate is extended as at the end of December out of that 612 only 125 of those dockets were still under investigation with most of them being the contribution of the late extension of traditional leadership dockets that was still having less than a year within the Task Team. Those are 44 dockets.

But then looking at the finalized dockets, more especially those that are finalized guilty, that will talk to the successful implementation of this adopted approach. And
20 then moving on to paragraph 48 where one is explaining other most important facts that needs consideration instead of only numbers as reflected there to determine the successfulness to determine the adding of value or no value of the team. There are other aspects that needs to be looked at.

The team is not addressing murder cases the traditional way as it is done within SAPS currently. Where someone is killed, you go out and look for the killer and then you try to link that killer with the evidence that you have in your possession and then you would consider as successful investigation. As the team is approaching these investigations using the analysis led as well as the mode, the model of investigation. As the team approaches the docket the first phase of investigation is not directed
10 towards finding the killer. The first phase is directed towards determining and confirming the motive of this killing as to who might have wanted this particular deceased dead. Instead of asking as to who is responsible for killing, the first part talks to who might have wanted. It is that thorough motive investigations ...[intervenes].

ADV HASSIM SC: Is that the so-called hit orderers ...[intervenes].

LT-GEN KHUMALO: Yes.

ADV HASSIM SC: That the National Commissioner
20 ...[intervenes].

LT-GEN KHUMALO: Yes. Yes, I am going there, Commissioners. Once the motive is identified then automatically it will come up with identification of persons of interest. That will be plotted on the organized crime blocks, because the contract killing has got permanent

stakeholders that needs to be there. So it will be the replacement of a spotter by a name, identified as a person of interest.

Thereafter the next phase of investigation will talk now to the collection of evidence that will be directed towards the linkage of identified persons of interest with that particular incident, hence then that will talk to the team having a successful rate in terms of charging also the hit orderers, those that will under normal circumstances will be
10 very impossible, because they are seldom present at the scene of crime, but then based on the methodology that is in place, the team has managed for the past few years to charge some of them.

Also the other advantage that is, or the other successfulness of the team stemming from that particular model of investigation is within the motive investigation. It will be clear as to not only who wanted this person dead, also why that particular person will want that person dead. And then that is where in most cases also in line with the
20 findings of Moerani Commission in most cases where the political principals or office bearers are attacked or killed, it will mainly be for fraud and corruption, sometimes for positions but in most cases with the current threat assessment it is for fraud and corruption.

So the team then will register that docket as a motive

docket to be investigated together with the murder docket so as then the one who benefitted with the disappearance of the deceased will also be held accountable. I am very slow, Commissioners, to explain that part, because now and again one will get accusations or allegations that are unfounded or baseless that the team will go as far as choosing which fraud and corruption docket just to investigate outside the mandate. All the fraud and corruption dockets that are currently accounted and investigated by the team are linked
10 parallel to the murder docket and they are motive dockets.

Also we have seen a decrease on the ...[intervenes].

ADV HASSIM SC: So just before you, that is the encapsulation of your ...[intervenes].

LT-GEN KHUMALO: 49.

ADV HASSIM SC: Of your paragraph 49.

LT-GEN KHUMALO: Yes.

ADV HASSIM SC: So, and the aim as you say is to target the person who is ordering the killing, the contract killing.

LT-GEN KHUMALO: Yes.

20 **ADV HASSIM SC:** So would it be fair to say that if you are successful in the approach that you have described, that contract killings would go down?

LT-GEN KHUMALO: That will be my next explanation under paragraph, or at, towards the end of paragraph 49, that looking at the timeline when the team managed then to

implement all the concepts, the methodologies, that is when then the decrease of contract killings into the space of political killings were showing a decrease in terms of the next page of 49, under paragraph 49.

ADV HASSIM SC: So you would like to go to the table?

LT-GEN KHUMALO: Yes, please.

ADV HASSIM SC: I think that the table needs a bit of explanation and can you just first explain to the Commission what this table represents?

10 **LT-GEN KHUMALO:** The table represent the number of dockets, not the incidents, the number of dockets that are allocated to the team as defined in the mandate in the province of KwaZulu-Natal from 2011 to 2025. Then the separation per year is for the number of cases in total versus the number of murder cases, in other words where people were killed so as then one cannot lose sight of the magnitude of the killing themselves. I will explain later on as to what made the team to get to that determination.

ADV HASSIM SC: So to be clear, the blue bars are the
20 numbers of politically ...[intervenes].

LT-GEN KHUMALO: Related cases.

ADV HASSIM SC: Cases.

LT-GEN KHUMALO: Yes.

ADV HASSIM SC: And of that number the red bar
...[intervenes].

LT-GEN KHUMALO: it is the murder.

ADV HASSIM SC: Reflects the murders.

LT-GEN KHUMALO: The murder cases, Commissioners, that is correct.

ADV HASSIM SC: And what is the green bar then?

LT-GEN KHUMALO: The use of the green bar from 2018 up to 2024, excluding 2022, was just to see the periods where the killings were decreasing, but they are still supposed to be read, representing murder incidents but the
10 use of green is just to try and understand the decrease or increase of murder cases.

ADV HASSIM SC: So ...[intervenes].

ADV BALOYI SC: Sorry.

ADV HASSIM SC: Yes.

ADV BALOYI SC: General, what is LGE and NPE in the graph?

LT-GEN KHUMALO: Thank you, Commissioners. The LGE and NPE, LGE stands for Local Government Elections; NPE stands for National and Provincial Elections. So the threat
20 assessment has always been correct to say during those particular periods in our country where we have a Local Government elections or national elections we will experience the increase on these cases. That was the threat assessment since, that was done by the team since 2018. The 2017, 2016, 2015 backwards to 2011, those are

the cases that were allocated to the team on their arrival in July 2018.

And then from 2018, July, moving forward, those were the cases that then were registered when the team then was already on the ground. So the monitoring thereof was talking to the decrease of murders moving forward, but then before I get to what happened in 2022, I will explain the highest number of cases combined in 2018, which is 58. That was during the time when the policy at Local
10 Government was implemented where local Councillors will be able then to be allocated some resources if there are incidents then of criminality against them.

So most of these cases in 2018 were faked intimidations or attempted murder sometimes. So that is what increased the number of total cases in 2018. But fast-forward ...[intervenues].

ADV HASSIM SC: So, General, we are going to break for lunch soon, but just to finish this point, are you referring to what the National Commissioner was speaking about? I
20 believe he made a reference to false threat and risk assessments. Is that what this is talking about in 2018?

LT-GEN KHUMALO: I am referring to the same facts that the National Commissioner referred to, which was prevalent in 2018 of those faked – some of them will go to the extreme. We have the recent incident where the Councillor

was trying to burn the house so as then that can be the reason or evidence for him being attacked. Unfortunately he was the only one who escaped fire, because he was aware of the whole plan. Unfortunately, three or four kids and the wife perished in that fire.

So it is one of the incidents that are talking to what was prevalent during 2018 and it is still happening, but most of those were intimidation and sometimes attempted murder incidents.

10 **ADV HASSIM SC**: Thank you. Chair, is this an opportune time?

CHAIRPERSON: Yes, let us adjourn, resume at 2pm.

INQUIRY ADJOURNS

INQUIRY RESUMES

CHAIRPERSON: Yes, Ms Hassim?

