

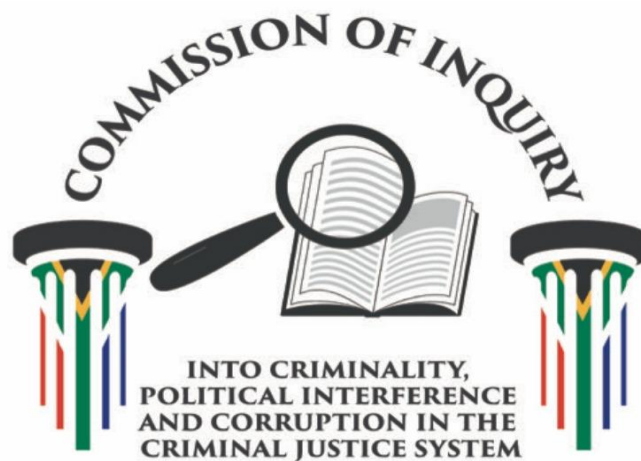
**MADLANGA COMMISSION OF INQUIRY INTO THE CRIMINAL
JUSTICE SYSTEM**

HELD AT

BRIDGET MABANDLA JUSTICE COLLEGE

19 SEPTEMBER 2025

DAY 3



PROCEEDINGS ON 19 SEPTEMBER 2025

CHAIRPERSON: We are ready if you are.

ADV SELLO SC: Thank you. Thank you, Chair, and yes we are ready.

CHAIRPERSON: And good morning, General.

LT GEN MKHWANAZI: Good morning, sir.

ADV SELLO SC: Chair, before we continue with the testimony of General Mkhwanazi, as a matter of housekeeping you recall ...[incomplete].

10 **CHAIRPERSON:** Are you juniorless today?

ADV SELLO SC: No, no, not at all.

CHAIRPERSON: Oh, but we ...[intervenes].

ADV SELLO SC: She is attending, she will be here.

CHAIRPERSON: Oh, she is coming.

ADV SELLO SC: She is around, yes.

CHAIRPERSON: We can go ahead.

ADV SELLO SC: Thank you, Chair.

CHAIRPERSON: Thank you. Yesterday you had finalized the part that you were dealing with just ...[intervenes].

20 **ADV SELLO SC:** Yes.

CHAIRPERSON: Just before the adjournment.

ADV SELLO SC: Yes.

CHAIRPERSON: I do not know whether you are moving on to a new area all together or whether you are going back to Mr Brown Mogotsi. If you are going back to Mr Brown

Mogotsi, I will suggest that we should start right from the beginning as if the General ...[intervenes].

ADV SELLO SC: Yes.

CHAIRPERSON: Has not said anything about him, so that everything is self-contained.

ADV SELLO SC: Indeed.

CHAIRPERSON: Thank you.

ADV SELLO SC: I fully agree, Chair, and thank you for the guidance. And that is what we intended to do, how we
10 intended to approach the matter. I do confirm that we are going to start with the issue of Mr Brown Mogotsi. Just by way of housekeeping, you recall we stood down that part, because the General realized that the annexure we had was incomplete. We have since completed that annexure and your files have been updated.

So the relevant annexure just to, you bear in mind is Annexure MK17. In order not to interfere with the file numbering the last two pages of MK17 it would otherwise have ended at page 320, so it is page 320.1 and page 320.2
20 and that is to allow the next annexure to follow at 321. Thank you. I think that was the only housekeeping matter we had to deal with and we are ready to start, General.

CHAIRPERSON: You are still under you oath, General. Thank you.

LT GEN MKHWANAZI: Yes, sir.

NHLANHLA SIBUSISO MKHWANAZI: (still under oath)

EXAMINATION BY ADV SELLO SC (CONTINUES): As the

Chair pointed out, we had stood down your testimony regarding Mr Mogotsi and you were, when you realized that we did not have the full annexure we were at paragraph 187 of your statement. You wanted to deal with what you set out from page, from paragraph 187 with reference to the actual communication that you said yesterday you had screen grabbed from your phone. Those are MK17 and your
10 file too has been updated. I suggest perhaps you keep MK17 open to your right, or left, whichever works best, while you work through your statement so that you can cross refer each time whenever it is necessary.

So in dealing with Mr Mogotsi it is under the heading, a sub-heading “The Executive” under the bigger heading of “Politicians”. You recall we dealt with politicians under, you know within the scope of Parliament and now we are shifting to, we are staying with politicians, but this time shifting to Executives and that is where this evidence
20 comes in. And as I say, it starts from page 187. So you can testify starting with, at 187 and you take the Commissioners through the issues that you found concerning based on Annexure MK17. Thank you.

LT GEN MKHWANAZI: Thank you so much, Commissioners. As I wanted to indicate yesterday the issue

of a gentleman called Brown Mogotsi who is an associate of the Minister and that was collaborated by the Chief of Staff in the office of the Minister. This Brown Mogotsi we have since discovered that he has links with the underworld.

When confronted by this relationship between the Minister and Brown Mogotsi in a parliamentary sitting on the 5th of March the Minister denied of knowing the person. However, in a private conversation as I had stated that the, during the press briefing that the Minister subsequent to
10 that at the end of March he had a conversation with a private individual and he confirmed to know the person, although denying the person as an associate, but he had confirmed that the person is a comrade and I said I do not know the difference then between a comrade and an associate, but the word we used was associate as confirmed by the Chief of Staff.

How I came to know Mr Brian Mogotsi is that as reflected on my statement that on the 30th of September I received a WhatsApp message and this WhatsApp message
20 came from a person who described himself as sending the message on the 3rd of September where he indicated ...[intervenes].

ADV KHUMALO SC: Sorry, General, can I interrupt you.

LT GEN MKHWANAZI: Yes, sir.

ADV KHUMALO SC: Just remember that the proceedings

are transcribed, so when you say 30 September, give the year also.

LT GEN MKHWANAZI: The year, okay.

ADV KHUMALO SC: Was it 2023 or 2024?

LT GEN MKHWANAZI: Ja, no thanks, Commissioner. My apologies for that. This was on the 30th of September 2024 when Mr Mogotsi sent me a WhatsApp regarding an allegation of defeating the ends of justice matter, which was, were widely publicized in the media arising from an
10 incident that had occurred in a correctional facility in Richards Bay, at Empangeni, I beg your pardon, in KZN.

However, when he communicated with me there was no media coverage yet, so he was the first one to initiate this, which later there was a media coverage. And I, because I wanted to establish whether this person who is in possession of information about an incident that happened at the Police Station, how close he is with the Minister of Police and ...[intervenes].

ADV SELLO SC: General, I apologize through you,
20 Commissioners. I just confirmed with my junior and it would seem like you sound less audible today than you have in the past two days, so perhaps if I require you to bring the mic closer to you.

LT GEN MKHWANAZI: Alright.

ADV SELLO SC: Thank you.

LT GEN MKHWANAZI: For give me, Commissioners. I have been trying to speak English for more than 48 hours now, so it is, ingathi ngingajikela kuMageba ...[vernacular]. So I am going to try to be audible, but what I did was to confirm whether this number indeed of this person who claims to be Brown Mogotsi, although the Chief of Staff had confirmed and he had to verify whether does this phone number belongs to the person that the Chief of Staff confirms that is Brown Mogotsi.

10 So I got the number tested and it confirmed that it is registered on his name, so then I had no doubt that it is the right person. You will see that I have saved him with that name, because it is the name that he gave me. The communication that Brown Mogotsi sent to me had contained some attachments, which the first one was on the 30th, the message, but this is where he was introducing himself as to who the person is and that there was this attempt to discredit me and that was his word, an internal attempt to discredit you through a defeating the end case.

20 **CHAIRPERSON:** Please read that text as is into the record, General.

LT GEN MKHWANAZI: If I invite the Commissioners maybe to go to this annexure as we had referred to.

ADV SELLO SC: MK17, General.

LT GEN MKHWANAZI: MK17.

ADV SELLO SC: Yes.

LT GEN MKHWANAZI: Starting specifically on page 313. I am going to read it on record. The 30th of September the first message came in at 16:14 followed by another one at 16:17 in the afternoon. It reads as follows:

“My General, Brown Mogotsi from North West. An internal attempt to discredit you through a defeating the end case.”

Then it end there. And then the following message
10 came on the 1st of October 2024. This was the following day after the first one. I beg your pardon, not, I responded to him, not the message, I responded to him in the morning when after seeing the message. My response was:

“Morning, sir. What are you talking about? What defeating case are you referring to and who is behind that?”

So this message was sent at 7:44 in the morning, me responding to him. And then he responded a short message:

20 “Thanks.”

And shortly after that, this was the same day at 7:44, almost immediately as I sent, after sending my message and he then attached two documents and these documents that he attached was a letter, a Police letter which is written here on Annexure KZN, factual report. So

it is a letter that he attached an after that he attached, if the Commissioners page to the next page, 314, it is just a continuing of the screenshot. That big one it is a copy of the occurrence book in the South African Police Service. That is where we report incidents in the Police Station.

So he sent me the copy of this and the content of the occurrence book and the factual report were exactly the same. And it surprised me, because this are documents of the Police and a person who is not in the Police should not
10 be in possession of this. He is from North West, but he is in possession of a copy of the occurrence book from Empangeni in KZN.

There is no flights from North West to Empangeni, so if, for him to get there he will have to take two flights at least for him to go and get the copy of this OB as well as the letter that he attached. And if I invite the Commissioners to go further. This is before I respond. There are further communication that he sent ...[intervenes].

20 **CHAIRPERSON:** Before you go on, I do see that after his “thanks” there was indeed an attachment. You have said that the attachment was a letter. What did the letter say?

LT GEN MKHWANAZI: The letter was basically a report, a draft report which has a similar content to what is attached at the bottom, which was talking about an incident that has

happened and my advice to the Police Officer that was in charge on the scene, I will explain it later what actually, and we will get into the details later on my statement, to narrate actually what happened at Empangeni that led into this, but for now I thought I must just highlight for now that there was this communication that came through with this, all these attachments.

And the next attachment, the next message that he sent me was on the same day at 7:51 in the morning. He
10 wrote:

“Please handle confidentially. A meeting with the complainant. Will revert.”

So I still was confused. Then the next message is shortly after that at 8:37.

“I am in Lusikisiki today.”

That is in the morning. And the following one came at 19 minutes past 9 in the morning on the same day and he says:

20 “General Khumalo, the Div Com ...”

That stands for Divisional Commissioner. That is how we write it in the Police.

“The Div Com just check your standing with him. Yesterday he pushed a negative narrative ...” [intervenes].

CHAIRPERSON: With him, just check your standing with him, ja.

LT GEN MKHWANAZI: Ja.

“Just check your standing with him. Yesterday he pushed a negative narrative about you on the CIT’s in KZN. Again the same complainant spoke with him.”

ADV SELLO SC: General, before you leave that, do you
10 know what the abbreviation CIT stands for?

LT GEN MKHWANAZI: The CIT stands for cash in transit.

ADV SELLO SC: Thank you.

LT GEN MKHWANAZI: That is terminologies that we use and KZN of course is the province of KwaZulu-Natal. You will notice this is a WhatsApp writing style, so you will note write I am, he will say M, which would mean, you have to understand this, the youngsters writing language on WhatsApp. It is not the real English, but ja it is. And in the
20 following page, Commissioners, I am continuing with the communications that Mr Brown Mogotsi continued to sent me. He sent me these further screenshots which included the screenshot of a presentation that was made which that is, before the screenshot the message that was, as I said that he said I must check my standing with General Khumalo.

And immediately after that he sent a screenshot at 9:20 in the morning and I must say he might not be clear on the attachment, Commissioners, but that screenshot is written a year and the name of the division, division Crime Intelligence, policies for 2024/2025. I think if we get clearer page I will see that. So as you can see it is a picture that was taken in an angle.

Someone took a photo of the presentation as it was made. He took it with a cellphone and whether it was him
10 present in the meeting or someone who was in that meeting, as you, by reading the heading of what the presentation on the projector says is definitely issues of Crime Intelligence that only people that is supposed to have a knowledge about Crime Intelligence policies and the likes, should be part of this presentation.

And the following message that he sent me two minutes later, he then says:

“I hope you understand ...”

CHAIRPERSON: Before you go on, General, did you get to
20 know whether there had indeed been such a presentation?

LT GEN MKHWANAZI: I did confirm with the Divisional Commissioner of Crime Intelligence and he did confirm that there was a presentation that was made a day before this screenshot was sent. So with, and he confirmed that Brown Mogotsi was not in that meeting. The people that were in

the meeting is the Minister and some of the Minister's staff and only management of Crime Intelligence, only the senior management of Crime Intelligence that were in that meeting. So it is one of the people that was in that meeting that took the screenshot and sent it of course to Brian Mogotsi, hence he asked, he said he forwarded this thing to me. And his last message was:

“I hope you understand. Will revert.
confidentially is key here.”

10 That was his word.

“I hope you understand. Will revert.
Confidentiality is key here.”

So hence I say, Commissioners, that this man, one of the two things that either Mogotsi was part of the meeting, or a senior person either from the Police or from the Ministry that was in that meeting shared this meeting with this Brian Mogotsi and that was a concern for me, because a person who is not a Police Officer, even worse, a person who is not working at Crime Intelligence, will sit in
20 such a meeting and be able to take copies of presentations, and, or alternatively someone from ...[loud noise] no, you are safe, Commissioners. [Everyone laughing]

ADV SELLO SC: Apologies, Chair.

LT GEN MKHWANAZI: As technology it happens.

ADV SELLO SC: [Indistinct]... [microphone off] we are

trying to get this ...[indistinct] on the screen ...[indistinct]
we are not so sure if it is legible from your copy and that is
how – we are not so sure whether it is as legible in your
copies, that that is how it reads and now that ...[intervenes].

CHAIRPERSON: Thank you. Thank you. General, maybe
you will get to this, if you will, then you do not have to
answer now, but do you have any idea why Mr Brown
Mogotsi would have wanted to warn you that there was an
attempt to discredit you?

10 **LT GEN MKHWANAZI:** Commissioner, I have no, I had no
idea at the time, but as the time progresses as I was asking
myself these questions, it became clear what could be the
motive for it, which I will explain it later what might, what
made me think that could be the reason why he made
contact with me.

CHAIRPERSON: Oh, thank you.

LT GEN MKHWANAZI: Yes.

CHAIRPERSON: Please continue.

20 **LT GEN MKHWANAZI:** So then I had an opportunity to
respond to him on the issue of the defeating case. As you
will see there on 316 at the bottom of the page, and it
continues on 317, and I was basically explaining to him of
what actually transpired at Correctional Services that will
resulted in the copy of that occurrence book, because it was
my advice to the Police Officer, senior officer in charge of

the operation, on how to handle that incident that had occurred at Crime Intelligence while making sure that the ends of justice are realized, the proper investigation is done and we do not attract an illegal litigation against the organization by arresting the wrong person.

So that was my guidance to him and I explained to Mr Brown Mogotsi. So I am not going to bore you by reading everything but it is safe to indicate that an officer from correctional facility, although the media captured it wrong and they said it was Westville, it was not Westville, it was a correctional facility called Qalakabusha at Empangeni where the Acting Head of the facility was accused of selling drugs and was accused of being in possession of ammunition.

I must say that what made me to intervene is because that incident, or the drugs and the ammunition that was found was not found in her possession, but was found outside the house where she was staying, which is a state house, which is within the state facility. So, but I will explain it more in details later. That is what made me ask question and say but you cannot detain a person if you have not confirmed that this belongs to this person.

It is like stopping a car, driving, and there are two or three occupants in the vehicle or a taxi or whatever, you see a firearm inside and you arrest the driver. First you

have to investigate, do touch DNA, confirm who probably might have touched this firearm then you can be able to confirm who does it belong to before you can arrest a person. It does not automatically means that what you find in the area will belong to a person that reside in that facility. It could be anyone else that have placed it.

CHAIRPERSON: The explanation that you gave Mr Brown Mogotsi is quite long, spanning more than a page as reflected in the annexures. Can you explain why you felt
10 obliged to give Mr Brown Mogotsi an explanation at all? Why do you owe him an explanation?

LT GEN MKHWANAZI: Commissioner, I since, when I established this man is close to the Minister and then he gives me this thing, so which means there is someone somewhere that is planning something. It could be maybe the Minister is under the impression that I am involved in the wrong, knowing for a fact that the Minister stays a few kilometres away from the Police Station and that prison. That is where his residence is.

20 So i felt let me provide this information, because this person is close to the Minister and he had said he is with the Minister at Lusikisiki, of which when I checked with the Chief of Staff, the Chief of Staff said the Minister is indeed in Lusikisiki, but he did not say anything about Mogotsi. I tried to investigate to establish whether he was

indeed with the Minister in Lusikisiki, or not. But I felt let me provide a little bit more explanation to him so that the Minister can have a picture if indeed he was sent by the Minister to communicate this to me, let him have a picture of what is going on in that place.

I can summarize maybe some of the things that are sitting in this text that I had said when I started two days ago that according to the Constitution and the law I have a responsibility of managing the Police in the Province of
10 KwaZulu-Natal. So it is expected of me and the men and women that are working in that province to make sure that we discharge our duties according to what the Constitution and the law is expecting from us.

And therefore it happened at one stage that there is a company in KZN that is called Richards Bay Minerals. It is a big company that does mining. There were incidents that had happened in that facility, in that company that led into murders of some of the executives and when it happened there was a meeting that took place which I
20 attended together with the Premier at the time and the Minister of Minerals and Energy, Mr Gwede Mantashe, was in attendance in that meeting. So he actually convened the meeting.

He wanted to engage with the communities because there is quite a lot of mining companies that are situated in

Richards Bay. So during the presentation in that meeting it came out that there are cases from RBM that involve executives in RBM that has not been solved and they were, the business people were sharing their frustration to the Minister about the lack of Police, you know efficiency in dealing with the investigations of those cases there.

I then, because I was present as a Provincial Commissioner, I had to take responsibility for that. I did not need to have the Minister telling me that General
10 Mkhwanazi, do something about this. I was present and the Minister is listening and he took us with. The Premier is present. So I took it upon myself to make sure that I prioritize the investigation of these cases.

I then went back to the office. I deployed the team. This was 2021. I deployed the team to Richards Bay and the team is made out of Detectives and the tactical team that must protect the Detectives, because they complain what seems to surround, was around the tenders, you know business forums and all those things that are happening in
20 the area. So I had to put the Detectives together and have the team that is going to protect this Detectives.

So I paid out of the budget that was not budgeted for. If you recall, Commissioner, we spoke about teams that we can deploy ourselves as Provincial Commissioners, so I took it from the operational budget of KZN without

telling the National Commissioner, so I sent a team there. I accommodated them in the area there at Richards Bay, so I had to pay subsistence allowances and everything else. Theirs was to investigate those dockets, were about roughly five or so case dockets.

They stayed in Richards Bay for the whole 12 months. In that period they could not crack that case, those cases and they were only assigned for that. They could not get us results. So on quarterly basis I am getting reports.

10 They are doing a lot of successes. There is a lot of arrest and cases going to Court, convictions, but it is not about these which their mission is. Go and deal with these dockets and finalize them.

So they are not resolving any of those dockets. Although I must say, Commissioners, that they did arrest one person who was linked with the murder of the executive of RBM. They arrested a person, he was taken to Court and the applied for bail. The *modus operandi* as we know that when the criminal or hitman is involved, someone is going

20 to pay the lawyers to defend, to make sure this person goes out on bail, which I think is some of the witnesses in our system that we do not ask questions, that you are unemployed but you are affording a very expensive senior counsel to represent you on a bail matter.

We opposed bail and that person was released. As

soon as he left our facilities they killed him and he was a link to take us higher the rank as to who will have sent him, but they killed him. So that case almost did not go far. But majority of the cases that the team ended up achieving were cases that, of theft and the likes that were happening within RBM. So what will then happen is RBM, if there is a loss of something, that a theft of something, they go to a Police Station, they go with these Detectives. When they arrive at the Police Station they open a case of theft, the Detective
10 will take this docket and investigate it and arrest, convict. Another theft comes in, so they end up having successes of RBM that has got nothing to do with what they were sent there for.

So it became like a Police unit for RBM. So as I was monitoring this and I said to them your mission was simple, deal with the few cases, crack them and then come back, but you are showing me successes of something that is unrelated to what you were sent there for, so I cannot be spending money to have you there, come back with those
20 dockets, you will work from Durban. Durban and Richards Bay it is an hour and a half drive, so they could investigate while in Durban.

So I brought them back. Little did I know, Commissioner, that this RBM has got contacts in a high level of our country, of our government, because what

followed after that was a call that I received from my boss, the National Commissioner, who said to me but I hear that you had deployed people in Richards Bay and you withdrew them. I said yes, I deployed them there for a mission, they did not achieve the mission, a year later I brought them back and they are still carrying those investigations, but from my office.

Then he said no, I received a complaint from the Presidency, you must send these people back there. So I
10 said okay, well I do not mind to send them back, but you must give me the budget, because I do not have money to send people back there. Then he said no, put up a plan, I am going to finance it. Then I said no okay, it is fine and I told my Deputy to prepare a plan. Now my approach, Commissioners, was that it is no longer, I am no longer going to be sending people, this five members to investigate the five cases from RBM, I am now going to put a bigger team that is going to deploy in this area and service other business people as well as the community in that area, so I
20 must have a bigger team, because there is trucks in there, there is hijackings and many other crimes that are happening and RBM is not the only one that is affected.

So while I am preparing that plan, which the National Commissioner confirmed that the CFO is going to make money available for that, while I am preparing that

plan I then got a, I received a phone call, a phone call from a Commander of the Special Task Force at the time, Brigadier Gaffley. I had said earlier I worked in the Task Force, so the Task Force members and myself we communicate. They all, most of them have got my number, so they call me any time. Brigadier Gaffley calls me and he is at RBM and he says to me General, I am here deployed at RBM. So when I asked him what do you mean you are deployed at RBM, RBM as the company mine, and he says
10 yes.

