

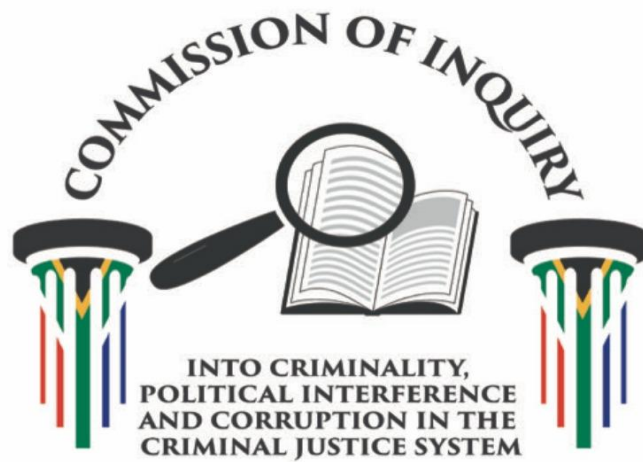
**MADLANGA COMMISSION OF INQUIRY INTO THE CRIMINAL  
JUSTICE SYSTEM**

**HELD AT**

**BRIDGET MABANDLA JUSTICE COLLEGE**

**17 SEPTEMBER 2025**

**DAY 1**



**PROCEEDINGS ON 17 SEPTEMBER 2025**

**CHAIRPERSON:** Morning to everyone gathered here today and to those watching remotely on whatever platform. The interest shown by the South African public in this investigation is not surprising. I say so, because the allegations made by Lt Gen Nhlanhla Mkhwanazi on 6 July 2025 concern a grave subject matter, the subject of the alleged infiltration of, or exertion of undue influence on the criminal justice system.

10           If the allegations are proved to be true, that spells doom for South Africa's criminal justice system. A healthy criminal justice system is key to the rule of law and in turn to a functioning constitutional democracy. With the criminal justice system that is populated by malleable and corrupt functionaries, many criminals, especially those holding positions of influence, will rarely, if ever, answer for their criminal deeds.

          Also malleability, corruption and dysfunctionality in the criminal justice system are at odds with what we South  
20 Africans expect of, and are entitled to from a criminal justice system. At the centre of any functioning constitutional democracy is a well-functioning criminal justice system. If you subvert the criminal justice system, you subvert the rule of law and constitutional democracy itself.

The subversion of the criminal justice system may take any number of forms. Without purporting to be exhaustive it may come as downright intimidation. It may consist in improper promises or inducements. It may take the form of corruptly influencing the decision-making or functioning of those responsible for the smooth running of the system. All this forms and others are a cancer to what a proper criminal justice system should be.

Ours from today onwards is to investigate whether  
10 our criminal justice system is what it should be or whether it has been infiltrated by criminal syndicates. Words from us must end here and we must start with the investigative process. Now I call upon the Chief Evidence Leader, Adv Motau SC.

**ADV MOTAU SC:** Thank you, Chair and co-Commissioners. Chair, perhaps the apposite place at which to start is the 6<sup>th</sup> of July 2025 when Lt Gen Mkhwanazi, the Provincial Commissioner of Police in Kwa-Zulu Natal convened a media briefing which has turned out to have  
20 some significance in that it prompted the President, His Excellency, Mr Cyril Ramaphosa to establish this Commission of Inquiry.

And we know that from the media briefing serious allegations of corruption, political interference, criminal infiltration within law enforcement and justice institutions

were raised by Lt Gen Mkhwanazi and those allegations which he has raised will be examined openly and impartially in this Commission. And at the outset the one important point that one needs to emphasize is that the principle of impartiality signifies that the Commission does not move from the premise that the allegations by Gen Mkhwanazi are indeed correct. It also does not move from the premise that they are not.

10 It purely approaches the allegations with an open mind so that they can be tested with the relevant evidence that needs to support the allegations and equally in respect of people that are mentioned by Gen Mkhwanazi those will have an opportunity to come before the Commission with reference to credible evidence to dispute if they so wish the veracity of those allegations. And, Chair and members of the Commission, the purpose of this opening address it is in part to outline in very broad terms what the investigations' purpose is about and will touch briefly on some relevant provisions of the Commission's act and what we will also do  
20 is very briefly allude to the allegations that the Lt Gen Mkhwanazi referred to in his media briefing and as part of that outline we will also indicate a timeline of material events, which will orientate both the Commission and members of the public to be able to be able to contextualise the context in which the investigation is to be undertaken by

the Commission.

Chair and members of the Commissioner, the outcome of an investigation that will be undertaken by this process will have a bearing on, among others, whether there should be institutional reforms that are to be recommended to the President and if so, what form or what kind of reforms should be recommended for purposes of the avoidance of any interference, infiltration or corruption within the criminal justice system if the evidence points to  
10 its existence.

And in order to locate the allegations that the Lt Gen Mkhwanazi makes in their proper context, one needs to understand that a criminal justice system operates through three pillars. The first pillar is that of the police, which we know it will include law enforcement agencies such as Metro Police and that as the public will know, the terms of reference make specific reference to the Metro Police of Tshwane, Ekurhuleni and the City of Johannesburg.

Then the second pillar of the criminal justice  
20 system is that of the courts and the courts as we all know they include both the judiciary and the NPA. The prosecutors play a very important role in terms of ensuring that cases that are referred to them by the Police are assessed for purposes of prosecution and we know the judiciary which comprises both of Judges and the

Magistracy are supposed to preside impartially over those cases that are enrolled and all of these come together for purposes of scrutiny flowing from the allegations that Lt Gen Mkhwanazi makes. And to take out a few aspects that were made or were raised by Gen Mkhwanazi during the media briefing of the 6<sup>th</sup> of July with reference to the three pillars of the criminal justice system, the media briefing highlighted in particular, and again at this juncture we need to emphasize the fact that what we are about to refer to,  
10 which is going to form the subject matter of this investigation, is approached purely on an impartial basis. The Commission has not formed a view, particularly in these early days on whether there is truth in the allegations or whether these allegations are false. So in other words, that is the very reason why we have this Commission of Inquiry to test these allegations.

To go back then to the issues that were raised at the media briefing of the 6<sup>th</sup> of July and those that are of particular importance that need to be tested is whether the  
20 Minister of Police interfered with sensitive police investigations and colluded with business people, including a murder accused, to disband the Political Killings Task Team which is based in Kwa-Zulu Natal and whether a Gauteng task team investigation which uncovered the syndicate run by a drug cartel involving politicians, law

enforcement, prosecutors, the judiciary and business people was affected as a consequence of the alleged interference.

And it should not escape any of us that if those allegations are true, they will erode and damage public trust in these very vital and crucial institutions and for that reason the truth, or rather the truthfulness of those allegations need to be proven, understanding the limited time within which the President has allocated the Commission to undertake its task.

10           We are all aware that the task needs to be performed within a period of 6 months and the urgency is one that all of us can appreciate. The criminal justice system continues to operate while the Commission is ongoing and the delays will not assist the restoration of that public confidence in those institutions and it is for that reason that the work of the Commission will be geared to producing a draft report within the first three months as indicated in the terms of reference by the President and hopefully to finalize the balance within the prescribed  
20 period, all things being equal.

Then the one aspect that is important to highlight and emphasize is section 5 of the South Africa's Commissions Act, number 8 of 1947, which section stipulates that it is a criminal offence to obstruct the work of a Commission of Inquiry. That is an important aspect,

because it needs to be understood that the integrity of the investigations need to proceed unhindered. And in this regard the act makes it clear that any person who wilfully hinders or obstructs a Commission in the performance of its functions shall be guilty of an offence and would be liable upon conviction to a fine, imprisonment for up to 6 months, or both and thus it is important that the Commission again, I stress, operates free of unlawful interference.

Then in respect of the approach to the evidence,  
10 there are a few key issues that we need to emphasize, the first being that when the Commission investigates the allegations that were made by Lt Gen Mkhwanazi the approach as I have indicated is that of impartiality and it is one that presumes no particular outcome. And you will notice that I have been emphasizing this principle because of the heightened interest that the public has in this process. The need for thorough investigations, the need to offer the implicated persons a fair opportunity to respond to these allegations is an integral part that protects the  
20 integrity of the process.

There will be three phases that are undertaken in this Commission, and perhaps before I outline those, if I might just deal with the timeline of critical events which I had mentioned earlier from the prism of which the investigation will be undertaken. The first material date is

July 2018 and that is when the Political Killings Task Team was officially launched and what is important to understand about that is that there was an *ad hoc* inter-disciplinary unit within the SAPS which was tasked with investigating political killings with an operational focus in Kwa-Zulu Natal that later extended nationally.

Chair and co-Commissioners, you will hear evidence – sorry, Chair I am being asked to stop for a second so that the timeline can be projected.

10 **CHAIRPERSON**: Shouldn't ...[intervenes].

**ADV MOTAU SC**: Yes, Chair I will just proceed.

**CHAIRPERSON**: To just proceed, yes.

**ADV MR MOTAU SC**: Thank you. Thank you, Chair. Yes, after July 28 the next date of significance is June 2019 where the political killing task team adopted an integrated model where the Director of Public Prosecutions in KZN assigned a dedicated team of prosecutors to the task team, which resulted in the task team being a multi-disciplinary team that incorporated prosecutorial guidance.

20 Then the next event is the 17<sup>th</sup> of April 2024 where Mr Armand Swart, an engineer in Vereeniging, was murdered. This high profile assassination served as a catalyst for a wider investigation that would reveal far-reaching connections within the criminal underworld and expose insidious infiltration of law enforcement by criminal

syndicates. Three suspects were arrested at Q which, in Bramley on the same day, including one Mr Michael Pule Tau, a SAPS detective, branch Johannesburg Central, and it is alleged that it is those three suspects that murdered Mr Swart. The suspects were found in possession of firearms which was linked to the murder.

Then the following, or the next date of significance is the 30<sup>th</sup> of June 2024 when Mr Senzo Mchunu was appointed as the Minister of Police with effect from the 3<sup>rd</sup> of July 2024.

Then we move to the 6<sup>th</sup> of August 2024 where a request was received for urgent safeguarding of the investigating officers of Swart's murder following Detective Tau's release on bail.

Then, Chair and members of the Commission the next relevant date is the 10<sup>th</sup> of August 2024 where one Katiso Molefe was identified as a person of interest in Swart's murder. Then 30 August 2024 there was a request for the task team members to assist Gauteng Organized Crime Unit with the investigation.

The 10<sup>th</sup> of October 2024 ten task team members arrived in Johannesburg to assist in terms of the request that I alluded to earlier. The 6<sup>th</sup> of December 2024 is the next material date and on which the investigation team assisted by the task team conducted two operations for

different reasons, the first being the take down and arrest of Mr Katiso Molefe and the execution of a search and seizure warrant at the property of Mr Vusimuzi Cat Matlala and part of what will be dealt with in the evidence is alleged political interference which was noted by JMPD and DPCI during the said operations. And again I must emphasize these are allegations.

30 December 2024 is the next event. The task team's ballistic analyst compiled a ballistic report that  
10 linked weapons seized during the Swart murder investigation to four high profile murders, including the murder of DJ Sumbody, DJ Vintos and the attempted murder of Tebogo Thobejane.

Then on the following day, the 31<sup>st</sup> of December 2024, Minister Mchunu issued a directive that the task team be disbanded with immediate effect.

27 January 2025 is the next date of relevance on which Lt Gen Mkhwanazi appeared on EWN where he made for the first time allegations of political interference and  
20 criminal infiltration in SAPS and in the criminal justice system. And on the 5<sup>th</sup> of March 2025 the General appeared before the Parliamentary Portfolio Committee on the Police where he repeated allegations of political interference and criminal infiltration in SAPS and the criminal justice system.

Then on 26 March 2025 a 118 under investigation dockets which were being investigated by the task team, were handed over to Lt Gen Senthumule on the instructions of Lt Gen Sibiya.

The 2<sup>nd</sup> of April 2025 is the next material date, being the date on which Katiso Molefe's bail application was refused.

Then we move to the 10<sup>th</sup> of April 2025 and on that day three additional dockets which were still under  
10 investigation by the task team, were handed over to SAPS head office on the instructions of Lt Gen Sibiya. And, Chair and members of the Commission, you will recall earlier on I spoke about the 118 and if you add these 3 that is how we get to the 121 dockets.

Then on 13 and 14 May we outline two material events. On the 13<sup>th</sup> Medicare 24 Tshwane District (Pty)'s contract with SAPS was cancelled and, Chair and members of the Commission this is the tender, or the contract that had been awarded to Mr Cat Matlala.

20 14 May, Mr Cat Matlala was arrested. His cellphone records were obtained, or rather if I may just correct that, cellphone records which were obtained from Mr Matlala's phone which was seized on 14 May 2025, pointed to political interference by the cartel in SAPS by operations and the criminal investigations at different levels. So the

material in the form of the contents that were found in Mr Matlala's cellphone when it was seized following his arrest on the 14<sup>th</sup>, is a critical event in answering part of the questions that are posed in this Commission.

Then the 26<sup>th</sup> of June 2025 Lt Gen Khumalo, the Divisional Commissioner: Crime Intelligence and who is also the project leader of the task team together with others were arrested by IDAC for alleged fraud and corruption relating to an alleged unlawful senior appointment.

10 Then the next material event is the 27<sup>th</sup> of June 2025 where Katiso Molefe's bail appeal was upheld and he was released on bail. The 2<sup>nd</sup> of July 2025 is the next event and on that day Lt Gen Khumalo's bail conditions, which included a condition that he is not to enter any intelligence offices in the country, effectively precluded him as the Head of Intelligence from returning to work.

Then 6 July is the reason why we are here. It is the media briefing by Lt Gen Mkhwanazi. The 13<sup>th</sup> of July 2025 Minister Mchunu was placed on leave. The 15<sup>th</sup> of 20 July 2025 Lt Gen Sibiyi was given orders to stay at home. And the 23<sup>rd</sup> of July 2025 was the establishment of the Commission.

So, Chair and members of the Commission, these events as I had indicated are quite material in serving as sign posts and the context within which the evidence needs

to be located and tested for purposes of veracity, credibility, etcetera. I earlier on indicated that the Commission is going to be undertaken in three phases, if I can briefly highlight the first phase.

During phase 1 the Commission will begin by hearing comprehensive testimony from Lt Gen Mkhwanazi himself as the originator of the allegations. He will be asked to detail his allegations in full and to present any evidence he has, either in the form of documents, 10 communications, reports, etcetera, and one will understand why that is important, because utterances in a media briefing are just what they are. Those are just utterances and they are just simply allegations. So the purpose of the Commission is to test with reference to reliable evidence whether there is veracity or truth in those allegations.

Lt Gen Mkhwanazi will also be expected to name the individuals and the institutions that are involved, but the important aspect is that although three events have been mentioned where he made these allegations, you will recall 20 reference was made to the EWN interview, the second was the Parliamentary Portfolio Committee and the third being the media briefing. This Commission is an opportunity for those allegations to be made by Lt Gen Mkhwanazi under oath and to put them on record, subject of course to matters of safety that may necessitate that an application for some

sensitive or confidential information that might compromise ongoing investigations to be held in camera.

Chair, those applications, or that application, or those applications, perhaps I should put it in plural form, will be made before the Commission if and when the need arises and the Chair will rule on those, depending on whether a proper case has indeed been made out to justify part of the evidence being held in camera. And the significance of this is that transparency and openness is the  
10 default position and hearings are intended by their very nature to be open to the public, but a fair balance need to be struck between the interest of the public to access the entirety of the information and to hear the entirety of the evidence that is being presented, tested against or weighed against the work that is currently ongoing.

It should be borne in mind that the criminal justice system is still functioning. Its work has not been halted on account of the establishment of a Commission of Inquiry, thus it is important that sensitive and confidential  
20 information that threaten the integrity of those ongoing investigations be borne in mind, Chair.

And during this phase again the Commission will also hear evidence from witnesses who will corroborate the allegations made by Lt Gen Mkhwanazi. These witnesses will include but are not limited to the National

Commissioner, Gen Masemola, being the person to whom Lt Gen Mkwanazi was reporting. Evidence of members of the task team will be heard. Detectives involved in the investigations will testify. Prosecutors and other various experts will testify during this phase.

And importantly, evidence will be led during this phase by Lt Gen Mkhwanazi to indicate the steps, if any, that he took internally and perhaps even externally, to report these allegations prior to going public, in other words, are the three events prior to the media briefing the only ones or are there additional steps that he took and if so, what are they, how did he take those steps, with whom did he communicate and did those people act on them or not.

When the next phase, which is phase 2, and in this phase the Commission will proceed to rigorously test the evidence and where applicable, assess rebuttals to the allegations presented in phase 1. And in this phase, phase 2 that is, individuals and institutional representatives implicated by Lt Gen Mkhwanazi and the statement and his evidence that he would have given and persons such as the suspended Minister of Police, will be invited, or if necessary, compelled to come and appear before the Commission and provide testimony.

This phase is dedicated to objectively examining

the allegations and allowing those named a fair opportunity to offer their explanation and to refute the claims made against them. It will be called upon to address the specific matters relevant to their conduct whereafter the Commission will evaluate the evidence having regard to the principles that guide how Commissions operate in the interrogation of that evidence.

And the last aspect to mention is that there would be cross-examination that is allowed during the second  
10 phase, because that is the testing of the allegations phase, for lack of a better description. Then the third and final phase of the hearings will be the phase in which the Commission will once again hear from Lt Gen Mkhwanazi, so he will be recalled and during that phase other key witnesses will also be called to address the perspectives and counter-allegations that is presented by those implicated during the preceding phases.

This phase will provide Lt Gen Mkhwanazi with an opportunity to respond directly to any conflicting accounts,  
20 clarifying points of contentions, where necessary offer additional evidence or context. And importantly, during this phase should there be any aspects where it is clear that there are errors or omissions that were made when allegations were raised by Lt Gen Mkhwanazi this would be an appropriate juncture for which those will be dealt with.

And the last point to make in respect of phase 3 it is to mention the point that it will allow the credibility of the version of Gen Mkhwanazi viewed against those that he is accusing and/or that he would have referred to, to be interchangeably assessed and evaluated given the last opportunity of reply that he has.

Then lastly before the conclusions, Chair the timeline I have dealt with it slightly earlier, we know that in terms of the terms of reference the President has stipulated  
10 that a preliminary report should be furnished to him in three months, hopefully with actionable recommendations that would come from the Commission and it is important to then stress the urgency versus the unlawful hinderance of the Commission's functions, because the repercussions of any of those steps will negatively impact the Commission's ability to meet the tight deadline that has been set out by the President.

Chair, with that being said and subject to two things that I am going to mention, the Commission is ready  
20 to lead its first witness, Lt Gen Mkhwanazi and the two things that I was going to mention, Chair is the first one is may we request a brief 5 minute adjournment to allow the team to set up and for the General to come and take his place to give that. And the second aspect, Chair is I need to leave and to consult with other witnesses for, in

preparation of the witnesses that are lined up and if I may please be excused, Chair together with the juniors that we are working with.

**CHAIRPERSON:** Chief Evidence Leader, thank you very much for the opening address and yes, you are excused. Thank you very much.

**ADV MOTAU SC:** Thank you, Chair, members of the Commission.

**CHAIRPERSON:** Before we take the 5 minute adjournment  
10 may I just announce the following. We will take a tea break at 11:30. That will be for 15 minutes, so it will be up to 11:45. And we will break for lunch at 1pm and resume at 2pm and we will adjourn for the day at 4pm. From tomorrow onwards hearings will commence at 9:30 and because of the earlier start, the tea break will be at 11 instead of 11:30. May we take the 5 minute adjournment.

**INQUIRY ADJOURNS**

**INQUIRY RESUMES**

**CHAIRPERSON:** Adv Sello.

20 **ADV SELLO SC:** Thank you, Chair and co-Commissioners of the Commission. Chair, I appear today with my learned friend, Adv Ofentse Mohlasedi. My name for the record is Mahlape Sello and our job today is to present the evidence of Gen Mkhwanazi. Chair, with those introductory remarks, and I do take note of the fact that the Chair has already

informed us of housekeeping issues, I think Gen Mkhwanazi is ready to commence with his testimony and for that purpose may I request that he be duly sworn in.

**CHAIRPERSON:** General, please state your full names for the record.

**LT GEN MKHWANAZI:** My name is Nhlanhla Sibusiso Mkhwanazi.

**CHAIRPERSON:** Do you swear that the evidence you are going to give will be the truth, the whole truth and nothing  
10 but the truth. If so, please raise your right hand and say “So help me God”.

**LT GEN MKHWANAZI:** So help me God.

**NHLANHLA SIBUSISO MKHWANAZI** (d.s.s.)

**CHAIRPERSON:** Thank you, General.

**EXAMINATION BY ADV SELLO SC:** Thank you, Chair. Gen Mkhwanazi, next to you you should have two files, a small file and a big arch lever file. If you look at the spine of the file, of the files the one is written file 1, the other is written file 2. File 1 contains a single document which is a  
20 statement and file 2 contains the annexures to the statement. Do you have those before you?

**LT GEN MKHWANAZI:** That is correct, Commissioner.

**ADV SELLO SC:** Before we start, for the record, General do you confirm that you have prepared and intent to submit a statement to this Commission in respect of the issues that

this Commission is inquiring into?

**LT GEN MKHWANAZI:** That is correct, I did prepare a statement.

**ADV SELLO SC:** I would like to refer you then to file 1, the small file and you consider that document and in particular you go to the last page of that document which should be page 100. At the bottom of that page is a signature above, and your name Nhlanhla Sibusiso Mkhwanazi. It is dated the 16<sup>th</sup> of September 2025. Would you confirm whether or  
10 not that is your signature above that name?

**LT GEN MKHWANAZI:** Yes, Commissioner I can confirm it is my signature.

**ADV SELLO SC:** Do you confirm therefore for purposes of this hearing that the document contained in file 1 does constitute your statement to the Commission?

**LT GEN MKHWANAZI:** That is correct, Commissioner it is my statement.

**ADV SELLO SC:** Do you stand today by the correctness of the averments made in that statement?

20 **LT GEN MKHWANAZI:** That is correct, Commissioner, I confirm.

**ADV SELLO SC:** File 2 if you have a quick glance at it, as I said are the annexures. These are the annexures to your statement as referred to in your statement.