EXAMINATION BY ADV HASSIM SC (CONTINUES): Thank you, Chair. General Khumalo, when we left, you were dealing with the table at paragraph 49 of your statement and you were explaining what the table shows and in
20 essence what you are saying is that it shows a consistent reduction in politically motivated cases, but you were not finished with it. And one of the questions I have for you is the difference between 2021 and 2022 when there is actually an increase in cases in 2022, even though it was the year after the local government elections and whether

you could explain that.

LT GEN KHUMALO: Thank you, Commissioners. The explanation for the spike in cases in 2022, that was not in line with the pattern of elections period because the local government elections were in 2021 towards the end, but we see the spike in 2022. That was when the new pattern was identified based on the outcomes of elections. It was for relatively the first time that the country and in particular the province of KwaZulu-Natal experienced a lot of coalition
10 governance.

And what then transpired thereafter was after the elections and then the constitution of the local government will depend on the numbers, and then there will be lots of coalition and then that is when councillors will be approached in terms of whether they receive some financial benefits in order to vote with a particular bloc of political parties to sway the most important positions in municipality. So what will happen is if the councillor then approached will not accept the offer, and then there will be a second
20 alternative then to eliminate so as the numbers can be swayed towards the direction that particular political party wanted.

It helped a lot to understand the happenings of 2022, even the successful investigations. We saw also an increase in terms of the arresting of hit orderers [sic]

because the investigation will point towards the obvious hit orderer, and then that is when then we saw in 2023 the figures going back to the projected numbers up to 2024. Thank you, Commissioner.

ADV HASSIM SC: So for the record, the numbers of politically related violence in 2022 was 45, 20 in 2023, eight in 2024 and one in 2025. Is that right?

LT GEN KHUMALO: That is correct, Commissioners, as at the end of July 2025.

10 **ADV HASSIM SC:** As at the end of July 2025?

LT GEN KHUMALO: Yes.

ADV HASSIM SC: And murders politically related went from 27 to 11 in 23 to seven in 2024 to one in 2025.

LT GEN KHUMALO: That is correct, Commissioners.

ADV HASSIM SC: Thank you. You then have included another table which as a measure of success, and that is at the end of paragraph 49. Before you speak to this table, could you inform the Commission what the date, what the period is for this table? Is this also at the end of July
20 2025?

LT GEN KHUMALO: That is correct, Commissioners. The figures reflected on this table is at the end of July 2025 as opposed to the initial one in the report that talks to the 31st of December.

ADV HASSIM SC: So when you are talking about the

report, you are talking about the report to the Minister in January?

LT GEN KHUMALO: Yes.

ADV HASSIM SC: So this is an updated version of that table?

LT GEN KHUMALO: Yes, Commissioner.

ADV HASSIM SC: Okay. All right, you can speak to the table now.

LT GEN KHUMALO: The table talks to the status of
10 suspects that are arrested by the Political Killings Task Team, which is one of the success stories looking at when the team started, especially with regards to bail opposition. We are reflecting that out of 401 suspects that were arrested by that time, 83, if we move towards the far right, 83 were already convicted and sentenced and then 34 were found not guilty. And as we are reversing, we are showing those against whom charges were withdrawn.

The bulk of the number, the bulk of the portion from the 82, we had those challenges prior to the dedicated team
20 of prosecutors allocated to the team, which was 62. Between 2020 and 2023, we only had 20 of those against whom charges were withdrawn. And then comparing those that are in custody, which are 122, versus those that are on bail, which are 45, we see a lot of improvement comparing to the yesteryears when then we had challenges within the

main stakeholders, which is the Political Killings Task Team of SAPS and NPA.

But until such time that the integrated strategy was crafted and implemented, then we see the improvement. Then on the next, we are showing now the status of ...[intervenes].

CHAIRPERSON: Before you continue, there is an explanation that you give. Maybe it will help explain the difficulty that I have, General. I have done some arithmetic, 10 maybe too simple, if not simplistic, I do not know. I have added the not guilty, which is 34. I added it to the withdrawn, which is 82. That gives me 116 as against 83 convictions. So my question is, how is it that 83 as against 116 is good?

LT GEN KHUMALO: Thank you, Commissioners. We are acknowledging the weakness that we had before the implementation of the integrated strategy that contributed the bulk of the portion of 82. Then the other reason would be when the charges are withdrawn, are withdrawn against 20 an accused in most cases, because the accused that are charged are more than one.

So it is a shortcoming, but when you look at the case solvency rate versus then the suspect individuals, because here we are talking about people, but when we do the case solvency rate, it gives us a minimum weakness. If I may

give an example? On the same case that I touched on earlier on, the IBIS 54, the Magaqa case, the way it is known.

Initially, we had charged all the identified suspects, including the Mayor as a hit orderer and a municipality manager who was recently re-arrested, but then charges were withdrawn against the two during that time of 2018/2019, but we did not lose the case because some of the accused remained. As then the investigation
10 progressed and then one of the remaining suspects was re-arrested and recharged.

CHAIRPERSON: Then General, I think you are short-changing yourselves in the manner in which you project your statistics, because if I see not guilty, I will think it was not guilty in the entire case. I will not know that there is this sort of detail. Maybe you need to detail a little bit more or better in your future statistics.

LT GEN KHUMALO: That is accepted and understood, Commissioner.

20 **ADV HASSIM SC:** General, just to correct one thing on paragraph 51, I assume that the 16, it is meant to be 16 are section-204 witnesses.

LT GEN KHUMALO: Yes, that is correct.

ADV HASSIM SC: If that correction can please be noted?

ADV BALOYI SC: Yes. General, these statistics do not

include the Fort Hare cases in this table. I am talking about the tables, because you speak about – you have a table for political related cases and then you have the traditional leadership cases.

LT GEN KHUMALO: That is correct, Commissioner. They do not include Fort Hare cases. It is only KZN picture of political related and traditional related cases.

ADV HASSIM SC: Okay. General, you then wanted to give your final, I think, description of success via some tables
10 which you would like to refer to. Is that correct?

LT GEN KHUMALO: That is correct, Commissioners.

ADV HASSIM SC: Chair, could I ask leave to hand up another exhibit? These tables got handed to us after the statement was prepared, and it is marked CJC2. Correct me if I am wrong, General, but I understand you would like to go straight to page 3 of that batch of documents.

LT GEN KHUMALO: That is correct, Commissioner.

ADV HASSIM SC: Okay, can we begin then on page 3 of the slides?

20 **LT GEN KHUMALO**: Thank you, Commissioners. In an attempt to illustrate the successfulness of the approach, we are highlighting just five of the cases that, according to us, proves that the approach is really effective if implemented accordingly. And secondly, the choice of these examples is also influenced by the unfounded allegations against the

task team, maybe based on ignorance or just an intentional misinformation that will be at play.

The first case that is the one that I have referred to a lot, or maybe before I even get there, the critics of the Political Killings Task Team, they do not use any other cases other than these that are set here as an example of the successfulness of the team. So we are approaching this from different angles. That is us as the Political Killings Task Team and the critics, which then maybe needs us to
10 ask ourselves a question as to why the choice, because most of the critics are along the cases where the high-profile hit orderers have been charged and in most cases denied bail.

Then the first one is talking to IBIS54, the Magaqa case, where I have highlighted that we managed to get our organogram 100% green. 100% green talks to we managed to get everybody who was involved, including the resources that we used. The source ...[intervenes].

CHAIRPERSON: I want to find out, do we not have this
20 available electronically somewhere for it to be shown?

ADV HASSIM SC: We do, Chair. And I believe that we are just struggling with the technology.

CHAIRPERSON: So it is not up there with the usual?