So I asked him but who is there, he said no, it is myself and the NIU. The Task Force, the NIU are the fighting squad of the Police, they are not investigators. They are the ones that do the dirty work. If you have to arrest someone, you have to penetrate houses, they do that. They do not go and present cases in Court. It is not their job. But they found themselves deployed in RBM and he says to me General, I need, I am told that there were Detectives that were deployed here that you withdrew, can
20 you have those Detectives back here so because there must be investigation done and I do not have anyone who does investigation.

So I said to him no, I think you need to come and see me. So he drove down to Durban. When he arrived in Durban and I asked him but who deployed you there, he

said no, I was deployed by my Component Head, General Zulu who is a Major General, she deployed us to come and work here and I asked so where are you deployed to, the entire area or RBM only. He said no, RBM strictly. Our instruction is that you go to RBM, you do not work in your house.

I was upset of course, because I had planned according to the National Commissioner I am going to deploy. So I phoned my boss and said you are telling me
10 about the deployment to RBM, at the same time you are telling someone else, what is going on. And he said no, I think we need to engage with General Mosikili who is a Deputy National Commissioner and so I then decided to keep quiet.

I released these Detectives to Brigadier Gaffley, so he included them on his budget. They went back to RBM. So they sat there for that period ...[intervenues].

CHAIRPERSON: And was this again to be RBM only or was it now to be in accordance with your plan of servicing
20 the entire area?

LT GEN MKHWANAZI: No, it was for RBM only. I can confirm that. So the members deployed there for I think almost a year. So RBM had the privilege of getting a SAPS deployment to service only them, which was funded at the national office. I am sure the management of the Police will

come and explain as to what informed that and the cost that was spend on it, which was against my proposal. So they were there for RBM and nobody else but RBM.

CHAIRPERSON: You said this was a good few years back. Who was the National Commissioner then?

LT GEN MKHWANAZI: The current National Commissioner, General Masemola was the boss. Commissioner, as I said, I had deployed in April 2021. They stayed there for the whole financial year. The
10 National Commissioner gets appointed in 2022 as the National Commissioner. When I am getting this when this deployment happens he is now a National Commissioner at the time.

So this team had worked there, so there were, however, they were rotating in that place, but they were not talking to the District Commissioner, they were not talking to me. So I had no clue what they were doing. The District Commissioner had no clue what they were doing, because
20 we are divided into 11 districts, so as someone who is managing the district.

When this incident of the prison happened the Regional Commissioner of Correctional Services woke me up with a phone call at night and his question was colleague we are in the same security cluster, you are arresting one of my senior managers and you do not even inform me, the

courtesy, not that it is a must. So I was surprised, I said but what are you talking about, I do not know any senior manager being arrested. He said no, but the Acting Head of the facility at Richards, at Empangeni has been arrested. Because I did not know anything I contacted the District Commissioner, Maj Gen Ngubane. Maj Ngubane did not have a clue of what is going on, because he even said I do not know what those members are doing if there is anything done by the RBM team, because I do not know.

10 So he contacted the Police Station at Empangeni and he discovered that indeed there are these members from the head office that are sitting in KZN, deployed for RBM, that are at the Police Station with the intention to detain the Acting Head of the centre.

CHAIRPERSON: This is Qalakabusha as you said earlier?

LT GEN MKHWANAZI: Yes. I have the contact details of one of the NIU members that is with that team, Colonel Nguna, Captain Nguna, so I phoned her. I think she was the only lady in that team, so I phoned her because I do not
20 know the others. I know that she is in that team as well. So when I called her I said but are you part of this operation and she said ja, no, they called me and said I must come, because apparently there is a lady in there, so I must join them in case we have to search and the likes.

So I asked her what was happening. She said I

cannot explain, I do not even know the background of this operation, but the Commander is Colonel Matthys, you can explain. So she gave the phone to the Colonel that was in charge of the operation and Matthys is from Gauteng, somewhere in Johannesburg. So then the Colonel explained to me what was happening. He said they received the information about the drugs at this house inside the facility. So the correctional centre has got one main gate with the fence, it is a compound. Inside the
10 compound you have a facility for Correctional Service where you have another access into, that is where the detained inmates are sitting. And then we have the office block and then you have a residential area, but it is on one area.

So the question first I asked this Colonel was, Colonel, you are arresting this Acting Prison Head, what is the charge? Then he says to me it is the possession of drugs and ammunition, illegal possession of ammunition as well as ...[indistinct] substance, which is drugs. So the first question was how much of the quantity we are talking about
20 here. He said no, it is a hands full, not many, just capsules. So the first question was do you know if it is drugs or not, have you, did you test that? Then he said no, I have not tested it. I said but you are going to put a charge on a register that it is drugs. When it comes back for the forensic and it is proven that it is not drugs, what

are you going to do? That was first a problem.

The second was before you did all this work did you have a search warrant? Then he said no, we do not have a search warrant. I said okay, it is fine, never mind, you have conducted a search without a search warrant. Where did you find this thing, or explain to me what happened. He said no, we arrived in the place, we were told there are drugs inside the house, we entered the house and we searched the entire house inside. We did not find anything.

10 And we took this Acting Head of Corrections and we told her that she must go with us to the garage outside. And when they were walking to the garage there was a dustbin.

CHAIRPERSON: Is this the garage of this same house?

LT GEN MKHWANAZI: Ja, it is a garage but it is not attached to the house, it is sitting on the, you have to get out of the house to get to the garage. So they wanted to go and search in the garage.

CHAIRPERSON: And the dustbin, where exactly was that?

LT GEN MKHWANAZI: The dustbin is in that yard, but, ja
20 between, somewhere between the garage and the house.

CHAIRPERSON: Same premises?

LT GEN MKHWANAZI: Same premises.

CHAIRPERSON: The Acting Head's premises?

LT GEN MKHWANAZI: Yes. So then they decided to stop at the dustbin, they searched the dustbin. Inside the

dustbin that is where they found the few rounds of ammunition as well as those hands full of pills and they decided to arrest her for that. So the question was number one, do you know that she is the only one that has access to the dustbin since the dustbin was saying it is within the facility of Correctional Service. For you to get into the dustbin is there any obstacle, is there any fence, high wall, fence or gate or whatever that gives you access. So he said no, it is easy for you, there is a fence, but it is low, you
10 can just jump over and get to the dustbin, because it is within the compound.

Yes, she is responsible for that place, because it is allocated to her, but the person who empties the dustbin it is the correctional people. She does not take the dustbin to the road. They just come in and take the dustbin and go and empty it and come back. They come in and cut the grass and goes within the facility. So she does not, she is not responsible for that maintenance *per se*. It is done by the Correctional Service.

20 So I said but Colonel, that means the likelihood is that many people had access to the dustbin, so the least you must do is to get Forensic because you did not invite Forensic to that dustbin, get Forensic Services to come there and do a touch DNA in the dustbin so you can eliminate the people that touched it. Collect the DNA so

you can be able to know who had access to this dustbin, same with the container or plastic or whatever that is carrying this drugs and ammunition you are talking about. Do a touch DNA so you can be able to know exactly who handled this thing, then you can confirm if it is her or it is someone else.

So my recommendation is that as a Police Officer you have a responsibility to decide, but my recommendation is make an OB entry of what transpired, call Forensic
10 people to come to this house and do the touch DNA where you collected this and the crime scene management ...[intervenes].

CHAIRPERSON: Would that still have worked at that stage? I imagine even their own hands now have touched ...[intervenes].

LT GEN MKHWANAZI: They can be eliminated.

CHAIRPERSON: Is there no contamination?

LT GEN MKHWANAZI: But that can be eliminated, because it happens when you come in to do the job the
20 Police would be there, their hands would be there, but when you do touch DNA you are able to say who was here, then you can eliminate that these are family members in this house and this Police Officers and you can find a foreign DNA that was not supposed to be there, that could not be accounted for, then you can be able to confirm.

So if they will have done that and every DNA that is there is for Police Officers and hers, then the Police Officer is right to say beside us that came here you are the only one that accessed, so therefore it is yours. She cannot deny it, because she will be the only one that had access to that place. But the moment they find another DNA that means they need to eliminate, they must then do further investigation to establish who had access to that place.

So that is my advice to this Colonel, I said make an
10 entry, take, ask Forensic to go and do that crime scene management on that DNA, on that dustbin, take these exhibits that you received, because you do not know whether these are genuine drugs and if it is drugs, what type of a drug it is, send these pills to Forensic so they can test them.

Take this – ammunition is clear, you can see it is ammunition. Obviously you might not know really where it comes from. That one you know it is illegal, it is ammunition, it is illegal, you cannot change it. But what
20 you need to confirm now whether is she the one to blame or not, or is someone else that placed the ammunition there. And that is exactly what the Colonel did. He made this OB entry and those items were booked in the register and they will have been send to Forensic. I do not know whether the Forensic people were invited to come to the crime scene,

but this is where they ended with that, because I had said they must register this enquiry.

Fast-forward to that, Commissioner ...[intervenes].

CHAIRPERSON: Does the – I have not read the OB entry but does it contain this narrative or not necessarily?

LT GEN MKHWANAZI: Yes, it does, Commissioner. It is just that it is not clear here.

CHAIRPERSON: Yes, that is fine.

LT GEN MKHWANAZI: Do you want me to read it on
10 record?

CHAIRPERSON: That is why I did not read it, it is not that legible yes.

LT GEN MKHWANAZI: Ja, do you want me to read it on record, sir?

CHAIRPERSON: No, no, no.

LT GEN MKHWANAZI: Because I have it on my phone.

CHAIRPERSON: We will ask the Evidence Leaders to share a legible copy.

LT GEN MKHWANAZI: Okay.

20 **CHAIRPERSON**: Thank you.

ADV SELLO SC: We shall do so, Chair, thank you.

LT GEN MKHWANAZI: So, and I said, Commissioner, the attached letter had a, supposed to have been signed, because it looks like the author was the same Colonel. The letter was addressed to me, explaining exactly what he did,

which was my directive. He was writing it to me, but he never signed it and I never received it. And the OB entry, the entry that was made is as per my directive. So both of those they were talking the same thing that I had directed that must happen. But that is what basically it is contained here.

So my biggest complaint that I had ...[intervenes].

CHAIRPERSON: Before you go to that complaint, so on your understanding the charge that Mr Mogotsi was warning
10 you about is it your understanding that it related to your, let me loosely call it intervention?

LT GEN MKHWANAZI: Interference. You see that is where the defeating came from.

CHAIRPERSON: Defeating the ends of justice. So on your understanding is that what it related to?

LT GEN MKHWANAZI: Ja, that is the only thing, Commissioner. So I explained all these things, Commissioner, that is why the message is this long, because I felt that I must also express my opinion about
20 this team that they ended up doing something that is not in their mandate. They came here for RBM and they are Police Officer, so when they get information, they must act on it, but after acting on it, they must follow the law. They cannot just jump and do something.

So it must not be that they are send to go and

arrest a person, planting evidence and arrest a person, because maybe someone wants to deal with that person. It might as well be a correct information they received that there are indeed drugs in there, but by the time they arrived there those drugs might have been moved. So physical search of the drugs, you do not find them, but if you bring Forensic to come and see whether they were drugs, they have got lights, they have got many things that can verify that there was something here that was moved.

10 So that is what they could have done and they did not do that. So that is what I was advising them on that the information might be correct, but you did not get what you are looking for, hence in the last paragraph of this annexure, if I read it in record, as I was, I am communicating to someone that already said he is close to the Minister, confirmed by the Chief of Staff, and I wrote here:

20 “The Minister will learn the truth one day about that team which have been complaining that I made them conduct crime fighting operations which are outside their mandate, although when they want they do such duties, e.g. this one which was carried out without my knowledge.”

So basically i was trying to communicate to this, to the Minister via this Mogotsi that there was this deployment at RBM that as the Provincial Commissioner I do not know about it, I was not consulted, I am not controlling, the District Commissioner does not control, they report straight to the head office, I wonder whose interest are they saving. And the complaint was the Presidency complained, that is why you must now deploy.

But the National Commissioner maybe he can
10 explain that in detail because to date I do not know what was the reason. And there was an intervention thereafter. I must say I was paraded by business people in that area, complaining why am I prioritizing RBM over them and I told them straight I do not know anything about RBM, they must get the Minister to come there, Minister Cele at the time.

So the Minister came, the National Commissioner came, so we sat and there was a discussion that we need to reconfigure this and make it big and let be under my command and it served everyone else. So from that time
20 then it became my operation.

But, Commissioner, as I said I was going to explain this thing later in my statement. It is there. Maybe by the time we get there we do not have to repeat it again, because we had already spoken about it.

Commissioner, the communication continued as you

can see here. Remember, he had sent me a lot of messages. I was responding on the first one about the case, but he had already sent me screenshots of Crime Intelligence briefing and the likes. And after responding to the one of the case I then went to respond on the one which is on 318, the very first message. I was responding to the story now about the Divisional Commissioner where he was saying I must just check my standing with him, that yesterday he put a narrative about me on the CIT's. So I
10 responded ...[intervenes].

CHAIRPERSON: Negative.

LT GEN MKHWANAZI: Ja, negative.

CHAIRPERSON: Negative narrative.

LT GEN MKHWANAZI: Ja, negative narrative. So I then responded that by asking him a question and I read what did he say about me. That is what I asked Mogotsi, because surely Mogotsi was in that meeting. So I am asking what did he say about me. I will explain Mogotsi obvious was to respond to me directly about what did
20 Khumalo exactly say about me, because if he was part of the meeting he will know the details.

And his response, he responded to my previous issue of the defeating case on that long message and he responded to that, he says:

“The Minister is briefed. He has just

arrived in Lusikisiki.”

This message is sent at 9:28 in the morning on the same date that I spoke about, which is ...[incomplete].

CHAIRPERSON: The tense there is a big – sorry, General. I am saying the tense there, the Minister is briefed, is a bit confusing. So I do not know whether he means that the Minister having arrived at Lusikisiki he was now getting, or a briefing on what he had gone there for, or whether he meant that he had briefed the Minister on your explanation
10 about the Empangeni case. I find this very confusing. You did not write it. Maybe you will not be in a position to shed light on it, but I would, what was your understanding of it?

LT GEN MKHWANAZI: Commissioner, when you write on WhatsApp, a person sends you a WhatsApp, if you are responding to that WhatsApp you click on that WhatsApp and you press reply. So it captures that part of the original WhatsApp when you are typing.

CHAIRPERSON: Yes.

LT GEN MKHWANAZI: So when you read these I want you
20 to see the one that is not bright, that is on top.

CHAIRPERSON: No, no, I follow that.

LT GEN MKHWANAZI: So he was responding
...[intervenes].

CHAIRPERSON: Actually, yes I actually do see
...[intervenes].

LT GEN MKHWANAZI: Ja.

CHAIRPERSON: The opener to your explanation.

LT GEN MKHWANAZI: Ja, exactly. So he was responding to that.

CHAIRPERSON: So I do see that he was responding to that, but what I am saying is when he says the Minister is briefed, I do not know whether he means that he had since briefed the Minister about, or on your explanation ...[intervenes].

10 **LT GEN MKHWANAZI:** Yes, Commissioner, we are only talking about what transpired, hence my last paragraph that says:

“The Minister will learn the truth.”

CHAIRPERSON: Yes.

LT GEN MKHWANAZI: He is responding to that, that the Minister is briefed, so I assumed that the Minister knows about ...[intervenes].

CHAIRPERSON: Okay.

20 **LT GEN MKHWANAZI:** What we are talking about. So he then follows that with another message which I had sent at 9:26. He responded 9:29 when I asked him about the Khumalo story.

CHAIRPERSON: Commissioner Baloyi is saying you, or the people doing this or running this for you show some exhibits but they do not show others and maybe if there

could be some consistency. Are we showing or are we not showing?

ADV SELLO SC: Oh, quite appreciated. It is a valid point and perhaps I should warn us not to get as shocked as we did first time around in case the technology gets the better of us, but I, we will try and project. We do not expect to be ...[intervenes].

CHAIRPERSON: Ja, we are at 318.

ADV SELLO SC: Yes.

10 **CHAIRPERSON:** Oh sorry, sorry about this, sorry about this. We may continue, thank you.

ADV SELLO SC: Before we do, Chair – thank you, Chair. Commissioner Khumalo had indicated to us that it is the long, the General’s long response that he wanted perhaps projected before you move off this. It will not fit on the screen. What you have, Commissioners, if you look at your version it goes up to SAPS, so the last paragraph does not fit on the screen, so it has been up for some time, so we will scroll down and that last paragraph is the last
20 paragraph of the message. Then we have caught up with your conversation with the General. Thank you, Chair.

CHAIRPERSON: Yes. Then we go on to 318.

ADV SELLO SC: Then we go on to 318.

CHAIRPERSON: You have gone past.

ADV SELLO SC: Unfortunately we are working on the

scrambled ones, electronically as they were yesterday. Our files have updated, but not the electronic version.

CHAIRPERSON: Oh, okay.

ADV SELLO SC: Unfortunately. Now this, your 318 as it currently stands was not part of the original annexure, which is the electronic version.

CHAIRPERSON: Okay.

ADV SELLO SC: So we will stop projecting at this point, otherwise it only serves to confuse.

10 **CHAIRPERSON**: Okay.

LT GEN MKHWANAZI: Perhaps, Commissioner, I can guide them to say go to the one that starts with the message “What did he say about me”, so you are able to follow. It is the first message.

ADV SELLO SC: No, General, that is ...[intervenes].

LT GEN MKHWANAZI: Oh, you do not have it.

ADV SELLO SC: That is the end of the old annexures.

CHAIRPERSON: In the interest of time ...[intervenes].

ADV SELLO SC: Absolutely.

20 **CHAIRPERSON**: Maybe let us project where we can project properly. Let us leave it.

ADV SELLO SC: Okay.

CHAIRPERSON: Ja.

ADV SELLO SC: I think this is the last of the series of this annexure, thank you.

CHAIRPERSON: Okay. Alright, alright. Thank you.

LT GEN MKHWANAZI: Okay, Commissioners, if I may continue then, the message that he had sent which I said earlier the Minister is briefed, he has just arrived at, in Lusikisiki. The Minister on the day was visiting the incident that happened in Lusikisiki where many people were killed. So this was just another confirmation that this man knows exactly about the Minister's movement. So he is either with him or he is informed about the Minister's movement, that is
10 why he can, he can write messages like this.

This was again to confirm that I have to trust that he is a person who is close to the Minister. And when he respond to the message I sent him earlier of what did Khumalo say about me, his response was:

“Gen ...”

Which means General, an abbreviation.

“Gen, this must be in your chest.”

So which means he wanted me to keep this secret and I am wondering now why is he telling me if he does not
20 want me, this thing to go public. And then my response of course, because I wanted him to get me information, I said:

“Trust me on this one.”

And then he wrote a message which follow at the bottom of 318 which reads, I am going to read it on record:

“You are having your interest and that

maybe you are having your own cartel.

You do not listen to the CI.”

That is Crime Intelligence.

“Then Masemola intercepted him.”

So which means, then means General Masemola was in that meeting as well.

“Also spoke about your Provincial Crime Intelligence member. Remember, he is retiring.”

10 I think the message is missing there.

“He is retiring next month.”

And if you move to 319 ...[intervenes].

CHAIRPERSON: Can you please in your own words explain what the first part of this text means, starting from you are having, right up to intercepted him. It is rather cryptic.

LT GEN MKHWANAZI: At the time my understanding is that he is telling me that what was discussed in a meeting which he sent me a screenshot on, the one that talks about
20 Crime Intelligence policies, they were discussing me, about me not wanting to cooperate and working well with the Head of Crime Intelligence in KZN. So that was my conclusion that he was saying that I do not want to cooperate with them on information that they are giving me, I do not want to, I do not want to operationalize such an information.

And that is why he even knows that the Head of Crime Intelligence in KZN is going on retirement. So this is a person who knows everything about the Police, even knows when is a person retiring.

CHAIRPERSON: Thank you, you may continue.

LT GEN MKHWANAZI: Ja. So the, and then the following message on the next page, 319 I then asked him that:

10 “Please get me that presentation if
 there is one to confirm, or otherwise if
 there is any recordings.”

Because I wanted to get a proof that what was this presentation about that he has access to that I do not know. The response from him what made me start connecting the dots, remember we spoke about investigation and pictures starting to match. His response was:

 “Nothing. General Khan will brief you
 next week.”

20 Now, Commissioner, I want to put on record that I
 only know one General Khan within Crime Intelligence. It is
 the Major General Khan that was on the news not long ago.
 Some of the colleagues will know about the attendance of
 the EFF, celebration last year as well as the case that was
 alleged that Khan was involved in, in stopping the Police
 when they were busy with the operation, drug operation at
 Evaton in Johannesburg.

When he sent me this I then concluded that means General Khan is in that meeting, it is General Khan most likely that is feeding him with the information. That was my conclusion. Why would he choose General Khan to brief me if I ask for a presentation? But again, I do not have proof of it, it is him that is writing this message. But I guess we do the investigation we are going to see linkages about all these people within the Police.

And my response was "sure". And then he sent
10 another one to say:

"Back in Jo'burg."

And after that followed by phone calls and there is many other communication that followed thereafter. I do not have to read all of them, Commissioners, as you can, you can see that are following on those attachments. As I said, General Khan has been on the news. He is a Component Head within Crime Intelligence. General Khan when, when he sends me this message General Khan was appointed, his post that he is occupying as a Component
20 Head at Crime Intelligence is an Operational Intelligence Support within Crime Intelligence. But he was appointed acting as a Component Head of Counter and Security Intelligence.

When Khumalo arrived at Crime Intelligence that was the position that General Khan was acting on. So

Khumalo I understand he had moved him back into his old position. Counter Intelligence if I can indicate, Commissioner, is that the vetting is done at Counter Intelligence. Majority of operations like these drug cartel operation that is Gauteng Counter Intelligence investigation it is conducted in that office so meaning it is a person who, it is an office that really is in the heart of Intelligence operations.

General Khan was acting there. General Khan has since been moved back into his Technical Support. I am not saying that General Khan is involved in these leakages of information to the members of Parliament and to the other people, but what is interesting is that almost everything that we see happening in Parliament in the media comes from that component of Crime Intelligence and this is where the real fight comes from.