**LT GEN MKHWANAZI:** That is correct.

**ADV SELLO SC:** Chair, the witness has confirmed his statement and the annexures in support thereof. We are ready to tender the statement into evidence. If I may just clarify, the sequencing, are we going to call them volumes, are we going to call them files? I have got two sets here. For record purpose would it be volumes 1 and 2 of the Commission?

**CHAIRPERSON:** It does not really matter, you can call them file 1 and file 2, whatever you prefer. Oh, for them ja  
10 you may use his, the General's initials, NL Mkhwanazi. But the annexures themselves let us see what they, what do they – let us call them MK1 and ...[intervenes].

**ADV SELLO SC:** MK1.

**CHAIRPERSON:** And MK2.

**ADV SELLO SC:** Yes.

**CHAIRPERSON:** But you used numbers even for the annexures. Maybe ...[intervenes].

**ADV SELLO SC:** May I propose we name them MK1 ...[intervenes].

20 **CHAIRPERSON:** MK, file 1, MK ...[intervenes].

**ADV SELLO SC:** It constitutes of two files.

**CHAIRPERSON:** Ja.

**ADV SELLO SC:** File 1 and file 2.

**CHAIRPERSON:** Ja.

**ADV SELLO SC:** Yes. Thank you, Chair.

**CHAIRPERSON:** Ja.

**ADV SELLO SC:** Okay.

**CHAIRPERSON:** Such a small matter, but crushing our heads.

**ADV SELLO SC:** No. My notes seem to matter at the moment but by the time the seventh witness appears ...[intervenes].

**CHAIRPERSON:** Yes.

**ADV SELLO SC:** Then we have sort of lost track.

10 **CHAIRPERSON:** Thank you.

**ADV SELLO SC:** Gen Mkhwanazi, I know you will be touching on these issues later on, but I suppose at the start of this hearing to perhaps address some protocol issues. Your position within the South African Police Services is that of Lieutenant General, correct?

**LT GEN MKHWANAZI:** That is correct.

**ADV SELLO SC:** Would it be appropriate to refer to you as Gen Mkwanzazi or are we required to use your full title of Lieutenant General?

20 **LT GEN MKHWANAZI:** In terms of the Police regulation as you address, we call it General, so you are welcome to address me as General.

**ADV SELLO SC:** Thank you, General. Then if I may invite you to page 5 of volume, of file 1, which is page 5 of your statement. Could you very briefly introduce yourself to the

Commission and for the record indicating when you joined the Police Force and your progression through the Force from when you joined till date.

**LT GEN MKHWANAZI:** Commissioner, I joined the Force, you are correct, that was in 1993 which then translated into the service in 1995 when the democracy started in our country. I joined the service in 1993, June when I underwent training at the Police College in Pretoria and from there I was deployed to go and work in Port  
10 Shepstone. At the time the unit was called Internal Stability Unit in 1993 when, December, after my training, which the name then later changed into Public Order Policing Unit.

And from Public Order Police Unit, Port Shepstone I moved to Durban, Public Order Policing Unit. That is when I joined the Special Task Force from Durban. I attended a training in the Special Task Force in 1998 and from there I worked at the unit, the Special Task Force, Durban until  
20 2001. In 2001 I moved to Pretoria where I assumed command of the Pretoria Unit, Special Task Force and from there I became the Deputy Head of the Task Force and subsequent to that I was promoted to the overall Commander of the Special Task Force in 2005.

And from there I moved to become a Head of Specialised Operations that includes the Airwing, the Special Task Force, the NIU, TRT and other units that are

tactical in the South African Police Service. And from there I became the Acting National Commissioner. From the position of Acting National Commissioner which was a couple of months, just less than a year, I spend the whole year after that enjoying time sitting at home without a post and subsequent to that I was then deployed to be the Head of Facility Management in the South African Police Service.

And from there I became the Head of the Training Section of the Police, which is a division that is referred to  
10 as Human Resource Development. And from Human Resource Development I was deployed in KwaZulu Natal to go and act in the period 2018 until 2019. And from there I moved back to head office under the division Operational Response Service where I worked until 2021. That is when in April I assumed my responsibility of being the Provincial Commissioner of KwaZulu Natal. So that is the position I am currently occupying.

**ADV SELLO SC:** [Indistinct]... [microphone off] May I refer you to file 2 and in particular ...[indistinct] your attention, I  
20 would like to draw your attention to Annexure “FA3” that appears in file 2 on page 13 – oh, apologies. I will start again. I do apologize. Apparently my mic was off, so I would not have been on record. So, General I refer you to the file 2 and in particular to page 135. It is a document marked Annexure MK3 and that is your curriculum vitae.

Insofar as your educational background is concerned with reference to that document, could you please highlight some aspects thereof.

**LT GEN MKHWANAZI:** Thank you, Commissioner.

According to the curriculum vitae and the information that I know is that I finished my matric at the high school, Siyahlomula High School, in Pietermaritzburg in the township of Ashdown. And from there I conducted my tertiary studies at the Technical South Africa back then.

10 That is when I obtained my national diploma in policing. And subsequent to that I then obtained my bachelor degrees in policing at the Tshwane University of Technology and that is my tertiary studies, Commissioners.

After, other than that I attended quite a lot of other training programs which include Executive Development Program that was held at Wits University and there is other courses that I attended which will include the Executive Development Program from the African Institute for Mentoring and many other training programs within the  
20 South African Police Service, including other training abroad such as in the United State of America under US Department of Justice, Federal Buro where I attended training programs on your supervisor's role in counter-terrorism investigations as well as Louisiana State University where I attended a crisis response training.

There is training programs that I attended at International ...[indistinct] Management Services which was a development program for high performance managers amongst others. As I said, Commissioner there are many other development that I had within the South African Police Service. I have counted some of them from Task Force, Public Order Police and the likes.

**ADV SELLO SC:** Thank you for that, General and thank you for introducing yourself to members of the Commission.

10 Now to turn to the business of the day, please refer to file 1 now, to your original, to your statement and I would like us to pick up this conversation from your paragraph 6. In paragraph 6 as I understand it you seem to qualify the testimony you are about to give and I would like you to explain to the Commissioners the extent of that qualification and the explanation of the nature of the testimony and evidence that will be tendered in this Commission.

**LT GEN MKHWANAZI:** Then, Commissioner it is important for the Commissioner and the general public at this juncture  
20 to understand the main function of the South African Police Service, which is primary to investigate crime that has been committed. So in the course of our investigation an analysis as well as the collection of evidence that we get, the information and evidence that we get, the patterns are established to which further the more detail investigations

may be warranted to the extent that these patterns are established.

The potential threat to the independence and the proper functioning of the justice system these are flagged and pursued where required. In the result a number of allegations I advanced during that press briefing are premised on and intended to draw the attention to establish and to the developed pattern which enjoyed us all to urgently act as law enforcement as well as the country to  
10 effectively respond to the threats that are being established during the course of the investigation.

**ADV SELLO SC:** And as you, the, oh you were not here, the Evidence Leader pointed out that the, we are here today because of the press statement and the press briefing, the press statement you delivered on the 6<sup>th</sup> of July that was published to the country at wide. You deal with this, this aspect from your paragraph 7, if you could have regard thereto and to this end you have an annexure there referred to as MK2 and for reference that would appear at page 103  
20 of file 2. And at 104, my apologies, 103 yes, the ...[indistinct] document starts at 104. Could you give the Commission a brief background to how that document and subsequent briefing came about.

**LT GEN MKHWANAZI:** Commissioner, on the 6<sup>th</sup> of July when I made this address before the South Africans it was

because I wanted to inform the public about the level of challenges that we are experiencing as the South African Police Service in relation to the work we do as the Police, which involve criminality and the political interference on the work that we do as the police, which will also include corruption within the value chain of the justice system which we are part of as law enforcement.

That is why the presentation that is attached here will be used as a reference which is marked, I am not going  
10 to refer to all of them, but by and large, Commissioners that was to brief the nation to understand how, what challenges are we facing as the South African Police Service.

**ADV SELLO SC:** Are you the sole author of the content of that document or do you have other people or persons that participate in the creation of that document and the information contained therein?

**LT GEN MKHWANAZI:** I must indicate, Commissioner that this briefing which I made on the 6<sup>th</sup> of July it is a product of the collective and collaborative efforts of various units  
20 within the South African Police Service, the majority of men and women in blue in this service who were responsible for, together with myself in compiling this document. It is therefore a reflection of the common concerns that we share as colleagues in different ranks within the service, which made us to have a common desire for this problems to be

resolved in order to enable these members of the service to be able to serve with honour and dignity.

**ADV SELLO SC:** You make what I consider to be an important point at paragraph 11 that I think you should share with the Commission which would seem to speak to a risk in the absence of positive action. What is that risk? What is the fear and what is the risk?

**LT GEN MKHWANAZI:** Commissioner, on this paragraph 11 it has been my aim that I want to demonstrate that the  
10 criminal justice system has been subject to the continuous threat as well as sabotage which has been with us over an extended period to a point where we believe it is at real risk of a total collapse if nothing is done. Therefore an urgent and effective interventions are required in order to avert this outcome and I believe this Commission will stand to play a very important role in order to help us to prevent this total collapse of the justice system in our country.

**ADV SELLO SC:** And your statement, and that part concludes with a personal message. Would you like to  
20 deliver it at paragraph 12.

**LT GEN MKHWANAZI:** Yes that is correct, Commissioner. As we had appeared before the South Africans on the 6<sup>th</sup> of July, I must first thank the media in South Africa for affording us an opportunity to be able to share our challenges with the public which then as a result it helped

the State President to establish this Commission following that press briefing, which we also appreciate as this Commission is going to help us to deal with the challenges that we are facing as we execute our duties.

And lastly, I want to thank the general public for having received our message very well and I am sure what we are going to talk about is not necessarily everything that the public are experiencing out there in terms of the experience they have as they interact with the justice  
10 system, but it is merely to address those that we were speaking about on the 6<sup>th</sup> of July.

**ADV SELLO SC:** Thank you. I would like to draw attention then to paragraphs 13 and 14, which set out the scope of your statement and the testimony you are about to give. Can you briefly point, speak to that scope of your evidence.

**LT GEN MKHWANAZI:** Commissioner, the main address that we put on this statement will focus in the main on what has been much talked about, which is the KwaZulu Natal Political Killings Task Team . We will want to address that  
20 first. And secondly, we will want to address the criminality, the political interference as well as the corruption within the criminal justice system. It shall become evident that are significant overlaps an intersection between the two broad topics and a distinction between the two may not be always be possible to draw. I will however address the issue of

KwaZulu Natal Political Killings Task Team first and separately before I delve into matters of the political interference, the corruption and criminality that we experience within our criminal justice system.

**ADV SELLO SC:** And the context then of the focus of your statement, the next chapter you deal with SAPS structural overview and organogram. You set out a background to the establishment of the SAPS, the legislative framework that governs the SAPS and I would like us to work through that  
10 part of your statement in brief. We do not have to read everything. So you start at paragraph 20 with the establishment of SAPS, any aspect you would like to highlight in that regard?

**LT GEN MKHWANAZI:** Ja well, Commissioner in the main as the general public will know that section 199 of the Constitution establishes all the security agencies that we have in the country which include the South African Police Service, the Defence Force as well as the Intelligence. And all these service are structured and regulated in terms of  
20 national legislations, which in case of the South African Police Service it will be the South African Police Service Act and the SAPS members must always act in accordance with the Constitution and the law.

And they must make sure that whatever they do does not advance a political interest of one party over the

other and ours is to make sure that we apply the fairness that the Constitution is directing us to do, to treat everyone equal before the law. And in any parties and manner, or any interest that is shown by each member to the political party is prohibited by the law.

**ADV SELLO SC:** In the next few pages you summarize the subsequent mandate in terms of the Constitution, in terms of the Act and you make reference to the Regulations. Now insofar as the Constitution is concerned what would you like  
10 to highlight for purposes of the Commission insofar as the role-players as determined by section 206 are concerned, the Minister, the National Commissioner and the Provincial Commissioner.

**LT GEN MKHWANAZI:** Commissioner, in the main will draw attention to section 205 of the Constitution which outlines what are the primary responsibility of the South African Police Service, which will include the prevention, combating, investigation of crime, protection of the property and the citizen of this Republic or the inhabitants of the  
20 Republic, which also includes the maintenance of public order and the, to uphold the law as the South African Police Service.

That is what the Constitution tells us to do, but the same Constitution under different sections, section 206 of the Constitution outlines the responsibility of the Minister of

Police, which is that of a policy development. The Constitution says the Minister will develop the policy in consultation with the Provincial Executive or Provincial Government and their needs in different provinces must be taken into account when the Minister develop this policy.

And the same Constitution gives powers to each province to monitor police conduct and police performance and that is done through the Executive as each province has an assigned individual which is responsible for  
10 overseeing the work that the Police are doing. In the same Constitution, Commissioner other than 206 that talks about the Executive authorities at national level as well as provincial level in terms of the Minister and MEC's. In some provinces we have Premiers that are overseeing that role, those that do not have MEC's.

But the Constitution under section 207 it speaks about the appointment of a man or a woman to be the National Commissioner of the South African Police Service who is appointed by the President of the Republic and this  
20 individual is given a responsibility to exercise control and to manage the South African Police Service and it does that in accordance with the national policy that will have been developed by the Minister who is a cabinet member and also under the direction of the very same cabinet member.

The section 207 further speaks about the

appointment of Provincial Commissioners and the Provincial Commissioners are appointed by the National Commissioner and the National Commissioner does that in consultation with the Executive in the province. And the responsibility of the Provincial Commissioners are outlined in the same Constitution which says that the Provincial Commissioners are responsible for policing in their respective provinces as prescribed by the legislation and are subject to powers of the National Commissioner, the powers and control of the  
10 National Commissioner of the South African Police Service.

And in the Constitution you will find together with the Act that is referred to in the Constitution which I spoke about earlier, that there are different Acts that are developed and one of the Acts that is critical in a Constitution is the National Intelligence Act, the National Strategic Intelligence Act which is applicable to the South African Police Service as captured, which regulates the functioning of our Crime Intelligence within the South African Police Service.

20 The Constitution establishes a single Police Service and this concept creates a unified and a standardised Police Service across the Republic under the leadership of the National Commissioner of the South African Police Service.

**ADV SELLO SC:** Thank you. You then turn to deal with

the Act and the provisions of the Act. Your statement does speak to what the Act regulates and provides for and this, our contracts, I would like you to work us through the powers and the functions of the Provincial Commissioner.

**LT GEN MKHWANAZI:** The Police Act which is developed by Government under section 12 of the SAPS Act that is where the powers of the Provincial Commissioner are written, which reads that the Provincial Commissioner shall have command of and control over the service in his or her  
10 jurisdiction in the province and may exercise such powers and shall perform the duties and function necessary to give effect to the provision of the Constitution.

The Provincial Commissioner further is authorized to distribute the strand of service amongst different areas in the province, dividing it into manageable areas which will include the stations, different areas and create offices and units within the Province in order to be able to effectively perform or discharge the duties that are outlined in the Constitution.

20 **ADV SELLO SC:** Now at paragraph 34 of your statement you once again referenced, you once again referenced the Intelligence division of SAPS. You indicated that it is regulated in terms of the Intelligence, in terms of the National Strategic Intelligence Act. With reference to your paragraph 34 could you explain to the Commission how that

division, the Intelligence division fits in within the SAPS structure.

**LT GEN MKHWANAZI:** The division Crime Intelligence that exist in the South African Police Service as established in terms of the Act it is a division that reports via a Deputy National Commissioner to the National Commissioner within the South African Police Service with primary job is together evaluate, coordinate the Intelligence in order to support the objectives of the SAPS across the country as  
10 we perform our duties.

**ADV SELLO SC:** You follow that part of your statement with an overall summary of the key SAPS role-players and that is from your page 16, paragraph 41 of your statement where you highlight for purposes at least of your testimony who are the key role-players and this policing environment. Please highlight those.

**LT GEN MKHWANAZI:** The key role-players that are applicable in terms of the work that we do as we discharge our duties as the South African Police Service will include  
20 the Minister of Police whose Executive authority responsible for policy development and directing the works that the National Commissioner does, the National Commissioner of the South African Police Service, the Provincial Commissioner of the South African Police Service as well as the Executive in the province which are the members of

the Executive committees which are commonly referred to as MEC's. As I said, Commissioner in some provinces, two that we know of that they are Premiers that are taking the responsibility over that role.

**ADV SELLO SC:** You have at your paragraph 48 at page 18 a diagram headed placement of top management. I am going to request that it be put up and perhaps you could walk us through that diagram for us to understand the top management, the SAPS top management organogram. So if  
10 you could just speak to that organogram and guide us quickly through it.

**LT GEN MKHWANAZI:** Commissioners, the SAPS has got two designation in terms of the levels. We have those that are established in terms of the Constitution which I spoke about earlier. That would be the National Commissioner, the Provincial Commissioners. As you see them on the top right corner those 9 provinces as Provincial Commissioners. And on your extreme left the badge that is standing out there with yellow and red and black that is the National,  
20 that is the Directorate for Priority Crime Investigation which is commonly referred to as the Hawks established in terms of the Act, that is why they are reflected on the structure.

But immediately below the National Commissioner those are the three at the bottom they are the Deputy National Commissioners which are structures established by

the National Commissioner, the prerogative of the National Commissioner to create your structures. There may exist, they may not exist. It depend who is the National Commissioner at the time. There is three currently. At times there are five or some other times they are four. It depends on how the National Commissioner feels in terms of creating those structures that we see.

**ADV SELLO SC:** So if we understand you then, below the level of National Commissioner there can be as many  
10 Deputy National Commissioners as the National Commissioner deems appropriate.

**LT GEN MKHWANAZI:** That is correct, Commissioner.

**ADV SELLO SC:** It is not prescribed to the National Commissioner as to how many there should be and what areas they should cover.

**LT GEN MKHWANAZI:** That is correct, Commissioner.

**ADV SELLO SC:** It will, perhaps while we are here we take the opportunity, we will deal with this further on in the statement, insofar as the Deputy National Commissioner,  
20 the crime detection is concerned, your statement later on gives an understanding that that particular Deputy National Commissioner is actually responsible for three wider areas or responsibilities within SAPS. Can you just mention them, summarising what each does and we will make a note on this organogram.

**LT GEN MKHWANAZI:** Commissioner, the bottom right if I can start there of that structure is Corporate Support which is a general administrative that support the operations of the Police. The policing in the main is controlled on the left, which is the middle block and the left block. Left block is mainly about the visible policing which is uniform branch, those men and women you see patrolling the streets. They are charged with the responsibility of preventing crime ...[indistinct] with communities and the likes.

10           But the heartbeat of the justice system where it start in the main is in the centre, in the middle block. That middle block controls the heartbeat of the South African Police Service, that is where the case dockets is managed. That is where the criminal investigation is managed. You will have detective services that falls under that structure. You will have Crime Intelligence that fall under that structure and you will have Forensic Services in the South African Police Service. So all three are the ones that are controlled in that structure, in that block.

20   **ADV SELLO SC:** And briefly just to, so we can orientate ourselves, what does the Detective Services deal with within SAPS and equally the Crime Intelligence and you said Forensics, if you could just give a brief description of what each function entails.

**LT GEN MKHWANAZI:** Commissioner, when the crime is

committed the first people that arrive at the crime scene it is Forensic Service who are responsible for the preservation of the crime scene and make sure that the evidence that is critical for investigation is collected. That is where you are going to find any evidence that might be used later in the investigation been fetched and be taken to the lab and get analysed. And therefore the, thereafter the Detective which is Crime Investigation will then take over the investigation and with the further investigation that they collect to try and  
10 follow the pattern of what could have transpired that led into that crime, any evidence that they collect they will always share with Forensic Services in order to conduct analysis on it.

But as they are looking for clues or the perpetrators that will have been involved in that particular crime they are going to rely on Crime Intelligence who help them to trace the suspects through their means of deployment of Intelligence Agencies and collecting of the information of the people that might share some information with regard to  
20 the crime. So that is what Crime Intelligence does. As is, they are the only one that are mandated with the responsibility of monitoring the criminal syndicates through their cellphones and checking their movements. They really do covert operations that at times the public is not aware of that we might discuss later. So but that is in the main what

the three does, the Forensic, the Detectives as well as Intelligence.

**ADV SELLO SC:** And it is for that reason that you call them the heartbeat of policing.

**LT GEN MKHWANAZI:** Indeed, Commissioner it is the heartbeat.

**ADV SELLO SC:** You, if I may call for the next one to be put up and I do, General perhaps accept that this slide you put up for the benefit of some of us who are not as literate  
10 around the structure and the ranks of the Police Service, so if you could just quickly highlight what is important for us to understand from that slide, we would appreciate it.

**LT GEN MKHWANAZI:** Commissioner, in the South African Police Service we are categorised into two category of members in the service and it is those that we refer to them as non-commissioned officers and then we have those that we refer to them as commissioned officers. For the general public to understand, Commissioners also to know is that non-commissioned officers when you see them in uniform  
20 they would be wearing ranks that are hanging over their shoulders, not on top of their shoulders but hanging on the side of their shoulders. They are non-commissioned officers and that is basically the entry level into the South African Police Service which is a first rank of a Constable. That is where you enter in the service.

And as you become a commissioned officer, you then put on your ranks on your shoulders, above your shoulders, those stars that we see worn by Police Officers and they are in different levels with the highest being the National Commissioner. So the entry level is a Constable and the highest level is the National Commissioner. I am talking about the National Commissioner as the title that is carried in the Constitution, however the regulation that was amended it then introduced the Generals' titles, so  
10 therefore we call the National Commissioner a General, but he remains a National Commissioner in terms of the Constitution so it is a Constitution versus the Police regulation in this regard. They are both applicable to us, Commissioner.

**ADV SELLO SC:** And on the extreme right you list what you say is a form of address. That is the acceptable form of addressing each rank of the Police Force, of the Police Service as set out in that diagram.

**LT GEN MKHWANAZI:** Ja, that is correct. What you see  
20 written on this structure unfortunately as I said, Commissioners right on top it is actually the National Commissioner which the rank given it is the General and the form of address it is a General. And the picture you see on the screen it just outlines the different ranks that we have and how we address them. So all those that we refer to as

Generals, Lieutenant Generals, Major Generals and a General when we address them we call them Generals. We do not use the first word that precede the General.