ADV HASSIM SC: We have prepared to display. There it is. Now we have got it, Chair. It was just a glitch with the

technology.

CHAIRPERSON: Thank you. So I hope this takes care of the... It is not resolved? Gosh.

ADV HASSIM SC: It is still not working, I think. Is there someone who can assist?

CHAIRPERSON: Should we adjourn and come back when it is up and running, Ms Hassim?

ADV HASSIM SC: I think it is probably best that we adjourn for two minutes.

10 **CHAIRPERSON**: Yes. Let us not indicate a time. We will come back when we are called.

ADV HASSIM SC: Thank you, Chair.

CHAIRPERSON: Let us adjourn.

INQUIRY ADJOURNS

INQUIRY RESUMES

CHAIRPERSON: Thank you.

ADV HASSIM SC: Chair, apologies for that mishap, but thanks to the ingenuity of our team to my right, we managed to find a solution.

20 **CHAIRPERSON**: No problem at all.

ADV HASSIM SC: General Khumalo, so you are dealing with this slide, dealing with this case number of EBC?

LT GEN KHUMALO: Thank you, Commissioners. And then continuing with the brief briefing on this case, as we have reflected, that is how we measure our success as a Political

Killings Task Team, as well as to see the effectiveness of our strategy. When we start the investigation of a case, we will investigate the motive and then we will put blocks in terms of how the incident happened.

All the blocks will be red when the investigation starts. Then as we move with the investigation, the target is all the boxes to be green. And then we will say we have dealt with the whole syndicate or grouping that was involved, that is responsible for that contract killing. On
10 this case, the only outstanding is the second firearm, which is a 9mm pistol. That will talk to those ad hoc dockets, intelligence-driven operations that are continuous, because it is not easy to get the firearm that was used. But then those ad hoc intelligence operations and continuous ballistic analysis, it assists us a lot to get to the whole box to be, all boxes to be green. So what is outstanding there is that one firearm.

Maybe another second issue that one would like to quickly explain on this is the one that talks to the point of
20 the bone of contention in terms of allegations when you talk to the arrest and charging of the hit orderer, which was according to us identified in 2019 already as the former and late Mayor, who was then arrested by the team on the 17th of March 2019.

So it is not true that when the team was established

in 2018, this particular individual was arrested already. Then was released by court together with the second high-profile municipality manager after a week, and then the investigation continued. Maybe to pause on there, Chair, because it is one of the short stories that if he cites it, it will remain on our minds for a long time in case we are confronted with this misinformation.

The late Mayor of Harry Gwala Municipality was released by Court for insufficient evidence together with the
10 municipality manager. And then during the arrest, we had confiscated his licenced firearm. And then because we are still busy with the investigation now, according to him, his release meant that he must get back his firearm and then indeed, then after the court interdict, we had to give back his licenced firearm that he used in killing himself on the same day of giving it back to him. Hence, then as time moved on, we could only manage to re-arrest and re-charge the municipality manager without the Mayor whose
deceased.

20 Then moving to the next example, another case that is most of the time also on the media, the killing of a Democratic Alliance councillor, the chief whip in uMngeni Municipality, we again had managed to turn all the boxes to green, except of course for the firearm that is still outstanding. That is the case that if we check on our 121

dockets, as we gave the updated report, those dockets are now 120 because he was charged then on one of those dockets that were under investigation during the movement of those dockets.

But the misinformation there was the team that was not willing to work together with the AfriForum private investigators. The team did not see the reason why the municipality would contract private investigators for payments, whereas there is free services by Government to
10 investigate the case of the councillor. And then that is the case that has been completely investigated.

It took a little bit longer again to completely investigate that case because of the issues that the team was having with the AfriForum. Our reports were always talking to the AfriForum acting not far away from defeating the ends of justice and obstructing the Political Killings Task Team from doing their work. But then at the end of the day, that case is now completely investigated.

I am not going to be long on the third case,
20 Commissioners, maybe with your permission, Commissioners, if we may jump that and go to the next case, because this is a parallel to the next case where the local traditional leader was charged for being a hit-orderer together with all those other role-players for the murder of the local councillor. It is one of the cases where the team

successfully got 100%, all the boxes are green, including the firearm.

But why are we flagging it? We are flagging it because the previous case is the case that the team registered against those people of interest that we found to be attempting to defeat the ends of justice during the investigation of that case. Why are we flagging the case? It is because one of them, we do not know why one of these people that are charged and convicted already all of them, 10 why then it sounds like he is the only person that is involved in this particular case.

It also demonstrates that you can have a syndicate even on defeating the ends of justice case. So in this case, it is not only one person that was charged and convicted, it is the whole lot. [Vernacular]... nowadays, who is still in prison waiting for his sentence, was arrested together with another former police officer, Lt-Col Ndlovu, who is the brother of the hit-orderer, because the two of them were coordinating this bribery. So former Sergeant Dlamini is 20 becoming famous for being convicted in this case, there are others that are with him waiting for their sentencing, including a former Lt-Col of the South African Police Service.

Moving to the next, it is the one that again was successfully investigated with all identified suspects

arrested and charged, led by the former Councillor Ngiba. They were arrested, all of them, during the year 2022. The matter is currently on trial. The main misinformation and complaint was that they have been denied bail for all these years, appeal after appeal, higher court after another higher court, but they have been still denied bail. So they will personalise that to the task team having not been fair.

Then moving to the last example, it is another case that I am not going to take the Commissioners in detail, but
10 we flagged it because it gives a picture of the investigation that we have been referring to at the University of Fort Hare. In between, there are cases from 2022 that were reported that are related to the officials of the university. The three of them happened during 2022 and then the last one, being the one of January 2023, is the one that led to the complaint and for the team to be brought in after the last murder case.

And then the team managed then to take all those cases, including the ones of 2022, to court, with the whole
20 lot, the list of syndicates that were involved in those hits on the right, and then on the left, because the motive was found to be fraud and corruption in the university. And then the docket was also registered, and then an additional seven plus eight suspects were arrested and charged on that parallel case of fraud and corruption in the university of

Fort Hare. Thank you, Commissioners.

ADV HASSIM SC: Thank you, General. You have taken us through these cases and you have said that one of the reasons you deal with these cases is because there have been complaints that have been levelled against the task team about the manner in which these cases were handled. There will no doubt be much more detailed complaints submitted to the Commission and questions that would need to be answered from the task team later. I assume that you
10 would make yourself available to answer those questions when they come.

LT GEN KHUMALO: That is correct.

ADV HASSIM SC: Thank you. All right. So I think you are about to now conclude. So it is paragraph 53 is where you are in your statement.

LT GEN KHUMALO: In?

ADV HASSIM SC: Paragraph 53,

LT GEN KHUMALO: In conclusion, Commissioners, given the statistics that we have provided to – and detailed
20 account of the Political Killings Task Team operations, from us, when we use all these yardsticks, it is evident that the team indeed has achieved remarkably so, and especially in dealing with contract killings of any nature, the consistent reduction, the high number of suspects arrested and charged, as well as convicted, are a proof that this

approach is indeed working. And therefore, any consideration to disband the PKTT cannot reasonably be attributed to the issues of poor performance or lack of impact, because the evidence presented strongly supports that the team and the approach utilised is successful.

ADV HASSIM SC: Thank you. And before we move on to the next part of your evidence, I just had a question about whether when you talk about the complaints, whether you received the complaints in any formal manner, were you
10 able to respond? So you talk about those cases where you have been criticised. Were there formal complaints or charges that you responded to at any point?