The operation of Gauteng Crime Intelligence that involves this drug cartel is in that component. So, and this is Mogotsi that introduces Khan to me. I said, Commissioners, I am going to reflect what happened in 2011 later on my statements. Crime Intelligence, *modus operandi* back then and players that were involved back then with the looting on the ...[indistinct] and irregularities they still existed, Crime Intelligence today and some of them occupying high positions.

So there has no reforms that has been implemented at Crime Intelligence, that is why there is no surprise when you start seeing things coming out. Like I said on record, I did not say that General Khan has leaked any information, it is Mogotsi that introduces Khan. I only know of one Khan at Crime Intelligence, so perhaps as we investigate further we would be able to see whether there is any linkages between these people. That information that is supposed to be within the confines of those four walls where the meeting
10 was taking place ended up with Mogotsi.

Commissioners, as I have outlined a lot of communications here with Mogotsi, if I can move faster, if you allow me, SC, on my statement because I think a lot of things that were spoken about here ...[intervenes].

ADV SELLO SC: I think, General, it is now, you are now at 320.2. That would be the last page on this, of this annexure.

LT GEN MKHWANAZI: I beg your pardon?

ADV SELLO SC: Page 320.2.

20 **LT GEN MKHWANAZI:** No, I am just talking, I am going on my statement, trying to align myself with what ...[intervenes].

ADV SELLO SC: You have covered your statement, that portion of your statement in its entirety. Because of the conversation you were having with the Chair taking him

through the various pieces of communication I was just pointing out, with Mr Mogotsi, I was pointing out that the only page of that annexure you have not dealt with is page 320.2 and then you would have caught up with your, with what you have in your statement.

ADV BALOYI SC: General, before you go where the Evidence Leader is directing you, at page 320, that extract of your communication with Mr Mogotsi, there is where, right at the top where it is Brown Mogotsi, and I assume the
10 message there is from him:

“Good day General, met with the complainant.”

Did you ever come to know who was the complainant and what was the complaint?

LT GEN MKHWANAZI: I did not know who the complaint is, Commissioner. You will notice that there would be messages and phone calls that he would be making to me which will be very short in seconds, but he never really, I never really got to know who the person is. The only
20 person that I could relate to in his entire conversation I am having with him is General Khan that seems to be a contact person with him.

ADV BALOYI SC: And the complaint would have been what, the defeating?

LT GEN MKHWANAZI: Even there he did not explain to me

who is planning this defeating. He did not say, he did not say any. I must maybe retract back, I am going to maybe some reflection later as we maybe close the day or somewhere in between we are going to present a slide where we are not necessarily going to be talking too much on it, but we are going to just reflect on some things and part of the system of protecting the drug squad, media plays part. Let me rephrase, journalists within media houses they are part of this in pushing a certain narrative.

10 Why I say this is because a very well-known veteran, Mzilikazi Africa, had contacted me almost immediately after this incident happened of Empangeni. It happened beginning of the year last year. I think a month or so he contacted me. He can come here and confirm that. He called me, he contacted me, he said General, I am hearing that you interfered with a police operation and what is going on. So I explained to him the details of what transpired. He understood, then he said okay, well there is some stories and there is nothing wrong, so he did not
20 publish that.

 Later in the year which I suppose maybe this one Mogotsi is coming to me with this, is that first General Cele calls me. He is a former Minister. He calls me and he says the Premier of Gauteng have approached him to go and work in Gauteng to help him fight crime in Gauteng,

therefore he needs General Khumalo who is a District Commissioner and ex Task Force Commander in KZN to come and work with him in Gauteng. And I find it strange, because I think he called two or three times. While I was in a meeting I kept giving the phone to one Brigadier who was with me in the meeting. Then after that I had a conversation with General Cele and then he pleaded with me to release this General to come to Gauteng.

And my surprise was but when General Cele was in
10 the Police he did not like the General Khumalo. He did not like him at all, so why now that he is out of the Police he trust Khumalo to come and work with him in Gauteng. It was just strange. And I turned to my colleague, General Makhua who was with me in the meeting. This was in Durban. General Makhua works at the head office from HR. So I turned to her, I said but I received a strange call here, General Cele is asking me to approach Khumalo who is a District Commissioner, Zululand, to come and work with him in Gauteng, meaning he must resign from the Police and go
20 and work in Gauteng with him for 5 years, then he will come back into the Police, which was very odd.

And General Makhua was also confused, he said but as far as I know Cele did not like Khumalo and he made all of us at the head office to believe that Khumalo is a bad person. Why will he now suddenly wants Khumalo to work

with him. So it was just a strange call. I then contacted General Khumalo, he is a Major General. I phoned General Khumalo, I said General Khumalo, this is the request I received from General Cele. General Khumalo just laughed and he said do not worry, the General is not serious about that. So I asked him what do you mean. He said no, he is not serious, he wants me to back off on a case against Khan, General Khan from Crime Intelligence.

10 So Cele is pursuing Khumalo to resign from the Police so that he can stay away from the disciplinary case because he was appointed to deal with that case against, departmentally, against General Khan. So Khumalo says no, this is the approach of Cele to want me to back off. And that got me so upset, Commissioners, that can really General Cele go to the extent of wanting a person to resign from the Service, because he want to protect someone?

20 It was very strange. I did not talk to General Cele from that day. I did not talk to him. I was very upset. It disappointed me as a person who is a former Minister in the Police. I was just upset.

Fast-forward, Commissioners, the Police have got two disciplinary processes. It is what is called expeditious and the other one is a normal disciplinary process. Expeditious you basically in short I could say we are already saying to you, you are guilty of an offence, come

before a presiding officer to explain why you say you are not guilty in a way. But in a normal process there is, the employer must present the allegations and you have a chance to cross-examine witnesses and argue your case and then you have a presiding officer that must decide.

So the initial disciplinary procedure that was initiated for General Khan on that interference with the drug in Johannesburg was that of an expeditious process. So Khumalo was then appointed as the person who is going to
10 preside over that and Major General Khan approached the Court, the Court granted, they overturned that and they say no, we must go to a normal disciplinary hearing where he has a right to be represented and bring witnesses and cross-question witnesses, and so forth and therefore there must be a presiding officer appointed.

Then General Khumalo, the Divisional Commissioner, Crime Intelligence, approached me and he asked me to be a presiding officer. I then agreed. Shortly after agreeing to be a presiding officer, not long after that I
20 started getting this communication from Mr Mogotsi. But at that time I am not understanding as to what this communication, what is the background of this communication, but he start communicating these things to me. That is why he throws General Khan's name in it.

And later, I think if I am, I cannot remember the

exact date, I think it will have been the beginning of the year, I received an enquiry. Actually I received a phone call from the very same journalist, Mzilikazi Africa. His call was you remember the story I asked you about of what happened in Empangeni, I said yes. He said but my colleague has just approached me, confronted me about that story and he is asking him why did he not publish the story. And he said no, but there was no story there. I listened to this thing and it just did not make sense,
10 somebody is trying to ...[indistinct] and frame General Mkhwanazi for nothing, so I did not publish this.

And in his own words to me, Mzilikazi Africa, was this colleague of his says to him now I am forced to publish the story and Mzilikazi found it strange, so he called me first, he said hey, who did you upset somewhere in the Police and I said no, I do not know anything. Then he said but is there anything happening in the Police that will lead people to want to publish this thing that is a year later, so old that they want to publish. Then I said well, the only
20 thing I know is that I am going to be presiding over a disciplinary case. So he asked me whose disciplinary case is that and I told him it is for General Khan. He said oh, no, now I connect the dots, because my colleague and General Khan are close, it could be coming from there. That is his words. Mzilikazi will come here and say that, but I told him

that I am going to talk about this, he said no, if he is called here he will come and talk about it.

I know who the colleague is. I am not going to say it in public. He will perhaps if he want to divulge that, he will. That is why I am saying there are players within the media houses that are part of. So shortly after that I received a message from the very same colleague of Mzilikazi. He sent me a question about the same incident, I gave him a full explanation as I did here to Brian Mogotsi, a
10 full explanation.

A logic journalist will have understood, then said okay, well this is just a malicious thing and do not publish that. But that find itself to the newspaper on a Sunday. Commissioners, it is fair, that is why I like investigative journalist, I think they are credible because they investigate first before they talk. I like the ones on TV behind cameras because they give it as is. The others that will just get information from others and write it, becomes question marks, which what happened to this one.

20 **CHAIRPERSON:** In which Sunday publication was that?

LT GEN MKHWANAZI: I cannot, I know the name of the journalist, I cannot remember exactly the Sunday, the paper. I do not want to, I might end up being sued if I mention the wrong name here, but I know the name of the journalist, so I can give you the name of the journalist

...[intervenes].

CHAIRPERSON: You said you are not divulging it
...[intervenes].

LT GEN MKHWANAZI: Ja, I will give you the name of the
journalist, you will write and you will see the trend
throughout up to now, it is the same journalist that is part of
the squad. Well, there are others that are linked with him,
but he is the main one. So the story goes out,
Commissioners, to the newspaper. It is an allegation that
10 was made by Mogotsi that someone wants to open a case
against me.

Now in the newspaper is my full picture there and a
big heading, allegations against General Mkhwanazi
defeating, and they write the story of what happened. They
of course write my response, but the problem is it is my
face there, not the complainant. It is my face that is there.
The heading creates question marks about my integrity as a
person, as a senior officer in the province.

They put my full response on the paper, so a
20 person who reads the paper will get to understand the
context of this heading and the story. They will be fine with
it, but for you to get into a newspaper you must subscribe,
you must pay money. Some of us do not necessarily
subscribe to papers. But there is social media that is free.
Now on the social media they take the heading, because

you are limited on what you write in there, they take the heading, allegations that General Mkhwanazi is accused of defeating the ends of justice against a drug dealer at Qalakabusha and that goes into their media account, social media account and that which spreads like wildfire, because people access it easy.

Remember, they do not have a privilege of reading the full report that is on the paper, they are just taking it from this headline and the picture is painted that Mkhwanazi is a bad person and they are achieving what they want. So I took it as a pressure for me to back off from the case that I was going to preside over of General Khan.

How do I prove that is because General Khan's lawyers they even wrote to me on e-mails and said there is this things about you on the media, so we are in doubt of your independence in dealing with Khan. They wrote to me that and that is what they said on e-mail. So, and that is when I deducted that oh, the pressure was for me to back off on this disciplinary case.

So what Khumalo told me that they want him to resign because they want him to back off on the case. So why will they go all out to try and get us to back off on the case against General Khan. I am an independent person. Yes, I know General Khumalo is my colleague, but I am not going to go and go with what Khumalo perhaps might want

to do in dealing with Khan. Mine is to follow the policy and the law. So we arrived in the disciplinary ...[intervenes].

CHAIRPERSON: So you simply responded to the journalist's questions and you did not engage the journalist on what Mr Africa had said which was that this journalist was saying they were under pressure to publish the story. You did not engage the journalist on that?

LT GEN MKHWANAZI: No, I did not. I did not engage the journalist, Commissioner. I only gave a full response on the
10 question he asked me. I gave a full response. He took that response as is to the paper, but the problem is my photo and everything is there, so the damage is going to be there either way, whether I am responding but my face is already on the paper. And on the social, on their media account, social media account that short summary of it, it is the one that is trending, not the full response that I provided. It is
no there on social media.

So which means they achieved what they wanted, paint me a bad person. And you can Google, you will find
20 me protecting criminals, drug dealers of Qalakabusha. It is there, which ...[intervenes].

CHAIRPERSON: And those captures usually attract me to stories but when I scroll down I cannot read, because it requires that I be a subscriber.

LT GEN MKHWANAZI: Subscriber, that is ...[intervenes].

CHAIRPERSON: Which most of the time I am not.

LT GEN MKHWANAZI: Same as me, Commissioner. Majority of the people in the country they do not necessarily subscribe to papers, but they rely on that first caption and makes the story. Maybe two days later they put the full story when it is old, then you can read it without having to pay, but it is old news by then. So, and I could see that the whole idea was just let us tarnish this man's image and that is all. So that is what they did, they created the doubt.

10 So fast-forward, the disciplinary case comes and I believe I was fair to General Khan. Despite the allegations that came from IPID, I still protected his rights. I allowed him to bring his lawyers in there. I sat and I listened to the evidence that was provided. The very same General Khumalo that was asked to resign was representing the employer. General Khan had his legal team and there were witnesses that were brought to come and testify.

20 I could not find a single wrong that General Khan has done. In actual fact, I even said there on my own words that the SAPS owes General Khan for what he did, because General Khan stopped Police Officers that came to collect drugs under the person who was the Head of Traffic, Gauteng. They came to collect a consignment of drugs from the truck, the truck that arrived in Germiston and they wanted to get drugs from there. And the people that are

owning that truck company they said no, you are not going to take this drugs. They searched the truck from here, follow it to the final destination what is in Evaton which is the West Rand. So two Police Officers, one Johannesburg Traffic and one Captain from Zonkizizwe they followed the truck until it arrived at Evaton and they were accompanied by members, three members from Pretoria who travelled all the way there, one from Organized Crime, two from the Dog Unit and they all said they were coming to search the truck
10 and they actually offloaded the consignment from the truck which was drugs in bags.

They took this thing and they load it in the police car. Luckily the lady at work in that company contacted 10111. 10111 called Booyesen Police Station. Booyesen in vehicle came there and they, then there was a conflict between the Police when they discovered that these Policemen who says they are running this operations, they are already removing these consignment from the truck, they are loading it in a Police bakkie.

20 So these Policemen asked but this is a crime scene, why are you taking this thing from here to here. If you are saying it is drugs, we have not even opened the bags, how do you know? If it is drugs indeed why do you load them in the bakkie? And these ones said no, we are taking them to Zonkizizwe. And these ones said but this is

Booyesen area, why do you take this thing to Zonkizizwe? It is found here, it is a crime scene, get LCRC and everyone to deal with it. Then there was a conflict between Police at the time and that Police member who was present there took the vehicle, Police vehicle and he blocked this Police car that was already loaded with drugs. They blocked it so that it does not move and that is what allowed the other Police Officers to phone General Khan and say there are members that claim to be from Crime Intelligence, come and
10 intervene.

So he travelled all the way. He arrived almost 2 hours later there and he put a stop from this drugs to be stolen. He phoned DPCI, he phoned the local Provincial Crime Intelligence, they came and took over the scene and he left. But it was then strange as to how do you blame Khan for that, because he stopped the people that wanted to steal drugs. He stopped it.

So he was in a good space at the time, so I could not fault him, but that, Commissioners, does not take away
20 the fact that Mogotsi says Khan will brief me about secret information that were discussed in the presentation. So while I am having this belief that Khan has got to do with leaking of the information in there perhaps according to Mogotsi, but on the disciplinary part where Khan was accused of drugs he did not do anything wrong. So if I had

that bad intention against Khan I will have dismissed him, but I did not, because I gave him a fair disciplinary hearing of which you can ask him today, he will tell you, no I treated him fair.

Commissioners, that is, was the last time that media started writing about me. That made me confirm that oh, my being in the media so bad it was because of the anticipation that this is what I was going to do. In actual fact, after that I even received a message from honourable
10 Adams in Parliament who said no, you are a good cop, you did well, which I find it strange.

But nonetheless, we proceed with the presentation, Commissioner. I do not want to bore you with anything. I am just referring to some things that we are dealing with as we are trying to bring you closer to why we are putting these names together and the picture that we are trying to paint.

ADV SELLO SC: General, before you move on, I think Commissioner Khumalo would like to pose a question to
20 you.

ADV KHUMALO SC: Thank you, Adv Sello. General, for my benefit, in paragraph 197 of your statement, because MK17 is a communication between you and Mr Mogotsi starting from the 30th of September to the 2nd of October 2024, I am just trying to establish when that conversation

with Mr Nkabinde happened and what was the nature of the conversation.

LT GEN MKHWANAZI: Okay, Commissioners, I might have placed this paragraph like this, but Brown contacts me and he tells me about him with the Minister and all that. Immediately that day I called Nkabinde, because I wanted to establish this is last, in September, somewhere about October, that is when I phoned Nkabinde to ask but who is this gentleman and Nkabinde said no, Brown is a friend of
10 the Minister, but he is not employed in the Department, because I will assume if he is employed there he is an Advisor of the Minister, Nkabinde will have records.

But Nkabinde said no, no, he is not employed in the Police, but he is close to the Minister. So I had no reason not to believe Nkabinde, because that is what he told me and I actually asked Nkabinde to send me Brown's number. He did send me the number to confirm it is the same number that I have, that is why I went to verify that is it registered under Brown's name.

20 **ADV KHUMALO SC:** So you say you also got the same number from the Minister's Chief of Staff?

LT GEN MKHWANAZI: That is exactly. The Chief of Staff gave me the same number. So ...[intervenes].

ADV SELLO SC: General, if I may, because now, because the Commissioner has led you to that point, that would have

completed MK17 but if I can ask us to take a step back for the sake of completeness and deal with the last piece of MK17, that communication between yourself and Mr Mogotsi and I take it that that perhaps might just take us to tea, so when we come back then we progress the statement and technically that would be from 199.

Just to recap, General, you had dealt with what is on the screen now, yes, where you, a missed call. Do you see at the bottom 3:20 it ends with a missed call and a start
10 of congratulations, you are going to a safe country or something, or to save the country. So when we go over we are now at page 320.2. That would be the next page and that badly captured message at the bottom of the previous page is what is at the top, starting with the, it is a missed voice call first, then the message, congratulations, you are going to save this country. Have you found your place? Okay, then you can talk to this, this particular slide and that will be the end of MK17.

LT GEN MKHWANAZI: Thanks so much, Commissioners.
20 Commissioner, i had, from time to time this Mr Brown Mogotsi will communicate with me. I might just apologize, I think maybe there might be one page missing again on the attachment. SC is going to kill me now. That is why I am asking, I am asking for my phone. I do not know how it got missed. But ...[intervenes].

ADV SELLO SC: Okay, may I suggest that, is it a page that precedes 320? Oh, it cannot be 320.

LT GEN MKHWANAZI: No, it is after.

ADV SELLO SC: It is after.

LT GEN MKHWANAZI: It is after.

ADV SELLO SC: Okay.

LT GEN MKHWANAZI: Because the last conversation that I had with Brown was on the 3rd of July, three days before I went public.

10 **ADV SELLO SC:** Okay, can I suggest then we deal with 320.2, which is what we currently have on our record.

LT GEN MKHWANAZI: Ja.

ADV SELLO SC: Then you will speak to the one that you say it is missing, provide us and we will once again update your files. We hope that will then complete the picture. Thank you.

LT GEN MKHWANAZI: Okay. Commissioners, as you will see there that that, the last part of 320.1 where the message was sent on the 10th of April 2025, this year, at
20 17:13 in the afternoon and Brown sent me a message saying:

“My General.”

And I responded by saying:

“Yes, sir.”

It is towards the end of the page.

“Yes sir.”

And then he tried to call me. I did not take that call and the next message starts there but it follows to the next page. I think it is written better on the second page where he says:

“Congratulations, you are going to save this country.”

And I asked him:

“How so?”

10 And he says:

“Standing on your ground.”

I immediately assumed at the time, this is April, Commissioner. You will recall that on the 5th of March I had appeared before the Portfolio Committee on Police where I narrated the relationship between Brown and the Minister, that the Minister has denied knowing Brown in Parliament on record. If you so wish, you can access the YouTube and go to the records of Parliament, the Portfolio Committee on Police on the 5th of March 2025 and that recording if you
20 get it on YouTube is at 4h26 where my presentation comes in towards the end of that sitting of the Portfolio Committee.

I think I spoke for plus minus 30 minutes plus there, so where I explained not only the issue of Brown Mogotsi, but the wrong things that are happening in the organization, where I even made reference to me reliving

the experience I had in 2011. I presented it there before this Portfolio Committee. Now I assumed Portfolio Committee in Parliament are responsible for sharing this information with the Speaker and the members of Parliament then must interrogate that, but I am, unfortunately that was the first and the last time I engaged with the Portfolio Committee on this matters of this serious interest.

I am aware they invited me to come back and talk
10 to them about it. Maybe you will engage with them when you get there, because I already presented something to them and they, I must go back again and repeat the same thing. But nonetheless, the Minister had denied knowing this person, which later the Minister had confirmed to know the person when he was having a conversation with someone under the X platform.

CHAIRPERSON: You give a time where you start speaking on the, on YouTube. Are you able to give a time where the Minister made the denial? If you cannot, it does not matter.

20 **ADV SELLO SC:** Chair, I may, perhaps I may be of assistance. That is in his statement and he is still to get to that part. I understood the General to be summarizing ...[intervenes].

CHAIRPERSON: Alright, thank you.

ADV SELLO SC: What had transpired ...[intervenes].

CHAIRPERSON: Thank you.

ADV SELLO SC: Presumably that triggered what he has here at page 320.2 from Mr Mogotsi saying congratulations, you are going to save the country.

CHAIRPERSON: Thank you. Thank you.

LT GEN MKHWANAZI: Ja, so ...[intervenes].

ADV SELLO SC: With that summary the Chair might not be aware, but certainly Commissioner Khumalo is, it is 11 o'clock, we are in your hands, Chair, how we deal with this.

10 **CHAIRPERSON**: Let us take the – sorry? Perhaps, perhaps we stop there ...[intervenes].

ADV SELLO SC: We are in your hands, Chair.

CHAIRPERSON: We will stop the General midway ...[intervenes].

ADV SELLO SC: Thank you.

CHAIRPERSON: Maybe, General, if you could finish the part that you were dealing with and then we may adjourn where you think it is convenient.

20 **LT GEN MKHWANAZI**: Okay. No, I think this what I was, what the SC was ...[intervenes].

CHAIRPERSON: Yes, you were at the point I think where you were saying the Minister denied.

LT GEN MKHWANAZI: Yes.

CHAIRPERSON: Yes, in Parliament.

LT GEN MKHWANAZI: Yes.

CHAIRPERSON: Indeed.

LT GEN MKHWANAZI: So when he sends me this message of saying standing your ground I assumed that he is referring to that session we had in Parliament, hence I responded to that message, which response follows that:

“It is so unfortunate that it has come to this for doing what you are employed to do without any favour.”