And then of course the similar applies to the Colonels. You will not call a Lieutenant Colonel or a Colonel, you just address both of them as Colonels. That is a form of address that we apply. And the non-commissioned officers are written on their shoulders as Constable, Sergeant and Warrant Officers, so we address  
10 them as such.

**ADV SELLO SC:** Thank you. Chair, I am moving to a next topic. I am starting a new topic. I see the time is 11:28. Might this be an appropriate time for the tea adjournment?

**CHAIRPERSON:** Yes, let us adjourn and come back at 11:45 sharp.

**ADV SELLO SC:** We shall be back at 11:45.

**CHAIRPERSON:** Thank you.

**ADV SELLO SC:** Thank you, Chair.

**INQUIRY ADJOURNS**

20 **INQUIRY RESUMES**

**EXAMINATION BY ADV SELLO SC (CONTINUES):** Thank you. Gen Mkhwanazi, before we broke for tea I indicated that we will be moving into a new chapter. Apologies. Yes, no, no, I think the gentleman behind me was speaking, so there was a bit of interference. I had indicated that we are

starting a new chapter after tea and that chapter starts at your page 21, 21 of your statement and you deal from page 21 with the establishment of the Political Killings Task Team . You indicated at the start of your testimony that the Political Killings Task Team is one of the key topics that you wish to address in the course of your testimony. You indicated that there are two in the main, but this would be our starting point.

That starts at page 21. From paragraph 50 to  
10 paragraph 71 you deal with the establishment of the Political Killings Task Team and I would like us to start the conversation from that point, so if you could narrate how the Political Killings Task Team came about, under what circumstances, when and then we will subsequently look into its operations once established. Thank you. So if you could start about, on the establishment of the task team itself.

**LT GEN MKHWANAZI:** Thank you so much, Commissioner. We know that the province of KwaZulu Natal historical that  
20 has been a problematic province with regard to political violence which dates back to the days before democratic South Africa and that problem remained. Although it had subsided prior the establishment of this team but it started rising again and we started seeing the leaders of our country being attacked in different levels, which then

necessitated an intervention from the SAPS and the Executive in terms of trying to mitigate the threat of attacks to our political leaders and we know of the task team that was established back in 2018.

But these Political Killing Task Team has its genesis in a previous task team that was established back in 2011 and this was done following the resurfacing of the killings as I said in the province of KwaZulu Natal, which was dominant at the time and these killings in the province  
10 of KwaZulu Natal had led into the establishment of, or the Provincial Government in KwaZulu Natal establishing a Moerane Commission of Inquiry which was established in 2016 by the Premier of the Province, Premier Willies Mchunu.

And when this team started at the time 2011 to look at specifically on cases that are involving the political leaders in the country and the, with the aim of making sure that at least they can bring the perpetrators of these crimes to ...[intervenes].

20 **CHAIRPERSON:** General, you referred to intra party killings. Do you want to please explain that?

**LT GEN MKHWANAZI:** Commissioner, in the main, in 2011 we saw the different political parties applying, or employing different strategies in terms of the employment of their candidates for different political positions. A typical

example, it has been a well-known practice in the country that for one to become a Councillor he has to go and campaign and through that competition of campaigning when people vote for you, you become a Councillor. So the same when you become a Mayor, Executive Mayor, the same rule applied. But when this strategy changed by the political parties deciding of who should be a Councillor, who should be the Mayor of the Municipality it became a conflict amongst the members of the same political party where one  
10 person will have endured the majority from the society wanting to elevate that person to the position of being a leader of society in that particular locality.

But the Executive of the political party will take a decision that regardless of popularity of that individual, but they choose another person to appoint as a leader. And the one who is popular of course will feel aggrieved and the fights then started within the same political party. So that is basically what we try to communicate here, Commissioner.

20 **CHAIRPERSON**: Please continue.

**LT GEN MKHWANAZI**: Thank you so much. So the Moerane Commission which then was established did confirm that these many assassinations were linked largely to corruption within Local Government, especially tenders. So you could imagine the one who is in position of authority

as a political party leader or as a leader of society has some kind of influence over the issuing of tenders and the business people that wants to get tenders they will always be friends with the one who has got an executive authority over that Municipality or different provinces and as a result that corruption became the centre of these incidents of threats, attempted murders as well as murders.

And the key recommendations that came from the Commission is the one that brought about the creation of  
10 independent structures which include having a designated focus from the South African Police Service in terms of investigation of these cases. And that is why then the South African Police Service responded by creating a team, but, Commissioner that did not stop. We then saw more of those incidents happen up until 2018 when the President of the Republic decided that the efforts from law enforcement being the South African Police Service alone, or the Minister of Police at the time guiding or directing the interventions to try and mitigate these type of crime.

20 It was then important from the President's point of view that the Police must not work alone, therefore the Police must put the efforts together with other Ministers within the cluster in order to be able to have a focussed intervention in terms of trying to mitigate this incidents of political violence if we were to call it, and as a result in

2018 the President of the Republic appointed an inter-ministerial committee which were referred to as an IMC. I want to emphasize again, Commissioner that the President of the Republic appointed an inter-ministerial committee which were referred to as an IMC. This committee constitute of different Ministers within the cluster. That will include the Minister of Police, it will include the Minister of State Security, it will include the Minister of Defence, it will include the Minister of Justice and Constitutional  
10 Development and the different entities that are within the security cluster were also represented, including state security.

So all these Ministers they formed that which were referred to as an IMC and the Minister of Police was appointed as a Chairperson of the IMC. So it was the IMC that was mandated to relook at how best can the law enforcement together with other agencies within the criminal justice system can put a best possible solution to the incidents of political violence as it was experienced  
20 then.

**ADV SELLO SC:** Before you move on, General, if I may, at your paragraph 53 you highlight the reasons for why in part the President elected to implement a different approach which is through the establishment of the IMC. Could you highlight what were the challenges with the task team then

as established from 2011 that informed the President's thinking to establish the IMC to address the same issues that the task team was engaged with.

**LT GEN MKHWANAZI:** Commissioner, the work as I said from 2011 when the Minister of Police then together with the National Commissioner designated specific investigators to work on the cases that are involving the political leaders it became evident, as these incidents were continuing it became evident that the success of that team was not good  
10 enough. There were many challenges, part of it that was contributing to the challenges was a slow progress in terms of arrest and the very poor conviction rate that was experienced at the time.

And as I said, that is why the President felt that whatever intervention that the Minister of Police alone have implemented is not sufficient, therefore a group of Ministers must come together and look at the, whether this work that needs to be done can it be done in a different way than how it was done back then.

20 **ADV SELLO SC:** From paragraph 55 then of your statement you look deeper into the functioning and the work of the IMC. Could you take it from there.

**LT GEN MKHWANAZI:** Commissioner, as I said earlier in my introduction that I had occupied different positions, one of them was, which I mentioned was 2018 when I was

deployed in the province of KwaZulu Natal as the Acting Provincial Commissioner, I had a meeting with the management in KZN at the time as the Provincial Commissioner and that was held in May 2018 where the Deputy Provincial Commissioner was responsible for investigation, Maj Gen Chiliza, together with his team they briefed me about the work that was done by the team up until that period, 2018.

And from there we, there was then a briefing that  
10 was arranged in order to brief the IMC and that meeting took place in June, or was held in June where these group of Ministers came down to the province and I gave a presentation to the Ministers with regard to the investigation because when the Maj Gen Chiliza gave me a presentation together with the team, we had to analyse the challenges that the team has and to be able to see whether is there any errors of improvement that we could initiate in order to assist the team going forward, because ...[intervenes].

20 **ADV SELLO SC:** General, I apologize, I see that you are, what you are testifying to now is in regard to the meeting of the 11<sup>th</sup> of June 2018. Can I take you at paragraph 50, can I take you a page back ...[intervenes].

**LT GEN MKHWANAZI:** Yes.

**ADV SELLO SC:** To paragraph 55. Paragraph seems to

suggest an earlier meeting of the IMC, is that correct?

**LT GEN MKHWANAZI:** That is correct. When, as I said, Commissioner I had met with the team to try and establish who is working on the cases and the IMC had convened in May as well as I said, in 2018 after my arrival in the province, where this Deputy Provincial Commissioner, Maj Gen Chiliza gave a presentation on the work that was done by the team that he was leading at the time from 2011 to 2018.

10           And Maj Gen Chiliza and him giving the presentation the IMC was not quite pleased about the progress made by that team and they then indicated to all of us that was there that their key aim was to make sure that there is integration of different stakeholders within the justice system to work together in order to be able to address the program of killings of the political leaders in the province.

                  So therefore the IMC tasked us that we must look at a way of reconfiguring this work that this team is doing in  
20   order to be able to have good successes going forward and that is when we then had to start reworking on a different plan which the IMC were not necessarily involved, because theirs was to make sure that there would be a successful work done by all structures within the criminal justice system to prevent or mitigate this incident. So IMC

required an extensive investigation into the problem as well as analysis of the solutions deployed by the team in order to be able to mitigate these crimes.

**ADV SELLO SC:** To the point you were making, you are then, it then leads you to the IMC meeting of the 11<sup>th</sup> of June. Can you deal with that from your paragraph 58.

**LT GEN MKHWANAZI:** Yes as I said, Commissioner when I was in the province I arrived almost at the same time when the President had announced this IMC. So in the initial  
10 briefing that was conducted in May, IMC were quite not happy with the work that was done, because the performance which they were interested in did not inspire confidence that there will be a solution in terms of this incidents that are directed at our political leaders.

And as a Head of the province at the time, the task to revise this plan fell on my shoulders. So I had to then attend to a new strategy that is going to help us to win the war. And that, the IMC conducted another meeting in June, which was a month later and when they arrived in the  
20 province, the group of Ministers as I said, I gave the presentation to them about the outcomes of the investigation and analysis of the work of the team and in summary the key conclusion drawn from the analysis that we had conducted back then was that there was an ineffective and not appropriately structured way of working

by the Police at the time, which one of the challenges that was identified was that the team was operating in silence. We will have a Detective working at the Police Station which is said to be part of the task team carrying one docket involving the political leaders whereas the same Detective has other cases that he needs to prioritize that has got nothing to do with the priority that was given to him or her. So those became a bit of a challenge that we had identified.

10           And I concluded the presentation which I made to the IMC's at the time where I made a proposal that an investigation and a prosecution strategy will be developed in order to try and address the problem and this will require a specific budget and a specific support that we will have to source from the National Commissioner in order to be able to deal with the problem at hand. The IMC welcomed that proposal and they granted the requisite mandate for us to proceed in the best way that we can be able to mitigate this threat of this criminality that we are experiencing.

20           So subsequent to that we then developed a strategy which I led. During that period of development of the strategy I kept the National Commissioner abreast of the strategy being considered by the team, because we will require the National Commissioner as the Head of the operations in the Police as the one who is running, who is

managing the operations in the Police to grant us approval on the strategy.

So we kept contacting, communicating with him as we were developing it and eventually the National Commissioner provisionally approved the operational approach and the strategy that we had developed in KwaZulu Natal. And this strategy was then submitted formally which is a strategy that was proposing the framework which would include the cost of implementing.

10 And this strategy, the submission that we made which I signed to the National Commissioner at the time went through different levels in the policing of recommendation, because as I said, Commissioner there was going to be a cost implication associated with this.

Amongst, if I may indicate the cost will include the deployment of other specialised units or Police Officers from different provinces and with different expertise that are going to assist KwaZulu Natal in order to be able to carry out this task. So therefore there was going to be a cost associated with that. So we submitted this to the National Commissioner, the National Commissioner approved it.

**ADV SELLO SC:** Thank you, General. At paragraph 60 to 62 you mention specifically a document there and you indicate that it is annexed to your statement as Annexure MK4. You called this document “Implementation Plan,

Investigation of Political Related Cases, KwaZulu Natal from 2018, July 01 to 2018, December 31". That you do at your paragraph 60 and you say that document you attach as MK4 at paragraph 62, is that correct?

**LT GEN MKHWANAZI:** That is correct, Commissioner.

**ADV SELLO SC:** Can I then refer us to that specific document. It is numbered MK4. It is page 139, Commissioners of the witness' statement. General, if you could turn to that document and confirm that that is the  
10 document that you were talking about.

**LT GEN MKHWANAZI:** It is correct, Commissioner. This is the document I am referring to.

**ADV SELLO SC:** Now in this document I see that the first page addresses the question of the purpose of the strategy that is set out in this document, which I think is what you have articulated to the Commission already. I would like to draw your specific attention to page 142 of that document. You indicated to the Commissioners that your strategy involved a different operational approach to the problem  
20 then plaguing KZN. I would like you to talk to us about the specifics of this special operational approach and plan and take us through the nature of the plan, the makeup of the methodology and the management of the would subsequently be established Political Killings Task Team. So if you could start at page 142.

**LT GEN MKHWANAZI:** Commissioner, this approach and the concept that we adopted it is a tried and tested operational methodology that we used in many operations in the South African Police Service, which will include different disciplines as I mentioned with different capabilities, including intelligence and operational and investigative capabilities in that team, which is multi-disciplinary, whose aim is to assist each other to speed up the work that needs to be done, because ordinarily you will  
10 have a Detective working somewhere and the Forensic person working somewhere and Intelligence working somewhere, but we bring all these together under one central commander that is going to manage them and execute his task.

We then established a command structure of that task team and the command structure that is going to focus on the execution of the task and once after establishing that command structure we then structure how the investigation is going to be conducted by establishing a central mission  
20 area which were referred to as a mission area in the main word, the joint coordination of the operation is conducted under that commander.

And then we, which in this case will have been at the provincial office where I was seated. From there we will then establish a tactical operational areas, TACJOC,

tactical joint operational centres, which are then located in different parts of the province that are going to focus on operational activities in a specific area and then they will report and come and account to the mission area operational centre as they execute the task. As I said, there will be an intelligence gathering, there will be an analysis of information and then operational coordination which will also include the investigation as I said and as well as the combat that will protect the investigators that  
10 are working with them.

So it is a team that would be self-sufficient as they work. If a typical example, Commissioner we will have expert from Forensic in that team that as and when they found evidence, for instance a firearm in the crime scene, they do not have to send it to Forensic and leave it like that. They know the workings of the Forensic so they will go in there and be able to indicate to their colleague to speed up the process of that analysis, not necessarily that at times they do it themselves but they will engage with  
20 their colleagues, because they have access into Forensic, unlike a Detective who will put in the reception area and wait until he is told. But the Forensic people that are in the team they have got access to Forensic Service, they know their colleagues so they make it easier to speed up the process.

And then that serves to some intelligence resources that we need, because it is located there and they are able to perform the work that they are supposed to do with speed and then be able to engage with the Prosecutors that are going to help them guide the investigation from the start to speed up the process, that you do not investigate and you finish and you think you are ready for trial and you go to the Prosecutor and he start querying some things on the docket.

10           You work with the Prosecutor as you develop this investigation. It gives you guidance in terms of what is required and you go and collect that, so it is that coordination of the work that was the emphasis for this strategy to help us work, structured in that fashion at the tactical side as well as the mission area side. So I hope I have covered everything.

**ADV SELLO SC:** Yes. But midway that page you list certain operational concepts which I think on the mere reading would sound like they are normal Police concepts,  
20 intelligence gathering, analysis and coordination and the like. What about this particular task team was peculiar as compared to the previous regarding an approach to this concepts?

**LT GEN MKHWANAZI:** The difference is that we will have, Commissioner as I said with all these different discipline

coming together and we have to group them, so we will have a, I will say different pillars of focus. There are those that are going to focus on information gathering and collection and analysis and there are those that are going to focus on investigation, engaging closer with the prosecution and the likes and there are those that are going to focus on combat. When we refer to combat interaction are those that are doing arrests, take down, doing searches ...[indistinct] searches and the likes within the team, escorting of  
10 detainees from correctional centres to courts and so forth and they have their own leg that they focus on.

And then we also have the communication section that has to communicate the work that the team is doing so that we have a common message that goes out there. The compilation of the report that is presented to the Executive, updating on the work that the team does as we will be briefing the public from time to time, so we needed to have that pillar. So it was different pillars of this operation that we employed that help us to be able to do the job.

20 **ADV SELLO SC:** You indicated earlier that a specific and separate budget was required for this exercise and overleaf still with the same document from 144, page 144 you deal with the cost implications of this strategy. Would you like to highlight important aspects and how it was, the costing was undertaken and the, on what basis the estimation was

made.

**LT GEN MKHWANAZI**: We had to include this. As I said, Commissioner earlier that we needed to mobilize different disciplines. South African Police Service is not structured in KwaZulu Natal, it is a national, one central South African Police Service, so therefore if we have resources that are not there in KwaZulu Natal we have to source it from other provinces, because it is one ...[intervenes].

**CHAIRPERSON**: For our purposes, do we really need this  
10 detail, Adv Sello?

**ADV SELLO SC**: If the Commissioners are comfortable, not necessarily. It does not have to be a deep dive into that. There seems to be concurrence on the bench, Chair.

**CHAIRPERSON**: Yes, yes.

**ADV SELLO SC**: Thank you. Then I will turn over to, after you deal with the costs. From page 146 is a series of signatures. Could you then briefly talk to those signatures, explaining who appended their respective signature and for what purpose.

20 **LT GEN MKHWANAZI**: Commissioner, the ...[intervenes].

**CHAIRPERSON**: There has been ...[intervenes].

**ADV SELLO SC**: Chair?

**CHAIRPERSON**: There has been a rethink to my right, so perhaps the General should cover that detail ja.

**LT GEN MKHWANAZI**: Okay.

**ADV SELLO SC:** Perhaps we may ...[intervenes].

**CHAIRPERSON:** Apologies for that ...[intervenes].

**ADV SELLO SC:** That is quite alright, Chair. We will strike a balance. It shall be in the briefest and most succinct manner, General dealing with the cost implications of this particular strategy. Perhaps I think you should highlight the period for which the budget was intended and you discuss it in that context.

**LT GEN MKHWANAZI:** Okay. Commissioner, as I said we  
10 developed this in June. Our intention was to start with this operational approach from the beginning of July ending, for the year ending in December, end of December, which was a 6 months period. We wanted to deploy over 139 Police Officers during that period. So as I said earlier, Commissioner that we will have, I wanted to bring other Police Officers that are not from KZN, therefore there is a cost associated with the accommodation, subsistence and traveling allowances and so forth.

We needed to get facilities for them to work from.  
20 Some of them, including as I said accommodation where they sleep and we also needed to have other resources, computers, vehicles and so forth they needed to have to allow them to be able to work. Different disciplines are responsibility of different Deputy National Commissioners as we explained the structure earlier. So as we proposed

this we needed to make sure before the National Commissioner signs off that these Deputy National Commissioner have an insight of what we want to do and they make their own recommendations to the National Commissioner in terms of the plan.

So that is why you see the submission having been made by myself as a Provincial Commissioner. The first person that signs on there was the National Commissioner, or the Deputy National Commissioner who was responsible  
10 for policing at the time, Gen Masemola who is now a National Commissioner, but that time he was responsible for the left block on the structure that I showed earlier on policing.

And the next one that signs off was a Deputy National Commissioner, Lt Gen Tsumane who was responsible for the middle block which is an investigation of the Police. He recommended that. And the third person that signed was the Head of the DPCI, the National Head of the Directorate of Priority Crime Investigation, at the time  
20 the Lt Gen Sibiyi who was in that position had signed and recommended the same.

And we then had to get from the corporate side where the budget was sourced from, a Deputy National Commissioner who was responsible for the Asset and Legal Service where we needed this resource from, Gen Vuma, Lt

Gen Vuma has signed also the recommendation of this, which means all the Deputies that have different roles in terms of supporting the team signed this application and it was then approved by the National Commissioner in, for us to be able to do the work.

**ADV SELLO SC:** And if I then can take you to page 146 under item 7, you have listed two recommendations. Would it be correct to interpret the signatures appended to be in support of the recommendations as set out in item 7? So if  
10 you could first read out those recommendations and then you may respond to my question.

**LT GEN MKHWANAZI:** Commissioner, in understanding the roles of all the people that we want them to approve and as well as what we want to do as this team was to implement the strategy to investigate and prosecute perpetrators of political related cases. We needed that strategy to be approved first, that is why we will need people that are responsible for the operational side of policing to satisfy themselves that is this going to achieve  
20 the results or the work that is expected. So that was our first recommendation where we were focusing mainly on the operational side. We were requesting the strategy to be approved to investigate and make sure that there is a prosecution.

The second recommendation was for the project to

be approved and funded from the national budget on the estimated total cost that is reflected to be managed at the province of KwaZulu Natal. So we were asking because we understood as a Provincial Commissioner that there is a budget dedicated, allocated by the CFO for policing in the province, which is already prioritized for police stations to service the communities out there.

So this is a project that we are proposing on the side, that is why we asked that the national office allocate a  
10 budget specific for that so that we do not interfere with the operational budget. So the approval is a result and the allocation of the budget came as a result of this recommendations that we made.

**ADV SELLO SC:** So effectively the approval then was for the establishment of this task team in the manner proposed in the plan and that the costs, the operational cost of that task team would be met out of the national budget and not the KZN budget, is that a correct interpretation?

**LT GEN MKHWANAZI:** That is correct, Commissioner.  
20 The funding, the total funding of this political task team came from the national budget, but how it works in Government, the cost centre being a province of KwaZulu Natal the national office will move that money to KZN but in fairness for the project, so KZN province will not use that money for anything else, except that project. So that is why

we have to account on it from time to time. So we had two accounting in the province, accounting on the normal budget as allocated for the running of the province on one side, and then we account on the project on the side.

**ADV SELLO SC:** Okay. So now we are at a point where the plan is developed and costed and has been approved by all divisions, including the National Commissioner. What happens thereafter? And we are now at your paragraph 64.

**LT GEN MKHWANAZI:** As I said, Commissioner that the  
10 plan was approved and this was presented to the IMC. You will recall that, Commissioners we said we submitted these and as early as in June to start this work in July. The National Commissioner approved this thing on the 18<sup>th</sup> of June and the work started beginning of July as it was envisaged.

We had seen the IMC's in, earlier before the work started. The IMC's came down to the province to come and monitor the work, whether is it, is there work that has been done as we had promised them that we are going to develop  
20 something else. They came in September where the National Commissioner then was also present where the presentation of this framework which was approved by the National Commissioner was made to the IMC's for the IMC's to be able to understand that which we had proposed and that which we were already doing in order to be able to

meet the requests, the expectations of the Inter Ministerial Committee.