LT GEN KHUMALO: Thank you. Commissioners, the other reason why these five cases were used as both the examples of effectiveness of the team, also as maybe an introduction of the subject that we are still going to get to, the disbandment of the task team, it is because we normally get those allegations via the media with individuals writing on these specific cases about those allegations. So, from
20 the Political Killings Task Team's point of view, we have not received any official complaint.

What we have also realised is these complaints are fluctuating or they are moving with the events. We saw them coming thick and fast when the confusion of the disestablishment started. They were recycled on the media,

these complaints on these five cases.

ADV HASSIM SC: Thank you.

ADV BALOYI SC: General, I seem to have understood the evidence, I think it might have been of the National Commissioner, referring to where he was listing the complaints, pretty much the same list, but there was the one that involves the Dlamini, I do not remember what his title is. And that seemed, as I understood it, it was a complaint about the conduct of the PKTT. The specific
10 reference was Dlamini, Mr Dlamini who was singled out, but it seemed to be suggested that the complaint against him was symptomatic of the conduct of members of the PKTT, which is outside of the law, behaviour that is outside of the law. We do not have any detail now about what Mr Dlamini was being accused of, but is that correct that he was a member of the PKTT when the conduct complained of occurred and for which he was ultimately convicted, if that is what he was convicted for?

LT GEN KHUMALO: Thank you, Commissioners. Indeed,
20 former Sergeant Dlamini was part of the PKTT and was also part of the team that was investigating that particular case that I referred to, that is a motive of their case. Then for reasons that are information between the employer and the employee, one cannot get into details, but then there was a reason for him to be withdrawn from the Political Killings

Task Team and thereafter became part of the persons of interest on this private case or attempted defeating the ends of justice.

ADV HASSIM SC: Thank you, Commissioner Baloyi. General, we are now going to turn to Part B of your evidence, which deals with evidence of infiltration and the influence of organised crime. Can you take the Commission through paragraph 54, explaining why you have chosen to take this approach to go to the evidence at this stage?

10 **LT GEN KHUMALO**: Thank you, Commissioners. After taking the Commission through the establishment of the PKTT, the expectations might be that the next chapter or topic for discussion will be the disestablishment or the dissemination of the task team. However, for the Commission to properly understand the disestablishment part, I need first to provide the brief overview of the organised crime nature, with specific reference to the cartel that is going to be part of the disestablishment discussion, which will then be followed by the evidence that has since
20 been obtained from the mobile device of one of the cartel members, as well as the events leading to the Gauteng Counter Intelligence Operation, and I will also add further evidence of infiltration.

So, in short, in paragraph 54, the briefing for the Commission is that our next discussion or my submission

will talk to the organised crime, with specific reference to the cartel that is going to be part of the discussion of the disbandment of the task team.

ADV HASSIM SC: Thank you. Can you begin then at paragraph 55? Sorry, 56.

LT GEN KHUMALO: Thank you, Commissioners. In short, under the cartel structure, subparagraph 1 is summing up the status level and the standard of organised crime cartels in our country. As we are all aware, organised crime is a
10 growing and significant threat to the national security of the country and also the prosperity of our economic prosperity as a country.

So the crime syndicates, which are below the level of cartels, are increasing their network that then will be based at local level up to the international stage. Amongst these cartels, which are made up of different syndicates, there is one identified in the country known as Big Five, which has since been identified as being very sophisticated and it has got widespread influence and it is involved in a broad
20 spectrum of their illicit activities.

The structure and the leadership of the particular cartel that will dominate my current testimony is believed to be having its head office in Gauteng for obvious reasons. Gauteng is the economic powerhouse of the country and then with syndicates and groupings or the capability of the

same cartel to operate throughout the country. That is the currently identified structure and leadership of the cartel. As we ...[intervenes].

ADV KHUMALO SC: Just pause there for a moment, just so that we are on the same page. What is your understanding of a cartel as opposed to a dictionary definition of a cartel? When you talk about a cartel, what are you talking about?

LT GEN KHUMALO: A cartel? Thank you, Commissioners.
10 A cartel is a group of highly sophisticated criminals that will come together in a form of an enterprise, coming with different skills and expertise, including experience, either with many syndicates or groupings operating under them. That is our understanding of the cartel.

ADV KHUMALO SC: So, when you refer to the Big Five, are you referring to Big Five cartels or Big Five individuals who are part of the cartel?

LT GEN KHUMALO: Big Five individuals that are part of one cartel, as shown in the same paragraph 57, last part.

20 **ADV HASSIM SC:** So this schematic that you are referring to at the end of paragraph 57 depicts a cartel?

LT GEN KHUMALO: That is correct, Commissioners.

ADV HASSIM SC: Okay, and I think you want to describe this schematic, so can you take the Commissioners through that?

LT GEN KHUMALO: The currently identified cartel, known as Big Five, is having a structure as reflected with the main commodity being drugs, and then there are other illicit activities that I will ...[intervenes].

ADV HASSIM SC: General, sorry. Sorry to interrupt you, but just for the sake of clarity, although the schematic has those skulls depicting three of the players, it is not your intention to say they are deceased, right? I mean, they are still alive and thriving. Just to clarify for the
10 Commissioners.

LT GEN KHUMALO: Thank you, Commissioners. This is an ongoing project investigation from the identification of the Big Five, the progress made. Those that are mentioned, reflected there in their boxes or positions, they have already been addressed, being a Mr Katiso Molefe, as well as a Mr Vusimuzi Matlala, and then the other three are still being addressed.

ADV HASSIM SC: So the reason for the skulls is because you cannot name those individuals at this point?

20 **LT GEN KHUMALO**: That is correct, Commissioners.

ADV HASSIM SC: Not in public?

LT GEN KHUMALO: That is correct, Commissioners.

ADV HASSIM SC: Thank you. You may continue.

LT GEN KHUMALO: A high-level exposition of a cartel will then start, will continue from paragraph 58 with the

characteristic that the cartel will always have a leader who will be leading the organisation, of course with a very firm grip, supported by the co-leadership that are also heading their various departments, and also having specific specialisation fields in terms of sustaining the operations of the cartel.

The syndicate, which are operational units of the cartel, they consist typically of between 10 and 12 members that are recruited based on their – more especially their
10 experience in terms of dealing with one of the commodities that the cartel is specialising on.

ADV HASSIM SC: And what are the commodities? Can you give some examples of those commodities?

LT GEN KHUMALO: The main commodity of the cartel in question is illicit drug trafficking nationally and internationally, which is then coupled with contract killings that are associated then with the drug trafficking processes. And the other commodity is cross-border vehicle hijacking, as well as kidnappings, tender frauding [sic], and also the
20 extortions that are mainly related to drug trafficking. Extortions, they are mainly at the business areas of the cartel.

ADV HASSIM SC: Thank you. You can go on. You are at paragraph 60.

LT GEN KHUMALO: Then moving on to the political and

social connections. The Big Five has already penetrated the political sphere, and there are documented cases of high-profile connections in the political arena, senior politicians alleged to be complicit and/or wilfully blind to the syndicate operations.

ADV BALOYI SC: General, you say it is one of their hallmark features that they have penetrated the political sphere. Is this unique to the Big Five, this penetration into the political spheres?

10 **LT GEN KHUMALO:** It is a normal characteristic of a cartel, but then this cartel being under investigation, there are already documented cases that are talking to that.

ADV HASSIM SC: Thank you. Then in paragraph 61, you deal with the criminal activities. You have already given us a sense of this from your description of commodities, so if you could just summarise paragraph 61.