So that is me writing to him and his response was:

10 “No, General, I think there is a misconception.”

And I asked him to elaborate and he says:

“There would be a time one day my brother, I have a funeral in Limpopo and we are burying next week.”

And I responded to him:

“Please accept my condolences for your loss.”

20 And that is where we ended the communication with him at the time. So that is why I said fast-forward to that there is other, maybe during the break we might want to make copies of that which then comes in later up until July.

CHAIRPERSON: Thank you, let us take the adjournment now and resume at quarter past 11.

ADV SELLO SC: Thank you, Chair.

INQUIRY ADJOURNS

INQUIRY RESUMES

ADV SELLO SC: Chair, while we settle down, General Mkhwanazi had promised to make available the last page of MK17 and despite our best efforts we could not do so in the tea time, so I do not know if you want him to deal with it from his phone, or ...[intervenes].

CHAIRPERSON: Perhaps, perhaps that is best, yes.

ADV SELLO SC: Okay, thank you, Chair.

10 **CHAIRPERSON:** We have been standing at the door for a good few seconds.

ADV SELLO SC: We do apologize for that, Chair. Thank you.

CHAIRPERSON: Thank you. Thank you. Yes, please, are you leading or will the General just deal with it?

EXAMINATION BY ADV SELLO SC (CONTINUES):

General, just to put it in context, when we dealt with page 320.2 you said that was the end of the conversation as we currently have it on file. You indicated that there was
20 however communication beyond that point and I think you referenced July 2025. But that currently is only on your phone, we do not have copies as I indicated to the Chair that we were unable to transfer from you, print and make it available. So we invite you to the extent possible to guide us through the messages as you have them on your phone

and during the lunch hour we will attend to the physical copy thereof.

CHAIRPERSON: And that will be page 320.3.

ADV SELLO SC: That will be 320.3, Chair.

CHAIRPERSON: Yes.

ADV SELLO SC: Thank you.

LT GEN MKHWANAZI: Thank you, Commissioners. What the, what is missing after the “please accept my apology”, which is on your files, there are further communication that
10 happened on the 2nd and on the 3rd of July 2025 and I must indicate, Commissioners, that throughout all this conversation I am having with Mr Brown Mogotsi he had not said in his phone the self-destruction message. It was not said. So he, I was screenshotting all this conversation but he kept on, these messages were always on a WhatsApp chat, until the 2nd of July. This disappearing message was activated on his side, but I had already screen grabbed the communication also, the 2nd and the 3rd of July that I have.

The message that came in on the 2nd of July reads:

20 “General, you need to intervene.”

And that is followed by a missed voice call from his side. And then I called him back, so we had a conversation. It is not here on record, but the conversation was about the arrest of members of Crime Intelligence that had happened in June, towards the end of June. I do not know what was

of an interest to him, because his communication was that we cannot be chasing J50's against each other. So a J50 is a Warrant of Arrest and that was his words that we cannot be chasing J50's against each other, these ones arresting these one and that one.

I must indicate, Commissioner, that after the arrest I had communicated with someone, a Police Officer that is in contact with some of the senior people that are implicated in this drug cartel. This Police Officer I had
10 communicated with were the Police Officer and I had sent some messages and we communicated back and forth. I suppose maybe that message landed with Mogotsi, that is why he felt it is important for him to come to me and say I must intervene and he says basically there must not be any fight back against each other, that we are now arresting each other and you know, we are going to end up in court.

And the last missed call that he made was on the 3rd of July. It was a Thursday, so he tried to call me in the afternoon at 14:34 ...[intervenes].

20 **ADV SELLO SC:** Apologies, General, the year please. Please indicate the year for the cord.

LT GEN MKHWANAZI: I am talking about July this year.

ADV SELLO SC: 2025.

LT GEN MKHWANAZI: Everything is 2025.

ADV SELLO SC: Thank you.

LT GEN MKHWANAZI: So the last call that he tried to reach out to me was on the 3rd of July. I did not answer his call. So that is where the conversation between me ended, Commissioners.

ADV SELLO SC: Thank you, General. If you cast your eye to your statement that would have taken us up to paragraph 196 and based on the question posed to you by Commissioner Khumalo we have technically dealt with 197 and 198. We then pick up the issue of your appearance at
10 the Portfolio Committee overleaf at paragraph 199, so if you can pick up your narrative from there.

LT GEN MKHWANAZI: Ja, I did indicate before, though I will repeat that, Commissioners, in the appearance at the Portfolio Committee it was a virtual meeting where I made a presentation. It was towards the end of the presentation and I must invite the Commissioners to get hold of the transcript of that meeting. You will be able to listen to the presentation that was even made by General Khumalo in that meeting as the Head of Crime Intelligence.

20 But here I only reflected to what I presented. Perhaps when General Khumalo comes here he might want to explain his part on what he presented. So my presentation was towards the end of the sitting of the committee and when, as I said, indicated there at 4h26 that is where I start speaking and the Minister when I finished

speaking and then the Chairperson of the Portfolio Committee afforded the Minister a chance to respond to almost everything that was presented, including National Commissioner. So the Minister then as he is closing his response he then said he does not know the gentleman that I am talking about, Brown Mogotsi and it, the meeting just ended there and that was towards the end. I think it is 4h52 on the video, that is where the Minister is speaking.

So as I said, this is available on YouTube on the
10 Parliamentary website. You should be able to find that meeting and I must thank the Chairperson of the Portfolio Committee, honourable Cameron for affording me the opportunity because it was not his decision to decide the way forward. I believe it will have been the collective in that committee that must decide what must happen next. But he afforded me the opportunity to present this to the Executive. So what followed thereafter I am not going to talk much about it.

Commissioners, as I said before that the Minister
20 will then appear through an X platform at Londcare, L O N D C A R E, and this was on the 30th of March 2025 where the Minister seems to be having a telephone conversation but it is in Zulu, so if you are understanding Zulu then you will be able to tell, otherwise someone will have to translate, where he is saying here that no, that Brown Mogotsi is my

comrade, he is just a comrade from North West, not an associate. So as I said, we might want to go to the UK to establish what it means, each one of those words, associate and comrade.

So, Commissioners, in my view when I see the ...[intervenes].

ADV BALOYI SC: General, before you proceed, has it been verified that the person on that telephone call is the Minister?

10 **LT GEN MKHWANAZI:** Well, the voice is the Minister, so, well I guess we have not go deeper into investigation, but it is the Minister talking, everyone can hear and she posted it.

ADV BALOYI SC: Yes.

LT GEN MKHWANAZI: Because she is speaking back. They are having a conversation over the phone.

ADV BALOYI SC: Yes, okay.

LT GEN MKHWANAZI: So it is something that through investigation on record you can be able to obtain that with ease.

20 **ADV BALOYI SC:** Okay.

LT GEN MKHWANAZI: But it is there for everyone to listen to it.

ADV BALOYI SC: Alright.

LT GEN MKHWANAZI: Commissioner ...[intervenes].

ADV BALOYI SC: Sorry, before that, Ms Sello can we

assume that we will for purposes of the record of the Commission ...[intervenes].

ADV SELLO SC: Yes.

ADV BALOYI SC: Get the Parliamentary clip that the ...[intervenes].

ADV SELLO SC: That he references at paragraph 199.

ADV BALOYI SC: Witness is referring to and then also this conversation that he has referred to in 201.

ADV SELLO SC: We shall ...[intervenes].

10 **ADV BALOYI SC:** For purposes of the record.

ADV SELLO SC: Commissioner, you mean we download ...[intervenes].

ADV BALOYI SC: Yes.

ADV SELLO SC: And make – okay, we can attend to that.

ADV BALOYI SC: Okay, thank you.

ADV SELLO SC: Thank you.

20 **LT GEN MKHWANAZI:** So Commissioner, my conclusion on this matter how Brown Mogotsi is engaging on Police matters and yet he is not a Police Officer, it made me conclude that this person without being a Police Officer has an access not just to Police Officers, but to the classified information of the Police, then here he is in possession of a Crime Intelligence presentation. Someone that was in that room will have to explain how does Brown Mogotsi get hold of such.

And Brown Mogotsi knowing even the diary of the Minister for him to say the Minister is in Lusikisiki. When I asked the Chief of Staff, he confirmed that the Minister is in Lusikisiki. It is a public knowledge that the Minister is in Lusikisiki, so he is a man that knows every move of the Minister. But despite all this public knowledge the Minister still deny knowing this person in Parliament. I find it strange, but it is not my place to decide what must happen thereafter.

10 Commissioners, I want to move to the next one. Perhaps ...[intervenes].

ADV SELLO SC: Yes, please do so, General.

LT GEN MKHWANAZI: With regard to what the team is busy with. The GCI Ops I said earlier is operating in Gauteng dealing with this drug squad. As they are investigating and part of their cases that land on their desk involve Vusimuzi Cat Matlala and so they would arrest, they will retrieve phones and they will download phones and they will analyse phones. So through that communication which
20 the team will elaborate further but I can indicate that the conversations that are picked out from that phone it is a communication between Brown Mogotsi and Cat Matlala. The two of them they are communicating.

As I said, the team is going to come before this Commission where they are going to come and confirm the

authenticity of the conversation that is there as they were doing the investigation and they have downloaded this conversation. But what was of a concern with the communication that is happening, Commissioners, between Brown Mogotsi and Cat Matlala, one conversation that is there it is about the disbandment of the Political Killings Task Team and this communication happened on the 31st of December 2024 and his message, one of the messages that he sends, Brown Mogotsi sends to Cat Matlala, I am going
10 to quote as extracted from the WhatsApp:

“Today is the day and Matlala should
just stand back.”

So this is what Mogotsi is telling Matlala that today is the day, just stand back. And we know that the Minister’s letter was signed on the 31st of December and Brown Mogotsi is talking about the disbandment of the team on the same day to Matlala, so which means he knows that it is going to happen on the very same day.

CHAIRPERSON: Sorry, General, you have only read that
20 today is the day, you should stand back. Where do you read that they are talking about the disbandment of the Task Team?

LT GEN MKHWANAZI: It is extracted from other communications that are happening in the phone, that is why I am saying, Commissioners, I do not want to go deep

into all the extracts. The team is going to come and explain. I am just highlighting the issues that concern me, that while I am fighting the disbandment of the team and I am trying to ask myself a question who is behind this and then I pick up this that this man says today is the day. It simply means he knew, because there is other conversations that the team is going to come and show before this Commission on what other conversation they were having even prior to that message.

10 But then what caught me, because what is not indicated here was a concern that Matlala had about the search that happened in his house and this then influenced the response from Mogotsi saying that stand back and relax, today is the day you, about the disbandment of the team.

That is why I am saying that on the day that Mogotsi knows about the disbandment of the team, I had said earlier on record here, Commissioners, that the Chief of Staff said to me the letter was drafted somewhere and it
20 was sent to the Minister and back and forth until it was signed. So whoever that drafted the letter I hope Brown Mogotsi will have a knowledge as to who the person is. If it is not him, who then the person is that was drafting this letter that was going to the Chief of Staff and eventually being signed by the Minister.

And on the 1st of January while all of you, January 2025, while South Africans are celebrating the New Year, Brown Mogotsi informed Mr Matlala that he will be meeting with Minister Mchunu and DNC Lieutenant General Sibiya. The text reads as follows:

“Good day. I have arranged a meeting for Sibiya and the Minister. Must have a solution.”

So this is the 1st of January 2025. The context of these meetings that must be arranged I do not know, but you can begin to see that there is a link between the Minister and General Sibiya and perhaps Cat Matlala, because he is talking about that, that he is going to be arranging this meetings.

So later that evening, this was round about 22 minutes to 11 in the evening, Mogotsi sent another message to Brown indicating that this is, this is the 1st of January, Commissioners, in the evening ...[intervenes].

ADV SELLO SC: General, apologies ...[intervenes].

20 **CHAIRPERSON:** To Cat ...[intervenes].

ADV SELLO SC: Yes, I was correcting that.

CHAIRPERSON: To Cat, not to Brown.

LT GEN MKHWANAZI: I beg your pardon?

CHAIRPERSON: You said he sent it to Brown. I am saying ...[intervenes].

LT GEN MKHWANAZI: Mogotsi sent it to Matlala.

CHAIRPERSON: Yes, yes.

LT GEN MKHWANAZI: Ja, they are sometimes confusing me, forgive me, Commissioners. Yes, Brown Mogotsi sent a message at 22:38 in the evening. He sends a WhatsApp to Matlala indicating that:

“The Task Team that came to your house and harassed you has been dissolved or disbanded.”

10 That is a message that is written by Mr Mogotsi to Mr Matlala.

ADV KHUMALO SC: General, by this point you still do not know ...[intervenes].

LT GEN MKHWANAZI: We do not know anything.

ADV KHUMALO SC: Because you only came to know about it on the 2nd of January.

LT GEN MKHWANAZI: Exactly.

ADV KHUMALO SC: The disbandment decision that is.

20 **LT GEN MKHWANAZI:** Exactly. And from the record as we investigate, Commissioners, I can confirm most likely, I am not saying that is the truth that even the National Commissioner’s office that were the recipient of the letter that was dispatched on the 31st, they received it late in the afternoon, I think after 4. So ordinarily people were in the office by that time. It is the New Year’s eve, they are most

likely not in the office, but that is when it was dispatched from the Chief of Staff to the office of the National Commissioner. But Brown Mogotsi knows about it on a public holiday and there is no one in the office. Then in the evening he then sends this message to Cat Matlala.

So if I move forward, Commissioners ...[intervenes].

ADV SELLO SC: You should now be at your paragraph 209.

LT GEN MKHWANAZI: Oh ja. Yes, Matlala then gave a
10 response but his response was not on the 1st, it was the following day, the 2nd of January and he wrote on his message response:

“Oh, really. I see you tried calling me last night. When is this happening?”

This is Matlala asking Mogotsi and Mogotsi responded on his WhatsApp. He says:

“They got the letter on Monday. As we speak they are bringing all the dockets to Sibiya.”

20 So I am bringing this to the Commissioners that this is a person who is not in the Police. He already demonstrated, he sent me the copy of the OB's and the likes the year before and now he is talking about the disbandment of the units and the dockets that are moving to Sibiya, although a couple of months later General Sibiya

write letters, demanding these dockets must come from KZN and come up. So Mogotsi already knew that it is going to happen. It is here and it is written.

ADV BALOYI SC: Can I just confirm, so on the 2nd of January, if you will just remind us, on the 2nd of January Sibiya, General Sibiya had not yet demanded the dockets.

LT GEN MKHWANAZI: No.

ADV BALOYI SC: As at the 2nd of January.

LT GEN MKHWANAZI: Ja. No, nobody – this letter went
10 out to the public first on the 2nd of January. That is when we became aware of it.

ADV BALOYI SC: Yes.

LT GEN MKHWANAZI: And remember, I said the National Commissioner is not around. The letters came I think a month or so later.

ADV BALOYI SC: Okay.

LT GEN MKHWANAZI: The first, first communication from General Sibiya and the other communication that followed thereafter.

20 **ADV BALOYI SC:** Thank you.

LT GEN MKHWANAZI: But the letter of the Minister which I want to draw the attention to of the Commissioners that the letter of the Minister to disband the Political Killings Task Team addressed only three things, which when we are investigating, we are dealing with drug operation in Gauteng

and we know these drugs are coming from outside the country, coming in here, they get processed and get distributed. Western Cape become one of the affected provinces because of this drug wars.

But the letter of the Minister addresses these three things. One of them it is about the discussions that they must have on borders, border policing. There must be engagement with regard to border policing. We know that there is an agency that was established by Government and
10 there is this discussion about moving some responsibility from the South African Police Service to Home Affairs on inter-border security. So but this what the Minister is talking about they need to address the border things.

And the second item the Minister is addressing on the letter is suspension of the filling of position at Crime Intelligence. I do not know what of an interest is that, but he put a stop to the filling of vacancy at Crime Intelligence. That is why to date there are a lot of vacancies that we have. The Head of Crime Intelligence, KZN has still not
20 been appointed from that time when that one retired until now. The Minister put a stop on the filling of vacancies.

The third thing that is addressed on the letter is the closure of the Political Task Team and he just talks about the closure of the team, that he does not add any value in policing in our country and it ends there. He does not say

anything about the case dockets. It does not mention that these dockets must move from point A to point B. He does not say it and he does not touch the dockets. He only speaks about the closure of the team. So that is what the letter is. That is why the surprise when Mogotsi's message seems to suggest that Sibiya, the dockets are being brought to Sibiya.

And to confirm that, this Mogotsi I think he wanted to give assurance of his knowledge of this correspondence
10 that Mogotsi forwarded that letter of the disbandment of the team which is signed by the Minister of Police, he forwarded that letter to Matlala. So he sent him the letter that is supposed to be an internal letter from the Minister of Police to the National Commissioner signed on the 31st and the 1st is a holiday, the 2nd Brown Mogotsi has the letter and he sends this letter to Cat Matlala.

ADV KHUMALO SC: How did he do that, did he attach it to the WhatsApp?

LT GEN MKHWANAZI: He attached it to the WhatsApp.
20 So I must indicate as I conclude on this one that at the time neither myself, the National Commissioner or the Project Manager, General Khumalo, knew about this decision to close. So it is something that the team picked it up when they are continuing with the investigation. Had we not arrested this Cat Matlala and have access to that phone, we

probably may not have known about this. So this is just to display the level of connectivity that Brown Mogotsi has in the Police. Well, he said it in public that, which is on record on TV that he was with, a part of the operation to bring Thabo Bester into the country. He said that and I know that General Khan was in that operation.

So it is something on the side that will need to be checked that I do not want to delve into. The Special Task Force were in that operation too, that flew over to that
10 country, although they did not get off the plane. They picked up these people and they came back. So how that operation was done, how was it coordinated, but it was not authorized by General Khumalo as the Divisional Commissioner of Crime Intelligence for sure. So I am not going to delve into that but Brown Mogotsi maybe he is invited here he will have to explain this involvement that he has, because he is not registered as a source in the Police, but he has access to everything in the Police.

So I am at 213, so I am not sure should I move on.

20 **ADV SELLO SC:** Yes, and that is the conclusion of your testimony as regards the Executive. However, when you were dealing with, I think business people yesterday we stood down some paragraphs because they involved Mr Mogotsi as well and we said we will deal with them today and you should pick it up from paragraph 240 at page 74 of

your statement. So it will be 240 to 242.

LT GEN MKHWANAZI: Okay. Again, Commissioners, here as the team, because they have extracted a lot of information and one of the conversations that is there between Brown Mogotsi and Cat Matlala on the 26th of January, Brown Mogotsi sends a message to Matlala, reminding him to submit his invoice. So from the intelligence gathering, Commissioners, I am informed that Matlala did provide a proof of his invoice that was submitted
10 and the payment that was supposed to be made to him from the SAPS contract that he had with the South African Police Service to be expedited.

And after that Mogotsi sends a screenshot of his conversation with the Minister Mchunu, including that he plans to have a meeting with the Deputy National Commissioner, General Sibiya and the Chief of Staff, Mr Nkabinde to discuss the finalization of Khumalo and General Mkhwanazi matters. These are conversations they are having, the two of them, but yes there are two General
20 Mkhwanazi's in the Police. It is myself and the one who is acting in Mpumalanga.

One might conclude that maybe they are talking about the one in Mpumalanga, but it is a team of KZN that is involved with the investigation in Gauteng, that is why I concluded that it is me that is being discussed here. I do

not know what discussions they are having, but there is a communication that is attached, Commissioners, there and annexed to our document.

ADV SELLO SC: Let me assist you there, General. At page 75 it is a blue screenshot, however we have updated your files. Overleaf is the enlarged version of it. That would be page 75.1 for easier reading. Thank you.

LT GEN MKHWANAZI: Commissioners, this is available, I do not have to read everything that is there, but this is just
10 an indication of the communication about the meetings that are in Durban. What is of an interest on this, Commissioners, as I read it is that in the message that he sends is that he is in Durban and he is talking about a Phoenix saga, which relates to ...[indistinct] and that was just a question mark as to what Phoenix saga is there, which I, is part of what the team is investigating.

There is something that was happening in Durban that he was communicating with the Minister about, but in the end of that conversation that is where he bring me, if
20 you go towards the bottom, that is where he is talking about the employment of Cyber Security people that is supposed to assist. I do not know what is his involvement with the Cyber Security, but it is there and that is where in the same conversation he makes reference to the funding.

And as General Khumalo and the team are going to

come here they are going to show you that he had facilitated the funding of the guest of the Minister of Police when they attended the ANC rally in Cape Town. There is receipts, there is proof, there is hotel accommodation and there are many things that the team has collected that they are going to come here and display. But I was just extracting this and I wanted to focus on the last paragraph when he says:

10 “Also meeting with the DNC and the
 Chief of Staff today in Durban for
 finalization of Khumalo and General
 Mkhwanazi’s matter.”

That drew my attention as to what is it that they are planning? What is it that they are discussing which a conversation happened in January as I said of 2025. There is an extract from the WhatsApp.

ADV KHUMALO SC: General, you say this is a screenshot found in Matlala’s phone.

LT GEN MKHWANAZI: That is correct.

20 **ADV KHUMALO SC:** And sent to him by Brown Mogotsi.

LT GEN MKHWANAZI: Yes.

ADV KHUMALO SC: So it is not found in Brown Mogotsi’s phone.

LT GEN MKHWANAZI: No, no, no. We have not gone to Brown Mogotsi, because the investigating, the team is

dealing with the cases that are before them and the cases that are before them involve Cat Matlala. We have not registered any case against Brown Mogotsi, so he is not a suspect of anything. That is why you could not just go to him at the time and conduct a search and pick up things, because we will be victimising people. Why will you do that if there is no case. We have no reason to go after him. So, but as we are picking up these things we then see this communication.

10 And I must indicate, Commissioners, here if you look at the top of that screenshot, Brown Mogotsi have served the person that he was communicating to when he made the screenshot as Senzo Mchunu. It is Brown Mogotsi that I guess is going to be invited to indicate who did he save with the name Senzo Mchunu. It could be someone else. I am not saying that is the Minister. He might have used the Minister's name but he saved someone else. But I guess the evidence is going to be produced on this. We would be able to investigate and determine who will he save
20 as Senso Mchunu.