**ADV SELLO SC:** I understand from your statement then that as at the 13<sup>th</sup> of September 2018 the IMC supported the strategy and the approach as set out in the annexure under discussion.

**LT GEN MKHWANAZI:** That is correct, Commissioner. The IMC's were quite happy with our approach and what the National Commissioner has approved and funded and the  
10 execution that was already taking place.

**ADV SELLO SC:** I take it that the IMC being a formal structure would record its meetings and discussions in a formal document such as the minutes. Those are not attached to your statement to back up your claim that this approach was supported by the IMC. Would you like to inform the Commissioner why that is the case and whether those documents exist at all.

**LT GEN MKHWANAZI:** Commissioner, the IMC each time they came down to the province they will have a secretariat  
20 that will be taking minutes of the presentation that I made to the IMC and I will hope perhaps if the Commission will want to invite some of those individuals that were involved, they are free to do so, but I believe that at the office of the Minister is a person who was Ms Appolis as the person who was the Chairperson and the secretariat came from that

office. These minutes should be available for the Commission to access.

**ADV SELLO SC:** Do you know what is the security status of those minutes?

**LT GEN MKHWANAZI:** They would most likely have been classified. To what level exactly on the classification I am not so sure, but they will definitely be classified so that they are not easily available, but if they are declassified of course the Commission will be able to access such minutes.

10 **ADV SELLO SC:** For the record, I will state that the process, the secretariat and the Evidence Leader have started the process of declassification. A request has been put in as a number of minutes and if and when that process of declassification is finalized same shall be presented and submitted into evidence. To the extent that it may become necessary perhaps on Gen Mkhwanazi's return he can then complete this point around the support by the IMC through this implementation stage. Thank you, Chair.

20 You introduced thereafter another document from your paragraph 67. Could you tell us what, after this plan was accepted what happened within the task team and its approach.

**LT GEN MKHWANAZI:** Commissioner, I must indicate as I said earlier that my term in KZN as the Acting Provincial Commissioner was for a year, 2018 to 2019. When we

started in 2018 we had appointed different individuals to be responsible for the management of this team. I said earlier, Commissioners that in our operational approach we needed to have the command structures that are solely dedicated to run the project.

So the leader of that team at the time was a Maj Gen Ramatswele who was the person responsible accounting to me of course as the Provincial Commissioner and we had two individuals which were Brigadiers at the  
10 time who are now Generals, both of them, that were assisting this Maj Gen Ramatswele to manage this project.

But the one that I want to highlight in the main amongst the two Brigadiers it is the Lt Gen Khumalo who is now a Head of Crime Intelligence as well. At the time he was a Brigadier when this team started and he was appointed as a project leader and the coordinator of this team. With his expertise of coordination of operation that he was, the post he was occupying at the national level at the time he was appointed to also coordinate this specific  
20 team at the time under the leadership of Maj Gen Ramatswele.

And I might just indicate, maybe pause there, Commissioner and indicate that Khumalo had landed in the province of KwaZulu Natal at the time, deployed with myself to go and act in the province, but not for the task team

specific. So, but when these reconfiguration or the strategy was developed for the team, he was then assigned to be part of that team when we started. So he was playing his role under the leadership of Maj Gen Ramatswele and subsequent to that Major General retired. And then Khumalo at the time had been promoted to a rank of Major General. He was then given the responsibility to be the one who would then assume the role that Maj Gen Ramatswele was performing of leading the team in the province.

10           And of course he will have been promoted after that to other ranks in the service during this running of this team throughout the project. But in all that I remained responsible for the work of this Political Task Team despite the fact that in 2019 I will have moved to the head office, but I still had the responsibility over the work the team was doing. So Khumalo is currently a Divisional Commissioner: Crime Intelligence, but he still had that responsibility given to him to oversee and coordinate the work of this team.

**ADV SELLO SC:** So then if I understand, the appointment  
20 to the task team is not dependent on the post occupied by the candidate, it is the candidate that is appointed to the task team who happens at that time to hold a particular position within SAPS. Is that a correct understanding on my part?

**LT GEN MKHWANAZI:** That is correct, Commissioner.

**ADV SELLO SC:** In the result that, with the example of Gen Khumalo that even as he progresses through the ranks of the SAPS until eventually he is then appointed Divisional Commissioner of Crime Intelligence based in Pretoria, that appointment to the task team is retained and he still discharges that duty.

**LT GEN MKHWANAZI:** That is correct, Commissioner. That is the workings of the South African Police Service that you are given different roles while you are occupying  
10 your post. A typical example is that Maj Gen Ramatswele who was there at the beginning was stationed at the head office in Pretoria and had his responsibility at the Detective Service Division. He was still carrying out the task while also managing the team on the ground.

**ADV SELLO SC:** And the comprehensive strategy you referenced, you have marked MK5 in your statement at paragraph 67, MK5 appears from page 150 of your file 2. You say at 150 it is a summary of the strategy, is that correct, the comprehensive strategy as you term it?

20 **LT GEN MKHWANAZI:** That is correct.

**ADV SELLO SC:** And is there anything you would like to highlight about this comprehensive strategy? I take it that it is an improved version of the original plan that we spend some time discussing that was approved by the IMC. Am I correct?

**LT GEN MKHWANAZI:** That is correct, Commissioner.

**ADV SELLO SC:** Any specific highlights that you would like to make in respect of this document without necessarily going through it page by page?

**LT GEN MKHWANAZI:** The highlights that I want to bring to the attention of the Commissioners is that as you are going to be seeing on this documents specifically I think page 157 you will notice that even on the document itself it has got two badges that are reflected there, the one of the  
10 South African Police Service as well as the one of the National Prosecuting Authority.

So it then became a joint effort as we put this strategy together that you could see that is no longer the South African Police operating alone, it is now a joint operation to execute this task and in order to make sure that that which is expected by the IMC is realized.

**ADV SELLO SC:** And I see at your page 157 it is an organogram. You have on the one hand, we hope to be able to project, on the one side we have Maj Gen SD  
20 Khumalo and what appears to be his counterpart, Adv E Zungu and designation given is ADPP.

**LT GEN MKHWANAZI:** The Head of the NPA in the province, KwaZulu Natal was acting at the time and that was Adv Zungu who was the Head of the prosecution who since, she is now Adv Harrison and she is now not acting

but a fulltime Director of Public Prosecution in the province. So she was occupying the position and coordinating with the team and making sure that whatever that is done by the team is coordinated between the two.

**ADV SELLO SC:** So then to your left under Adv Zungu and those blue boxes is that the contingent from the office of the DPP? You have Adv Govender, Adv Ramopa.

**LT GEN MKHWANAZI:** On the right side?

**ADV SELLO SC:** On the right side, that is right. Ja, right  
10 side, sorry.

**LT GEN MKHWANAZI:** Yes that is true, Commissioners. What you see below Khumalo and Zungu it is a team from the Police as well as the Prosecution that worked together in carrying out this task.

**ADV SELLO SC:** And is this the integration you speak of when you described the Political Killings Task Team as an integrated multi-disciplinary unit?

**LT GEN MKHWANAZI:** That is correct. That is what the IMC were expecting.

**ADV SELLO SC:** That is what the IMC was expecting. You  
20 indicated in your first plan, MK4, that you had requested and you had recommended and it was approved a budget for the task team. That was however for a specific period in 2018. Could you highlight how since then the task team has been funded and from which sources.

**LT GEN MKHWANAZI:** Commissioner, the team has been funded periodically. Each time we make submission on annual basis and we envisage that maybe the work that they are doing will most likely be concluded at the time, a specific time, that is why we will project the operational times and unfortunately the workload keep on increasing and the successes of the team demanded that there is a continuation, that is why our initial request that we requested that this fund be coming from the national office  
10 dedicated specifically for this project continues.

So each time we made a new submission, we request the new funding and the funding is allocated and the team continues. Ever since the inception that is how it has been functioning. It has never touched the budget of provinces or specific units, but it was a specific allocated budget for the team.

**ADV SELLO SC:** You say you will make submissions and you seek approval. From who? Who do you make the submissions to, whose approval do you seek?

20 **LT GEN MKHWANAZI:** It is always a National Commissioner that will approve the operations of this nature in the South African Police Service. So the different levels which will include critical, the Chief Financial Officer of the South African Police Service who must then indicate the availability of funds. At time we will get funds not exactly

as we asked for. We will ask for R1.00, they give us 50 cents, a typical example. But the CFO has to indicate to the National Commissioner that there is money available to carry out, to finance this project for this period before the National Commissioner can approve that.

**ADV SELLO SC:** And is this process of seeking approval is it a formal process in a sense that it is reflected in formal documentation of SAPS or all it takes is a call from yourself as the Provincial Commissioner to the National  
10 Commissioner? How does it work?

**LT GEN MKHWANAZI:** Commissioners, state money has to be accounted for, so we have to follow a formal process to do this. That is why when you make a submission and the budget is allocated, we will have started the middle of year, we did not foresee what we are going to need in the following year, but as the years progresses we are able to project that in the following year we are going to need X amount of money for this. We make it a submission and when the budget is allocated by the CFO, it is going to be  
20 declared in the books of the organization as we present before the oversight committees, be it Auditor General of South Africa or the Parliament. They get to know that the specific budget allocated for this project and the outcome of the project is also presented to those structures in order to justify the money spend.

**ADV SELLO SC:** So is it your point that there is a written record that can be obtained for all the approval sought and granted and the budgets allocated for the task team in each successive year?

**LT GEN MKHWANAZI:** That is correct, Commissioner.

**ADV SELLO SC:** Turning then to page 26 of your statement at paragraph 21 you talk about the concept of formation of task teams and how that is normal within the South African Police Services. Could you briefly put us  
10 through that?

**LT GEN MKHWANAZI:** Commissioner, the establishment of the task team within the South African Police Service it is a normal operational response that we employ in order to address a specific issue or challenge that we experience in the country and these task teams are constituted at a provincial level by the discretion of the Provincial Commissioner and some of them are initiated at the national level by the discretion and approval of the National Commissioner.

20 Political Killings Task Team is one of many of such projects based interventions that we employed in the South African Police Service. I might indicate that we have 11 of them at a national level that I can make reference to. Political Task Team is one of those projects. There are many others of which some of them are predating the date

when the task team started that have been in existence in the South African Police Service operating in different provinces, including Gauteng, Western Cape, Eastern Cape, Mpumalanga, Limpopo as well as one that is running across all provinces which is connected at national level.

**ADV SELLO SC:** You draw a distinction between what you say is a task team established at provincial level and you distinguish that from the 11 which you term national priority intervention operations of which the task team is one. What  
10 is the difference between the two categories?

**LT GEN MKHWANAZI:** The provincial and national?

**ADV SELLO SC:** No, between the national priority intervention operations of which the task team is one and the other task teams established within the various provinces.

**LT GEN MKHWANAZI:** The, in the main largely, Commissioner as I said they are established in order to address a specific problem. What we see in the main is that those that are established at a provincial level do not  
20 have a budget. They work from the operational budget that is within the province. There is no specific allocation budget for those. But the ones that I established at a national level will form the priorities of addressing a specific problem in the country which might be confined to a specific province and therefore the national level intervenes

and in majority of the time or largely there is funding that comes from the national level for these type of projects and largely because these national project will include police officers that are coming from the lamb and bread of the country to go to a specific area where the problem exist. So if the problem is here in Gauteng, it might require the mobilisation of resources from other provinces to come into Gauteng and work with Gauteng. That is why the budget has to be made available for that purpose.

10           But one in the provincial level most likely you are going to work from home, so you just drive, instead of going to one station you go to another, you do the work, you go and sleep at home after that. So the one at provincial level does not necessarily have any financial implications.

**ADV SELLO SC:** Okay. In the next few paragraphs you deal with aspects you have already covered, including the organogram within the task team and the coordinating structure. At page 29, that is the structure we had on the wall. That is the prevailing structure as we speak today.

20   **LT GEN MKHWANAZI:** That is correct, that is what the team is using currently.

**ADV SELLO SC:** You deal from page 30 with the fact that the public killings, Political Killings Task Team, my apologies, operates in KwaZulu Natal and at page, at paragraph 83 you say:

“It operates at KwaZulu Natal and the Eastern Cape under General Khumalo’s supervision and directed by the National Steering Committee, the IMC and the President.”

Now one, could you explain what you mean by the first statement that it operates in KwaZulu Natal and Eastern Cape if you said its original mandate was to address the political killings within KwaZulu Natal?

10 **CHAIRPERSON:** General, before you respond, have you explained to us what the National Steering Committee is? If you have, please forgive me, just repeat what that is.

**LT GEN MKHWANAZI:** Commissioner, thank you. If I invite you again to number 80 on my statement that shows the structure that there is a Steering Committee that is reflected there. The Steering Committee it is a coordination structure that looks at the performance of the team and this one that is reflected here is at a provincial level so which means the people who are not necessarily part of the day to  
20 day operation will come and receive presentation and assess the work that the team is doing and be able to guide if there is areas or challenges that the team is experiencing. So the provincial level is rotated. We have that as well as the national level we had a similar thing.

As I indicated earlier on approvals that will have

these Deputy National Commissioners including the Head of DPCI who will be signing on the project. So they at a national level will also form a committee that will look at that, because the ultimate report must land on the desk of the Head of these institutions that are involved, be it the National Director of Public Prosecution and the National Commissioner, Commissioner of Correctional Services, the DG at SSA, Chief of the Defence and all those entities that forms part of the cluster will receive that presentation  
10 before it is presented to the IMC. So that is basically what the Steering Committees are doing.

**CHAIRPERSON:** Now you may respond to the question that was asked by the Evidence Leader. Thank you.

**LT GEN MKHWANAZI:** Alright, thank you so much. Commissioner, the Political Killings Task Team as referred to all the time as the KwaZulu Natal Political Killings Task Team it was established as I said by the National Commissioner, province KwaZulu Natal and supported by the IMC. I think as a result of how they land in the Eastern  
20 Cape it was as a result of their good performance. You will see the success rate that this team have achieved which then caused a problem for themselves, because then the State President had received complaining about incidents that had happened at Fort Hare University in the Eastern Cape where there seems to have been challenges with

regard to the investigation of those incidents that were happening at that university and there was a direction that this team must also take responsibility on investigating those cases. That is how they landed in the Eastern Cape.

**CHAIRPERSON:** Just, ja sorry to interrupt again, at the end of paragraph 93 you actually do make the point about the success of the task team. The last sentence reads:

“The PKTT thus has a demonstrably  
unmatched success rate.”

10           What I am interested in is this. What is the comparator? One can only meaningfully talk of unmatched success if there is a stated norm or comparator. What is that comparator?

**LT GEN MKHWANAZI:** Commissioner, I will not necessarily be able to give the figures at this present moment, but the detection rate as prescribed has a standard that is said which is a performance target that both the Police investigation in terms of detection rate for the successful prosecution is measured. It appears in our  
20 books that we present which is managed under Detective Services.

And then also the success rate within the NPA themselves they got their own measurement target that they have as a department that they account for in terms of their annual performance plan that they draw and present to

Parliament every year. So combined the two when you look at how the team performed, both the investigation and detection, successful prosecution as well as you, and you compare that with a normal investigation work that is done and prosecution that is done by the NPA in courts, these one, detection and prosecution rate its success is high. We can make those available to the Commissioners so you are able to draw comparison.

**ADV SELLO SC:** Thank you, Chair.

10 **CHAIRPERSON:** I stopped you mid-sentence, General so you may continue where you were.

**LT GEN MKHWANAZI:** Ja, I realized that the ...[intervenes].

**ADV SELLO SC:** Yes, please.

**LT GEN MKHWANAZI:** Commissioners have read this statement, so it is ...[incomplete] [laughing].

**ADV SELLO SC:** And because the Chair jumped a couple of pages ahead to your conclusion.

**CHAIRPERSON:** Apologies. Apologies ...[intervenes].

20 **ADV SELLO SC:** So yes, I agree with you ...[intervenes].

**CHAIRPERSON:** Adv Sello.

**ADV SELLO SC:** It is demonstrative of that. But then if you could take a step back.

**LT GEN MKHWANAZI:** Yes.

**ADV SELLO SC:** The issue we are dealing with was that

you indicate that this Political Killings Task Team was established to deal with political killings in KZN. At your paragraph 83 you then suggest that it currently operates in both KZN and the Eastern Cape and I wanted to understand how that came about.

**LT GEN MKHWANAZI:** As I said, the task team was established and it accounts to the Steering Committees, so when a direction came that they ought, they must go to the Eastern Cape, it will have come through the normal  
10 channel, a project leader getting a directive from the Steering Committee, Steering Committee that will have received this directive from the IMC, the IMC will have been requested by the President to see to it that a similar intervention is done in the Eastern Cape.

So the IMC instead of creating something new, we already have something that looks to be working, they approached the National Commissioner or the National Steering Committee to say can we move this thing over there and see how it can work and that is why the National  
20 Commissioner and the Steering Committee agreed that they are going to direct a project leader to move over there and be able to assist in the Eastern Cape.

**ADV SELLO SC:** Okay. From paragraph 85 you deal with the, what you term successes of the PKTT. The next couple of pages reflect quite a lot of statistics. I do not, not

inviting you to go into the statistics themselves, I think you have persuaded the Chair as to the successes of the PKTT. But the question, the issue I would like you to highlight, and I will take you like paragraph to paragraph, starting then at paragraph 87. You indicate that from 2018 to date the task team has been assigned responsibility for approximately 612 dockets, so that is over a span of more than 5 years, about 7 years. It is, your description of the dockets set out in paragraph 87 I would like you to spend some time on.

10 You indicate that this includes 333 dockets concerning politically related cases. I think by now we are clear what that could be like, the political killings in KZN. You then say there are 90 parallel cases. Could you explain to us the concept of parallel cases?

**LT GEN MKHWANAZI:** The parallel cases, Commissioner will be cases that are of a high profile that might not necessarily meet the criteria that have been laid out on what the team must focus on. However, they might be of such a significant to the province largely for us to have a  
20 focussed investigation on those cases. When the team started we drew up the category of cases that the team must deal with, largely were cases that related to the political killings, but because you understood from the Moerane Commission that the motive for these killings in the main were tenders.

So, and the people that were affected in the main are the Municipal Managers, the CFO's of Municipalities and as well as different departments within the Provincial Government that end up being exposed in these murders because they are not awarding a tender to the place where some people are expecting them to send it to, which might be politically driven. And you will find that while you are pursuing that, maybe the family relatives of such individuals they become victims themselves.

10           A typical example, if the CFO or the Municipal  
Manager's relative is kidnapped or the family is attacked  
and they were thinking that they are taking the political  
leader or the CFO or Municipal Manager, but maybe they  
attack his family and he is not there at the time. We can  
see as a province that this looks like it was directed at this  
person and this person is protected by the work of this  
team, but the relative is not. But we can see this attack was  
aimed at getting to this person, so we take that docket and  
it becomes a parallel docket, because it is not listed, that  
20 individual who is a victim is not listed as one of the priority  
people that we must focus on, but because of the sheer  
involvement of those people in the work that a specific  
person that we are, we are supposed to be protecting is  
affected then we take those and it become parallel.

**ADV SELLO SC:** Then can you distinguish that from what

you call *ad hoc* ...[intervenes].

**LT GEN MKHWANAZI:** *Ad hoc*.

**ADV SELLO SC:** Because another category is *ad hoc* cases.

**LT GEN MKHWANAZI:** Then the *ad hoc* cases will be some cases that are, no I am, Commissioner you pardon me. I missed the two. The parallel cases, *ad hoc* case is the one I am talking about *ad hoc*, that will be someone related to the person you are looking for.

10 **ADV SELLO SC:** Okay.

**LT GEN MKHWANAZI:** Or we are supposed to protect. That is *ad hoc*. My bad, my apologies for that. Parallel cases, Commissioner will be a case where a typical example, we are going to find a firearm that is used to murder or attack a high profile individual who is a political figure or who is within the category of the cases that we are supposed to investigate, but when you take the firearm to Forensic for analysis you discover that that firearm is also linked to other murders that have got nothing to do with this  
20 case.

A typical example could be a death of a school principal somewhere over something that is unrelated to what we are investigating, but because we now have a firearm and the likelihood is that the suspect that we have on this case and the weapon used is also undergoing

another case elsewhere, so we want to bring that case into this team so that we are able to manage both of these cases, otherwise there might be conflict of court dates on both sides that will frustrate the work of the team. So we then bring those *ad hoc* cases that come and board. That is one angle of *ad hoc*.

We have other *ad hocs*, Commissioner as Police Officers go about your policing business where members will be moving from point A to point B and they see a  
10 suspicious vehicle, they will stop that vehicle and upon searching the car they will find goods inside, illegal firearms and so forth, and they affect arrest. So they carry that docket as well, not necessarily it was part of their plan but by default because they managed to deal with that and sometimes they might get critical information that is urgent for them to attend to and they attend to that and it produces a docket.

So those become part of *ad hoc*, that is why you see even on the number those *ad hoc* become many as  
20 compared to parallel. Parallel as I said they are more closer to the cases that are a priority of the team.

**ADV SELLO SC:** Thank you, General. Chair, Commissioners, the rest of the paragraphs following up to the paragraph that the Chair highlighted where the ...[indistinct] claims unmatched success, 93, these are the

specific of the statistics, I do not intend to go through those unless there are questions from the Commissioners, but the statistics are set out in those paragraphs.

**ADV KHUMALO SC:** Evidence Leader Sello.

**ADV SELLO SC:** Yes, Commissioner.

**ADV KHUMALO SC:** Can the General just complete the picture for us in relation to paragraph 87.

**ADV SELLO SC:** 87.

**ADV KHUMALO SC:** What is – 87.

10 **ADV SELLO SC:** Yes.

**ADV KHUMALO SC:** On page 31, University of Fort Hare and ...[intervenes].

**ADV SELLO SC:** And the traditional leaders.

**ADV KHUMALO SC:** Traditional leader investigations, what are those.

**ADV SELLO SC:** You understood the question, General. Just to point out, this will be dealt with in greater detail later, but I think no for purposes of Commissioner Khumalo's question let us complete that scene, because  
20 they are referred to in the same paragraph. We have dealt with parallel cases. We have dealt with *ad hoc*. But in that paragraph as well speaks of 18 University of Fort Hare cases and 51 traditional leaders investigations. So could you briefly explain to us what is meant by 18 University of Fort Hare cases and how they came, how they come to be

part of the task team mandate as well as the 51 traditional leaders investigations.