LT GEN KHUMALO: Thank you, Commissioners. The list under paragraph 61 from point one up to point five, they talk to the areas of specialisation for this cartel that I have
20 touched on. The only maybe ones that I can still refer to, it is the fraud and financial crimes, with specific reference there to money laundering. Because as we move on, we will see that it is either prior to you being at a particular level of the cartel, you must have some sort of a business, a person's data, so as then the financial crimes, including

money laundering, can then be possible as part of the process of the syndicate.

ADV HASSIM SC: Sorry, and you highlight in this list again the use of public procurement and tender systems.

LT GEN KHUMALO: Thank you, Commissioners. It is another commodity that is found within this cartel, as I reflected on the illustration picture, that some of the criminal activities are related to the tender frauding. So as then maybe that tender frauding, it talks to public
10 procurement and tender system, which will then talk to illegal procurement of contracts, targeting then the State funds. So as either the illicit money can then be laundered, or also to fund the illegal operations by the cartel.

ADV HASSIM SC: Thank you. Are we turning to membership?

LT GEN KHUMALO: Ja, maybe the last one that I can touch on is the cash-in-transit or ATM bombings. The syndicates attached to the cartel, this criminal activity is used as a quick cash flow exercise for the cartel, in case
20 then there are hiccups with the main criminal activity that the cartel is specialising on.

ADV HASSIM SC: Thank you. You then deal with membership, and you describe five characteristics of membership. Can you explain briefly those five characteristics to the Commission?

LT GEN KHUMALO: Without maybe getting into finer details, Commissioners, I will then reflect on those five membership characteristics in terms of this cartel. With your permission, Commissioners, to start with, so as I can move, so as I can flow, to start with the entry requirement and progression, which is number two. The individual who meets the criteria, reflecting the experience and loyalty, as well as the utility within the organisation, that is considered a lot within the cartel for anyone to be part of the entry-
10 level members. The target there is mainly current officials within the criminal justice systems that will be recruited at entry-level because they are coming with the most critical skill within the cartel, which will be the connection between the cartel and the criminal justice system.

And then the next one talks to the growth within, which is paragraph 64. The next step of growing is to register a particular company. In most cases, it is private security companies that are the initial businesses for the members of the cartel that have just joined. There are a lot
20 of reasons for that, including then access to firearms the correct way or the lawful way.

The international reach and dual citizenship is one of the characteristics that are considered if you look at the common commodity or the main criminal activity of the cartel talks to drug trafficking. Then the syndicate members

have to have the ability to move within the borders of the different countries in order to be of service to the cartel.

The value proposition and organisational influence. This characteristic is talking to the headhunting part of the recruitment because it will depend as to what skills, what capabilities that the cartel is looking for and then the value that will be brought in by whoever is headhunted or recruited into the syndicate to serve the whole cartel.

ADV HASSIM SC: And the final characteristic on internal
10 structure.

LT GEN KHUMALO: The internal structure and ongoing roles. Within the cartel, as I have explained, it is operating nationally and then membership there is not static. Syndicates maintain a network that includes actively participating or retiring from the cartel but still rendering services to the cartel, more especially playing the roles of deal brokers, brokers, advisors as well as informants for the cartel. The most important thing in this cartel, they value loyalty, common history as well as proven capability, more
20 especially to influence the investigations and prosecutions of incidents involving the cartel members.

ADV HASSIM SC: You then deal with this topic of geographic targets and if you could just briefly explain to the Commission what the need is, why are there geographic targets that the criminal syndicates have and specifically

the three or four that you mentioned?

LT GEN KHUMALO: As stated before, Commissioners, the main operational area of leadership for the cartel is in Gauteng, but the operational provinces, they are mainly KwaZulu-Natal, Western Cape, Eastern Cape for various reasons. Gauteng, as I have indicated, it is an economic heart of the country where most of businesses as well as headquarters of targeted institutions are situated.

10 KwaZulu-Natal, Western Cape, they are significant for their capability in terms of ports and transportation infrastructure especially between Gauteng and KZN. The Eastern Cape, which is not so dominant in terms of economy, but then it is targeted because it makes it easier to expand the movement between Western Cape, Gauteng and KwaZulu-Natal.

ADV HASSIM SC: Thank you. Then from paragraph 71 to 75 you describe the modus operandi in some detail, but could you summarise that for the Commission, please?

20 **LT GEN KHUMALO:** Thank you, Commissioners. The modus operandi to summarise it, the operations within the cartel, all syndicates within the cartel are highly organised in terms of networking and also blending the criminal expertise with legitimate businesses. That allows them to have influence at all levels, more especially at local level where the cartel activities are originating from both in the

underworld as well as broad society at local level.

All members are assigned specific roles and also the field workers are expected to deliver criminal gains to the headquarters of the cartel under strict supervision. The cartel operates not differently from normal employment in terms of the members receiving regular income for financial stability, which is a competition for the normal employment channels or environments that we have in the country.

I have touched on the new entrants who are then
10 motivated by the rates in terms of regular income, which is much quicker in that employment. More especially if you are going to be a syndicate specialising in contract killings but working for the cartel, because there you are paid as you work.

ADV HASSIM SC: And then paragraph 75?

LT GEN KHUMALO: Then moving to...

ADV HASSIM SC: That is just concluding a modus operandi.

LT GEN KHUMALO: In conclusion on the operations, as I
20 have indicated that there is a very strict recruitment strategy or process because one of the objectives of the cartel is to remain in operations for a very long time. So that is dependent on strong connections within the public and private sectors within the operation area. So it is an ongoing effort to cultivate relationships with politicians, law

enforcement officers and business leaders within the operation area of the cartel. That is done solely to sustain the operations of the cartel.

ADV HASSIM SC: So paragraph 76 and 77, am I correct to say that you build on the point that you just made of access to politicians and the criminal justice system? You just take that a bit further in 76 and 77, is that correct?

LT GEN KHUMALO: That is correct, Commissioners. It is the continuation of the interest by the cartel in the criminal
10 justice system. As I have said, that is a strategic objective that is meant then to safeguard the operations of the cartel for a long time by securing allies amongst the key judicial and law enforcement officials as well as political figures at various levels, but most importantly at very high levels, so as the cartel can remain able to manipulate the investigations, suppress evidence, obstruct legal proceedings that threatens their activities.

This is one of the most important objectives of the cartel because then it talks to – it determines the lifespan
20 as well as the growth in terms of income for the cartel. Moving to paragraph ...[intervenes].

ADV HASSIM SC: Well, I think, so just to conclude on this. You provide, you say you provide this context so as to understand the evidence that you are about to submit to the Commission, particularly with regard to the infiltration via

the WhatsApp chats that we will be going into. So I just want to make sure that we have got that correctly, that that is the basis for which you set out the explanation of how organised crime works.

LT GEN KHUMALO: That is correct, Commissioners. This high-level overview of this cartel will help us contextualise the events that I am about to address. So as we locate them within this sophisticated agenda, that according to the picture on hand will render the country very lawless. In this
10 instance, then I will now focus on how this syndicate has captured, this cartel has captured some of the key elements within the criminal justice system in order to ensure that they sustain their operations.

ADV HASSIM SC: So if we turn then to the next section on the WhatsApp chats, can you explain to the Commission, before we get to those chats, where did you obtain those records?

CHAIRPERSON: Before that, Ms Hassim, General, up to this point you have described the characteristics of cartels
20 in general as I understand it, not so?

LT GEN KHUMALO: That is correct.