CHAIRPERSON: So the greeting though does say "Morning Minister", but ...[intervenes].

LT GEN MKHWANAZI: Exactly. Exactly.

CHAIRPERSON: That does not necessarily detract from what you have just ...[intervenes].

LT GEN MKHWANAZI: Ja, ja. Ja, so I am just saying that if he comes and denies that that is not Senzo Mchunu, it is someone else, but then if he address “Morning Minister”, it could be another Minister that he has saved as Senzo Mchunu. So as we connect the dots this is the picture that is appearing that okay, there is this relationship.

And again, having gone to Brown Mogotsi’s phone, we have not gone to Minister Senzo Mchunu’s phone, equally so, to check these conversations. So I think that is
10 just about everything SC.

ADV SELLO SC: You had touched, General, on a question of funding. I just want to check, is it what is reflected at item 2 of that message, is that what you are talking about or were you talking about something else?

LT GEN MKHWANAZI: That is correct. So the conversation here that talks about the funding of 20, we really did not know what is funding of 20, because we know the people that were funded earlier in January they were less than 20 that went to Cape Town. The flats were
20 booked and everything, paid off by Cat Matlala.

ADV SELLO SC: Yes.

LT GEN MKHWANAZI: And so this discussion about the funding of 20 and to make a reference that this person is the one I said has a 3 billion contract with SAPS.

ADV SELLO SC: Yes.

LT GEN MKHWANAZI: We know, I do not know whether there is a 3 billion contract somewhere. I know that Cat Matlala had a contract with SAPS of R360 million. So I do not know what is the 3 billion ...[intervenes].

ADV SELLO SC: Okay.

LT GEN MKHWANAZI: Contract is. But these are conversations, screenshots that he sends to Cat Matlala.

ADV SELLO SC: We will pick it up with another witness perhaps. Better clarity will be provided then. Is there
10 anything else you would like to draw the Commissioners' attention to insofar as this screenshot is concerned?

LT GEN MKHWANAZI: Of Brown Mogotsi?

ADV SELLO SC: Ja, insofar as Brown Mogotsi is concerned.

LT GEN MKHWANAZI: No, Commissioners, for me I conclude that the Minister invited this Brown Mogotsi or he shared too much of the Police things with the person who is not supposed to be part of the Police and this Brown Mogotsi seems to suggest that from reading of everything
20 that he has a real influence to the Minister, or the Minister has an ear to this Brown Mogotsi. So he is able to speak things and to the Minister for the Minister to believe and he knows what is happening in the Police. But not only at the Minister's office, he also knows what is happening with the investigations, indication that him and General Sibiya have

contacts and he seems to have access to Crime Intelligence, that is why he would bring General Khan into the picture.

So this is a person that we know that if he claims he went to Tanzania, he will have perhaps been in the company of General Khan. So it is a person that has wide range of access into the Police, classified information, everything. So he is allowed to dictate terms in how the policing must operate.

10 So if this team did not investigate this Gauteng drug cartel we will not have picked up these things. So the picture then becomes clearer that oh, the letter of disbanding the team perhaps it had to do with this, but I am not the Minister. The Minister will come and conclude and explain himself why will he ...[indistinct] me to the National Commissioner on Saturday and three days later he signs such a letter? That is very critical in the operations of the Police without talking to the National Commissioner directly.

ADV SELLO SC: Ja.

20 **CHAIRPERSON:** Please make me understand this. If the issue was about Gauteng, so I assume it is the one that GCI Ops ...[intervenes].

LT GEN MKHWANAZI: That is correct.

CHAIRPERSON: What is being disbanded is the PKTT which even though it operates in other areas like the

Eastern Cape for example, its focus is KwaZulu-Natal. Now I hear nothing about, for example, the ten members – was it ten I think, that were sent up to assist the GCI Ops. I hear nothing that says and they must be removed from Gauteng and back to the disbanded PKTT. Now if my thinking along those lines is correct, the question would be if the issue is about Gauteng and the GCI Ops, how does that get disrupted if what is now being disbanded is the PKTT in KwaZulu-Natal?

10 **LT GEN MKHWANAZI**: Commissioner, it is exactly that which triggered my involvement in this. I was minding my business in KZN as a province. I had sent the members to go and assist the GCI Ops. I started getting report of what is happening in the GCI Ops and I started getting myself being attacked by some journalist in the media putting my stories out there and I started asking questions, why are these things happening.

20 So as I track back and I am getting this reports from what this teams do in Gauteng and I started connecting the dots and the picture started emerging, they invited me to this thing, Commissioners. Had they left KZN with the team like that and dealt with the GCI Ops, perhaps I would not be sitting here today. But they invited me into the picture, because we are disbanding something as operating in KZN, that is where I am responsible for and

you are not giving me the reasons and I am trying to reach out to find out what is the reason and I am not getting answers.

So I keep having a question mark as to why, what made you sign this letter? Why are you disbanding the team? Why is it bothering you? And then when I hear what they are doing those ones in Gauteng, then the confirmation is that it is a missed target. They were worried about the people carrying the dockets in Gauteng and this country
10 owes to two Sergeants, very junior members who started this fire in Gauteng. They do not sleep at home to date. Their families are disrupted. They started this fire in Gauteng.

And Khumalo took a responsibility of protecting them with the team from KZN. I suspect that the people that wanted to deal with this too they could not access them, because there was this KZN squad around them. So in thinking that it is a, they are seeing the KZN squad, they assume that it is the Political Killings Task Team that is
20 running this operation. So to disband the team, you will see the messages, the instructions of General Sibiya's letter says shut down members must go back to their units and get every file, every evidence that is in that file, bring it here.

So the interest was on stopping the investigation

and the people that they see in their face is the Political Killings Task Team, the 10. They are not aware of the GCI Ops. The people that bring the GCI Ops into the surface are people within Crime Intelligence, because the GCI Ops operate at Crime Intelligence. It is a Counter Intelligence operation. I had said earlier, General Khan was acting there and he was moved, so this operation is running without him part of it.

So it is people from Crime Intelligence that knows
10 about the operation that only brings it to the fore, but before the letter, those that maybe influencing the Minister they thought it is the Political Killings Task Team. That is why with us having displayed the performance of the team, the Mary De Haas experts of this world's academias who took an opportunity to talk bad about the team being influenced by people will come to this forum and explain where did they get this information from if the performance is like this and you are writing this correspondence of saying this team is Cele squad, fighting squad and so forth.

20 **CHAIRPERSON:** So do I understand you to be saying this, General, there were no instructions at the time of disbandment and even at the time of General Sibiya's letter that related to the GCI Ops and the 10 officers from KZN who had gone up to Gauteng to assist, no instructions at all related specifically to the GCI Ops and to the 10 who had

gone up to assist.

ADV SELLO SC: Chair, if I may before the witness responds, General Mkhwanazi referenced letters where he spoke of the instruction to bring all investigations and what happens to all members of the Task Team. May I be permitted to direct you to ...[intervenes].

CHAIRPERSON: Ja ...[intervenes].

ADV SELLO SC: To the documents maybe.

CHAIRPERSON: May I get that, more directly, please.

10 **ADV SELLO SC:** Okay, so ...[intervenes].

CHAIRPERSON: Because, because the broad statement that all members must go ...[intervenes].

ADV SELLO SC: Ended.

CHAIRPERSON: It could only have been to those who are on the ground servicing the PKTT as such and not those that may have left KZN and were in a sense not really servicing the PKTT. So ...[intervenes].

ADV SELLO SC: Chair, I see what ...[intervenes].

CHAIRPERSON: May you please ...[intervenes].

20 **ADV SELLO SC:** What we should do ...[intervenes].

CHAIRPERSON: I am not countering ...[intervenes].

ADV SELLO SC: Yes.

CHAIRPERSON: What you are saying. I just say ...[intervenes].

ADV SELLO SC: Because it all depends on the wording.

CHAIRPERSON: Yes.

ADV SELLO SC: It could very well be those who are members of PKTT go back to their respective stations ...[intervenes].

CHAIRPERSON: Let us, let us ...[intervenes].

ADV SELLO SC: Wherever they are located ...[intervenes].

CHAIRPERSON: Ja.

ADV SELLO SC: At the time.

CHAIRPERSON: Let us get clarity from the General.

10 **ADV SELLO SC:** Now, General, if you go to, please go to Annexure MK10. That would start at your page 187. And at the same time if you could have regard to the second part of MK10 starting at page 190. Those are the two letters you have included signed by General Sibiya. If you have located them, please start at page 188 and I think what you referenced in terms of investigations and records, is at paragraph 5 and its sub-paragraphs. Then the second letter is the one at 190 is the one that speaks to what must happen to PKTT members.

20 **LT GEN MKHWANAZI:** Okay, Commissioners, this letter as annexed it is dated the 4th of February 2025. It is authored by Deputy National Commissioner Lieutenant General Sibiya. He addressed this thing to the Divisional Commissioner, Detectives and Forensic Service. Paragraph 5 reads as follows, I quote:

“In compliance with the aforementioned directive of the Minister of Police you are directed to engage with the Divisional Commissioner of Crime Intelligence with the view to do a proper handing over and to follow all processes necessary to conduct a handing over process. This includes but not limited to:

10

5.1 a status report of all cases;

5.2 a case register wherein all the cases were recorded and current status of court going cases and cases under investigation;

5.3 all cases or projects, documentation relevant to the Political Killings Task Team. This should include all evidential material, documents, electronic recordings, etcetera. It must be booked into the SAP13 or in possession of the team or stored in any storage facility;

20

5.4 all human and physical resources allocated, listed as well as report

on all financial expenditure for the duration of the operation of the Task Team.”

ADV SELLO SC: Thank you. The second letter ...[indistinct] [microphone off]. I apologize.

CHAIRPERSON: Please repeat what you said.

ADV SELLO SC: It is because I knock it and then – no, it distorts the sound. I was referring you, General, to that, the letter starting at page 190.

10 **LT GEN MKHWANAZI:** Yes.

ADV SELLO SC: Still part of MK10 and I was saying to the point perhaps you might want to have regard to paragraph 3 thereof.

LT GEN MKHWANAZI: This is a letter that was written by General Sibiyá on the 22nd of April 2025. It is addressed to the Division Commissioner, Crime Intelligence as well as Divisional Commissioner, Detectives and Forensic. The heading said:

20 “Deactivation and disbandment of the National Task Team on Political Killings.”

Paragraph 3 says, reads as follows:

“A final feedback report on the finalization of this process, including confirmation that all Task Team

members have reported back to their stations of origin is awaited on or before the 25th of April 2025.”

ADV SELLO SC: I do not now if that answers your questions, Chair, or whether you would want General Mkhwanazi to comment further. Thank you.

CHAIRPERSON: Maybe it does, but I would imagine it has to be read in the context of the letter of the 4th of February.

ADV SELLO SC: Indeed.

10 **CHAIRPERSON:** From which I understand everything relates to what the PKTT as such ...[intervenes].

ADV SELLO SC: Yes.

CHAIRPERSON: Was involved in. So in that context that would necessarily mean that everything is being killed as it were, but if you read the paragraph that the Lieutenant General just read, then it may indeed be read ...[intervenes].

ADV SELLO SC: But may I also ...[intervenes].

20 **CHAIRPERSON:** It may be read to refer to everybody because if it says all members must go back to wherever they came from, then ...[intervenes].

ADV SELLO SC: And I think it ...[intervenes].

CHAIRPERSON: Then I would imagine maybe it means that even those that were assisting the GCI Ops must ...[intervenes].

ADV SELLO SC: Perhaps it might assist ...[intervenes].

CHAIRPERSON: Must ...[indistinct] [cross-talking]
[intervenes].

ADV SELLO SC: If I remind the Commissioners of
...[intervenes].

CHAIRPERSON: Just for the transcription ...[intervenes].

ADV SELLO SC: Oh, sorry.

CHAIRPERSON: Let us avoid speaking ...[intervenes].

ADV SELLO SC: Apologies, Chair. I ...[intervenes].

10 **CHAIRPERSON:** So must be uprooted and go back from
wherever they came.

ADV SELLO SC: Ja, thank you, Chair, my apologies. And
I was going to say the points that the Chair makes are very
correct, but I wanted to remind us of the testimony of
General Mkhwanazi yesterday regarding the secondment of
the members of the Task Team and his ongoing
engagements with General Khumalo to determine when it is
they could get back to the Task Team.

20 So in the context of them being expected, the
secondment to end and to revert to KZN, at least I read the
instruction at page 190 that all members of the Task Team
go back to their respective stations. General Mkhwanazi
had indicated that the members of the Task Team come
from various stations and are registered with various
stations in KZN. So when instruction that each one of them

report back to their stations, I would think by definition extends to those deployed to the GCI Ops. Thank you, Chair.

CHAIRPERSON: Thank you. Thank you.

ADV BALOYI SC: Ms Sello, I was going to ask this question of the General just to get clarity on that.

ADV SELLO SC: Yes, Commissioner.

ADV BALOYI SC: General, in the time that your 10 members of the Task Team were seconded to the GCI Ops, 10 did they remain members of the Task Team in the time that they are in Gauteng and assisting General Khumalo?

LT GEN MKHWANAZI: That is correct, Commissioners. These are members that were part of the Task Team that moved up to Gauteng.

ADV SIBIYA SC: Yes. Thank you.

ADV SELLO SC: Thank you, Commissioner. Chair, are you covered?

CHAIRPERSON: Yes.

ADV SELLO SC: I thank you. Commissioner?

20 **ADV KHUMALO SC:** I just wanted to check, do we have the letter dated 17/01/2025?

ADV SELLO SC: The one that is referred to in ...[intervenes].

ADV KHUMALO SC: Referred to in paragraph 1.

ADV SELLO SC: The letter of 22nd – no, we do not. This,

if you recall this would have been directed to the Divisional Commissioner, Crime Intelligence. So it would have, if we, it were utilized it would have come before this one.

ADV KHUMALO SC: Yes.

ADV SELLO SC: In terms of date-wise, but it is not part of General Mkhwanazi's annexures at this juncture. But to the extent that perhaps it might be necessary to complete the scene on this conversation we will ensure that the next witness and perhaps the Crime Intelligence Divisional
10 Commissioner, General Khumalo, to ensure that it is in his pack. And at the time of dealing with the issue then we will cross-reference these annexures. Thank you.

Chair, on our statement we would have completed this part of the evidence and we are now, we just completed paragraph 242 which would then take us to 243. General, at paragraph 243 you will start a different topic under the heading "political interference". Do you see that?

LT GEN MKHWANAZI: Yes.

ADV SELLO SC: At, you start this at 243 where you take
20 your testimony, pick it up from there, remembering when you go overleaf to skip page 75.1. It would continue then at page 76.

LT GEN MKHWANAZI: Okay.

ADV SELLO SC: When you are ready, thank you.

LT GEN MKHWANAZI: Thank you so much.

Commissioners, this is just to display the level of involvement or intervention that the Minister has or interference that the Minister has with regard to the work of the Police, which is inappropriate of a person on his level. On this political interference what I am displaying here, Commissioners, is that the Task Team issued an instruction in December and the Task Team continues to work in KZN and an incident happens after his instruction on the, in February, Commissioners, where a Councillor is killed in
10 KZN.

ADV SELLO SC: And once again for the record, please give the year of that February. And I think you are talking about what you have set out in paragraph 244 of your statement.

LT GEN MKHWANAZI: Ja, that is correct. An incident happened in 2024, February, where a Councillor is killed and the Police arrested two ...[intervenes].

CHAIRPERSON: Sorry ...[intervenes].

ADV SELLO SC: General – yes.

20 **CHAIRPERSON:** You said 2024. Your statement reads differently.

LT GEN MKHWANAZI: 2025, my apologies, Commissioner.

ADV SELLO SC: And in fact, your paragraph of 244 has got the full date, perhaps you just might want to take that into consideration.

LT GEN MKHWANAZI: Okay, on the 5th of February 2025 after the shooting incident that had occurred in one of the small districts in KwaZulu-Natal which is called iLembe district, for those who are familiar it is in around Ballito's side, a Councillor was killed, Mr Mabhida and two arrests were effected. The station knowing the procedures that we have that when an incident of this nature that involve Councillors they must communicate with the Political Killings Task Team so that they can take over the docket.

10 And the District Commissioner directed as such and that is Major General Gopaul. Major General Gopaul then contacted me and informed me about his engagement with the Minister of Police, Mr Senzo Mchunu.

ADV SELLO SC: Before you proceed, can you place into context Mr, no, Major General Gopaul who is he, where is he based, what station if necessary and his level within SAPS.

LT GEN MKHWANAZI: Major General ...[intervenes].

20 **ADV SELLO SC:** If you perhaps have regard to paragraph 244.

LT GEN MKHWANAZI: Major General Gopaul is the District Commissioner of iLembe district, so the incident that happened, happened under his jurisdiction. So General Gopaul experienced a situation where the Minister calls him and he want to be briefed about the incident that happened.

So the Minister did not bother to phone the National Commissioner or phone me, but he phones the District Commissioner to ask about that incident that involved the murder of a Councillor.

And General Gopaul responded to the Minister and he explained to him what has transpired and so forth and then he indicated to him that the case docket has been referred to the Political Killings Task Team for investigation and according to General Gopaul the Minister was very
10 unhappy about this and he asked why did they give the case docket to the Political Killings Task Team. And General Gopaul explained to the Minister that this is a standard procedure that we have. The Political Killings Task Team they are better resourced, they have got an investigation capacity and contacts to help investigate the cause of this murder and the people behind it.

So the Minister wanted General Gopaul to keep him up to date about the status of that investigation although he was upset about the fact that that docket was given to the
20 Political Killings Task Team. So here is a Minister who is upset to the District Commissioner about who is carrying the docket, instead of appreciating the work done by the Police that they have arrested the perpetrators, but that is not of an interest to the Minister. What makes him upset, more focussed is why is the docket given to the Task Team.

This will have been on the 5th of February. And again on the 15th of February the Minister reached out to General Gopaul and seek an update. And General Gopaul then indicated that the information about the status of the case is with the investigating officer from the Political Killings Task Team, the least he can do is to send this investigating officers to brief the Minister about the status of this case that he was asking General Gopaul, because General Gopaul is not carrying that investigation.

10 But the Minister then responded to General Gopaul and say no, no, he is covered, which means he does not need the Political Task Team to come and brief him. And General Gopaul has deposed to an affidavit about that interaction that he had with the Minister, which is attached on our records here marked MK21 as a reference. So ...[intervenes].

ADV SELLO SC: Before you proceed, two things, Chair. MK21 is the affidavit, typed affidavit. So it does not have signature at the back. We are trying to track down the original affidavit from you know which this was transcribed. 20 That goes to page 331. And beyond that is another document that I am going to request the witness to explain and then he can speak to this, the annexure in its totality. General, you understand that the affidavit annexed purportedly by Major General Gopaul in your annexure is

not signed, correct?

LT GEN MKHWANAZI: Yes.

ADV SELLO SC: And attached to that is another document appearing from page 333 which you have combined with that affidavit. I would like to invite you to talk to the second document from 333 and explain to the Commissioners what that is.

LT GEN MKHWANAZI: This is a communication between General Gopaul and the Minister of Police as extracted
10 which reflects the date, the time, a message from the Minister, a response from General Gopaul, a message from the Minister and the response from General Gopaul and it start from the 5th of February and it goes down the page as the Commissioners will appreciate that the last conversation it is almost at the end of March where the communications are happening.

ADV SELLO SC: I see on this document it interchanges between Minister Mchunu such that it will indicate missed voice and Anthony on the other. Who is Anthony, do you
20 know?

LT GEN MKHWANAZI: I beg your pardon, I did not get that?

ADV SELLO SC: If you look at page 333 ...[intervenes].

LT GEN MKHWANAZI: Yes.

ADV SELLO SC: Let us look at the first entry, it states

Minister Mchunu and then it indicates messages and calls are end to end encrypted. Only people in this chat can read, listen to or share them. Then it once again references Minister Mchunu and Minister three times. The next entry which is indicated as 1st of February 2025 at 13:33:55, against that is an entry “Anthony”. You deleted this message. My question to you is do you know who Anthony is?

LT GEN MKHWANAZI: Anthony it is Major General
10 Gopaul.

ADV SELLO SC: Okay.

LT GEN MKHWANAZI: That is his name.

ADV SELLO SC: Thank you for the clarification. And then it continues until overleaf I think at page 334. You may proceed with whatever further comments you wanted to make about this document.

LT GEN MKHWANAZI: No, the 334 it is still an extract
20 from the conversation or the messages that are with General Gopaul. It does not necessarily mean that they are with Minister Mchunu *per se* but it is part of a conversation that is extracted from General Gopaul. It shows the other communication, not necessarily only with the Minister.

ADV SELLO SC: So how do we read this? Do, are you suggesting to the Commission that from the first entry to about just past the halfway point of the page, I do not want

to mention the name that is written there, everything above is a communication between Major General Gopaul and the Minister, but everything else below, you see there is a word in parenthesis before an ID number. Are you suggesting everything below that now no longer involves the Minister, but it is communication that is with the Major General's telephone.

LT GEN MKHWANAZI: Commissioner, yes, this communication is not necessarily with the Minister, but if
10 you read the last message on 333 ...[intervenes].

ADV SELLO SC: Yes.

LT GEN MKHWANAZI: Which is dated the 30th of March 2025 at 10:59 in the morning.

ADV SELLO SC: Yes.

LT GEN MKHWANAZI: Where General Gopaul with the name Anthony, where he typed that:

“Minister, local branch may raise
concern on candidate as from the chat
I picked up.”

20 Let me explain to the Commission what this communication is about. This communication is not about the case of a Councillor and it is a culture of the experience we have as the Police that when the Executive authority is engaging on a political project, there is always blurred lines about focussing on political issues but you want to bring the

portfolio of being the Executive authority and you invite the Police to be part of this political program.

What had happened here, there was going to be by-elections. A person who was a Councillor had resigned from the position and there was, and that person for whatever reason they were having in that political party he resigned and he joined another political party. So he was campaigning for another political party.