**LT GEN MKHWANAZI:** Thank you, Commissioner. The Commissioner did take us to the last sentence on paragraph 93 which reads that:

“The Political Killings Task Team thus has a demonstrably unmatched success rate.”

10 It is this success that brings about these interventions as we had reflected also on paragraph 83. When the crisis is observed at a particular area by the Executive authority and a request is then made for the intervention in that front, so in this case I did indicate that previously how the team landed in the Eastern Cape, specifically at University of Fort Hare. That is why you see the total number of cases that the team has been dealing with at Fort Hare University, 18 in total which was mainly also murders, attempted murders as a result of corruption within the University.

20 The request as a result of the pressure from the traditional leadership that themselves were experiencing attacks largely in KwaZulu Natal province, that influenced I believe the President of the Republic to approach the Executive, IMC in order to direct them to also pay special attention on these incidents that is not only affecting

political leaders, but also affecting traditional leaders, specifically in KwaZulu Natal province. So as a result through the IMC and the Steering Committee the team was then given the responsibility to also investigate cases that are involving the attacks and deaths of traditional leaders in our province of KwaZulu Natal. So that is why you see that total of 51, which was also in addition to the work of the team.

**ADV SELLO SC:** So in essence, the original mandate of the Political Killings Task Team as I understand you, was  
10 expanded to include the two issues you speak of, the University of Fort Hare and traditional leaders.

**LT GEN MKHWANAZI:** That is correct.

**ADV SELLO SC:** And can you indicate for the record who extended that mandate?

**LT GEN MKHWANAZI:** So it is a mandate that should be directed by the IMC after approaching the Steering Committee and then the Steering Committee through the National Commissioner will then direct the team to take  
20 over that responsibility.

**ADV SELLO SC:** And just for I guess my own edification to conclude particularly on the Eastern Cape, the mandate, insofar as Eastern Cape is concerned the extension of the mandate is specifically to the University of Fort Hare cases, such that once completed the Political Killings Task Team

would not have a role in the Eastern Cape.

**LT GEN MKHWANAZI:** That is correct. I must indicate, Commissioner that the team being moved from KZN to focus on the Eastern Cape it did not necessarily mean that there is a complete new budget that is allocated for that purpose, so they had to do that work with the same budget that we did not plan for originally, that we had planned to do the work in KZN but they use the same budget to also move to the Eastern Cape to do the work.

10 **ADV SELLO SC:** Thank you, General. Chair, I see my junior points out that it is 2 after 13. The issue, I was hoping to finish this particular topic so I can start a new one at 2 o'clock, but that would eat into your lunch and perhaps on the first day it is uncalled for.

**CHAIRPERSON:** Are you able to estimate how long you will take with that?

**ADV SELLO SC:** Three minutes. Three minutes, Chair. Thank you.

**CHAIRPERSON:** Only if it is three minutes.

20 **ADV SELLO SC:** Three minutes. Then if you could just conclude on this topic, because the next main one will be dealing with, touches on other issues. I want to refer you to paragraph 96, page 35 of your statement and together with paragraph 98. My question is what is the status in terms of the approvals thus far granted, what was the status of the

Political Killings Task Team in the financial year 2024/2025 and what is the current status in the year 25, 2025 to 2026? I ask that question mindful of the Minister's letter of the 31<sup>st</sup> of December 2024 which we will be engaging with. I am asking from the perspective of submissions and seeking approval for the continuation of the mandate of the task team. So if you could start then with 96 and you explain to the Commission what the status was then at the time that the approval was sought and what the status is now and  
10 that would be at paragraph 98.

**LT GEN MKHWANAZI:** Commissioner, as I alluded to before that the offices of the Deputy National Commissioners also engages on recommending the approval of the work of the team. Last year on the 16<sup>th</sup> of April through the submission that was made for the Political Killings Task Team to continue with its work in KwaZulu Natal for the period of 12 months which was a financial year, and also to approve, request the approval of the budget, for that purpose and also recommending that we  
20 retain Lt Gen Khumalo despite the fact that he is now appointed as a Divisional Commissioner: Crime Intelligence, but retain him to coordinate, to project lead or project manage these Political Killings Task Team.

That submission went to the National Commissioner of course via different levels within the national office of

which one of them they want to highlight that the Deputy National Commissioner, Lt Gen Sibiya who was, who is currently the Deputy National Commissioner: Crime Detection received the submission and he recommended the deployment of, or the continued deployment of this team and the funding thereof as well as the approval, recommendation for the approval of Lt Gen Khumalo to be a project manager for this team for the period 2024 to 2025.

And this submission was made to the National  
10 Commissioner via the CFO who allocated the funds and the National Commissioner approved as such. So an approval was granted in April last year which an approval will have lasted until the end of the financial year which is March 2025. So that is what has happened in the previous year.

**ADV SELLO SC:** And just to complete perhaps that point, because you do refer to the document at paragraph 96, MK6, it is a document appearing at page 171 of the bundle and I would like just quickly refer you to page 174 thereof. Again, it is that signature page and overleaf culminating  
20 and I think the National Commissioner's signature. Is that the document that you say reflects Lt Gen Sibiya's signature in support of the continuation of the task team for the financial year 2024/2025?

**LT GEN MKHWANAZI:** That is correct, Commissioner. The signature sitting on that page is that one of the Project

Manager, Lt Gen Khumalo, Lt Gen Sibiya as the Deputy National Commissioner: Crime Detection as well as CFO who is Lt Gen Dimpane of the service.

**ADV SELLO SC:** And lastly then I refer you to paragraph 98 and now that deals with the year 2025/2026, just to make the point, you do not have to discuss it, but you indicate that it would appear from the document that funds are available for continuation, but final approval is still awaited from the National Commissioner for 2025/2026 year.

10 **LT GEN MKHWANAZI:** That is correct, Commissioner. I must indicate that the 2024/2025 was for a financial year. The financial year ended in March 2025. April, May and June the National Commissioner had approved the task team to continue its work albeit a reduced scale. So they remained on deployment doing the work during that three months that, which preceded the expiry of the financial year. After that on the 23<sup>rd</sup> of July there was a new submission this year to the National Commissioner requesting an approval of the fund for the extended period,  
20 not for the few months. The one of April, May, June was only for a few months, but we requested an extension of a longer period which is going to end next year the end of the financial year. That request that was submitted to the National Commissioner requesting that further extension as well as made a submission also to the CFO, approval has

been granted by the National – the approval of this work of the team has been granted by the National Commissioner. The team is now fully deployed to do the work.

**ADV SELLO SC:** But with reference to paragraph 98 your conclusion is that the final approval by the National Commissioner is awaited for the year, for the remainder of the financial year 2025/2026, is that correct?

**LT GEN MKHWANAZI:** Ja, the final approval by the National Commissioner was awaited on completion of the  
10 statement, Commissioner. Maybe I must be confined to this, but because I am a Police Officer part of the operation I am now privy to the fact that there is financial indication also that was done by CFO on the budget that can be made available to allow us to continue with the work.

**ADV SELLO SC:** So we may make the note that for 2025/26 financial year it is also approved, the continuation of the task team?

**LT GEN MKHWANAZI:** Yes.

**ADV SELLO SC:** Thank you. Thank you, Chair. I ate into  
20 your lunch. I complete that part of the testimony.

**CHAIRPERSON:** Thank you. Thank you, General. Thank you, Adv Sello. Let us resume, let us resume at 2pm.

**ADV SELLO SC:** Thank you, Chair.

**CHAIRPERSON:** Thank you.

**INQUIRY ADJOURNS**

**INQUIRY RESUMES**

**CHAIRPERSON:** In case those watching might think I am sending a private message to the General, I was just asking the Commission Secretary to find out if the General is comfortable with the temperature. That is what it is about. Yes, Adv.

**ADV BALOYI SC:** Thank you, Chair. I try to resist the temptation of asking whether that question will be directed to us as well, but clearly it is not forthcoming. We are  
10 ready, Chair. Thank you.

**CHAIRPERSON:** Thank you.

**ADV SELLO SC:** Mr Mkonezi, we are back with your statement. When we parted before lunch, we had just finished the topic on the financing and funding of the Political Task Team. We have made a note that you are updating your statement at paragraph 98. It ended up with a statement to the effect that for the 2025/2026 financial year, final approval by the National Commission is awaited. Your testimony was that that approval has since been  
20 granted. We shall note that for the record. I invite us to then turn to the next topic that follows in your statement, starting at page 36. You headed involvement of the PKTT in the Gauteng Counter Intelligence Operation.

In the first few paragraphs of your statement, and if you could follow the orders you have set them out in your

statement, you provide a general background to what you will eventually speak to, which is the actual involvement of the task team in that operation. If you could start from paragraph 99, with the events of the 17th of April 2024. Thank you.

**LT-GEN MKHWANAZI:** Thank you, Commissioner. Commissioner, I will start with the incident that happened, which I had presented before the South Africans on the 6<sup>th</sup> of July, was that a shooting incident that occurred which led  
10 into the death of an employee of a Q-Tech Engineering company that is based in Vereeniging in Gauteng, where a late Mr Armand Swart was killed while he was in his vehicle outside the workplace. What we understand is that subsequent to that shooting, which was involving the Transnet contracts, it seems to have involved Organised Crime, and to some degree it involved Police corruption, which had posed a risk to the investigation team that was dealing with that incident.

So, I was advised that the Organised Crime Unit  
20 which had taken over that investigation were operating under the leadership of the Deputy Provincial Commissioner in Gauteng who is responsible for investigation, and that is Maj-Gen Khumalo. And this investigation became part of the wider investigation which took place subsequent to that incident in Gauteng, which is called the Gauteng Counter

Intelligence Operation – GCI Ops. After the shooting incident that occurred in April 2024, three suspects were arrested as a result of that investigation. Amongst the names of the three suspects, one of them at the time was a police officer, Michael Pule Tau. He was arrested together with two individuals, Musa Kekana, as well as Tiego Floyd Danny Mabusela.

So the charges that were levelled against them, they varied from murder, conspiracy, attempted murder, 10 possession of suspected stolen property, as well as the possession of unlicensed firearm and ammunition. Through forensic analysis, those firearms were linked with multiple other murders other than the one that occurred of Mr Swart. So when the forensic analysed these firearms, it just strengthened the case against the accused and exposing these accused to a wider syndicate, which had significant access to finance and at times, because there was a lot of money to have been paid for the jobs that they were doing.

I am told that when the SAPS had to appear in court 20 on this arrest of the three, they did everything possible to oppose bail of these suspects, but unfortunately, Mr Pule Tau was later granted bail and the reason he was cited at the time was his health condition. And this sparked grave concern amongst investigators, as well as the prosecution team because they started fearing their lives and the threat

towards their lives started escalating and those threats were coming verbally and in some instances physical intimidations. And at times, I am told that they were being followed as they were moving around. As I said, this suspect was a police officer at the time. So upon his release, he resigned from the service immediately. In August ...[intervenes].

**ADV BALOYI SC:** Apologies, General, you say upon his release, or is it upon his release on bail?

10 **LT-GEN MKHWANAZI:** On bail, upon his release on bail when he had made an application citing health reasons and was released on bail, he resigned from the Police. So his resignation was kept out as dishonourable from the service.

**ADV BALOYI SC:** Thank you.

**LT-GEN MKHWANAZI:** So as a result, in August, Ms Coetzee, who is a senior prosecutor, directed a correspondence to the head of the team that was investigating at the time, a team of Organised Crime which was led by a Brigadier Gopape, who was heading the  
20 Organised Crime in Gauteng Province, as well as her commander, which is the Deputy Provincial Commissioner of Crime Detection, Maj-Gen Khumalo. And that correspondence was also addressed to the Provincial Commissioner of Gauteng, Lt-Gen Mthombeni. The same correspondence was addressed to the Deputy National

Commissioner of Crime Detection, Lt-Gen Sibiya, and the National Commissioner was a recipient of the same correspondence.

So in this correspondence, Ms Coetzee, who is a senior public prosecutor, formally expressed the threats being faced by the investigating team, by those that are accused of the crime of murder of Mr Swart, together with the associates that are involved and the advocate requested an agent protection for two investigators that are part of the  
10 investigation team.

**ADV SELLO SC:** Before you proceed, you referenced a letter there which you have annexed as MK8. Can we perhaps, as you go through that part of the testimony, turn to the actual annexure? MK8, Chair, starts at page 181 of File 2. And perhaps in addressing the concerns raised by Ms Coetzee, it might be appropriate to read some aspects of the letter. She has itemised the issues and I would like to refer you specifically to some to buttress the evidence you have just given. Do you have the letter before you?

20 **LT-GEN MKHWANAZI:** Yes, Commissioner, I have the letter.

**ADV SELLO SC:** If you could start from paragraph 4 to 6 of Ms Coetzee's letter and read that into the record, sorry.

**LT-GEN MKHWANAZI:** Okay, Commissioner, on this letter from Ms Coetzee, the prosecutor, paragraph 4 reads, I

quote:

“Investigations have also revealed that the assassination is directly linked to whistleblowing to the hotline of Transnet, which involved millions of rands of corrupt activities.”

Paragraph 5:

10 “The investigation also revealed that the firearms used during Commission of the assassination and found in their positions are linked to multiple assassinations and serious violent crime scenes.”

Paragraph 6 reads that:

“The cell phone's linkage investigation have revealed high profile organised crime and crime scene planning.”

20 **ADV SELLO SC:** And these are some of the concerns that Ms Coetzee raised. If I refer you to the next page of the same letter, that speaks to the bail application that was granted in respect of former police officer, Mr Tau.

**CHAIRPERSON:** Sorry, you will have to repeat that at a later stage.

**ADV SELLO SC:** Yes, Chair.

**CHAIRPERSON:** General, also read paragraph 3 into the

record, please.

**LT-GEN MKHWANAZI**: Thanks, Commissioner. Paragraph 3 of this letter reads as follows:

The investigation has proven that all three accused are involved in a serious organised crime syndicate, of which almost a million rand was offered for the assassination in this regard.”

**CHAIRPERSON**: Thank you.

10 **ADV SELLO SC**: Thank you, Chair. Thank you for pointing it out. It is an important aspect. It is one that the next witnesses in particular will concentrate on and we appreciate that it be brought to the fore. Getting back to the issue then, General, at page 183, Item 10. Item 10 concerns the bail application that you referenced. Let me start here. It is correct that that was the bail application in which Officer Tau was successful. Is that correct?

**LT-GEN MKHWANAZI**: That is correct.

20 **ADV SELLO SC**: Was it the same bail application in respect of the other two accused in that matter? Would you know?

**LT-GEN MKHWANAZI**: Because I was not part of it, I was reading from the letter.

**ADV SELLO SC**: Okay.

**LT-GEN MKHWANAZI**: Yes.

**ADV SELLO SC:** Now then, just paragraph 10 seems to reflect concerns regarding how the Magistrate dealt with that application, so if I may request you to read that into the record.

**LT-GEN MKHWANAZI:** The entire paragraph 10 reads as follows. There is a letter from Ms Coetzee, the Senior Prosecutor, Regional Court Vereeniging:

10                    “The Magistrate, for some bizarre and unexplainable reason, decided to grant  
Tau bail of R10 000 and place him under house arrest. The reality of the situation is that there is nobody who can watch over him 24/7 to ensure that he does, in fact, comply with the conditions. It is actually unenforceable. The prosecution has already spoken to the DPP to appeal the decision of the Magistrate and we just await the typed court recordings of  
20                    the bail application to be present to the DPP to file the appeal.”

**ADV SELLO SC:** And paragraph 11 and 13 then of the same letter, on the same page, specifically address the issues regarding Officer Tau, so if you could just proceed to read those too.

**LT-GEN MKHWANAZI:** Paragraph 11 reads:

10           “The investigation has revealed that  
          Tau is one of the main organisers  
          behind these organised crime  
          syndicates. His release on bail has  
          intensified the danger of the safety of  
          the investigation team, especially  
          Mbele and Sithole, who are the people  
          who made statements in the case and  
          they were the well-known faces who  
          attended every court session. Mbele  
          has been identified as the investigating  
          officer as she has presented detailed  
          sworn statement to oppose the first and  
          the second bail application. During the  
          first few court sessions, the  
          investigation team was actually  
          followed from the court building and  
          many threats have been made inside  
20           the courtroom by the family and friends  
          and threats have been received via  
          informers and even from the high-  
          ranking police officer in the Vaal Rand  
          area.”

Paragraph 13 reads:

“Tau clearly has a very large support system and large amount of money are spent to obtain the best and most expensive advocates. The money is clearly coming from the syndicate as all three accused are currently unemployed.”

**ADV SELLO SC:** And lastly then at paragraphs 14 and 15 Ms Coetzee addresses ...[indistinct] of how the investigations are being conducted and, lastly, the –  
10 apologies, I am not on record, I will have to start again. I request you to then turn to paragraphs 14 and 15. The first speaks to Mrs Coetzee's view on how the case is progressing and it is being conducted and 15 speaks to the danger that now confronts the detectives.

**LT-GEN MKHWANAZI:** 14, Commissioner, reads as follows:

“The case is brilliantly investigated and the accused are 100% connected to all  
20 the charges against them. They obviously face long terms of imprisonment as well as defined life sentence for the assassination.”

Number 15 reads:

From the abovementioned it is clear

that the lives of the investigating officers are currently in grave danger as well as the safety of police dockets.”

And I see at 16, final paragraph, it is a direct now request to the addressees in that letter.

**LT-GEN MKHWANAZI:** The specific address request that is on this letter, Commissioner, on paragraph 16 reads:

10 “You are requested to urgently arrange for the safeguarding of especially Mbele and Sithole. There is a real danger that their lives are in extreme danger as these organised criminals will do everything in their ability to try and destroy the evidence against them and/or to seriously derail the trial. It has just now become so much easier without having unlimited access to technology and his syndicates, friends  
20 and family.”

**ADV SELLO SC:** Thank you. From paragraph 105 of your statement then at page 36, you then deal with what transpired after receipt of this letter, particularly from General Khumalo's perspective, if you could pick it up from there.

**LT-GEN MKHWANAZI:** Commissioner, I had mentioned that General Khumalo, who was the leader or was a project manager of the Political Task Team in KZN, had been appointed as a Divisional Commissioner of Crime Intelligence. Through the formal subchannels, the request that was provided to the head of investigation in the province, which is also a Maj-Gen Khumalo, that Khumalo requested Crime Intelligence, which fell under a Maj-Gen Lekalakala in Gauteng, who is responsible for Crime  
10 Intelligence in Gauteng, was requested to conduct the threat assessment as a result of this letter, and the threat assessment was then assigned to Colonel Ntuli, who works under Crime Intelligence. Colonel Ntuli's findings were that the risk was high and they recommended 24-hour protection.

In addition to what Colonel Ntuli requested was that Lt-Gen Khumalo need to be informed, and after General Khumalo, as the head of Crime Intelligence who was responsible for this threat assessment, after he was  
20 informed, this resulted into the case being moved to the national office, and therefore the Counter Intelligence had to be involved, which then resulted into the case within Counter Intelligence of Crime Intelligence being registered to run parallel to this case of Vereeniging. So, Lt-Gen Khumalo, as the head of Crime Intelligence, after being

briefed about this threat, he then tasked Counter Intelligence to register a case so they can run an investigation parallel to what was sitting in court already in Vereeniging.

**ADV SELLO SC:** At then your paragraph 106 you basically summarise what you have read into the record from Ms Coetzee's letter, and at paragraph 107 you summarise the impact of the claims by Ms Coetzee in her letter, and if you could take the Commission through that.

10 **LT-GEN MKHWANAZI:** Given the apparent association of the ACPS officials of all ranks with persons who are subject of investigation, the threat made against investigators and allegations that were levelled against the Magistrate of bribery, established links to members of the cartel that were under investigation, a growing concern of infiltration of Police and the reduction of the investigation team, which at the time there were five members and they were reduced to two.

**ADV SELLO SC:** May I interrupt you, and I do apologise?  
20 A bit of a misstep. I skipped paragraph 106, which actually reflects information you subsequently obtained over and above what Ms Coetzee complained of, and you indicate that through the investigative efforts, involving now Counter Intelligence, you came to learn of other information. So, if I can ask that we take a step back to paragraph 106, my

mistake, I apologise.

**LT-GEN MKHWANAZI:** Yes, Commissioner. In this paragraph I was trying to indicate, which I in time came to learn that through the investigation, that the challenges, various challenges were experienced by the investigation team, which would include a deliberate omission of crucial information which the detectives were expecting to come from forensic services. Forensic services is within the Police, who are charged with the responsibility of assisting  
10 the investigators with analysis of those firearms that were found. So, these investigators of this Organised Crime team, they started experiencing the omission of some critical information that the forensic services were supposed to be providing to them.

Not only that, these investigators who would start interacting would be invited to some meetings by senior officials in the South African Police Service, who then started engaging on the case that these members were investigating. And amongst those engagements they  
20 started having with senior officers within the South African Police Service, I must indicate that those engagements were not necessarily largely in Gauteng province, as these members were working under Gauteng province, but they were invited by senior officers at the head office of detective services.

At times there would be, there were monies, bribes that were offered to them not to oppose bail, in some cases that involved Tau, especially in the main. And so the detectives, in the course of the investigation, they felt threatened as these engagements that were happening with the senior officers seems to indicate that there is a high level of connection between the accused or the suspects and senior officials within the Police at the head office in the main within detective environment. Moreover, during  
10 the period of the incarceration and while on bail, the accused, who is a former police officer, a former detective, Michael Pule Tau, had made threats against the very same investigation team.

**CHAIRPERSON:** Before the General proceeds, Adv Sello, as you are aware, the ordinary rules of evidence applicable in court proceedings do not apply to this Commission in terms of the Commission's Regulations, but I would imagine that that notwithstanding, the probative value of the evidence may be negatively impacted. A lot of the evidence  
20 in this context is hearsay. Must we assume that down the line it will be corroborated?

**ADV SELLO SC:** In fact, that answer is part answered by the next paragraph, which is what I jump to. So if I can permit him to conclude, he will then speak of his source of the information and then I can address the question of the

availability of the source.

**CHAIRPERSON**: Thank you, thank you.

**ADV SELLO SC**: Thank you, Chair. So then, General, that leads us into paragraph 107. So if you could summarise that paragraph 107 and you, in that narrative, disclose your source of information, of the information you just set out before the Commissioners.