CHAIRPERSON: Yes. Now you are going to deal with the WhatsApp chats. Those relate to a specific cartel, not so?

LT GEN KHUMALO: That is correct.

CHAIRPERSON: Would that be the Big Five?

LT GEN KHUMALO: That is correct.

CHAIRPERSON: Yes. Perhaps this is a question that will be responded to or that is best handled by the evidence leaders, but you are at the centre of this and therefore you should know. I have read your statement to the end. I am not aware that you deal with examples of any other cartels that may have infiltrated or brought undue influence to bear on the criminal justice system. Is there evidence of other cartels other than just the Big Five? Do you know? Are we
10 going to be getting any such evidence? Do you know?

LT GEN KHUMALO: Thank you, Commissioner. For the purpose of the Commission and my affidavit, the only reference will be made to this Big Five cartel.

CHAIRPERSON: Thank you, General.

ADV HASSIM SC: Thank you.

ADV BALOYI SC: Can I just ask as a follow-up to that? As the Chairperson says that you have described generally how cartels work and how they get themselves into areas of influence. And yes, you are discussing the Big Five here.
20 But that which you have described in general terms, is it your evidence or do you find that it applies to other cartel syndicates that you are not going to testify to but that may be within the sites of crime intelligence? And I do not want specifics. I am just trying to locate the general discussion. How relevant is it?

LT GEN KHUMALO: The general discussion and the purpose for including it in my affidavit is to form the basis of the analysis and presentation of evidence that talks to this particular cartel in relation with the background of that high-level discussion on the cartel operations.

CHAIRPERSON: Perhaps for context, why I ask the question is because our terms of reference refer to the plural. And so that is why I am interested to know whether we are going to be dealing with just this one cartel, whereas
10 our terms of reference refer to the plural. But of course, you have already indicated what you are going to be dealing with, so I am not putting you in a difficult position. And indeed, I prefaced my question by saying perhaps my question is something best left to the evidence leaders and indeed even our investigators.

ADV HASSIM SC: Chair, if I could say, it is two things. One is it is also an interpretation of what the terms of reference mean when it speaks of cartels versus syndicates. It could mean syndicates, but that this is not
20 the only witness, of course, and the only evidence that will be submitted before the investigation of the Commission. But for this witness, and certainly for the public part of this witness' testimony, the focus is on the Big Five.

CHAIRPERSON: Thank you, thank you.

ADV HASSIM SC: So, may we turn to the WhatsApp

chats? The first thing, General, is can you explain to the Commission how you obtained these chats?

LT GEN KHUMALO: Thank you, Commissioners. The chats were obtained from the cell phones of Mr Vusimuzi Matlala, one of the leaders of the Big Five organised crime syndicate that is forming part of the Big Five cartel, as I have explained. The consent form for the seizure, as well as the extraction of the contents of these devices, was signed by Mr Vusimuzi Matlala and is annexed as SDK10.

10 **ADV HASSIM SC:** And this consent form was obtained when he was arrested, and what was the date of that?

LT GEN KHUMALO: That is correct, Commissioners. It was the 14th of May 2025.

ADV HASSIM SC: And, Commissioners, that is to be found at page 112 ...[indistinct] bundle. So, General, can you give the Commission the overview of what it is that you will be ...[indistinct] through before we... Sorry. Let me start again. Can you describe for the Commission an overview of the WhatsApp chats that we will be going through in detail?

20 **LT GEN KHUMALO:** Thank you, Commissioners. As I have indicated, starting from paragraph 80, as to the originality of the WhatsApp chats, these chats will provide – they were included in my affidavit because they will provide the important context that is necessary for the Commission to know in order to understand the decision to de-establish

the Political Killings Task Team, as well as the manner in which that decision was sought to be implemented by certain elements within the South African Police Service, as well as the Ministry of Police.

When I touched on the modus operandi at high level of organised crime syndicates, we will find a clear corroboration as we go through these WhatsApp communications between Mr Vusimuzi Matlala and various individuals, including politicians, members of the South African Police Service, as well as businesspersons. The chats that I will be taking the Commission through, that I rely on were obtained from the two telephone devices seized from Mr Matlala, as I have indicated, during his time of arrest.

The chats were extracted from the forensic image of the two devices, and they disclosed direct communication and association between Mr Matlala and several senior officials within SAPS, within the business space, which have apparent connections to the Minister of Police, who is Mr Brown Mogotsi, who is an acknowledged associate of the Minister of Police. We are also going to have a look at a forensic investigator who is publicly recognised for his comments within the media space, and the records and investigations based on these records also is evidenced with payments made to these individuals by Mr Vusimuzi

Matlala.

ADV HASSIM SC: Can you then, in paragraph 82, you say which WhatsApp chats you are going to highlight in your evidence as we go forward? But before we do that, it is clear that there are five, there are chats between Mr Matlala and five individuals. Was that the sum total of the contents of the phone, of the two phones?

LT GEN KHUMALO: The submission for this hearing will be on the five identified pair of chats or communications
10 and then with other evidence from the chats that will be tabled in *camera* if my application is approved.

ADV HASSIM SC: So these are five out of a bigger batch of chats?

LT GEN KHUMALO: That is correct, Commissioners.

ADV HASSIM SC: And these are the ones you are able to speak to in public?

LT GEN KHUMALO: That is correct, Commissioners.

ADV HASSIM SC: And the reason you cannot deal with the other ones at this point is for the reasons you gave at the
20 outset of your testimony today, the ongoing investigations, is that correct?

LT GEN KHUMALO: That is correct, Commissioners.

ADV HASSIM SC: All right. So can we then go to paragraph 82? And just if you can set out for the Commission who are the five chats that you will be taking

the Commission through?

LT GEN KHUMALO: The five chats that I will be taking the Commission through, number one, is communication between Mr Vusimuzi Matlala and Mr Brown Mogotsi, who is a businessman linked to several SAPS officials and he appears to have been involved in funding activities for the Minister of Police within the ANC. A printout of WhatsApp chats between Matlala and Brown Mogotsi is attached as WB1 in the WhatsApp bundle.

10 **ADV HASSIM SC:** The second?

LT GEN KHUMALO: The second one will be the communication between Mr Vusimuzi Matlala and Maj-Gen Senona, who is the head of DPCI in KwaZulu-Natal. A printout of the WhatsApp chats between Mr Matlala and Maj-Gen Senona is attached as Annexure WB2.

ADV HASSIM SC: And the third? Sorry, there is two related to ...[intervenes].

LT GEN KHUMALO: Ja, under the same number two is also a printout of WhatsApp chats between Mr Vusimuzi
20 Matlala and a Thato Senona, who is the son of Maj-Gen Senona. That is attached as WB3.

ADV HASSIM SC: And the third set of communications?

LT GEN KHUMALO: The third set is the communication between Mr Vusimuzi Matlala and the Acting Chief of Police in Ekurhuleni Metropolitan Police, Mr Julius Mkhwanazi. A

printout of the WhatsApp chats between Mr Matlala and Mr Mkhwanazi is attached as Annexure WB4.

ADV HASSIM SC: Just a second, General.

CHAIRPERSON: Sorry, sorry, General. May I just – I do not want to just repeat it, perhaps Ms Hassim will have to first confirm, but I want to see whether there is a need for me to repeat something that I said right at the beginning when General Mkhwanazi was testifying. At that stage, we as the Commissioners knew for a fact that implicated people
10 had not been given notice, and I announced that that did not mean that the implicated persons were going to be prejudiced in any way, because the implicated person notices would be issued afterwards, and that they would be given copies of the transcripts, the witness statements, the exhibits, and whatever else may be relevant that the Commission is in possession of that relates to the particular implicated person.