So the Minister then came into the area as a
10 deployee of his party to assist the campaigning of another candidate to be elected. So part of his, when he arrived he requested, actually he did not communicate with myself, nor General Gopaul, he communicated with the Station Commander, he said to the Station Commander he wants to meet the station management at the Police Station, because he wants to ask them about a case, the case allegedly that involves the Councillor that had resigned from this side and moved over, campaigning for another political party.

So the Minister was interested to know what is
20 happening with that case, because this man has got a case, so which means they wanted to make sure that he is arrested so he does not stand for the other party. So the Minister called the station management. The station management communicated with General Gopaul. General Gopaul was sitting with me and he told me about it and I

said I think you better go there. The Minister cannot see it with the station management alone, go there and find out what is going on.

And at the same time the station had already informed General Gopaul on what the Minister's specific case is that is, he wants them to account to him about. Remember, he came there for campaigning, for election, but he wants the station to come and explain to him about the status of the case against a competitor for the election. So
10 the station must brief him about it.

General Gopaul obtained information with regard to the status of the case, so he went to a meeting. I guess the Minister was surprised when General Gopaul landed there, that the Minister suddenly he meets General Gopaul, it is not only the station management alone and then he enquires about this candidate.

Unfortunately for the people that, of that political party that the Minister belongs to, they had a mistaken identity. They thought the case that was opened was
20 against a candidate, but it was against the candidate's brother, missed target again like the PKTT and GCI, they missed the target there. And they realized their complaint is unfounded, but beside that there was a case, the feedback was given there which was satisfactory with regard to the status of that case, although it did not concern

them, but they were told okay, the case is like this. But the question was Minister, why would you want the station management to come and account to you about the specific case that involves a person who is competing with you in the political space, so which means if there was a case against this person, he was going to put pressure to the station management to make sure they arrest this person before the local elections that were going to take place.

So fortunately General Gopaul intervened. So
10 when you see this communication that is attached here, it is more of a status of the case that General Gopaul needed to go and brief the Minister about. That is what is here. So this is the type of behaviour that we started seeing happening in the province.

Well, the results of those elections are there for everyone to know, the person who resigned from the side and competed for this side, who won. It is not our business as the Police. We should not get involved with that. But this is the interference that when we talk about the
20 Executive authority that end up not knowing where to cross the line comes in. We experience it a lot in the Police.

ADV SELLO SC: Thank you, General. Just for the record, we do confirm that we have reached out to Major General Gopaul, he would have to come and confirm precisely what the General has said. Is there any other matter you would

like to deal with under that heading, political interference, or does that bring you to the conclusion?

LT GEN MKHWANAZI: So far in terms of Executive, the Executives we had in the Police it is the Minister, Senzo Mchunu with this level of interference is that I have displayed and also General Cele with the interference in terms of the disciplinary matters that I spoke about earlier. Although we are still going to talk about, on the statement about other matters, but those are the two that were within
10 SAPS that I can flag of the roles.

One example is, not many, there are many other examples that I can put out there, but because I want to confine myself to the letter of the 31st of December and what happened thereafter and to demonstrate how the Executive authority get to be involved with operational decision, which is unethical in my understanding. That is crossing the line between a policy making and operations and bring the Police to come and use the Police as a weapon in political competition like that.

20 We respect all the leaders of our community as the Police, whoever that is the leader of the community is voted by the people and we must serve them. That is what we do as government. So that is where I am going to leave it here for now.

ADV SELLO SC: Okay, thank you. We will leave it there.

The last category, remembering that all, this conversation we have had relates to the press briefing you had on the 6th of July. By you I mean collectively as the SAPS members. You had indicated that this interference is from different quarters and you listed them. So we have dealt with every category, political, by political we mean Parliamentarians, Executives, you have dealt with business people, you had listed the Judiciary there as a heading. You picked that up from paragraph 159, if you could turn there.

10 Commissioners, before General Mkhwanazi decided to give one example per category there were a few examples and whittling it down and trying to make the evidence, his testimony manageable, the narrative is from page 159. There is a name that appears above that narrative.

ADV BALOYI SC: You mean paragraph.

CHAIRPERSON: Paragraph 159, not page ja.

ADV SELLO SC: 159. Yes, paragraph 159, thank you. There is a name that appears above paragraph 159 I am not
20 going to call out. It is wrong. I would like you to please redact that name and the name must be Vusimuzi Mahlango, but the rest of the paragraphs stay the same. And as I said, in the process of redaction the narrative relative to the individual got mixed up, so we apologize for that. I will not even call that name. I am correct that what you want to

testify to in this regard relates to Magistrate Mahlango, is that correct?

LT GEN MKHWANAZI: That is correct.

ADV SELLO SC: Okay. Then you may start from page, paragraph 159.

LT GEN MKHWANAZI: Commissioners, I had said when I started that we are investigating and evidence comes up that leads into another investigation.

CHAIRPERSON: Sorry for that General. You may
10 continue.

LT GEN MKHWANAZI: Commissioners, I had indicated that as we investigate we gather information which leads us into another investigation as, and as we uncover certain things it leads us into another investigation. So we end up seeing the picture of everything without knowing at the beginning what will have caused, that is why we end up seeing the picture. So the picture that we started seeing that I was demonstrating for the two day and a half is that the team that was working in KZN which was supervised by
20 General Khumalo, and find themselves having to second members to come to Gauteng to assist the Gauteng Police on an operation that is under Intelligence that is managed by General Khumalo.

And this operation in Gauteng was dealing with the drug cartel and some of them arrested, the Molefe's, the

Matlala's and there are many others that are a part of the list of what the team have identified, Police Officer in part of it and so forth. Now there are two operations, one man. Two operation, one division. And this person is at Crime Intelligence is busy with two things. He is busy, actually three things. He is busy with an investigation of coordination of KZN political issues, he is busy with the Organized Crime of Gauteng on one side, but he is busy managing the division that is called Crime Intelligence, 10 trying to put reforms and you know, fix things up there.

Now the letter of 31 December 2024 that disbands the team it triggers my enquiry. So as I enquire on what these members are doing, I begin to know about this level of corruption and criminality happening in Gauteng and the challenges the team is facing. And through my sources that I deployed in different structures also of even departments as well as the community around, I stayed, which I did not say earlier, I work in Gauteng for more than 20 years, I stayed here, so I know every corner of this province. So I 20 have people that I know that I talk to and they feed me information, Police Officers and other private people that still give me information about what is happening in this province.

And I am collaborating that with that the team is telling me and then I conclude that the target here is to deal

with this Organized Crime investigation, not the Political Task Team. But because the members are here, the people that want to fight this they think that it is the Political Task Team so they wrote a wrong letter. They disbanded the wrong team. They were supposed to deal with the Gauteng Counter Intelligence operation, not the Political Killings Task Team.

But here we are. Who is part of this Gauteng Counter Intelligence? It is the very same person who is
10 part of the team and this person coincidentally on the structure which I displayed on the first day he reports to one person, General Sibiya. The very same person in terms of the structure must communicate with General Sibiya to the National Commissioner.

In his investigation on Organized Crime he see some linkages and names of Sibiya that come into the picture. The members that are busy with this investigation they are engaging with some senior officers in Gauteng that are socialising with some of this drug dealers and that
20 becomes risky. Now it is within Counter Intelligence.

So when we see the member of Parliament who claims in public that he was minding his business and next thing underneath his door there was a report from Crime Intelligence that flew into, under his door. He took that report and he went to a Police Station to open a case.

General Khumalo is going to come and present the details about that, because there is already an evidence of a communication between a member of Parliament and members of Crime Intelligence, specifically General Khan and the Inspector General of Intelligence who is the anchor in all this.

So what we are seeing happening is that these cases are opened in Cape Town. The following day they are opened in Johannesburg. One of the charges in these
10 dockets which we, the member of Parliament is all welcome to open cases if you feel there is something illegal that is happening, but one of the charges is about the appointment of that Ms Mokwele who came from BMW who came into the Police. That is one of the charges.

We know in public space some so-called expert, the Paul O'Sullivan and the likes that have been very vocal about the appointment of that lady that she was a cleaner at BMW, she is now a Brigadier in the Police, but I guess her profile and everything will be coming to this so that the
20 Commission can get to see exactly what is it that she was doing there and how much was she paid and what is she doing in the Police and what is she paid, how she came about being appointed. That one would be presented later.

But when we see a case opened in two provinces and it gets transferred by the Chief of Staff of the Minister

of Police to IDAC and IDAC is in possession of this in 2025 towards the end of the year, but the case that ...[intervenes].

ADV SELLO SC: Apologies, General.

LT GEN MKHWANAZI: Ja.

ADV SELLO SC: And Commissioner Khumalo wanted to correct you. Please consider the year. You say end of the year?

LT GEN MKHWANAZI: 2024.

10 **ADV SELLO SC:** Okay. You had said 2025. Thank you.

LT GEN MKHWANAZI: Sorry. So my bad. End of the year 2025 which I referred to earlier that the, Mr Adams, the member of Parliament had opened cases in Cape Town and Johannesburg and there it was transferred by the letter of the Chief of Staff of the Minister of Police to IDAC within NPA for investigation. So IDAC had written a letter to the Divisional Commissioner of Detective Service to hand over those dockets, which was done towards the end of 2024.

20 So IDAC is now in possession of complaints. I had said earlier the report from the Inspectorate said there is no elements of crime on this complaint. It is a hearsay. The Legal Services from the Police are saying the same thing. Mr Adams does not avail himself to be interviewed in order to deal with this complaint.

But fast-forward, Commissioners, General Khumalo

and the team, one of the critical two people I am going to mention in the team is the Provincial Head of Crime Intelligence in Gauteng who started this, who brought General Khumalo into the picture, because he was approached by the Head of Detectives in Gauteng and said there are threats against my members, please assist with the threat assessment.

It is that General Lakalakala who spoke to Ntuli to conduct the threat analysis and they reported to General
10 Khumalo. So they invited General Khumalo to get involved as Gauteng. So that Lekalakala is arrested with Khumalo and the charges that they are arrested for, or the case they are arrested for it is a case that is with IDAC. The case is opened in June of 2025, but the case has got the same charges, a complaint from Mr Adams similar to what Mr Adams deposited the previous year, 2024 in October in Cape Town and in November in Johannesburg. It is a similar complaint that these members are arrested for by IDAC in June.

20 But what is strange about it, Commissioners, is that instead of IDAC working on the complaint of Adams which had no basis for a complaint, and effect arrest on that, they did not to date, but they sought to get Mr Adams to deposit another statement. Whether he was coached or whatever, he deposited another statement at the beginning of 2025 in

January to IDAC, a completely new statement which now must prove to some degree that there is crime. So that is what enabled IDAC to then investigate. In January the statement is dated. In June the case is registered. The same June these members are arrested.

CHAIRPERSON: Can you please detail the differences between the two statements for me to follow, the point you have just made?

LT GEN MKHWANAZI: Commissioner, I am going to invite
10 the team to bring, that have been arrested and charged to bring the copy of the charge sheet and the statement that was deposited in that first docket to come and present to the Commission. I do not have it with me, but I have access to it and I read it. So that is why I am able to draw a comparison between this and that. So the question I was asking, but IDAC why did you not arrest them on the October and November complaint. Why did you put another statement in January ...[intervenes].

CHAIRPERSON: And that being the complaint of
20 “interception”.

LT GEN MKHWANAZI: All what was mentioned in October and November in Cape Town and Johannesburg, one of those was the appointment of this Ms Mokwele.

CHAIRPERSON: Oh, oh.

LT GEN MKHWANAZI: The arrest it is about Ms Mokwele.

CHAIRPERSON: Okay, alright.

LT GEN MKHWANAZI: But the statement from the complainant, Mr Adams, is dated January now. It is a new one.

CHAIRPERSON: Okay.

LT GEN MKHWANAZI: A completely new statement which was retaken. But the case is not a similar case as that, those two, so it is another completely new case that is registered as if it is a new thing. But well, if there is
10 evidence of a crime, I am not going to argue that. They have got all the right if there is crime committed they must act on it. They have got all the right.

But what is strange, Commissioner, and I am going to invite South Africans to go to that Court and if so, demand to see the charge sheet. I am not a lawyer. Many South Africans are not lawyers, but they will read what is sitting in the charge sheet and they will know that this in any given day it should not have landed in a criminal Court of law. But it is there.

20 The Magistrate signs a warrant, or IDAC investigator signs a statement and give it to the Prosecutor in IDAC who signs off that statement. It goes to the Magistrate, the Magistrate approve the warrant of arrest and these people are arrested and they go to Court. In Court strange things happen, Commissioner. That what

makes me to then get to worry. That is why I am talking about it here today, because one of the strange things that happened that involves a Magistrate who is presiding over a case that the members from Crime Intelligence are arrested on, he impose a very bizarre bail condition towards those members and the bail condition that is imposed by the Magistrate in that case against these members from Crime Intelligence said explicitly that these members who are arrested for facilitating the appointment of Ms Mokwele from
10 BMW to Crime Intelligence are barred from going not, this incident happened in Pretoria in their offices, they are barred not to go into any premises of Crime Intelligence anywhere in the Republic of South Africa. That is a bail condition. This is not what the State asked for, but this is what the Magistrate took it upon himself to impose on these members.

Remember, Commissioner, I said it is the same team that is busy with the operation of Gauteng Counter Intelligence operation. They are barred by the Magistrate
20 to get involved or enter any premises of Crime Intelligence. So by default it means the operation that they are busy with against the drug cartel must stop immediately.

So as I said, maybe the Magistrate, someone will say no, he erred. It was an overreach and, I do not believe it is that. I believe it was a calculated move to make sure

that they put a stop on involvement of this members with this operation. And I can confirm to date, Commissioners, that that operation stopped. While the members are crippling, trying to work but is frustrated. But it does end there. It does not end there, because a person who has got an oversight in the runnings of Crime Intelligence which is the Inspector General of Intelligence, is demanding the files of that operation. He wants to know what is happening with that operation himself, which is very interesting. Why will
10 the Inspector General be interested on an operation specific?

So we have no other reason than to believe that this bail condition, not the arrest, maybe they did wrong during the appointment of this individual that warrants such a case and such charges, maybe it is justified, but the bail condition is a problem. For those that follows the case, and I have seen media houses that are here today they go to Court, they listen to the argument and they go out and they file their reports and they come back to Court. The last one
20 was supposed to be on Monday last week. It was postponed, because the recording device were not working in Court, then it was just only one court room. The others were working, but that one – so there has to be this delay of them coming back.

What is strange that happened which I did not put

here, Commissioners, is that many of those members that were arrested, one of them that is one of the charges, he has got two charges, the other one I do not want to talk about, but the prostitute and the loss of a firearm and stuff like that, he has to answer on that case, but he is also charged on the appointment of this Ms Mokwele. So when the whole lot appeared in Court and they were granted bail with those conditions, this one was kept in custody and he appeared alone the following week.

10 When he appeared alone, he appeared before a different Magistrate and the different Magistrate made it clear and said I am not going, it is not the job of the Court to put conditions about where to work, where not to work, we are releasing you on bail, go back to work. It is the National Commissioner of the Police that would decide whether do you enter this building or not, because the State does not say that you being in that building how is it going to affect the bail condition or the witnesses that are there.

20 So this is the bail condition given to one accused and this one accused occupy a position of a CFO of this secret Fund at Crime Intelligence. He was suspended. His suspension ends and he pitched up at Crime Intelligence to go back to work and he was told not to go back to work. The National Commissioner will come and explain the reasons for that, but Ms Kohler Barnard released the

publication on that and she was very aggressive towards the National Commissioner saying that the National Commissioner does not even know the terms of the bail condition of this person. The Court said this person must not enter the building of Crime Intelligence. She said that and she wrote it down and the bail condition does not say that. So it means she missed that the other Magistrate is the one who came with the condition but the other one that effect this CFO did not say that, but she is of an opinion
10 that this person is not supposed to enter the buildings of Crime Intelligence, so therefore – and I am told by the National Commissioner who is going to come here that the Head of IDAC phoned the National Commissioner and say that person must not come back to that building, the CFO, despite that the bail condition does not demand that.

So this is just to show that there are old efforts that are being put in place not against the members of Crime Intelligence that are accused of appointing the wrong person. If they did that, they must be penalized, it is fine.
20 But there is an overreach in getting to frustrate this project. So this is part of the ongoing things that are happening as we are sitting here today that the project against Matlala's, against Molefe's and the others is being frustrated because the people responsible for this project are told by the Magistrate never to enter the premises where this project is

running.

CHAIRPERSON: So in short, General, you are saying someone must have influenced the first Magistrate?

LT GEN MKHWANAZI: Commissioner, you are a Judge, I am sure, I do not know whether you will have access to get to see the charge sheet, you will make your conclusion and you are all legal experts, whether whilst the statement from the investigating officer, or so-called investigating officer, I must qualify that, the investigating officer, Mr Padayachee
10 from IDAC, which was deposited was brought to the Magistrate seeking the approval of the warrant of arrest, whether was it justifiable for the Magistrate to sign it.

Then fast-forward, you will come into Court, in Court you have a Magistrate that comes with this bail conditions, whether was it justified. So behaviours of both senior people within the Court it makes me conclude that it is a part of a plan to frustrate this project. So I invite the Commissioners to have access into this record in Court so that you are able to see what are they charged for and what
20 crime did they commit.

And while on that, I am going to invite you to, I spoke about IDAC yesterday, that the arresting officer which the Court gave instruction on the bail condition that if these members wants anything at Crime Intelligence's premises, they must contact an investigating officer, Mr

Padayachee. Mr Padayachee has never touched a case docket in his life. It is a person who is an ex-employee of the Police. It is an individual who is a ex Crime Intelligence member, but he is the Head of that investigation against these members of Crime Intelligence.

It is the Magistrate that grants this Padayachee right to have access to Crime Intelligence. If these members want anything at Crime Intelligence they must talk to him. So we invite the Commissioner to go and check on
10 the record of the appointment of Padayachee in IDAC, his qualifications and IDAC they will come here and justify why did they choose such a person to become a senior investigator at IDAC that is charged with the responsibility of dealing with serious crime and he had to bring a person who retired from the Police to become the Head of Investigation at IDAC with no qualification whatsoever on investigations and grant that person the authority to be the one that is going to handle this matters. So I invite the Commissioner to go deeper into that matter. I do not want
20 to engage more on it, but it is a worry for me, because it is a picture that is there for everyone to see.

So what is then in the media, Commissioner, is part of the strategy I said this is how it works, make them look bad, oh at last the people of Crime Intelligence they have been arrested because of the Slush Fund. We still have

players at Crime Intelligence that were there in 2011 who are part of this plan and they are still there today. Brown Mogotsi's are referring to them.

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

LT GEN MKHWANAZI: So I am going to end it there.

ADV SELLO SC: As you end there, would I be correct, and I apologize if I interrupted you, I did not mean to, would I be correct with reference to your statement that what you have just engaged the Commissioners on is summarized at your
10 paragraph 162? I would like you to have a glance there. Would that be a correct assumption on my part, or at least interpretation of your statement?

LT GEN MKHWANAZI: That is correct.

ADV SELLO SC: Okay, so insofar as your concern regarding the Judiciary is concerned and in particular this one Magistrate and the specific case, you draw a conclusion at paragraph 163 that you may want to summarize.

LT GEN MKHWANAZI: If I were to read this one on my conclusion, Commissioners, if you allow me, I see again
20 raised a concerning feature of this criminal investigation as well as its progression through the Courts. The complaint originate from Mr Adams, the member of Parliament, and I have explained in my statement its dubious genesis.

“As to the role of IDAC I fail to see how
an employee, an employment matter of

a midlevel employee rises to the level of serious high profile or complex corruption of unlawful activities arising from the Sate Capture Commission.”

This is where I end, because I believe this is what IDAC is about, but this is now about the employment of a midlevel manager employee that throws IDAC into the picture from the same complainant, Mr Adams.

ADV SELLO SC: Thank you, General, that concludes then
10 the conversation as regards the complaint against the Magistrate. Chair, I see it is 12:49. We are starting a new chapter. Should we start and then we will break at 1?

CHAIRPERSON: Let us do that, please.

ADV SELLO SC: That is good.

CHAIRPERSON: Thank you.

ADV SELLO SC: General, I invite you then to go to page
77, starting from 252. You deal from page 252 with a heading, with a subject that you heard, historical interference with the criminal justice system. Would you
20 take the Commissioners through that aspect of your testimony.

LT GEN MKHWANAZI: Commissioners, when I spoke on the 5th of March 2025 in Parliament I made the reference to the experience that I had from 2011 and what I see happening right now it takes me back to 2011 and that

makes me realize that, it makes me realize that I cannot just sit back and allow the irregularities that were happening in 2011 when I was the Acting National Commissioner to repeat itself, because it is going to become a culture, it is going to be embedded in how the justice system works in this country, therefore the citizens are not going to be safe.

I have seen in 2011 and it is happening again. As I said, Commissioners, when you look at my profile that I presented on the first day that I joined the top management structure of the South African Police Service in 2011 when I was appointed as an Acting National Commissioner appointed by President Zuma at the time.

I must indicate that when I was appointed, the person that was the Minister of Police was Minister Mthethwa, Nathi Mthethwa. He was the Minister of Police. At that time when I was appointed, the South African Police Service were always in the media regarding the activities at Crime Intelligence. Lieutenant General Mdluli was in the centre of that. So there were two matters that were always in the media was about the death of a murder incident that happened in Vosloorus as well as the corruption within Crime Intelligence Secret Fund account. I think that is where the name Slush Fund came from. The Secret Fund account that I spoke about earlier that must be accounted

for the Joint Standing Committee and Intelligence, it was misused. When I came in there was already, General Mdluli was already suspended and he was suspended by General Cele at the time.

That suspension was regarding the murder incident that happened in Vosloorus. When I came in and I asked the management about the status of the criminal case that I am told is registered against General Mdluli which involves corruption of Crime Intelligence Secret Fund account, I was
10 informed that there was no disciplinary steps initiated yet at the time.

So I directed that we must initiate the disciplinary steps against the second charge, which is corruption. I brought General Mdluli to brief him about it and I appointed an investigating team to investigate and they concluded the investigation, we were about to subject General Mdluli to a disciplinary hearing.