**LT-GEN MKHWANAZI**: Commissioner, as I said earlier that Lt-Gen Khumalo was the Divisional Commissioner of  
10 Crime Intelligence, Maj-Gen Lekalakala was the head of Intelligence or is the head of Intelligence in Gauteng province. Colonel Ntuli worked under Lekalakala. So, Ntuli conducted threat assessment and subsequent to that, Lt-Gen Khumalo at the division is informed. General Khumalo established an investigation, a registered investigation under Counter Intelligence, which runs parallel to this in order to establish this threat to try and investigate it further.

But when these threats were presented to him towards these two detectives that were remaining in the  
20 team, he then felt that it is important for a special intervention to be made in order to protect these two investigators. So, it is for that reason that General Khumalo felt that he needs to request support from law enforcement who falls outside Gauteng province in order to make sure that the work of these two detectives is protected

parallel to the work that he already started from Counter Intelligence.

**ADV SELLO SC:** And then if you could take it through to paragraph 108, then I will get back to the Chairperson's question.

**LT-GEN MKHWANAZI:** Ja. Commissioner, the assistance that was required by General Khumalo was of a highly specialised team that was to be deployed in Gauteng to assist in order to ensure that the investigations are  
10 advanced swiftly. I can indicate, as I said earlier, that Lt-Gen Khumalo requested that a team of members from KwaZulu-Natal Political Killing Task Team be seconded to his investigation team, which was Gauteng Counter Intelligence Operations, in order to assist with the investigation.

So, he was specific as he was asking when he contacted me over the phone. In that request, when he was discussing with me, he ought to have explained the reason behind this. Counter Intelligence is a more of a covert  
20 operation. So, it is the work that ordinarily we do not account to in an open portfolio committee in the Police, but through the Joint Standing Committee, that is how they account. So, he gave me an explanation that would justify why he needs this specialisation to come and assist.

**ADV SELLO SC:** If I may then refer the Chairperson, at

paragraph 107, read with 108, those two paragraphs speak to an engagement and a direct request by Lt-Gen Khumalo to General Mkhwanazi regarding assistance. Thank you, Chair. And having pointed that out, if you could just skip to paragraph 156 and 157, and in the context of where the witness started describing the nature of his testimony and perhaps evidence that would be available to the Commission, 156, he makes the point that the bulk of the information that informs the work of the Commission relies  
10 on ongoing investigations and as such cannot be disclosed publicly as this would adversely affect these investigations. Having pointed that out, however, at 157, he gives assurance to the Commission that full disclosure of all relevant facts will be made at subsequent in *camera* hearings.

So, to your question, there will be corroboration. It will just be a question of the extent to which that would be held in public or in *camera*. Because of the possibility of some of it being in *camera*, I am not in a position to say as  
20 to which witness will be available for that session.

**ADV BALOYI SC:** General Mkhwanazi?

**LT-GEN MKHWANAZI:** Yes.

**ADV BALOYI SC:** What you speak to in paragraph 106, what you are detailing there, is this information that you received in the course of formal engagements with whoever

the sources are, or it is informal? I just want to know where do we place it?

**LT-GEN MKHWANAZI:** Commissioner, when I raise the issue of the engagement that I had with Lt-Gen Khumalo as is outlined on paragraph 108, where he called me and asking for assistance, he then explained what led into him asking. Hence, I bring those on 106.

**ADV BALOYI SC:** Thank you.

**ADV SELLO SC:** Thank you, Chair. You spoke of two  
10 detectives in paragraph 107, but I think you overlooked an important aspect regarding the two detectives. Would you like to highlight that?

**LT-GEN MKHWANAZI:** I must indicate that, Commissioner, there were five altogether and what made this threat to be high was because there was a reduction of the number of investigators into that case of Vereeniging from five to two. Well, of course, we do not know the reasons as to what led into that. So part of the threat was that the team that was busy with this investigation felt that they can protect  
20 themselves because there is quite a lot of them, but suddenly they are reduced to two, and that made them feel more vulnerable. And as a result, in part, the death threats were made on them, and there was also this growing concern about infiltration of the Police which might have led into the reduction of this number of detectives that they

deployed.

**ADV SELLO SC:** Let us turn then to the request made to you by Lt-Gen Khumalo. Could you give a brief description of the nature of the request?

**LT-GEN MKHWANAZI:** Commissioner, Lt-Gen Khumalo, if you remember, if you recall, I mentioned earlier that he has been with the Political Killings Task Team from inception in 2018. So he understands the methodology of operations that we are running within the Political Killings Task Team  
10 and different disciplines and expertise that are sitting there. The Commissioner made a reference to paragraph 93 about the achievement of the team, which has been reflected on the successes that they have made over time. So he was well aware that if anyone that is going to be able to help the two detectives from Gauteng, they better come from that team because it is well-equipped and he understands how they operate. So that is why he approached me and he asked me if I can release some of these investigators to come to Gauteng so they can assist.

20 **ADV SELLO SC:** And how many did he request and for what purpose?

**LT-GEN MKHWANAZI:** He requested 10 of them and they had a specific purpose, specific roles they were going to play. Amongst the 10 would include a commander that was going to be in charge of the team, the analysts that were

going to assist the team, the investigators, including the digital forensic investigators, ballistic analysts, crime scene experts, as well as a designated firearm officer and cell phone data analyst. These are all the disciplines that he was specific on, considering that there were cell phones and there were firearms that were involved in this investigation and he needed to have all these people that would assist with the investigation.

**ADV SELLO SC:** And what was your response to the  
10 request by General Khumalo?

**LT-GEN MKHWANAZI:** I granted approval for him. I must indicate in me granting approval for the team to go, as I said earlier, it was over the phone communication between me and him and he already was requesting because he had already registered a Covid investigation. So when you do Covid investigation in normal sense of things, you do not throw out written correspondences that can be traced because then it will be known that these are the people that are moving to this direction to do the work. So they moved  
20 and fell under that Covid operation and they went to Gauteng. That was between me and him, of course. The General is reporting at the national level, I will assume, as he is going to appear before the Commission, he will be able to explain the level of engagement that he was having with the National Commission in this regard.

**ADV SELLO SC:** And at paragraph 112, you point out a significant point regarding their deployment.

**LT-GEN MKHWANAZI:** Ja, that is correct. The 10 members from the Political Killings Task Team ...[intervenes].

**ADV SELLO SC:** One, one, one.

**LT-GEN MKHWANAZI:** Due to the sensitive nature of the identities, as I said, because they were involved in the Covid operations, therefore I cannot be able to indicate the  
10 identities of the 12, who are they, but we have them on record. Maybe during the in *camera* discussion we might, if need be, discuss that.

**ADV SELLO SC:** So we are at a point now where you have approved the deployment of the 10 Task Team members to the Gauteng Counter Intelligence Ops. Upon being released and accepted into GCI Ops, what becomes of these 10 people? How do they operate?

**LT-GEN MKHWANAZI:** GCI Ops, being the project that is running in Gauteng, the 10 members from the Political  
20 Killings Task Team became part of the operation, the GCI Operation. So they then operated under the banner of the GCI Ops, Gauteng.

**ADV SELLO SC:** I take it that in that role there would then be dockets in the normal course of Police work and investigations. Is that correct?

**LT-GEN MKHWANAZI:** That is correct. Commissioner, as you recall, that Vereeniging incident that happened and it was part of the Organised Crime of Gauteng where these threats originated from a parallel investigation established by Counter Intelligence from the division side and all these dockets that were registered in this project in Gauteng, they fell under Gauteng province, and KZN had no business on it. But because the 10 members that came to Gauteng are coming from KZN, they became part of that investigation  
10 and those case dockets belong to Gauteng province. They are not under KwaZulu-Natal.

**ADV SELLO SC:** So you say they were not under KwaZulu-Natal. Could it be said that – could the Political Killings Task Team claim ownership of those dockets that were being investigated under the GCI Ops with the assistance of the 10 task team members?

**LT-GEN MKHWANAZI:** No, negative, Commissioner. The members, when they left KwaZulu-Natal, they only left with their technical equipment only. The investigation that was  
20 conducted in KwaZulu-Natal remained with the Political Killings Task Team in KwaZulu-Natal. So the 10 that moved to Gauteng, they moved similar to the group that had moved to Fort Hare in Eastern Cape. So they did not go with dockets. Those that went to Eastern Cape had gone there without dockets. They registered dockets in Eastern Cape.

It became Eastern Cape dockets.

Although the team kept them because they were working, the team, that project was not under Eastern Cape, it was under the Political Killings Task Team, so they kept those dockets in the team. But the ones in Gauteng, there were already dockets in Gauteng under the GCI operations. The team only arrived in Gauteng without any case docket and they joined the investigation already that is running in Gauteng. So the dockets in Gauteng did not fall under the  
10 Political Killings Task Team, they remained the Gauteng dockets.

**ADV SELLO SC:** At 114 you talk to the integration of the  
10 task team members into the GCI Ops operation. Can you talk to that at 114?

**LT-GEN MKHWANAZI:** At 114, I can indicate, Commissioners, that as I said earlier, the methodology that was used by the team in KZN, the team brought that to this Gauteng operation, which was incorporated in Gauteng, which then led into the arrest of one Mr Katiso Molefe, who  
20 was arrested, became the fourth suspect on the Vereeniging murder case. And that also included the execution of a search and seizure warrant at the property of another individual, Mr Vusimuzi Cat Matlala. Both those operations, they were running on the same day, on the 6<sup>th</sup> of December 2024, in Gauteng.

**ADV SELLO SC:** So, to check my understanding, and in particular in relation, for example, to the arrest of Mr Katiso Molefe, you suggest that the task team members were involved in that operation, they were a part of that operation, but they were not doing so as falling under the auspices of the task team. They were falling under GCI Ops. Is my understanding correct?

**LT-GEN MKHWANAZI:** It is correct. If I can maybe request, Commissioner, as we have done, when we call the  
10 members Political Killings Task Team. So, this is a group of members that are part of the team. Some of them are coming from Limpopo, some of them are coming from Cape Town, some of them from other provinces, and from different disciplines, be it Crime Intelligence, be it Detective and Forensic, but they are not referred to as Limpopo, they are not referred to as Forensic, they are referred to as  
20 Political Killings Task Team.

So, the 10, upon leaving KZN, they put aside the title of being a Political Killings Task Team and they wore the  
20 badge of being a Gauteng Counter Intelligence Operation. So, going forward, we will then talk about the Gauteng Organised Crime Investigative Team operation that was running. So, that is the title that they would be carrying, knowing that they are coming from wherever they come from, but they are now a Gauteng Organised Crime

Operation Team.

**ADV SELLO SC:** So, then at paragraph 115 you suggest to leave these issues at this juncture, explaining that General Khumalo will in due course testify to these facts.

**LT-GEN MKHWANAZI:** That is true, Commissioner. It is for that reason that I am saying that this was Lt-Gen Khumalo running an operation under his profile or portfolio as Crime Intelligence, not as a project leader for the Political Killings Task Team. Therefore, he will come and  
10 explain more of what this operation is all about.

**ADV SELLO SC:** You next specifically make reference to two arrests. The arrest of – the heading of your subject is arrest of Molefe and Matlala, and you deal with a number of issues pertaining to these arrests. I would like us to go through that, starting at paragraph 116.

**LT-GEN MKHWANAZI:** Commissioner, the heading here says arrest of Molefe and Matlala. Of course, we are covering – we had said earlier on paragraph 114 that there was a search and seizure at Matlala, but not the arrest.  
20 That was on the 6<sup>th</sup>. But as we work on this paragraph going down, we are going to reflect the arrest of Matlala, which then occurred later. That is why the heading reads arrest of both Molefe and Matlala. As I said, Commissioner, that General Khumalo, Lt-Gen Khumalo as a project leader, as a person who had asked me to release members to go

and assist, we therefore remain in contact, contact communication between me and him.

Partly mainly because I needed to get regular feedback about these members that he had requested for, because I needed to establish the extent and the duration that these members are going to remain in this team. So, we had to keep in contact, updating me on what was happening. The main reason is because the members still had to execute the task of KZN as it was given to them,  
10 which would include some of the work that was done in the Eastern Cape, but they were withdrawn to come and support him in Gauteng.

So, I did not want that prolonged deployment of theirs to have an impact on the work of the task team in KZN. That is why we had that continuous communication in order to be able to know what is going on. So, Commissioners, that is why I am saying that it was necessary for this communication in order for me to be able to know the duration of this operation and that is why then during this  
20 engagement between me and him, he would constantly update me about the work that the GCI Ops were doing in Gauteng.

And he then outlined to me that on the 6<sup>th</sup> of December last year, the members – the operation GCI Ops in Gauteng resulted in the arrest of Mr Molefe, as well as

the search and seizure, and the questioning of Mr Matlala. Both of them were accused. One was accused of murder on Vereeniging and the other one was questioned with regard to the kidnapping of one Mr Jerry Boshoga. So, I am advised, Commissioner, that soon after Molefe's arrest and charge for murder and conspiracy to commit murder, after that charges were levelled against him, there has been further charges that has also been included on Mr Molefe.

Mr Matlala was questioned in December, but only to  
10 be arrested in May this year, where he was arrested on three counts of attempted murder, as well as conspiracy to commit murder. So, both of these individuals have now formally been charged with serious offences, for which harsh sentences will probably be imposed by the law, if proven. So, it is my considered view that the secondment of these 10 members from the Political Killings Task Team was correct. The decision that we made to release them  
20 were raised by the senior prosecutor, Adv Coetzee, when she wrote a letter raising her concern with regard to the work of the investigators on the Vereeniging case.

**ADV SELLO SC:** So, in terms of – yes, sir.

**CHAIRPERSON:** Just a moment, Adv Sella. General, the secondment of the 10 members of the Task Team, what

became of it? Is it still in place? Are they still seconded?

**LT-GEN MKHWANAZI:** Commissioner, the members are still on the ground. The operation is still ongoing. The very same Gauteng Counter Intelligence Operation is the one that led to the arrest of Mr Molefe again. It is the one that led into the arrest of Mr Matlala. It is a team that today, as we sit here, has been part of the opposing of the bail of Mr Matlala, which was denied by court today.

**ADV SELLO SC:** Thank you, Commissioner. So now on  
10 our timeline we have come up to the 6<sup>th</sup> of December 2024, with the arrest of Mr Molefe and the search and seizure warrant being executed on Mr Matlala, and questioning both of them regarding the kidnapping of one Mr Jeremy Boshoga. We go over at page 43 of your statement, and the topic there is headed the disestablishment of the PKTT and your first paragraph there precedes with a wording on or about the 2<sup>nd</sup> of January 2025. Before you address yourself to that, the last date we had was the 6<sup>th</sup> of December that you speak of. The next is the 6<sup>th</sup> of – is the 2<sup>nd</sup> of January.  
20 At that time, did anything of importance arise or occur that you would like to bring to the Chair's attention? Not what you subsequently learned had happened, but any other issue you would like to address.

**LT-GEN MKHWANAZI:** Commissioners, the 2<sup>nd</sup> of January 2021, I cannot recall the exact time, I received

...[intervenes].

**ADV SELLO SC:** No, not 2021.

**LT-GEN MKHWANAZI:** 2<sup>nd</sup> of January 2025.

**ADV SELLO SC:** Yes.

**LT-GEN MKHWANAZI:** I beg your pardon. I received a WhatsApp message from a friend who sent me what looks like a letter that was signed by the Minister of Police disestablishing the Political Killings Task Team.

**ADV SELLO SC:** You say in that paragraph that you had  
10 not received formal communication in this regard.

**LT-GEN MKHWANAZI:** That is true, Commissioner, I had not received any communication from anyone with regard to the disestablishment of the team.

**ADV SELLO SC:** So you established on the 2<sup>nd</sup> of something that had transpired involving the task team before the 2<sup>nd</sup>, but you did not do so formally. You learned through a friend, so you say.

**LT-GEN MKHWANAZI:** That is correct, Commissioner. I  
20 learned through a WhatsApp message with a copy of the letter that was sent by a friend.

**ADV SELLO SC:** What were the implications, what was your understanding of the implications of the letter that you received? What is the notion of the disestablishment of the task team and what are the implications thereof?

**LT-GEN MKHWANAZI:** The implications were going to be

severe, Commissioner, because this is a team that was formed in 2018, where the executive or the head of the executive, which is the President of the country, was involved. A group of ministers, which we refer to as the Inter-Ministerial Committee, were overseeing the work of this team. Different steering committees that were charged with the responsibility to oversee the work of the team, as well as, more importantly, the budget, the financial cost that was given to the team.

10 But most critical, Commissioners, are the investigations that some of them were already in court, and some of them were underway, and the clients, which is the community out there, the victims of crime, the families of the victims of crime that needed closure with regard to the work that the team was doing, were going to be affected by this letter. That is why I was surprised because getting it from a private person who is not involved in Police operations was a surprise.

**ADV SELLO SC:** And ...[intervenes].

20 **CHAIRPERSON:** Before, I am sorry.

**ADV SELLO SC:** Yes, yes, Chair.

**CHAIRPERSON:** Before you go on, did the Minister have the power to disband the PKTT? If he did, where did the power derive from?

**LT-GEN MKHWANAZI:** Commissioner, when I started

earlier I had invited the Commissioners to read the sections of the Constitution of the Republic on the role of the Minister or the member of cabinet, which is the Minister of Police.

**CHAIRPERSON:** I remember the main thing you stated was that the Minister creates or stipulates the policy. That is the main thing I heard. So that is why I am now asking the question.

**LT-GEN MKHWANAZI:** Yes.

10 **CHAIRPERSON:** Because I do not think disbanding the PKTT would be something relating to policy.

**LT-GEN MKHWANAZI:** No, definitely. That is the only authority that the Minister of Police has in terms of policy and direction, but not on operational matters. That is what is another implication of the letter, as it was signed by the Minister talking to the operational works of the Police.

**CHAIRPERSON:** I may be going ahead of where you and Adv Sello SC are, but I am interested to know why there would then have been compliance with the instruction to  
20 disband if, as you say, this did not fall within the remit of the Minister.

**LT-GEN MKHWANAZI:** Commissioner, I had indicated when I presented since this morning that the team was funded and the finance was running up until the end of the financial year, which is the 30<sup>th</sup> of March 2025. So the

letter comes in between that. I have indicated the success rate of the team and the fact that there were still cases that were in court. As a matter of fact, as the Inter-Ministerial Committee continuously receives reports, I think the last report would have been given to them in September of 2023 prior to the national elections.

That was the last time that the executive interacted with the team. So the letter coming up on the 2<sup>nd</sup> of January, written in this fashion, it created a bit of a problem  
10 for me because I did not understand the background where it comes from. But I guess as we go through with the investigation, we will be able to express some of the challenges that we experience as a result of the letter.

**CHAIRPERSON:** Thank you.

**ADV SELLO SC:** Thank you, Chair. Perhaps to just close up that point, you have attached the letter itself to your statement. You make reference to that at paragraph 128 at page 44. It is Annexure MK9 and it starts at page 184 of File 2. So why do we not go to the letter in concluding  
20 perhaps your answer to the Chair. Looking at the letter, if you go to the second page, I see it is signed by the Minister of Police, Mr Mchunu. It is dated the 31<sup>st</sup> of December 2024. Is that the letter that you say you received on the 2<sup>nd</sup> through a friend on WhatsApp communication?

**LT-GEN MKHWANAZI:** That is correct.

**ADV SELLO SC:** Looking at that letter, I see it covers three major issues. The first, and they are numbered, first relates to the feeling of post in the Intelligence Division. Is that an aspect that is relevant to your operations both as a Political Killings Task Team or as a Provincial Commissioner? Would that fall within your image? Item one.

**LT-GEN MKHWANAZI:** The filling of vacancies of Crime Intelligence?

10 **ADV SELLO SC:** Yes.

**LT-GEN MKHWANAZI:** It is a responsibility of the Divisional Commissioner who is Lt-Gen Khumalo together with the National Commissioner. However, the Crime Intelligence in each province ought to have the leader which provides services to the province. So therefore in that it will affect me as a Provincial Commissioner.

**ADV SELLO SC:** Now based on this letter, were you directly impacted by the instruction to suspend the filling of posts within the Intelligence Division in KZN specifically?

20 Were you directly impacted? By you, I mean the province.

**LT-GEN MKHWANAZI:** Yes, Commissioners. The impact of this is severe. We already have been trying to put some reforms within Crime Intelligence in order to respond to the growing crime levels that we are experiencing in the country. You will recall, Commissioner, in 2021 July unrest,

and subsequent to that, the Human Rights Commission that conducted hearing. The level of intelligence or the poor performance of intelligence was highlighted during the Human Rights Commission and the recommendation was that we need to improve in this regard. So therefore, for us not to fill up vacancies that are critical within the space was going to have an impact in our efforts to fight crime and maintaining public order in the province of KwaZulu-Natal.

**ADV SELLO SC:** The next item is under two, it is headed  
10 ports of entry. My reading of that part of the letter is that the Minister was calling for a report in regard to border management. Do you read it the same?

**LT-GEN MKHWANAZI:** That is correct.

**ADV SELLO SC:** Okay. So, and the third then is headed Political Killings Task Team. And perhaps it is only appropriate that you read what the Minister's directive has reflected therein into the record and that would part answer, I believe, the question posed by the Chair.

**LT-GEN MKHWANAZI:** The letter is on this paragraph, if I  
20 may quote:

“Political Killings Task Team. In 2019, a directive was made to the National Commissioner of Police following the Moerane Commission report, even though not flowing directly from such,

that an Inter-Ministerial Task Force be established. The key mandate was to stop, investigate, resolve unresolved matters of politicians in the country, especially in KwaZulu-Natal. My observation in this regard, as indicated above, is that further existence of this team is no longer required, nor is it adding any value to policing in South Africa. I therefore direct that the Political Killings Task Team be disestablished immediately, further that a preliminary report in this regard be submitted to the Minister by the 20<sup>th</sup> of January 2025. The final and closing report must be submitted to the Ministry's Management Executive Committee meeting late January 2025, the date of which will be communicated as soon as possible. Yours sincerely,  
Minister of Police, Mr ES Mchunu MP.”

**CHAIRPERSON:** Let me ask this direct question, General. Is this a policy or a policing issue, and why?

**LT-GEN MKHWANAZI:** Commissioner, as in my opinion, views and experience I have in the Police of over 30 years,

this is a letter that is operational, not policy. It talks to the operational work of the Police, of the SAPS, mainly so because this is one team that has been successful out of the 11 teams that are running at national level, but it is the only team that receives this type of lead. So I felt that this is an operational thing, notwithstanding the fact that there are other background references in terms of the establishment of this team that were omitted, perhaps were not known to the Minister, the reason of which I think he is  
10 in a better position to explain.