So I made that announcement right at the beginning, and it was understandable at that stage. You know, the
20 circumstances under which we commenced with our hearings. Right up to the last moment, the evidence leaders were in the process of going through a huge data, or huge bundle of information, electronic information, which they could not have been able to decipher, understand, and so on, without some IT infrastructure, which you received,

which the evidence leaders received quite late.

Hence, no implicated person notices were issued or could be issued ahead of the hearings. Now a number of names are being mentioned here. We no longer know as Commissioners whether implicated person notices have been issued beforehand or not, and if they have not been, what the plan is.

ADV HASSIM SC: Chair, thanks for raising it. The position remains the same as when we began. The volume
10 of evidence on our data platform is huge, and in respect of this witness as well, the statement was only finalised on Friday, and one of the difficulties in particular with this preparation for this week was not only crawling through, as you see, the many reams of evidence, but establishing what could feasibly be led in public. The intention was to try to maximise transparency, and so we could only finalise what evidence would come through quite late.

So witness notices have not been – third party notices have not been issued yet, but they are in
20 preparation and certainly will be forwarded to the implicated parties who are being mentioned right now, together with the transcript of the evidence of this witness.

CHAIRPERSON: Thank you very much. So there is assurance, not only to South Africans as a whole, but also to the implicated persons that they will be given notices and

that they will not be prejudiced.

ADV HASSIM SC: Absolutely, and one of the important aspects of giving the notice would be to provide the detail of the evidence that has been led against them, so they can have an opportunity to prepare properly a response.

CHAIRPERSON: Thank you, Ms Hassim. Thank you.

ADV HASSIM SC: Thank you. General, I think you indicated the third set of communications with the Acting Chief of Police in the Ekurhuleni Municipality. The fourth
10 is?

LT GEN KHUMALO: The fourth is Mr Vusimuzi Matlala and Mr Calvin Rafadi, who is an academic commentator linked to several high-ranking SAPS officials, and the printout of those WhatsApp chats are attached as Annexure WB6.

ADV HASSIM SC: And the fifth?

LT GEN KHUMALO: The fifth one is the communication set between Mr Vusimuzi Matlala and Mr Suleiman Kareem, who is a business person linked to several high-ranking SAPS officials. The printout of those WhatsApp chats between Mr
20 Matlala and Mr Kareem is attached as WB7.

ADV HASSIM SC: So you then explain that the chats, and as we go through it we will see it, have annexures. So there are attachments in the chat, and you have attached those as well to the chat so the Commission can see not just the actual conversation, but whatever is attached to it.

Is that correct?

LT GEN KHUMALO: That is correct, Commissioners.

ADV HASSIM SC: And the chats, particularly those that we are going to display, contain classified information and they contain some personal private information, and those have been redacted. Is that correct?

LT GEN KHUMALO: That is correct, Commissioners.

ADV HASSIM SC: But Commissioners, your version in your bundle is unredacted. And then in 85, you explain some of
10 the issues using the software of the Commission to try to present you evidence. Can you just touch on that, please?

LT GEN KHUMALO: Thank you, Commissioners. The Commission has used a software that has two shortcomings when it comes to this evidence that will be presented in the form of WhatsApp chats. The first one will be at the start and the end of any chat stream that it downloads, the system that is used by the Commission.

It misreads the system message, signalling the beginning and the end of the chat stream and it displays it
20 as a message from an unknown caller. That is what the Commission's system is doing. So, at the start and the end of each of the annexures, there appears to be a message from an unknown caller, which is in fact a misread of the system message and does not represent an actual message from an unknown caller.

Then the second weakness is the displaying of the displayed messages do not, in the display, indicate whether they are messages originally sent by the sender or messages forwarded by the sender. In order to address this second weakness, I have had a spreadsheet created that extracts the metadata of the messages in the WhatsApp chat files so as to indicate which of the messages were forwarded and which of the messages were sent. There are no forwarded messages in the chats between Mr Matlala
10 and Mr Julius Mkwhanazi and also Thato Senona.

ADV HASSIM SC: Thank you. And those spreadsheets are attached as SDK11, SDK12, SDK13 and SDK14, is that correct?

LT GEN KHUMALO: That is correct, Commissioners.

ADV KHUMALO SC: Can I just ask a question for clarification? So, there is a consent to search an electronic equipment, you get hold of Mr Matlala's two cellular phones and then in your statement in paragraph 82 you say from the WhatsApp chats, you were able to establish that there
20 are these communications between Mr Matlala and other people. How were you able to identify the other people that Mr Matlala was communicating with? So, if you just take, for example, paragraph 82.1 of your statement on page 33, so we know that you have Mr Matlala's device, so you know that it is him communicating with somebody else, but how

were you able to identify that he was communicating with the people you have mentioned in your statement?

LT GEN KHUMALO: Thank you, Commissioners. The detailed profiles as well as then the official communication of the numbers that will be linked with those specific individuals was done.

ADV KHUMALO SC: So, you were able to link the numbers of these other individuals with their names?

LT GEN KHUMALO: That is correct, Commissioners.

10 **ADV BALOYI SC**: General, just so that I understand what we are looking at, that explanation at 85.1 where you are talking about the shortcomings of the system, where you say at the start and end of each of the annexures there appears to be a message from a known caller, which is in fact a misread system message and does not represent an actual message from an unknown caller. I am not sure what you are saying. Are you saying the caller is known? Are you saying there is a message? I am not sure what it means when I look at what is on the screen now.

20 **LT GEN KHUMALO**: Thank you, Commissioners. We are seeing the system used by the Commission at the start and the end of each annexure, there appears to be a message that it is from an unknown caller, which is in fact a misreading of the system and the system message, and that does not represent an actual message from an unknown

caller. It is a system misreading.

ADV BALOYI SC: So, there is no message?

ADV HASSIM SC: If I could help?

ADV BALOYI SC: Yes.

ADV HASSIM SC: Because it was the Commission software that was used to assist the witness, and what happened is when the chats get downloaded, and you will see it when we go to the chats, Commissioner Baloyi, at the start where the downloading begins, it registers a message
10 and it does not know the system how to deal with it, so it just says unknown caller or unknown sender, but it is really just a, I want to say like an artefact or something, of the system of extraction of the chats that gets reflected. It is not actually any message that is coming from anyone at all. And at the end of the chat, there is the same thing at the end of it, at the bottom. So, for each one, you will see that. It is just a system error message in a way.

CHAIRPERSON: Does that mean on the chats themselves you do see who the chat was from and to whom it was?
20 When it comes to the chats themselves?

ADV HASSIM SC: The chats themselves are reflected quite clearly on both sides, yes.

CHAIRPERSON: All right, thank you.

ADV HASSIM SC: And then perhaps I should also assist the witness to explain the point about the time, because in

the spreadsheets that we provided, it is two hours. It is using GMT as opposed to South African time. So we will add two hours to the times in the spreadsheet. Okay. General Khumalo, you wished to first give the Commission a sense and an overview of the kind of picture that emerges from the chats before we dive into the chats. So can you start at paragraph 86, please?

LT GEN KHUMALO: Thank you, Commissioners. A preview of the picture that will be confirmed by the
10 WhatsApp chats, starting with 8.6.1. Mr Matlala, or one of his employees, makes payments to Ms Demogotsi [?] directly, sometimes for expenses related to the African National Congress events, and in particular for the benefit of delegates of such events, who are apparently linked to the Minister Mchunu through the Chief of Staff, Mr Nkabinde, in the Office of the Minister.