And then General Mdluli to my surprise then contacts me and he says to me his criminal case that is
20 going to appear in the Commercial Crime Court in Pretoria is going to be withdrawn the following day. So I was perplexed and I said, but General Dramat as Head of the Hawks, do you know about this, and he said no, he is not aware.

And indeed, Commissioners, when the matter

appeared in Court the matter was withdrawn. So I demanded to know the reason for that. They furnished me with a submission that was made by the Deputy National Head of NPA at the time, Adv Mokwele, where he gave the instruction to Adv Mzinyathi who was responsible for that case and Adv Mzinyathi then directed a Prosecutor who was working on the docket, Adv Breytenbach, who is a member of Parliament now, to withdraw the case.

So the case was withdrawn simply because of Adv
10 Mokwele, regardless of evidence. But the reasons Mokwele put on his letter was that the arrest of Mdluli or this case being placed on the roll it is not the responsibility of the SAPS, but it is the responsibility of the Inspector General of Intelligence.

I explained earlier, Commissioners, that crime will happen. If crime happens within the Secret Fund account, there must be audit, there must be accountability and then the case must follow, which must be handled with care, but a case will follow. So similar to what is happening now, if
20 there is any corruption within Crime Intelligence that matter must be reported to the right structures and cases must follow thereafter.

So at the time the coordination of the information coming from Crime Intelligence to be given to an investigation team was facilitated by a senior officer within

Crime Intelligence on an arrangement with the DPCI. So the investigation was done correctly. But here is a case withdrawn and citing the reason that the Inspector General of Intelligence, the one who has got the jurisdiction on this matter. So I took the docket, case docket from Court and I stopped the disciplinary matter. I channelled both of them to the Inspector General of Intelligence.

The Inspector General of Intelligence is a lady, Adv Radebe. She worked with an advocate that is currently, or
10 is not within the Inspector General now but she is practicing. I gave both of them the letters, these cases, department and criminal and I received a response from Adv Radebe, the Inspector General, on the disciplinary matter where he says charge the CFO who was Major General Lazarus at the time, charge the CFO and not Mdluli, because it is the CFO that knows how to manage the Secret Fund account and he used that to benefit Mdluli. Mdluli did not know anything about it.

So Mdluli is cleared. So this is in black and white I
20 received. But I then said, I told Mdluli and the Minister at the time that the Inspector General is saying this, but I am not going to implement this, because I want a response on the criminal matter. Imagine me uplifting Mdluli's suspension, he comes to work and the very same Inspector General says I must take the case docket back to Court and

Mdluli must go and face a criminal case while he is back at work. It is not, it is going to look bad for me, not good governance.

So I said I am going to wait until I get the second response. The second response came on the phone call. Inspector General said please come, bring that letter they gave you, because I want to withdraw it. So my question was why do you want to withdraw and she says no, we have studied the case docket and the reason advanced by the
10 National Director of Public Prosecution is misplaced. We as the Inspector General are not responsible for criminal investigation but our investigation result into us producing reports to Parliament, Joint Standing Committee, not to take it to Court.

So this case, Mdluli must go and answer in Court. So I gave her that letter. She withdrew it and she wrote me a new letter to say Mdluli must go and face his music in Court. So I then said to General Dramat, DPCI, send the case back to Court and I called Adv Jiba, Nomgcobo Jiba
20 who was the Acting National Director at the time, of Prosecution and I informed her, I said your Deputy withdrew this case in Court, I want you to now attend to it, because you are the Head of the NPA and she said she is in China at the time, I must send it back to Mokwele.

And then I told the disciplinary team that continue

with the disciplinary case on Mdluli. But now to my surprise, Commissioners, that Adv Mokwele wrote a second letter, then he said I am the National Prosecution Authority, we are working independently, I have taken a decision on this matter, therefore it is final, closed. That is how that case of General Mdluli died by the signature of Adv Mokwele at the highest office of the NPA.

So he killed that case like that. I am glad now he is resurfacing again that corruption case, but it should have
10 been dealt with there, but we had the players of Adv Mokwele in the highest office of the Prosecution who decided do not charge Mdluli. As I said, Commissioners, when you do something that is bizarre you make me to start asking questions.

So I started asking questions as to why is this behaviour. So as i was digging more, I started seeing a different picture which maybe I must reflect to later, but the details of this thing I am talking about is in an affidavit that I deposited at Zondo Commission. Feel free, it is annexed I
20 think here, SC?

ADV SELLO SC: MK22, General.

LT GEN MKHWANAZI: Ja, MK22. You will be able to read it, because it has got detail. It is quite a lengthy affidavit that I deposited about my experience at Crime Intelligence in 2011 to 2012 when I was acting and how the Secret Fund

account was misused by the players within Crime Intelligence that are still there today, that are fighting Khumalo today. They were there then, they are still there today.

So there has never been any cleansing of Crime Intelligence, which is something the Commission I will want you to pay attention on it. But this issue of Mokwele to suddenly shut down the criminal investigation which was a concern to me, and on a, while we are continuing with the
10 departmental matter, after having received this letter from Advocate to say Mdluli must go to Court, I received a phone call from the same Inspector General of Intelligence when I was driving home. She said I must come back and bring back that decision, the final decision she made about the criminal case, because she has risked her career with making that decision, of saying Mdluli must be charged, she wants to withdraw that letter.

So when I asked her but why you want to withdraw the letter of the criminal case, you have read the case and
20 you wrote to me and you say Mdluli must go and face the music, why do you want to withdraw it? And she said no, no, no, it is my career now on line, so I need to withdraw that. I made the wrong decision, I should not have said Mdluli must be charged, which mean she touched the wrong people in the higher ...[indistinct] of maybe within the Police

structures or in Government that did not want Mdluli to be touched.

And I refused to come back and withdraw the letter. And then I received a phone call from the Minister of Police, Nathi Mthethwa, Commissioners. I went to his residence in Waterkloof and when I arrived there the Inspector General is sitting on one side of the table, Mr Mthethwa is sitting on the other side of the table. The Minister says to me that I forced the Inspector General of Intelligence to write the
10 letter that says Mokwele is wrong, this matter must go to Court. She said I forced her.

Then I told her, I said no, Minister, Adv Radebe is an old woman, she is an advocate, how can I point a gun at her and force her to write a letter? Beside, when this letter was written, it was written in her office and she actually is not the author of the letter. The author of the letter is Adv J Govender who is an experienced Prosecutor person who is working in that office. She is the one that drafted the letter, not you, not Inspector General of Intelligence. That
20 Minister did not want to hear any of that.

He simple say you must stop prosecuting Mdluli, you must disciplinary case against Mdluli. Now if we talk about political interference, that was the worst I have ever experienced. At that time, Commissioner, I come from the specialized operation. The only thing I know is to chase

criminals and I am promoted to become the Acting National Commissioner and I am confronted with this in front of me and I said but this is not what I signed for when I joined the Police. This cannot be right. The Minister cannot give me these instructions.

Then I said to the Minister, Minister maybe you brought me to this position and you thought you were going to use me as a pawn, because perhaps of my age or whatever, but you were wrong, I am not going to do that. If
10 you want me to stop charging Mdluli you must put it in black and white. And then the Minister said no, he speak to General, you must give something in writing to the National Commissioner to stop this investigation. Inspector General said no, come with me to my office so I can give you a letter.

CHAIRPERSON: In the light of Mr Mokwele's final decision was there an ongoing investigation?

LT GEN MKHWANAZI: It stopped there, Commissioner. I am told that case started again afresh. So I do not know
20 what is the status of it. I do not know who is handling it, but I have heard that it has started again. But that time that is where it died.

CHAIRPERSON: Ja, I am asking you in the light of you saying the Minister said stop the investigation.

LT GEN MKHWANAZI: Well, it stopped, because the case

could not be enrolled in Court because the second letter of Mokwele that says stop, and after that Adv Breytenbach left NPA and became a Parliamentarian. Maybe she will come here and tell you what happened, because she is the one who was handling that docket. I do not know the details within NPA what politics was happening there, but I believe that is one of maybe the things that might motivated her to leave NPA. I do not know.

But I am talking about experience I had was that
10 Mokwele had written the first letter and referred to the Inspector General. Inspector General refers, report, responded back and say this is not my terrain and Mokwele write another letter and say my final decision and that is how, that was the end of that case.

But coming back now to the stopping of the disciplinary part, because although they are saying this in Court, but the disciplinary is within my control, no one stop me, not unless they write to me and they say I must stop. Inspector General, you will remember I said,
20 Commissioners, is the one who have an oversight role within the Secret Fund account. So what she says to me in black and white I must believe it, because she is the one who is responsible for monitoring the abuse of this Fund and whether it is news according to the rules set out within the Intelligence space.

So I, before i left with her to the house I told the Minister that I am done acting if you think me being the Acting National Commissioner I must now bow down to the wrong illegal instructions that you are giving me. His words was I did not appoint you, it is the President that appointed you, so I told the President I will go and meet with him but I am done acting.

So I went to the Inspector General's office and, but I do not know whether it is my ancestors or whatever that
10 helped me because the letter that she had written me first that cleared Mdluli and said I must charge the CFO, which she later withdrew, she did not destroy the letter. She archived that letter. Then she issued me another letter which contradicts that one. Remember, the first letter said Mdluli is clean. Now that she has given me another letter that talks about the case, she is saying no, Mdluli is not clean, he must go to Court. So those two letters are contradicting each other.

But instead of destroying the first letter, she did
20 not, she archived it and she withdrew that from the archive, she gave it to me. So I took that and I walked, contacted the President and I told the President I am done acting. Then the President said no, I am going to get someone. And I went to meet management, I told all the Generals that prepare your exit, because whoever is going to come is

going to deal with you harshly and indeed that is what happened, Commissioners. General Phiyega was appointed and I was made to go and sit at home in Montana for the whole year, which was fine.

CHAIRPERSON: I notice that it is a good few minutes after 1.

ADV SELLO SC: Yes, Chair.

CHAIRPERSON: Adv Sello ...[intervenes].

ADV SELLO SC: Absolutely.

10 **CHAIRPERSON:** I understood this to be an introduction to a point that what used to happen is still continuing. Between you and the General you may want to discuss whether we want to go into this much detail ...[intervenes].

ADV SELLO SC: In fact, not Chair. My assessment is actually he has delivered his message.

CHAIRPERSON: Yes.

ADV SELLO SC: His intention in terms of the statement was to indicate that whatever political interference he references now is not a new occurrence in his personal 20 experience.

CHAIRPERSON: Yes.

ADV SELLO SC: The detail of what he speaks to is that entire submission at MK22 and which is the detail he has gone into. It is not entirely necessary for your purposes. You can read it at your leisure. And after lunch I think,

General, we would be ready to move on to the next point now, or ...[intervenes].

LT GEN MKHWANAZI: Yes.

ADV SELLO SC: Unless you still want to touch on, to finalize anything of significance ...[intervenes].

LT GEN MKHWANAZI: No.

ADV SELLO SC: And insofar as historical interference is concerned.

LT GEN MKHWANAZI: Basic, Commissioners, why I am
10 referencing to these as attached on the annexure is that the challenges that I highlighted in the media on the 6th of July it was a history repeating itself, to my assessment. Then I said it cannot be that I allowed the Mdluli era, the Minister Mthethwa era and under President Zuma to happen like that, that it is happening again now and I keep quiet. I have a responsibility to bring this to the attention of the Executive authority and to Parliament and in failing that, I was left with no choice to tell the people that employed me, which are the citizens of South Africa, that what is going on
20 in our system. So that is where my submission is and I invite you to really look at that lengthy affidavit I deposited at the Zondo Commission.

CHAIRPERSON: Yes.

ADV SELLO SC: Thank you, General.

CHAIRPERSON: Thank you, General. Let us adjourn until

2pm.

ADV SELLO SC: Thank you, Chair.

CHAIRPERSON: Let us adjourn.

INQUIRY ADJOURNS

INQUIRY RESUMES

EXAMINATION BY ADV SELLO SC (CONTINUES): Thank you, Chair. General Mkhwanazi, at the time we broke for lunch you had just completed a topic, historical interference. We move on within your statement and you
10 have a topic starting at paragraph 261. That – sorry, 259. That topic is headed “Simply General Sibiya”. Kindly contextualize for the Commission the issues you address under this heading and then you may begin to testify on the various aspects thereof.

LT GEN MKHWANAZI: Thank you so much, Commissioners. Commissioners, as we continue presenting the picture that we were seeing as we were investigating these interferences, one player in this puzzle is General Sibiya. So I want to invite the Commission to understand
20 perhaps the background of General Sibiya, his arrival in the Police and his responsibility as a person appointed as a Deputy National Commissioner in the Police.

What I know of is that General Sibiya was appointed as a Lieutenant General, promoted to Lieutenant General in the Police in July 2022. And I said earlier the

post of a Deputy National Commissioner: Crime Detection it is the heartbeat of the South African Police Service. That is where, according to the structure of the Police, the organogram, that is where Crime Intelligence accounts, that is where investigations account and that is where Forensic accounts.

So General Sibiya was afforded that opportunity in July 2022 to be appointed as a Deputy National Commissioner occupying this position. But before that, if
10 Commissioners allow me to backtrack, prior to his arrival in the South African Police Service, General Sibiya was appointed in the South African Police Service in 2022 after he had won a court case. He was originally an employee of the service and was working within DPCI before that and he was dismissed from the service and he appealed his dismissal. A dismissal I am told that the employer, which is South African Police had dismissed him, did not oppose in Court.

Subsequent to that, the Court ruled in his favour
20 that he must be reinstated into the service. But when that happened at the time General Sibiya was employed at the City of Johannesburg Metro Municipality. Well, I am not going to dwell much on what was his function at Johannesburg Metro, but it is just interesting to, I am going to be making comparison of what I became aware of on

record, which is a public knowledge of things that involves him at the City of Johannesburg and I contrast that to what is happening in the South African Police Service.

So when he was appointed, before he was appointed the City of Johannesburg upon learning that General Sibiya is going to be starting his work in the South African Police Service, the City of Jo'burg felt that it is important to bring to the attention of, to the Minister of Police about the pending investigation against General Sibiya at the City of Johannesburg.

ADV SELLO SC: General, for purposes of precision is that a specific person within the City of Johannesburg or the Council, the City itself? Who do you say brought this to the attention ...[intervenes].

LT GEN MKHWANAZI: I want to invite the Commissions to look at MK23. It is on page 477 on my, it start from 477 to, and it ends at 478 on the annexures. So these which are attached here is what I am referring to, Commissioners, that the City of Johannesburg wrote to the Minister of Police and they delivered the letter by hand, which the Minister of Police acknowledged it on the 20th of June 2022. The Minister of Police at the time was General Bheki Cele.

This letter I am going to read the heading. It reads as follows:

“Urgent request for the Minister of

Police to intervene on the failure to disclose evidence of fraud and corruption which involves R3,5 million of unlawful benefit and R580 million irregular expenditure to the City of Johannesburg Municipality Council and the South African Police Service.”

ADV SELLO SC: Perhaps to, or if I may, to further contextualize that heading, you might want to read
10 paragraph 2 of that letter which confines the request to a specific person.

LT GEN MKHWANAZI: Perhaps maybe before I continue reading that, Commissioners, this letter is addressed as I said to the Minister of Police. It comes from the Executive Head at the office of the City Manager of Johannesburg in Braamfontein and this letter was copied to the Speaker of the Council and this letter is dated the 20th of June 2022 and it was signed by Mesuli Mlandu, the Executive Director at the City Manager’s office.

20 The paragraph 2 of this letter if I read it as written here:

“I request an intervention of the Minister on the concealment from the Council and the Hawks of evidence of fraud and corruption which involves the

employment of Mr S Sibiya, the Head of Department for Group Forensic and Investigation Services (HOD of GFIS), in receiving R3,5 million of unlawful gratification and causing R580 million of irregular expenditure.”

The letter is written, as I said this is just part of the content of the letter addressed to the Minister of Police. So it is already warning about some irregularities within the
10 City of Johannesburg that involves Mr S Sibiya. And they are saying here that as the City they are writing this thing bringing to the Minister of Police as contained on paragraph 6, if I may read it.

ADV SELLO SC: Perhaps you might want to start at paragraph 3 before you move to 6.

LT GEN MKHWANAZI: Paragraph 3. The paragraph 3 it reads:

20 “It is urgent, because I am advised that Mr Sibiya may soon be taking up a senior position in the South African Police Service as from the 1st of July 2022 and thus escape being held accountable. I can also confirm that the then Acting City Manager, Mr F Brink, first reported this matter to the

Gauteng MEC for Local Government
and the MEC did not intervene.”

ADV SELLO SC: Then you can move to paragraph 6 you originally intended to read.

LT GEN MKHWANAZI: Ja, paragraph 6 reads as follows:

10 “Therefore to assist Council with these legal obligations I request the Minister to urgently intervene and cause the evidence in the attached report to be tabled before Council, also considering that Mr Sibiya is still a City employee until he takes up employment with SAPS from the 1st of July 2022. The Minister of COGHTA will be notified of this matter.”

So this is a letter that is written by the City of Johannesburg and it is addressed to the Minister of Police.

ADV SELLO SC: And of what relevance is it to your testimony?

20 **LT GEN MKHWANAZI:** The relevance of this is that the City felt it is important for them to bring to the attention of the Executive authority in the South African Police Service about the risk associated with the person that is coming to the organization in June already before he start his appointment in July. And they are flagging the R3,5 million

ratification and the irregular expenditure that amounts to R580 million of which was incurred that seems to suggest that it happened under his leadership in the position that he was occupying as a Forensic Head in the City of Johannesburg.

ADV SELLO SC: In your statement in paragraphs 266 and 267, in fact up to 268 you succinctly capture the challenge – no, firstly the issue of how the Minister dealt with what was brought to his attention and the challenges that you
10 have with the manner in which it was handled.

CHAIRPERSON: Please, before you go on, General, just explain to me the request made in paragraph 6 of the letter. Is the Minister referred to there must be the Minister to whom the letter is addressed, which is the Minister of Police, or not?

LT GEN MKHWANAZI: That is correct.

CHAIRPERSON: Now what I do not understand is why somebody employed by the Municipality should be requesting the Minister of Police to intervene and cause the
20 evidence relating to what is being alleged to be tabled before Council. Why should that be done by the Minister of Police?

LT GEN MKHWANAZI: Commissioner, the reason why the City wrote this letter to the Minister of Police, I cannot explain, but what of an interest to me is that the City is

already flagging a risk that is associated with the individual that is coming to us, that there is this what the City is having a problem with, gratification of R3,5 million and irregular expenditure of R580 million that the City suffered as a result of this individual that we want to take or that is coming to the organisation.

CHAIRPERSON: So from where you are sitting, whatever the motivation for the writing of the letter it does not matter to you. Your concern is more that the issue of the gratification had been flagged. That is what your concern is. That is what your issue is.

LT GEN MKHWANAZI: That is true, Commissioner. In an ordinary working of a special department like the Police that is charged with the responsibility of upholding and enforcing the law, that you are warned of a person that you are about to employ who is questionable and if proven these allegations it will prove to be disastrous in the Police and at least with this warning the management should have taken a decision of not placing this person in the heartbeat of the Police. I mentioned earlier the position where he ended.

But I must speed up, Commissioner, and say he arrived in the Police as a Major General. When he left, he was dismissed from the service and that was as a result of the disciplinary case surrounding the rendition of the Zimbabweans that were transported to Zimbabwe. So it was

based on that, he was dismissed. There was an appeal on the dismissal as I said earlier. The very same employer that dismissed him, did not oppose that appeal.

So as a result the Court ruled in his favour. So when he comes back the organization takes him back, because there is a Court order now. But with this warning that comes, and I must then maybe retrack back to say the employment in terms of the Act is saying the National Commissioner remains responsible for the employment, but
10 there was an incident that happened back in the organization a couple of years back where there is a section in the Police Act that empowers the National Commissioner to promote a person without advertising a position, or can elevate you to another position.

So it happened that General Khan from Crime Intelligence was a Colonel in the Police, was promoted from the rank of a Colonel to a Major General at Crime Intelligence by the Acting Commissioner at the time was General Mothiba. And that upsetted the Minister at the
20 time, was Minister Mbalula who was the Head of the, was the Executive authority in the Police, and that triggered the Ministry amending the regulations on the Police Act and that amendment it brought about the consultation with the Ministry before you appoint. That is why I am making a reference to it that in terms of regulation 39(4) of the Police

regulation an appointment on this level of a Major General and higher must be made in consultation with the Minister.

So therefore the letter with this warning addressed to the Minister of Police that the Minister had an obligation ...[indistinct] this, so he had an obligation to share this with the National Commissioner. I do not know whether it happened or not, but what I know is that General Sibiya was appointed into the Police and not – remember, when he left he was at DPCI. When he came back he was given a post
10 of the Head of Organized Crime in the Police at the head office. That is where he started. This is July 2022.

Commissioners, fast-forward, General Sibiya then gets promoted by the same organization that fired him and that released him when he made an appeal that did not oppose his appointment, that appoints him despite this warning from the City. Then the organization promotes him within a year ...[intervenes].

CHAIRPERSON: Maybe I am missing something. The letter from Mr Mlandu ...[intervenes].

20 **LT GEN MKHWANAZI:** Yes.

CHAIRPERSON: Refers to a commencement date.

LT GEN MKHWANAZI: Which was the 1st of July.

CHAIRPERSON: Yes.

LT GEN MKHWANAZI: 2022.

CHAIRPERSON: So that means he had already been

appointed but he had not yet assumed that duties.

LT GEN MKHWANAZI: I like to believe, I do not know of the Court date. The Court had already issued a ruling about his dismissal and the Court ruled that he must be reinstated, but he must apply for that reinstatement. So I like to believe that that administration process must have happened because the City was, became aware that he is leaving the City back into the Police.

ADV SELLO SC: General, if I may, I think the Chair is
10 making a slightly different point.

CHAIRPERSON: Ja.