**ADV SELLO SC:** Thank you, Chair. I know further on in your statement you deal with these issues, but I would like to invite you to give a preliminary response to the statement made by the Minister in the letter, and I quote:

“My observation in this regard, as indicated above, is that further existence of this team is no longer required, nor is it adding any value to policing in South Africa.”

20 Do you have any comment to that statement?

**LT-GEN MKHWANAZI:** Commissioner, I disagree with the assessment of the Minister in this regard. I have displayed earlier today, also in the statement’s previous pages, the work that the team have done, the success rate, the performance that influence the extra work to be given to the

team, which will include the work in Eastern Cape, as well as traditional leadership. So for a Minister to reach this conclusion, worse because the Minister has not received a formal briefing on the work that this team is doing. So to me it was a wrong conclusion that the Minister has reached, which is why it became a matter of concern.

**CHAIRPERSON:** I think somewhere in your statement, as part of that same theme, you say that the disbandment would have resulted in all dockets having to be sent to  
10 different corners within KwaZulu-Natal to be handled by individual investigators who would no longer have the benefit of this integrated approach to, one, investigating, and also, two, to prosecution, which, according to your statement, would have been disadvantageous to the process.

**LT-GEN MKHWANAZI:** That is correct, Commissioner. I cannot agree with you more. The Minister's conclusion of saying that the team does not have any value in policing in South Africa was misplaced. It is my belief that perhaps, as  
20 I said in the public, in the very same month of January, that someone influenced the Minister to do this.

**ADV SELLO SC:** Thank you. General, you say that at the time of this letter, the Minister had not received a formal briefing on the work of the task team. You say formal. Had he received any briefing at all from you in particular?

**LT-GEN MKHWANAZI:** Commissioner, when the Minister arrived, I cannot remember the date when he was appointed, he had invited the police management to the South African Police Service Academy at Pretoria West, where presentations were given to the Minister, but that was a strategic presentation that was given to the Minister, not specifics on operational matters. I had an opportunity also to take a podium there and present to the Minister. One of the remarks I made in my presentation to him was to  
10 invite him to visit KZN so that he could experience some of the operational challenges that we have as a province, especially because he is a resident of the very same province.

So it was part of my presentation when I was talking to him, but in the formal briefing, as it was done during the IMC of the previous administration, there was never such a briefing, there was never such an opportunity presented for a formal briefing to be made, to outline in details of what the team has achieved up until the time when he wrote this  
20 letter. Actually, up to date, he has never had that platform.

**ADV SELLO SC:** And perhaps, if I may just follow up on that? Earlier in the morning, you, in discussion of the IMC, you stated that the Minister of Police is the Chair of that committee, is that correct?

**LT-GEN MKHWANAZI:** That is correct, he is the Chair of

the committee.

**ADV SELLO SC:** Do you know who calls for the meetings of that committee?

**LT-GEN MKHWANAZI:** Although I will not necessarily know between the Ministries how they communicate, but from the Police, we will always get correspondence coming from the Minister of Police as a Chairperson convening such a briefing session. So that will go via the National Commissioner's Office and it will be brought to us so that  
10 we prepare for that briefing and the date when the briefing is going to take place.

**ADV SELLO SC:** Since the Minister Mchunu assumed office, I think it was May 2024, have you received such an invitation?

**LT-GEN MKHWANAZI:** We have never received an invitation at all.

**ADV SELLO SC:** Okay. Getting back to your statement from paragraph 126, from 126 you engage with the steps you took upon learning of the Minister's decision on the 2<sup>nd</sup>  
20 of December, albeit through a friend. Can we talk about the immediate steps you took upon learning of the Minister's decision? We started paragraph 126 of your statement.

**LT-GEN MKHWANAZI:** Yes.

**ADV BALOYI SC:** Ms Sello, do you not mean paragraph 123?

**ADV SELLO SC:** I do mean paragraph 123 in this. Thank you, Commissioner. My page flipped. It is marked for another purpose. It is 123, I apologise, General, for the confusion. Thank you, Commissioner.

**LT-GEN MKHWANAZI:** Yes, Commissioner, perhaps maybe I must pause to mention something that perhaps I did not include on my statement, that upon receipt of this WhatsApp message with a letter, the first point of contact was to engage the Chief of Staff of the Minister's Office, Mr  
10 Nkabinde, he is a well-known individual to me. I personally called him, understanding that there can never be any letter signed by the Minister that does not pass his desk, or at least pass his hand. So I asked about it, whether is he aware, or maybe it is just a fake letter that is created by someone and is circulating.

So I asked him if he is aware of such a letter that is disestablishing the team, and his response was yes, he is aware of the letter. In actual fact his words were, the letter has been going back and forth, someone crafting it, sending  
20 it to the Minister, it has been corrected, corrected, eventually he was put under pressure to dispatch it to the Office of the National Commissioner. So the letter as I saw it, it is a correct letter that was signed by the Minister of Police.

So from there, because it was unofficial when I was

talking to him when he gave me the response, I then felt at the time, what had confused me the most, Commissioner, is because I will expect obviously the letter is addressed to the National Commissioner, that the National Commissioner will communicate with me about this. I took an opportunity to call him, the National Commissioner must indicate, Commissioner, that he was on leave at the time when I received this letter, when I saw this letter, he was on vacation leave.

10 I cannot remember the exact date, it could have been a Tuesday, but it was during the week when this letter came out. A weekend prior to that, which was a Saturday, the National Commissioner and the Minister of Police had visited KwaZulu-Natal province to come and support us as we were mourning the death of one of our colleagues. So there was a funeral that was taking place, that took place at the area of Empangeni in KwaZulu-Natal.

It is a Saturday, and when the funeral ended, the Minister, in his own words, was that he is going to rest in the province, he is going to be around the province, so I must be aware of that, and the National Commissioner was going to be starting his leave on Monday. So we all went separate ways. The National Commissioner travelled to Pretoria that Saturday evening, and the Minister will have gone to his residence in KwaZulu-Natal. It is a Saturday.

20

Sunday goes by, the Monday, I cannot remember the date, but two or three days later, the letter surfaced. So the National Commissioner has just taken leave. So that what troubled me because I found it odd that you cannot have a National Commissioner or the Minister writing a letter to the National Commissioner that has got such content and these allegations if the Minister had not discussed this with the National Commissioner somewhere before. Perhaps he is just formalising the communication  
10 that he had had with the National Commissioner.

That is why then I took a decision to contact the National Commissioner, to try and establish from him whether he is aware about this letter, has he been told about this disestablishment. And the National Commissioner's response was that he is on leave, which his leave is going to end on the 14<sup>th</sup> of January, and he has not had an opportunity to consider the content of the letter, but he had nothing to do with the disbandment of this Political Killings Task Team. And he also informed me that the  
20 Minister of Police has never sought his advice before taking this decision. So I also advised him that I also had not been engaged about the decision of the Minister. So that is the first engagement I had with the National Commissioner as he was on leave.

**ADV SELLO SC:** He was still on leave at the time you had

that engagement?

**LT-GEN MKHWANAZI**: That is correct.

**ADV SELLO SC**: Before we discuss what you did next, can I go back to an issue you raised, and you said it is not part of your statement, and that relates to your contact with the Chief of Staff in the Minister's office. And if I recall correctly, you said the Chief of Staff informed you that the letter was going to and fro. I think those are the words you used. Do you recall that?

10 **LT-GEN MKHWANAZI**: That is correct.

**ADV SELLO SC**: Do you know between who that letter was going to and fro?

**LT-GEN MKHWANAZI**: Commissioners, I did not ask him who are these back and forth, but my conclusion was that the drafters of the letter were on the other side of the country.

**ADV SELLO SC**: Country you said?

**LT-GEN MKHWANAZI**: The other side of the country, because the Minister was in KwaZulu-Natal.

20 **ADV SELLO SC**: Okay.

**LT-GEN MKHWANAZI**: So the drafters would have been elsewhere, not together with the Minister and the correspondence would have gone to the Chief of Staff, who then directed it to the Minister. And perhaps the Minister would not be happy with some content, and he would bring

it back to the Chief of Staff, and the Chief of Staff would send it to the drafters. That is where the back and forth statement comes from, that is my assumption.

**ADV SELLO SC:** Okay.

**LT-GEN MKHWANAZI:** And eventually after the signature was placed on the document, then the Chief of Staff was, on his own words, pressured to make sure that the National Commissioners Office receives and acknowledges the receipt of the letter on the day. So he never told me who  
10 pressured him to do that.

**ADV SELLO SC:** Okay.

**LT-GEN MKHWANAZI:** So I guess the investigation will be able to discover where the letter originated from before the Minister signs it.

**CHAIRPERSON:** The pressure was on the Chief of Staff?

**LT-GEN MKHWANAZI:** That is correct, Commissioner, according to his own words.

**CHAIRPERSON:** And over what period, if you know, was the Minister in KZN? I know from the time of the funeral,  
20 when was the funeral, and do you know up to what point?

**LT-GEN MKHWANAZI:** I do not know the duration that the Minister was in KZN for, but actually I do not even know when he arrived in KZN, but the funeral was on the Saturday, which was the last Saturday of December. The funeral was on that Saturday in KwaZulu-Natal, and on the

2<sup>nd</sup> is when this letter was signed. And when we separated on the day of the funeral, the Minister told me that he was going to be in the province. So whether he had left the province maybe between the funeral day and the date of the letter, I do not know.

**CHAIRPERSON:** Thank you, thank you, General.

**ADV SELLO SC:** Thank you, Chair. So the National Commissioner was not able to shed any better light on the letter because he says he was not aware of it, he was not engaged before it was crafted and dispatched, and he did not know anything about it. That is what he – what then did you do next?

**LT-GEN MKHWANAZI:** Commissioners, I made a suggestion to the National Commissioner that he must speak to the Minister in order to be able to establish the factors that made the Minister to consider arriving in this conclusion and the drastic decision to disestablish the team, because in my views it was irrational and irregular. The decision was going to have a serious impact, as I said, in terms of the investigation of crime and those cases that were before the team and also in the main because I, as per the Constitution, am given the responsibility to make sure that policing is done in the province of KwaZulu-Natal and the population of over 12.5 million were going to look at me as having failed them. So the consequence of a sudden

stop of investigation was going to impact on us as the South African Police Service in the province of KwaZulu-Natal and myself as a person responsible for the work that needed to be done.

**ADV SELLO SC:** And do you know whether or not the National Commissioner acted on your request to engage the Minister and establish the issues that you highlighted?

**LT-GEN MKHWANAZI:** Well, I did not hear from the National Commissioner after that. Commissioners, as the  
10 time was progressing, he never really came back to me to tell me what is the next course of action, but he continuously signs off the extension of the deployment of the team in the province regardless of the letter.

**ADV SELLO SC:** And you indicate that you took some resolutions following the National Commissioner's failure to report back to you on any contact and conversation he may have had with the Minister. What were those steps you took?

**LT-GEN MKHWANAZI:** Part of the – if I hear the question  
20 correct, Commissioner, on what I did after speaking to the National Commissioner, the National Commissioner not able to come back to me.

**ADV SELLO SC:** Yes.

**LT-GEN MKHWANAZI:** I said earlier I had engagement with the Chief of Staff, right at the beginning, because he is

a person I knew very well. And I even requested the Chief of Staff that he must try and arrange a meeting with the Minister so that we can be able to tell the Minister about the consequence of the letter that he has written. And after engaging with the National Commissioner, I did not leave it there. I continuously tried different individuals outside the structure of government, people that I thought the Minister might listen to. I tried to engage them, to try and reach out to the Minister so that we can talk about this, but that did  
10 not give me any success. I then took a decision to engage the Minister directly, in the form of a WhatsApp that I sent him. He acknowledged that, and he was to set up a meeting. But to date, that meeting never materialised.

**ADV BALOYI SC:** General, you seem to have skipped paragraph 126. That is another step that you took. Do you want to speak to that?

**LT-GEN MKHWANAZI:** That is correct, Commissioner. In my effort to try and make sure that we get to engage with the Minister about this matter, part of my request to the  
20 National Commissioner was that if he is not able to get an audience with the Minister to talk about this, the least he must do is to approach the Head of State, the President, because he accounts to the President and the President knows about the establishment of this team and the work that the team is doing over these years. So, he must be

informed about what the Minister has done.

I wanted the National Commissioner to establish whether the President is aware of the decision of the Minister, is he supporting this decision of the Minister. Because as a Provincial Commissioner, I cannot go directly to the President, so I needed to engage my boss, which is the National Commissioner, to reach out to his boss, the President because, of course, the Executive Authority, the Minister, had taken a decision that seems to be contrary to  
10 what we are doing as the Police.

I also wanted to indicate, I reminded the National Commissioner that the work of this team was as a result of the Inter-Ministerial Committee. This is not a South African Police service operation. This is an integrated operation which accounts to a group of Ministers as doing oversight on behalf of the President. So, it cannot be correct then that one Minister takes a decision without being part of the collective, or even so, the decision that is taken is an operational decision, whereas the IMC at the beginning did  
20 not participate in the formation of the team. It was the National Commissioner that signed off the formation of the team.

The IMC were only presented with a strategy that we were going to do, which they adopted, they agreed with us, and they would have received or gave their opinions if there

was no need for that to continue anymore. They would have convened us and told us that the country is okay now, the murder rates have gone down that are targeted to the politicians, so therefore you might want to reconsider this operational approach that you are doing and maybe revisit the strategy, but that did not happen. So, that was our concern.

**ADV BALOYI SC:** And did you receive a report back from the National Commissioner, whether he has attempted to  
10 speak to the President?

**LT-GEN MKHWANAZI:** No, unfortunately I did not receive a report back. I do not know what was the engagement. It is for that reason, Commissioner, that without receiving that, I personally reached out to the Chairperson of the Portfolio Committee as an oversight body to the Police work because I realise it looks like every door I am knocking, nothing is happening. National Commissioner, please speak to the Minister, it is not happening. National Commissioner, check with the President, I am not getting a  
20 feedback. And the next body that I must engage is an oversight body, which is Parliament.

I then contacted the Chairperson of the Portfolio Committee, Honourable Cameron, myself. I requested him to invite me to the Portfolio Committee. Ordinarily I was not supposed to be part of the Portfolio Committee, but through

my request he invited me to be part of the Portfolio Committee. It is that Portfolio Committee where I was able to then express my feelings about this decision in the presence of both the National Commissioner and the Minister, but even that effort failed. Nothing happened as a result. So those are all the efforts that I did.

**ADV BALOYI SC:** Thank you, Ms Sello.

**ADV SELLO SC:** Thank you, Commissioner. And just to remind you, General, there is a portion in your statement  
10 where you elaborate further on these steps, and we will get back to it. And in particular, the engagement you had with the Portfolio Committee because that is the first place where you were engaged by potential decision makers on the matter. All other previous efforts have been unsuccessful. But before we get there, getting back to our page 44 and I am at paragraph 127, I am going to invite you to read your paragraph 127 into the record and then I point out before you do so that, and I do not know if you will agree with me, that is conjecture on your part. It is not a  
20 fact what is in 127. So if you are going to read it, I need you to explain what informs or what leads you to form that conclusion.

**LT-GEN MKHWANAZI:** Commissioner, on this paragraph I wrote that:

“At this stage, it had become clear to

me at least that the Minister issued a directive based on advice other than based on the official records of the SAPS.”

It was an advice from someone that would have told the Minister. So I strongly suspected that that advice the Minister received was the one to disband the task team. And it is my feeling, Commissioner, that after having received these continuous briefings from the Gauteng  
10 Counter Intelligence Operation about the work that they are doing in Gauteng and the sensitivity of the cases they are investigating and the extent of corruption that they are experiencing with these investigations, that for sure someone believed because there were threats against the two detectives of Gauteng and the 10 members of the Political Killings Task Team had come to Gauteng to assist. Hence they became part of the project.

Someone thought that the Political Killings Task Team was the one that was responsible for the  
20 investigations in Gauteng towards these criminal syndicates that we had alluded to, we spoke about earlier, which involved the participation of senior police officers in the South African Police service, especially at the head office, as well as the senior politicians and their associates. So somebody believed that it is the Political Killings Task Team

that was based on the Gauteng investigation. That was my conclusion that whoever advised the Minister advised him to close the team because they thought it is the team that is doing that investigation.

**ADV SELLO SC:** Now, and I did qualify that that is your conclusion and in this paragraph at least you do not substantiate that conclusion or provide a basis for that conclusion. My question to you is, do you personally have any evidence or is there anyone within the investigative arm  
10 or involved in the investigations who would be able to adduce sufficient evidence to at least support the conclusion you have drawn? Do you know of such existence of such evidence?

**LT-GEN MKHWANAZI:** Commissioners, I am aware of the evidence that was extracted as the team in Gauteng were investigating, which made me reach the conclusion that indeed this is what made someone to influence the Minister to close it. Because the evidence that we are going to present later by someone who is going to come before this  
20 Commission, who were part of this Gauteng investigation, they uncovered that communication within the syndicates was making a reference to the team, not being understanding that what is happening in Gauteng is for Gauteng, it is not for KZN.

**ADV SELLO SC:** You say communication between the

syndicate, but you are not implying that that communication extended to the Minister, are you?

**LT-GEN MKHWANAZI:** To some degree, the associates, as I refer to here on this paragraph, are associates of the Minister and the very same associate does show communication that seems to suggest that the Minister is fully involved in the decision that this syndicate is taking.

**ADV SELLO SC:** Do you accept the responsibility on your part to substantiate fully, not necessarily today, but in the  
10 fullness of time, the conclusions you have drawn in that paragraph?

**LT-GEN MKHWANAZI:** Yes, Commissioners, evidence is there on record, although some of it will perhaps require to be covered in *camera*, but the evidence is there that will support my conclusion on this. The individuals, the colleagues, as I said earlier, my July briefing was a collective effort, men and women who were part of the investigation in Gauteng, who knows and have gathered evidence to support the allegations that we ended up  
20 making. They are going to come before this Commission and they are going to present evidence. We will be able, under oath, to confirm that indeed that is evidence that we have collected and we have no reason not to believe that it is the real evidence that proves the linkages between the syndicates and the Minister himself.

**ADV SELLO SC:** I suspect the Commissioners will flag that particular paragraph and the allegations you made there and we will see where the Commission goes and whether or not eventually the evidence is adduced. Continuing with your statement, however, from paragraph 129 to paragraph 137, you basically deal with the experience of the task team, the efforts of the task team, and the reports continuously made by the task team in challenging the conclusion arrived at by the Minister in his  
10 letter of the 31<sup>st</sup>. Do you see that? Would you like to briefly touch on the issues that you raised in those paragraphs?

**LT-GEN MKHWANAZI:** Commissioner, referring to paragraph 129?

**ADV SELLO SC:** I am referring to paragraph 129 where you engage now with the letter and you stated in the letter, I quote:

20 “The Minister claims that his observation is that the existence of this team is no longer required. I do not know what facts support the Minister's conclusion. I deny the correctness of the Minister's conclusion and aver that they are wholly baseless.”

That is what you stated, 129. In succeeding paragraphs,

you then engage with the basis for why you disagree with the Minister's conclusion, and that is what I would like you to summarise for the benefit of the Commission, and that should take you to 137, paragraph 137.

**LT-GEN MKHWANAZI:** Okay, thank you, Commissioner. As I indicated earlier that this Political Killings Task Team is one of many task teams that are running in the country. So, for the Minister to isolate the Political Killings Task Team alone raises questions. And for the conclusion that  
10 the Minister says that the team does not add any value, the value of the Police is to prevent crime, to investigate crime and bring the perpetrators thereof to justice, and this team has demonstrated that.

So, I did not understand the value the Minister was referring to. Whether was he privy to the success, the achievement of the team or not, it is something perhaps the Commission will be able to bring because to date I have never had an opportunity to ask him. These are questions I wanted to ask him and I never had an opportunity to ask.  
20 So, therefore, it could not be justified that the team, with these stats that it has, that it can just be classified as a team that does not add value in the work of the Police in the country.

And, as I said, Commissioners, that this team, through their success rate, they were even given a task that

went beyond the scope of the work on their inception and they were tasked to go and work in the Eastern Cape and they were given the responsibility to investigate cases of traditional leaderships and the likes. So, it cannot be then correct for the Minister to say a team that is recognised, and it is the only one that has been recognised like this in the country, for such a team to simply make an allegation that it does not add value, it is wrong.

In all front, that is why I disagree with what the  
10 Minister said. It is simply inconceivable that the entire operational management of the SAPS, under the leadership of the National Commissioner, who will see the value of this team and the efforts, the dedication, the times that these members, officers, have spent away from home for years in order to assist in dealing with the reduction of our leaders of our country, the murders of our leaders of our country, that it is therefore seen by a Minister as not adding value.

So, the sacrifice of these police officers, the recognition that the National Commissioner has made over  
20 these members, the support and the appreciation that the Inter-Ministerial Committee has expressed, including the President himself when he was briefed about the work of this team. And he expressed it, Commissioners, not only to the IMC at one stage, he spoke directly to the investigators, to the members themselves, where he said you are doing a

good job when he was briefed.

So, for all that, for the Minister to come and say it does not add any value when everyone else is recognising, was very bizarre, to say the least. So, the reason I advance annually for the continuation of this team are those reflected in the very same reports that we are giving to the IMCs because those reports were indicating the work still that needs to be done, the success rate the team has achieved, in order to motivate the continuing existence of  
10 the team.

To this extent, the Minister, as a newly appointed minister to the post, having been appointed in May last year under this administration, may have required a historic perspective, the understanding of what this team has been doing before he signed this letter. He need only have had regard, ask the office, his office to furnish him with reports that were already available in his office, which were the IMC reports that are giving the status of the work of the team. He will have received that and get a briefing on it, or  
20 at least he will have engaged with the President.

But prior to engaging the President, he will have called for this reporting from myself or whoever that was part of this team in order to understand before he engages the President on the work of this team. So, for the reason unknown to me, the Minister elected not only to rely on

saying that the team does not add any value, but he decided to issue a directive to disestablish the team. I must say, Commissioners, although not written here, that in his own words, I think it will be another court of parliament where the Minister said he had engaged with the President about this decision that he has taken. So that is why he stands by his decision. So which then is strange, because the National Commissioner has never received anything to counter that. So it remains his utterances that we do not  
10 know whether he can justify on why he reached that conclusion. So my concern ...[intervenes].