Number two, in return, Mr Mogotsi uses his influence within the SAPS and the Ministry to manipulate SAPS processes so as to frustrate criminal investigations into Mr
20 Vusimuzi Matlala. Also leaks highly confidential or classified information of the SAPS to Mr Matlala. Also coordinates the payments from the SAPS to the Medicare 24 Tshwane District, a company owned by Mr Matlala, which unlawfully procured a contract from SAPS worth 360 000 000.

CHAIRPERSON: Rand. You left out rand.

LT GEN KHUMALO: R360 000 000. Apologies, Commissioner. And the fourth one, the fourth picture is an unsuccessful attempt to prevent the SAPS from cancelling its contract with Medicare 24 Tshwane District. In pursuit of these goals, Mr Mogotsi, in a mistaken belief that an investigation into Mr Matlala was being conducted by the Political Killings Task Team, as pointed out above, it was actually that investigation conducted by the Gauteng
10 Counter Intelligence Operations.

Mr Mogotsi has pursued the disestablishment of the Political Killings Task Team, a mistaken identity. And then, secondly, he has specifically sought to find a means of having me subjected to a criminal and/or disciplinary proceedings, including a somewhat comical attempt to rely on a December 2024 Constitutional Court judgment in *State v Makhala* CCT 237/2002, to have me disciplined for the conduct of a different Brigadier Khumalo, who was involved in that case, a Brigadier Muso Khumalo, who was then
20 referred to on the record of proceedings on this case, and who Mr Mogotsi apparently thought it was me or myself, the second mistaken identity.

8.6.4, Mr Mogotsi purports to have been operating in this regard with the support of the Minister of Police, as well as the Chief of Staff in the Minister of Police, Mr

Nkabinde, and Lt-Gen Sibiya, the Deputy National Commissioner in the SAPS. Apparently, in parallel, Maj-Gen Senona pursues similar objectives with Mr Mogotsi and leaks confidential SAPS documents to Mr Matlala. Maj-Gen Senona's association with Mr Matlala appears to be linked to a commercial venture between Mr Matlala and Mr Thato Senona, his son.

ADV BALOYI SC: General ...[intervenes].

CHAIRPERSON: You have referred to the singular when
10 speaking now, but in the written version you refer to the plural, commercial ventures, plural. Is it a venture or ventures?

LT GEN KHUMALO: Apologies Commissioners, it is a commercial ventures.

ADV BALOYI SC: General, in paragraph 86.5, where you speak about Maj-Gen Senona pursuing similar objectives with Mr Mogotsi, is that with intended? Is it with him or is it similar to Mr Mogotsi?

LT GEN KHUMALO: I think as is probably the better word
20 than with.

ADV BALOYI SC: General, you confirm that you are not saying that Maj-Gen Senona and Mr Mogotsi are working together?

LT GEN KHUMALO: No. It is a typing error, Commissioners. It is Maj-Gen Senona similar objectives as

Mr Mogotsi, not with.

ADV BALOYI SC: Thank you.

ADV KHUMALO SC: And just to be clear, are those objectives the ones set out in 86.4? Because remember at the start of 86 you set out various objectives that Mr Mogotsi pursues. So it is just not clear from 86.5 whether you are referring to all the objectives starting from 86.2 or whether you are limiting yourself to only 86.4.

LT GEN KHUMALO: No, I am only referring to 86.4,
10 Commissioners.

ADV KHUMALO SC: Okay. So just so that you understand me, when you say Maj-Gen Senona pursues similar objectives as Mr Mogotsi, you are referring only to the objectives set out in 86.4?

LT GEN KHUMALO: That is correct, Commissioners.

ADV KHUMALO SC: All right.

ADV BALOYI SC: About that, General, let us just be sure, 86.4 says Mr Mogotsi purports to operate with the support of the Minister, the Chief of Staff and General Sibiya. Are
20 you in 86.5 saying Maj-Gen Senona acts with support of the Minister? I think that is the specific question you are being asked. Are you saying Maj-Gen Senona acts with the support of the Minister, the Chief of Staff and General Sibiya? Is that the intention?

ADV HASSIM SC: So to clarify, General, because my

understanding is and you will correct us, is that when you refer to similar objectives, you are referring to similar objectives in general and not specific manipulation and specific influence within the Ministry, for example.

ADV BALOYI SC: Yes.

ADV HASSIM SC: That is what I understood, but please correct me if I am wrong.

LT GEN KHUMALO: That is correct, Commissioners. The modus operandi from the beginning will look more or less
10 the same, but as you get into the implementation, then it might talk to a specific objective. But overall, the objectives are grouped as the same.

ADV BALOYI SC: I think what – Ms Hassim, I thought you had clarified in the way that I understood it, which is you are not saying about Maj-Gen Senona that he acts in support of Minister Mchunu. You are not saying in support of the Chief of Staff or with their knowledge and you are not saying with the knowledge of General Sibiya. I have understood it to be that is not what you are saying. You are
20 just speaking to the broad objectives of ...[intervenes].

LT GEN KHUMALO: That is correct, Commissioners.

ADV BALOYI SC: Okay, thank you.

ADV HASSIM SC: Thank you, Commissioner Baloyi. I am trying to remember where we were. Were we at 86.6 then? Yes.

ADV BALOYI SC: 86.6.

ADV HASSIM SC: 86.6.

LT GEN KHUMALO: 86.6, Mr Kareem and Mr Rafadi appear to be paid by Mr Matlala for their access to senior SAPS members and their ability to advance same goals as those pursued by Mr Mogotsi and also to leak sensitive SAPS documents to Mr Matlala.

ADV HASSIM SC: And 86.7?

LT GEN KHUMALO: 86.7, alongside Mr Matlala's unlawful
10 influence over affairs of SAPS, he has a relationship with Mr Mkhwanazi which involves the abuse of EMPD for the benefit of Mr Matlala.

ADV HASSIM SC: And then you end your high-level picture so that you are able to take the Commission to the chats themselves. Do you want to just explain that?

LT GEN KHUMALO: Thank you, Commissioners. There are, of course, then a vast numbers of messages in the chats that are relevant to the location of the message in the chats affecting the significance. In the circumstances, I
20 have been advised that it would be more helpful to simply take the Commission through the chats message by message in oral evidence rather than to try or attempt to extract a more detailed summary of the chat into this statement. What the chats demonstrate at the very least is that organised crime has managed to infiltrate the SAPS

and the EMPD at the very highest level.

ADV HASSIM SC: And would it be correct for me to understand then that this overview that you have provided and this sort of strands of the picture there are other strands that will become clearer as we go through the chats?

LT GEN KHUMALO: That is correct, Commissioners.

ADV HASSIM SC: Thank you, General. Chair, I am in your hands. It is three minutes to four and I am happy to go
10 straight to chat number one.

CHAIRPERSON: During the lunch break, one of your juniors, Ms Bouwer, said to us when you get to that point, you would ask for an adjournment for her to change laptops. I do not know whether that has since been sorted out because if we would have to adjourn for that, then we would have to adjourn for the day and resume at 09:30 tomorrow. It looks like ...[intervenes].

LT GEN KHUMALO: It is sorted ...[indistinct].

COURT: Then it is only two minutes to go. So perhaps the
20 best starting point is 09:30 tomorrow. Let us adjourn. Thank you.

INQUIRY ADJOURNS TO 30 SEPTEMBER

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