**ADV SELLO SC:** Can I, if I may?

**LT-GEN MKHWANAZI:** Yes.

**ADV SELLO SC:** And I do so with the eye on the clock now because the Chair had, I think, put a cutoff hour of four. I just want to, continuing on what you have in your statement in the order as it appears, you raise a second different specific concern regarding the Minister's decision, and this you deal with at paragraph 134. I would like you to  
20 highlight that particular concern to the Commission, please.

**LT-GEN MKHWANAZI:** As I said, Commissioners, that the work of the team was not as a result of the Minister of Police, but as a result of the Inter-Ministerial Committee. So my concern in the main was the seeming undermining of the Inter-Ministerial Committee by the Minister of Police

because the letter does not suggest that the IMC had approved this dissolution of the team, nor that the mandate was given by the IMC to dissolve this team. The Minister has to date not advised of any IMC's decision with regard to the work of the team. To date.

**ADV SELLO SC:** Okay. Now I will take us briefly to the dissolution, the disestablishment letter, if one can call it that, of the Minister. We went through it, we highlighted what the directives were concerning the filling of the posts  
10 for the Intelligence Division regarding points of entry and the Political Task Team. That would be at pages 185 to 186. Now if you cast your eye on that document, does the Minister say anything about what must happen to the dockets at the time being handled by the task team upon dissolution of the team? Does he instruct or give guidance on what should happen in that letter?

**LT-GEN MKHWANAZI:** The Minister's letter does not say anything about the case dockets specific, so he did not direct on what must be done on these dockets. I am  
20 informed that the determination on what must happen to the dockets was taken by General Sibiya through the written correspondence that he directed to his subordinate, which is the head of detectives, Lt-Gen Senthumule.

**ADV SELLO SC:** So you annex further as MK10 a letter dated the 4<sup>th</sup> of February 2025. This is authored by General

Sibiya and you say that it was directed to General Senthumule. Could you just briefly tell us who is General Senthumule, where does she fit in and how?

**LT-GEN MKHWANAZI:** Lt-Gen Senthumule is a Divisional Commissioner responsible for crime detection in the country and she is stationed at the head office, resulting under General Sibiya as a Deputy National Commissioner.

**ADV SELLO SC:** Your MK10, Annexure MK10 starts from page 187, if you could turn to that. And you say it is this  
10 document that contained the determination as regards the fate of the dockets, the task team dockets.

**LT-GEN MKHWANAZI:** That is correct.

**ADV SELLO SC:** And what is the fate as determined by General Sibiya in this letter?

**LT-GEN MKHWANAZI:** In the main, Sibiya is instructing the Divisional Commissioner to ensure that the cases under investigation, or the instruction by the Minister of Police, the directive of the 31<sup>st</sup> of December which was issued by the Minister of Police, that this directive be implemented  
20 immediately. That is why on his letter he makes a reference that in compliance with this directive, he, as General Sibiya, is directing that the Divisional Commissioner of Crime Detection must engage with the Divisional Commissioner of Crime Intelligence.

**ADV SELLO SC:** Yes. And I understand that in summary,

the directive there is that all the dockets should be directed to a specific place at National Office outside the KZN area. Is my understanding correct?

**LT-GEN MKHWANAZI:** That is correct.

**ADV SELLO SC:** Now, do you know if you – I will put it differently. If you – and that is assuming you had the authority – if you were, as a Provisional Commissioner, were to decide to disband a task team operating in KwaZulu-Natal with dockets on matters relating to issues  
10 and crimes arising in KZN, what would automatically happen to those dockets? If a task team in KwaZulu-Natal is disbanded, and I will assume for purposes of this question that it correctly disbanded, what automatically happens to those dockets that the task team handled?

**LT-GEN MKHWANAZI:** The case dockets, Commissioners, belong to a police station. The cases opened at a police station get registered. It is going to have a case number of a particular police station. The docket might be investigated by a specialised unit, a task team or whatever  
20 that is established, but in conclusion thereof, it goes back to the police station where it was registered. So if there was a decision to stop the work of this task team, on dockets that are already finalised will need to be returned back to the stations and dockets that are still under investigation will also need to be returned back to the very

same stations so that those dockets will be allocated to different investigators at the station so that the work or investigation work can continue.

**ADV SELLO SC:** So what would be the basis to treat these particular 121 dockets differently, and that instead of going back to their respective police stations, that they are directed to come to national office? Would you know the basis for that?

**LT-GEN MKHWANAZI:** I just did not know what could be  
10 the reason, although later I discovered what could be the motive. Perhaps we will discuss that later.

**ADV SELLO SC:** We will discuss that later, particularly what could be, but let us try and stick to fact for the moment. Commissioner Baloyi?

**ADV BALOYI SC:** Thank you. Ms Sello, before you step off the letter, let me direct this so that you can formulate it your way to the General. In this letter, and maybe it is because I am not familiar with Police speak, where in this letter do you say that there is an instruction to deliver the  
20 dockets to head office?

**ADV SELLO SC:** I think I can assist that by referring to the next annexure.

**ADV BALOYI SC:** Okay.

**ADV SELLO SC:** Which is the same annexure – it is the same annexure. It is a series of letters. It starts at page

190. And the letter at page 190 is dated the 22<sup>nd</sup> 04 2025 and that also is issued by General Sibiya. At Item 2 of that letter, at Item 1, General Sibiya cross-references the letter under discussion together with another one of a previous date, 17<sup>th</sup> of January. At Item 2 he states that:

10                    “In compliance with the Minister’s directive of the 31<sup>st</sup> of December 2024, and subsequent directives on the matter, you are advise that this process should be finalised by Thursday, 24 April 2025.”

And it says:

                  “This includes the transfer of all dockets, closed, currently under investigation and in court to the Division Detective and Forensic Services.”

20                    This is, once again, directed to the Divisional Commissioner, Crime Intelligence and Detective and Forensic Services. Same as the previous letter.

**ADV BALOYI SC**: Thank you.

**ADV SELLO SC**: Thank you. You followed my explanation to the Commissioner, General?

**LT-GEN MKHWANAZI**: Yes, Commissioner. I could just confirm that the annexure there the marked 190, paragraph

2 is specific to that.

**ADV BALOYI SC:** Thank you, General.

**ADV SELLO SC:** Thank you, General. So then it is clarified that at least in those two letters the decision or the directive, instruction, is that the dockets be dealt with in the manner articulated at page 190, which is transfer of the dockets, whether closed, currently under investigation, and in court, to the Division Detective and Forensic Services. Earlier, when we put up the organogram, and I checked my  
10 understanding with you, I had understood that division to be a national division and to be one of the divisions that are under the auspices of General Sibiya's division as Deputy Commissioner, Deputy National Commissioner. Yes. Am I correct in my understanding?

**LT-GEN MKHWANAZI:** That is correct, Commissioner. As I put out in the structure that there are three deputies under the National Commissioner at the head office. Each of the deputies is overseeing specific functions. So in this regard, this division, Detective Service, Detective and Forensic  
20 Service, it is a division that is headed by Lt-Gen Senthumule and it results under the responsibility of the Deputy National Commissioner of Crime Detection, which is Lt-Gen Sibiya.

**ADV SELLO SC:** So effectively, they leave the control of the task team and/or the Provincial Commissioners and they

now will resort under General Sibiya through the division Detective and Forensic Services, which is a national function.

**LT-GEN MKHWANAZI**: Yes, that is correct, Commissioner. They will have these dockets moved from one province and go over another province to a third province, from KZN past Free State and landed in Gauteng.

**ADV SELLO SC**: Did you, upon learning... No, let me put it differently. When did you learn of the intention to transfer  
10 those dockets and under what circumstances?

**LT-GEN MKHWANAZI**: We, as a standard practice that we do from time to time in the province, Commissioners, would be to conduct an oversight on different functions that are performed in the province. And it so happened from time to time that we do what we refer to in the province as a case flow management session. And this is where we receive presentation, I receive presentation together with my deputies on different investigations that are running in the province in order to see performance of the investigation  
20 team, assess challenges that the team has, so we can support in areas where we need to support.

During the session that was held in May, I came to learn that these 121 case dockets had been moved to Pretoria, and that briefing was given to me by a member that was in charge of this Political Killings Task Team at the

time in KZN, Colonel Matlou, who advised me that when they moved these dockets, it was as instruction of General Khumalo, who was a project manager of the Political Killings Task Team. That is when I became aware, May 2025.

**ADV SELLO SC:** May 2025. What did you do, if anything, upon learning?

**LT-GEN MKHWANAZI:** It would have been easier, Commissioner, for me to pick up the phone and call General  
10 Khumalo because I am in constant communication with him. But since, in my eyes, this was violating the law, I felt it is important to start putting things formally. So I wrote to General Khumalo, enquiring about these directives that he has issued. I was asking him about the status of these dockets because the team had presented to me that through his instruction the dockets were taken to the head office.

**ADV SELLO SC:** And the letter you referenced, is it MK11, you refer to it, paragraph 138 of your affidavit, of your statement, rather, my apologies.

20 **LT-GEN MKHWANAZI:** That is correct.

**ADV SELLO SC:** And that annexure, MK11, appears from pages 192, Commissioners. If you could turn to the letter, General, is that the letter?

**LT-GEN MKHWANAZI:** That is correct. That is the letter that I wrote to General Khumalo enquiring about these

dockets.

**ADV SELLO SC:** Now, it is clear from a reading of that letter that you made the enquiry to General Khumalo in the terms that you expressed yourself, but neither your statement nor your annexures say anything about whether or not you received a response from General Khumalo on these issues, did you?

**LT-GEN MKHWANAZI:** Well, General Khumalo did indicate to me that he had received instruction which led him to  
10 hand over these dockets to the head office and that instruction came from the Deputy National Commissioner of Crime Detection, General Sibiya, whom, according to the correspondence that was sent to Khumalo, it was not written to me, it was written to Khumalo, instructing Khumalo to bring the dockets, that General Sibiya was acting under instruction of the Minister on a letter of 31<sup>st</sup> that was disbanding the team.

**ADV SELLO SC:** Now, do you know whether or not the demand of the transfer of the dockets to Pretoria was with  
20 the knowledge, concurrence and support of the National Commissioner? Do you know that as a fact at all?

**CHAIRPERSON:** Before that, how did Lt-Gen Khumalo convey what you just said to him? Was it orally?

**LT-GEN MKHWANAZI:** He spoke to me on the phone about what has happened.

**CHAIRPERSON:** Thank you.

**ADV SELLO SC:** If I may just point out for clarity, Chair, at 139 the witness states what General Khumalo informed him and then he says:

“I was verbally informed that General Sibiya acted under instruction...”  
...[intervenes].

**CHAIRPERSON:** I missed that, thank you.

**ADV SELLO SC:** So I take it in the course of that  
10 conversation.

**CHAIRPERSON:** I missed that, thank you.

**ADV SELLO SC:** Thank you, Chair. So now we turn to National Commissioner. Are you aware of whether or not he knew about this demand for the transfer of the 121 dockets? And anything that you know, please indicate how you became aware thereof.

**LT-GEN MKHWANAZI:** Commissioners, I report to the National Commissioner as appointed by him. Therefore, I must account to him. On the telephone conversation that I  
20 had with him, which I did not reflect on the statement, was exactly that, that I am told that the dockets have been taken to Pretoria. Whether did he authorise such, and he said, no, we never authorise such transfer or movement of case dockets. And the National Commissioner, in supporting what he said to me, he had given me an affidavit. I have

seen an affidavit that he wrote under oath, where he indicated that he never authorised General Sibiya to take these dockets, and that was in June. I beg your pardon, in July. The affidavit was dated in July.

And I also know that during the recent court process where Lt-Gen Sibiya had submitted an urgent application in court about his placement at home or leave of absence that was challenging and subsequent to that intention to suspend, that on the submission that was made by the  
10 National Commissioner to the court papers, he says the same thing that he had said to me, that he never authorised the dockets to be moved from KwaZulu-Natal to Pretoria.

**ADV SELLO SC:** So, if I understand you correctly, you learned from the affidavit deposed by the National Commissioner in that letter and the National Commissioner subsequently confirmed to you directly, personally, that he never authorised the transfer of those dockets?

**LT-GEN MKHWANAZI:** The National Commissioner personally, he told me that he never authorised it, and the  
20 affidavits that followed confirm the same thing.

**ADV SELLO SC:** And do you know whether or not the dockets were duly transferred? You said by the 20<sup>th</sup> of May when you learned they had been transferred, right?

**LT-GEN MKHWANAZI:** That is correct, Commissioners.

**ADV SELLO SC:** Do you know what became the fate of

those dockets after they left the control of the Political Killings Task Team?

**LT-GEN MKHWANAZI:** Well, the Political Killings Task Team members were complaining to me that they are receiving inundated complaints from the family members of the victims of crime that they were in constant contact with as they were investigating these cases in order to seek update on the work that the team is doing and the team could not give them update on the work that has been done,  
10 and the families are not receiving any update on the work that is done. So that made me conclude that nobody is making contact with the families, there is no investigation that has been done.

And really, the whereabouts exactly of these dockets was also in question. So it was my conclusion that from the time they were taken until the time when they were transferred back, nothing was done in those documents in terms of the investigation of crime.

**CHAIRPERSON:** It is four o'clock, but my Co-  
20 Commissioner has a question.

**ADV SELLO SC:** Okay.

**CHAIRPERSON:** And then ...[intervenes].

**ADV SELLO SC:** Might we just wrap up this topic and ...[intervenes].

**CHAIRPERSON:** After him, you will see when it is

convenient for us to continue.

**ADV SELLO SC:** Thank you, Chair.

**ADV KHUMALO SC:** Adv Sello, maybe you will deal with it in your own way because you are still continuing with your questions. I just want clarity on whether the directive was implemented. That is the directive to disband the task team. Because it seems to me that where we are going now, we are dealing with the dockets and the removal of the dockets from the task team to Pretoria, but what became of  
10 the task team itself following the directive? You can deal with it in your own way.

**CHAIRPERSON:** I guess the reference is to the warm bodies.

**ADV SELLO SC:** Yes. What became of them? I think it is going to be – the answer to that question will be perhaps slightly lengthy and complicated, and might perhaps take you way beyond four o'clock more than you intend. So may I suggest that we flag it and we come back to it? The questions that I wanted to pose to the witness are just  
20 closing the issue of dockets and we are open with your question tomorrow morning. Thank you. Thank you, Commissioner. General, so just to close up on the issue of dockets. At paragraph 142, you give just a very brief summary. That seems to imply that you have a good sense of the issues that were being investigated and reflected in

those dockets. Am I correct in my suggestion?

**LT-GEN MKHWANAZI:** That is correct.

**ADV SELLO SC:** Okay. Now, if I am correct, my question to you then is, to your knowledge, did any of the 121 dockets contain any detail regarding investigations or generally the work of the Gauteng Counter Intelligence Operations? Did any of those dockets relate, refer, could be parallel to, based on the description, the explanation you gave us earlier, to any of the work of the Gauteng Counter  
10 Intelligence Operations?

**LT-GEN MKHWANAZI:** Commissioners, the directive from General Sibiyi was talking about the deactivation of the Political Killings Task Team. The case docket of the Political Killings Task Team was situated in KwaZulu-Natal and they were not part of the Gauteng Counter Intelligence Ops. So the GCI Ops dockets were kept separate from those that were brought from KwaZulu-Natal.

**ADV SELLO SC:** Okay.

**LT-GEN MKHWANAZI:** So I do not think there was any  
20 mixture whatsoever.

**ADV SELLO SC:** Now, last question then, and perhaps very briefly. Your paragraph 141 and 142, you speak of an analysis conducted on those dockets upon their return and you draw certain conclusions as to what happened to those dockets in the intervening period. Would you like to

summarise that? And that will be the last question for the day.

**LT-GEN MKHWANAZI:** Commissioners, although this matter came to the public through the media briefing that the National Commission had, again, thanking the media for bringing this matter to the attention of the entire citizens. When the media made an enquiry to the National Commission, the National Commission had already directed a week prior to that for the dockets to be taken back to KZN  
10 and we had since convened with the Acting Divisional Commission of Detective Service at the time and we agreed together with General Khumalo of how we are going to deal with these dockets that are sitting in Pretoria before they come to KZN and be mindful of the possibility that the Commission might want to have a look at those dockets.

So our agreement was that we are going to have these dockets already conducted, page by page, in each docket, to confirm that which was handed over at the head office, whether it is still intact as it is coming back. As the  
20 directive of the National Commission, it was explicit that the copies of those dockets must be made and kept at the head office. So the team had to then make photocopies, scan those dockets, and sign off on each and every document that is inside the docket and conduct inspection on the docket to see whether has there been any investigation

conducted.

Meaning, the very same team, Political Killings Task Team, that came to hand over the dockets after driving from KZN and bringing them here, they came here to come and conduct an inspection on this docket to see the status, whether there is any entry that is made on these dockets from the time they were handed over. They did find a few of them, maybe a small percentage, I will not give the exact percentage now, but a few of them, there were some entries  
10 that were made in those dockets. From the investigation team, from the head office, they said they were instructed to conduct inspection on the dockets.

As they were conducting those inspections, they had made some entries, they had confirmed some of them that the investigation is complete, they are supposed to be arrested, but because they are not empowered to do that, they are not investigating officers, they did not do anything about it. They just confirmed that on paper and they left it there on the docket. I think only one of the dockets of the  
20 Eastern Cape where a contact was made with the victims in that case, but that was just about the only thing that was ever done, contact made with the victim to tell them that we are having this case, we are investigating this case, together with the officials in the Eastern Cape who were part of the initial investigation, they were also contacted by

this head office team, and the entry was made on that case docket.

So this is just only one out of all of them, that at least there was a contact with the victims. The rest, there was no contact with the victims and some of them were inspected, some of them were not even inspected, and that was the status of this team. That is why I am saying, Commissioners, that when the media asked the National Commissioner about the status of the docket and when the  
10 National Commissioner said he has given the instruction for the dockets to go to KZN, it was old story to us because we had already received the instruction a week before.

So we were already doing the heading over at the time when the media brought this thing to the eyes of the public. So it came out as if it is something that was done on the day, but it is something that we were already doing the counting of the dockets. And it was Thursday, if I am not mistaken, when the media asked the question, and the team was already in Pretoria doing the calculation of those  
20 dockets, and on Friday they drove down to KZN in the docket. That is why we are even reflecting there that some of them, they were on an advanced stage where suspect needed to be arrested and I can safely say that suspect had been arrested as a result of the state of readiness of those dockets. When they arrived back in KZN within a week,

there were people charged.

**CHAIRPERSON:** So in short, General, except for the few entries in some of the dockets, the contents of the dockets were intact, or were what they should have been.

**LT-GEN MKHWANAZI:** I did not get the Commissioner properly in the last part.

**CHAIRPERSON:** Sorry. I was saying in that audit or verification exercise during which it was established that there were some entries in a few of the dockets, the  
10 contents of the dockets were intact or were what they were supposed to be.

**LT-GEN MKHWANAZI:** That is correct, Commissioner. All the dockets were as they were handed over originally to the head office. They came back as they were.

**CHAIRPERSON:** Just one other aspect. In paragraph 137 of your statement you say that the last sentence:

20 “the meeting was led by Colonel Matlou, who advised that the dockets had been delivered to General Khumalo.”

And in paragraph 142, again, the last sentence, you say:

“In the period that they were under the control of General Sibiya, these arrests were not effected for reasons not known to me.”

The under control that they is referring to, I understand, is it not referring to dockets? By way of example, at the time of their removal from the task team. Yes. Removal from the task team. I understand that to be a reference to the dockets. Am I correct?

**LT-GEN MKHWANAZI:** That is correct, Commissioner.

**CHAIRPERSON:** Yes. Now my question is, the dockets according to 137 were delivered to General Khumalo and in 142 they are under the control of General Sibiya. This  
10 could refer to two possibilities. One, they could still have remained with General Khumalo but be under the control of General Sibiya, or they could have been moved physically to be under the control of General Sibiya. Can you please explain that or shed light on that?

**LT-GEN MKHWANAZI:** Commissioner, in order to give clarity, you will see when I made the last statement, when I said before the National Commissioner conducted the interview, that myself, the Acting Divisional Commissioner of Detective Services, as well as General Khumalo, had a  
20 meeting, a virtual meeting, discussing on how we are going to handle the transfer of these dockets or the return of these dockets back. At the time, the dockets were sitting at the office of the Divisional Commissioner of Crime Intelligence in the storeroom of one brigadier, I forgot his name, who works under the Divisional Commissioner of

Crime Detection, Lt-Gen Senthumule. It is my understanding, Commissioner, that the dockets moved from Khumalo to General Senthumule from Detectives on the direction of General Sibiya.

Matlou, on 137, Colonel Matlou, is with the task team in KZN. So he was only communicating the whereabouts of the dockets according to his knowledge. His knowledge was that he handed them over to General Khumalo. What General Khumalo did with them, as the Commissioner is  
10 correctly asking, he could not answer that. And General Khumalo, in my engagement with him, was that General Senthumule and General Khumalo, both of them, had received instruction specific from Sibiya that him, Khumalo, and Senthumule, they must transfer the dockets to each other. So meaning, dockets coming from Political Killings Task Team under Khumalo's signature must come to the Detectives under General Senthumule. Hence, they landed at the storeroom of Senthumule.

But both of them, they fall under General Sibiya as a  
20 portfolio in the office of the National Commission. So either way, whether they are at Crime Intelligence under Khumalo or they are at Senthumule under Detective Services, they still, both of those entities, fall under General Sibiya. So if we say they are under the control of General Sibiya, we mean exactly that. He issued the instruction and he

commanded those two entities.

**CHAIRPERSON**: Thank you, General.

**ADV SELLO SC**: Thank you, Chair. It is 16:13. I do not think I drove us to 13, but I am grateful for the indulgence. As I indicated, tomorrow morning we will make sure that before we move to the next topic, we respond to Commissioner Khumalo's question, and then we will proceed in the normal way.

**CHAIRPERSON**: Thank you.

10 **ADV SELLO SC**: Thank you.

**CHAIRPERSON**: Let us adjourn. Thank you.

**INQUIRY ADJOURNS TO 18 SEPTEMBER**

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