ADV SELLO SC: Regard being had to the date of the letter from the City, that letter you said is dated the 20th of June and it points out that General Sibiya was to assume duty in SAPS on the 1st of July, which was about less than two weeks after the Minister received the letter. So we are past the Court decision. It was a question of when the Minister gets to know and when he is assuming duty and that was about two weeks from the date of the letter. So that is the
20 context in which the Chair poses his question.

CHAIRPERSON: Yes, I am referring to the very last part of paragraph 6 which refers to the start date as 1 July 2022, start date within SAPS.

LT GEN MKHWANAZI: Yes.

CHAIRPERSON: Yes, when you referred to these facts

which were indicating that there was at least allegations of impropriety, before I intervened just now you referred to his appointment, General Sibiya's appointment. So I came in because I thought he had already been appointed, hence the commencement date of the 1st of July 2022.

LT GEN MKHWANAZI: Commissioner, you might be right, but I am not privy to the administration process. What I know is that the Court made a ruling and I do not have the date of the Court judgment, but subsequent to that as the
10 Court ruled that he must make a submission, an application which then must be considered by the organization and then he must come and start. So whether when this notice come he had already signed a contract for the position or not, I do not know.

However, it does not take away that as an organization that its responsibility is to enforce the law, even if you have signed a contract with an individual the moment you become aware of the risk that is coming to the organization you ought to pause and reflect and conduct
20 your due diligence to make sure that there is no risk that is going to be brought by this individual into the organization.

But it seems like that did not happen, so he commenced in the organization on the 1st of July. So I am not going to talk much about what the Minister did in relation to the letter, whether did the National

Commissioner know about the risk that was flagged in the letter, I am not in a position to answer that. But I know that there was this warning before he comes in. What become strange to me is that first he becomes a Major General at Detective Service and a year later he gets promoted.

Now he is promoted to the heartbeat of the Police, so he is no longer responsible for Organized Crime alone, he is now responsible for the entire investigation, including Crime Intelligence, including Forensic. Well, the National
10 Commissioner has got a power to appoint, it is just strange that the same organization dismissed this man, a year later when he wins, when he applies to Court the same organization does not appeal, does not oppose, file papers to oppose that Court process and the same organization brings him back and promote him a year later.

I do not know what he has done on his performance agreement that was so exceptional on his term when he comes back, despite this warning, that justify this promotion to get into this position. But I, this is for me, became the
20 risk that the organization should have foreseen back then and we find ourselves here with an individual who came into the organization with this questionable background.

I must maybe speed up, Commissioner, and indicate that amongst of the things that, which I will read into record the things that he has been accused of in the

City of Johannesburg as he comes in. Amongst others was some procurement or some intelligence devices which I then find it strange, because, well before I read the terms of reference of the City of Johannesburg, because there is an inquiry currently that is ongoing in the City of Johannesburg that perhaps is not publicized.

I am going to read the terms of reference of that inquiry that are written for public knowledge about the same person and one of the concerning here is that there is an
10 equipment that is an intelligence equipment that was bought by the City, but before I elaborate on that much, I have already made a reference to the annexed of the letter from City of Johannesburg. But I want to draw the attention to the Commissioners also to look at the terms of reference on the inquiry that the City of Johannesburg, which is flowing from that indication of 2022, June 20 ...[intervenes].

ADV SELLO SC: That is MK24. You referenced that at your paragraph 269.

LT GEN MKHWANAZI: I want to invite the Commissioners
20 to go into that annexure as it is reflected there on my statement and I am going to read on record, I am not going to read the entire terms of reference from the City of Johannesburg on an inquiry about this matter. It reads:

“The terms of reference required the
SIIC to enquire into among others the

SIIC ...”

Refers to the Special Independent Investigation Committee, is abbreviated as such here.

“1. Allegations of fraud in the establishment of the GFIS in the City of Johannesburg.”

Commissioner, I want to make sure that this abbreviations and acronyms are read on record. The GFIS stands for Group Forensic and Investigation Services,
10 Group Forensic and Investigation Services.

ADV SELLO SC: And just for the record, that full, the full name is provided at paragraph 263 of the statement. Thank you, General.

LT GEN MKHWANAZI: -:

“The allegation of fraud in the establishment of this GFIS in the City of Johannesburg and which General Sibiya was appointed the Group Head of.

- 20
2. Allegations of fraud, corruption, maladministration and breach of law in the appointment of the Head of GFIS.
 3. Allegation of fraud, corruption, maladministration and breaches of

law regarding the implementation of rogue, clandestine and unlawful investigations by GFIS, particularly the unlawful procurement and/or deployment of snooping device called “the digital forensic equipment”, which is used to remotely access, intercept and store electronic information from various gadgets without authorization.”

ADV KHUMALO SC: Sorry, General, are you reading from your statement or from the terms of reference?

LT GEN MKHWANAZI: I am reading from my statement.

ADV KHUMALO SC: Oh, okay. Good. We were in the terms of reference.

LT GEN MKHWANAZI: Oh, my bad.

ADV SELLO SC: Apologies. At paragraph 270 he extract some of the terms of reference from Annexure MK24. So he made a selection of three. They are quite extensive.

LT GEN MKHWANAZI: Commissioners, as I said, the terms of reference are attached as an annex on my document that is before you. It is, I am not the author here, but this is coming from the City of Johannesburg. But what strike me on this one, Commissioner, as I said earlier,

incidents of 2011 is, I saw them repeating themselves now and I started reflecting back then. When I was the Acting National Commissioner in 2011, I became aware of the procurement of similar type of devices and they were procured by DPCI with the sole service provider. It cost over R3 million and the person who signs off and approving on that was the National Commissioner back then in 2010, which was General Cele. And the very same individual was at DPCI when those gadgets were bought.

10 I do not know which company supplied then. I do not even know which company supplied the similar thing to the City of Johannesburg. My biggest concern about this, Commissioners, back then I took a decision to direct that DPCI is not supposed to be in possession of such equipment, that equipment must be send to Crime Intelligence and it was done as such.

 So that is a concerning thing for me that there is this digital forensic equipment. I know there is a relationship with some forensic investigators that are in
20 South Africa with General Sibiya. They always go out public. I am not saying that it is them that supplied this, but this is called a snooping equipment that can access information of people remotely. It is bought at DPCI back then 2010. We move it to Crime Intelligence. It is now bought in the City of Johannesburg. The same common

denominator, same person is involved. We do not know whether he bought it from the same. I know the one, because I have records of the one of 2010. It was bought, delivered from the company in the United Kingdom. I do not know who facilitated that purchase. I do not know this one whether was it bought from the same supplier or from the same country and who facilitated that.

What concerns me the most, Commissioners, is to trying to find out perhaps the City of Johannesburg would
10 be able to share light in future on this to try and, I am trying to establish as to where is this equipment today. General Sibiya left the City of Johannesburg. There is an inquiry now that is officially launched by the City of Johannesburg which I will invite the public perhaps to follow. But what is key for me is to find out where is this equipment. Could it be that this equipment is still with the City of Johannesburg, or could it be still in the possession of the person that acquired this. I do not know.

I am not going to conclude but what is very
20 interesting for me is to see that there seems to be that warning of the City of Johannesburg of 2022 is confirmed now with this terms of reference that they did warn the organisation, hence this inquiry on the City of Johannesburg. That is when I am beginning to connect the dots, Commissioners.

So I am not, as I said, I am not suggesting that whatever that happened in the City of Johannesburg, the allegations levelled against General Sibiya are true or not, I guess the inquiry will establish that, but I am interested to know if there was such an equipment. I am interested to know where is the equipment now.

ADV SELLO SC: You conclude this at paragraph 275 and you have made a request that a slide be projected which you intend to speak to. So if you could just draw your
10 conclusion and then the slide will be projected and then you can address yourself to the slide. Thank you, General.

LT GEN MKHWANAZI: Ja, Commissioners, my biggest concern in all this is that the heartbeat of the SAPS that position is occupied by the person who was dismissed from the service, who comes back, a year later after coming back is then promoted to that position. It is the same environment that when the issues of the disbandment of the Political Killings Task Team, the Head of that environment has got letters written that interfered with the work of the
20 Political Task Team without engaging me.

It is a position in the organization is very senior and very critical. So a person occupying that position must be beyond reproach, is a person whose ethical standard must be above them all of us. I am not saying that General Sibiya does not have that. I am not saying that he did not

have that. But as we are investigating and we are picking up the picture, the picture that emerges, which I am not going to talk about it, but it takes me to going back to question whether did the Minister and the National Commissioner do the right thing at the beginning by appointing General Sibiya in that position.

So I want to draw you into this analysis and the picture that I am beginning to see which is on 275. As we are doing our things as the Police, please put the slideshow
10 so I can draw it up.

ADV KHUMALO SC: Can you just give us the date of the promotion before you go to the slideshow. You keep saying a year later he was promoted to that other position.

LT GEN MKHWANAZI: Commissioners, I do not have the exact date of the promotion but a promotion happened a year later.

ADV KHUMALO SC: Was Minister Cele still Minister?

LT GEN MKHWANAZI: At that time, I am speaking under correction, I do not want to lie. I did not, I did not confirm
20 exactly, that is why I do not know the promotion date. I do not even know when that process started for his promotion, similar to what the Commissioner was asking me earlier when the City of Johannesburg writes a letter on the 20th of June 2022 and General Sibiya was going to start on the 1st of July, whether had he signed the employment contract

already with the organisation by then, I do not know. Similar to this one, when he was promoted to the position of the Deputy National Commissioner I know it happened a year later, but whether at that time was the Minister Cele in the office or not, and whether did Minister Cele played the part to his promotion, I do not know. I guess the National Commissioner should explain that.

But what I want to flag here before the Commissioners is that his arrival in the organisation was a
10 concern. That should have been a concern for everyone, but it looks like the organisation somehow did not take that serious, hence they placed him in that position. So what I am showing on the screen as I ask that it is on PowerPoint Presentation ...[intervenes].

ADV SELLO SC: Apologies. While they put up your presentation, may I say to Commissioner Khumalo we have taken that point on board. We will establish and we will revert with the date of his promotion.

ADV KHUMALO SC: And I think it is relevant to the
20 regulation 39 issue, because I saw that if you follow the question the Chair asked earlier, assuming that when he first came back in July 2022 they were not aware of what was happening in the City of Jo'burg. A year later they would have known, because the letter from City of Jo'burg is 2022.

ADV SELLO SC: Well, it is slightly different. It is before he assumed office ...[intervenes].

ADV KHUMALO SC: Yes.

ADV SELLO SC: It came to their attention in June 2022.

ADV KHUMALO SC: Yes.

ADV SELLO SC: During, between 2022 and 2024 when the City of Johannesburg formally launches its enquiry he was promoted in that period intervening. There is your slide, General, if you could lead us through it.

10 **LT GEN MKHWANAZI:** Ja, Commissioner, you might be confused with too many blocks and everything in that slide, but it is what as we are investigating that we would be beginning to see that, and we want to, I want to concentrate myself on this slide on General Cele and the National Commissioner and General Sibiya.

You will see at the bottom General Sibiya, the lines that are connected to him that Crime Intelligence, Detective Service and Forensic Service they report directly to him. And we know that there is this connect of everything.

20 General Cele leaves, but what is also part of the investigation that we are picking up is that when the contract of R360 million was awarded to Mr Matlala in the Police, General Cele was the Minister of Police. I am not saying that he a role to play on that, but I am just saying it is something interesting to look at, because we see

communication that the team will come and reflect on between the very same Mr Matlala and General Cele. The communication as we have listed there which dates back to December last year, 2024, how they have been communicating. So it is not only about the arrest of Matlala, there is communication prior to that.

And further evidence that we picked up, exchange of monies and the likes, I guess General Khumalo will elaborate more on that when they come in with the
10 investigation team. I do not want to get into it but it is just interesting to know that Matlala and Cele has got a relationship and there is money exchanges between and this is a man that was appointed in the Police to be a Health Risk Manager of the service.

And the connection that we put it here linked to General Sibiyi in all directions, top, left, right, bottom, in all angles and this becomes a worry, because as I said he is the heartbeat of the organization. And when we are having the red flags on the left which is the syndicate, two
20 of them already in custody, we have others that we have not mentioned and we are having the ghost on the right, black and white, which include so-called experts out there that are spreading wrong information, so-called media journalists that are in there. Many parties that you see there on the black and going up top right corner you will see

the entities of Government which would include IPID, IDAC, IGI that are party to this chaos that we are seeing and the engagement they are having with the Minister of Police, Mr Senzo Mchunu now. Brian Mogotsi in there, Chief of Staff. So this picture is what comes to the fore and it gets us worried that, and we begin to question how did this man come into this organization? Could it be this, we ignore the warning from the City of Johannesburg and we end up here today.

10 So I am going to leave it here, Commissioners and move to the next item.

ADV SELLO SC: Thank you. You indicated that other witnesses will come speak to this slide in the fullness of time and I accept that that is where you want to leave it at this point. Having disposed of that then, that leads us to our next topic, which starts at your paragraph 276, which you head “attempts to seek redress”. A quick look through of what you address here, basically you have dealt with over the course of your three day testimony, you do not
20 have to repeat, you may perhaps just want to deal with paragraph 276, which as I understand it is a summary of all the steps you took in an attempt to address what you call at 276, ongoing threats to the criminal justice system. Do you see where I am in your statement?

LT GEN MKHWANAZI: Yes.

ADV SELLO SC: So if you could just highlight those steps in a summary form, because I think we have spent the past three days technically speaking through each one of them.

LT GEN MKHWANAZI: Ja, if I am going to summarize, Commissioners, they are there on the statement for your leisure in reading, but the first one I spoke about it earlier before lunch that I made a submission to the Zondo Commission, because I wanted to reflect specifically the problems that are within Crime Intelligence and the
10 involvement of the security cluster in the form of NPA in defeating the ends of justice or stopping investigations that are continuing and the Executive authority at the time, the role that was played by Minister Mthethwa in dealing with the Mdluli matter and Police Officers within the organization at a senior level. I wanted to reflect that, so I am not going to dwell on it. The statement is before you. The affidavit is before you.

I had not only through the National Commissioner or anyone else but I went to Minister Senzo Mchunu directly
20 myself ...[intervenes].

ADV SELLO SC: Before you get there, can I just place something on record. You had referenced this, the submissions to the Zondo Commission. You say they were submitted in 2020. Could you just clarify how did they get to be submitted? Were you responding to an invitation and

you do indicate that you never, you did not get the opportunity to appear.

LT GEN MKHWANAZI: I approached the Commission and I requested to present myself and make a submission and they assigned an investigating officer who came and he took the affidavit from me. So that is how it was deposited, because I had reached out to the Commission to try and get a platform where I can reflect on the experience on the things that I had that are within the organisation.

10 So it was my effort. I was not necessarily invited, but I went on my own. And thereafter, Commissioners, I sought an audience with the Minister of Police, Mr Senzo Mchunu as I said, talking to the Chief of Staff. Immediately after learning of the letter the Chief of Staff did not facilitate that meeting. And I even went outside the structures other than talking to the National Commissioner to try and secure this meeting with the Minister.

20 I wrote the Minister a message myself when I requested a meeting. He acknowledged that but he never afforded me the opportunity to meet with him. And I must say that I ended up breaking this protocols by approaching Parliament and I made contact with the Chairperson of the Portfolio Committee, Mr, Honourable Ian Cameron and I must appreciate that he did his best to arrange for me to come and appear before the Commission, which I did and I

presented which I referenced on record on the 5th of March. But even that presentation still did not help with anything. They listened to me, but it did not solve anything.

And what is worse, the 5th is presentation, the following day, the 6th, the Minister is having the National Commissioner I am told in a meeting and they are discussing the disbandment of the team still. All these that I am flagging about, Mogotsi's and the likes, the Member of Parliament, Mr Adams who was in that meeting, I present, 10 General Khumalo present, which I am going to invite the Commission to get extracts of that. We present serious things that are happening in the Police, but the members of Parliament, especially Mr Adams, was not interested in that and he was more focused on General Khumalo and the appointment of General Khumalo and everything wrong with Crime Intelligence. And it was disturbing, because we had tried.

And subsequent to that we felt that then I, we do not have any choice but to do two things. One of them was 20 to register a case on a defeating ends of justice against the people that were behind the close of the, or the withdrawal of this investigation of KZN. So we have a case that is currently running. As a complainant I hope and pray that pretty soon those involved will be brought to Court. We will soon hear about that. I trust the investigation team that are

working on this matters that they are going to help us on this.

But without, beside that, I then felt it is important then, Commissioners, that the 68 million plus citizens of this country they are the ones that signed the Constitution and they gave us a mandate and they gave us a responsibility to protect them. And if we get to a stage where we are really failing to protect them, it is important that we alert the citizens that our efforts to try and create
10 safety in their lives is not being realized because of this obstacles, so hence we are here today.

Thanks to the people of South Africa for listening to us and the media, I said earlier for making it possible for us to connect with our clients out there by publishing our July 6th briefing.

ADV SELLO SC: Okay, that sums up the efforts you made up to and leading to the 6th of July briefing. Yes, yes, Commissioner?

ADV SIBIYA SC: General, at paragraph 288 you, this is
20 where you are discussing, starting at 287, the meeting of the 16th of May 2025. Now at 288 you speak about a reference to your request for a meeting with the Minister at 288. Can you just explain that a bit.

LT GEN MKHWANAZI: Commissioners, I sent the Minister of Police a WhatsApp directly, which he acknowledged and I

made a screenshot of that. I have a copy of that WhatsApp. When the Minister invited myself and the National Commissioner to come and meet with him on the 16th of May in his official residence here at the Union building, in that e-mail there were different timeslots that were indicated. The first timeslot was going to be the Minister, the National Commissioner and General Sibiya. The second meeting was going to be the Minister, myself and General Sibiya. So that is why I knew that the National Commissioner will
10 appear there before me.

So I flew from Durban and I arrived there and the Minister asked me to wait for the National Commissioner to come. Yes, I waited. General Sibiya was there and the Minister, the National Commissioner came and then the Minister walked into the boardroom so we ended up being four in the meeting.

I did not expect the National Commissioner to be part of the meeting because the invitation did not include him, but he was invited. I still asked him, I said what are
20 you doing here and he said no, well I was invited. Even the Minister on his opening remarks said ja, the National Commissioner was not supposed to be here, but I thought it is important for him to be here.

The purpose of that meeting is what I spoke about in public that the Minister decided to let me fly from Durban

so that he can create peace between me and General Sibiya. That was the purpose of the meeting on the day. But when he started, he acknowledged my request for a meeting. Then he said I acknowledge that you asked to see me, you wanted to talk to me, but I will grant you that opportunity next time, but for today I have called you for this peace talk between you and Sibiya, nothing else. So that is really what this paragraph is saying, because that is what the meeting was about and we spoke about that and
10 then I went back to KZN for the peace talk.

ADV SIBIYA SC: Thank you.

ADV SELLO SC: Thank you, Commissioner. General, that then would lead us to your paragraph 305 under the heading “claims of failure to follow protocol”. Just a quick comment there, what are you communicating under that heading?

LT GEN MKHWANAZI: Commissioners, I demonstrated that I have been a member of the South African Police Service for over 30 years. I understand my role as a Provincial Commissioner, as a Senior Manager in the
20 organization. I was trained. I did not arrive in the Police in a high rank. I came in as a Constable and I grew within the ranks in the organization, so I understand the protocol of the Police very well.

As I became a Senior Manager in the Police I will have undergone training in the Police, different

management courses that I attended that teaches me on the protocol that exist in the Police, how do you go about it. It is just unfortunately that when it goes out into the public that I broke protocol when I had that media briefing. I submit that that accusation is unfair and it is unfounded. They are criticizing me for something that they do not know what it exist in the Police as protocols.

Beside the fact that we always address the media from time to time as our Provincial Commissioners we are
10 responsible for provinces, but for that day I took a liberty to tell the National Commissioner that I am going to be having a media briefing and he asked me what for and I said for the Political Task Team. And indeed the briefing was about the Political Task Team just to indicate why this Task Team is then disbanded, it is because of what we have discovered. So that is what really the briefing was about.

And it is unfortunate that there are many people that call themselves experts, lawmakers, and so forth, analysts that blame me for having breached the protocol.
20 Perhaps they will come before this Commission and say this is the protocol of Police that Mkhwanazi broke on the 6th of July. But I submit before this Commission that I did not break any protocol, because if that was the case and it is brought to my attention I will be the first one to admit that yes, indeed I broke protocol, but I will have believed that

action will already be taken against me for having broken protocol. I did not break any protocol.

ADV SELLO SC: Okay, thank you. The next chapter ...[intervenes].

CHAIRPERSON: Adv Sello, before you ...[intervenes].

ADV SELLO SC: Oh yes, yes, Commissioner.

ADV KHUMALO SC: Read that section, General, even the Commissioners watch television. You can take it from me that we saw the media briefing on 6 July 2025. You talked
10 about protocol which means following official channels. I am more curious about the dress code on the day and the fact that people who appeared were armed. Just give us a general picture. Is that normally how your team dresses? Why were they dressed that way on the day?

LT GEN MKHWANAZI: Although we have to now display our tactical strategies in public but, Commissioners, as we are investigating and this picture coming together then we start realizing that we now have to move from being a service provider to society to becoming a force in order for
20 us to prevent the Equador's and the Mexico's to happen in this country, because the threat, the enemy that we saw that is infiltrating Crime Intelligence, is infiltrating Parliament and is controlling our Executive authority and going into the heart of the Police operations, which is investigation, to date I am speaking to you. The Matlala's

and the likes, if you go and see the record of cases withdrawn against Matlala, more than 18 here in this province, and you really realize that you can no longer wear a tie and face this fight.

So this is a fight that requires for one to apply the tactics that is learned over years and one had to draw on experience ahead in the Task Force of saying how do you deal with a terrorist and, because as I see it now I think this is terrorism. This is people who want to take over
10 Government, not through the ballot paper but through this criminal activities. We must protect those who goes to the voting station.

Political parties exercise their rights, they vote and they appoint Government, but if Government is going to be taken in this fashion it cannot happen under our name. So it is for that reason that we wanted to communicate a message to South Africa that we are ready and communicate a message to this drug squad, politicians, the Executive, Police Officers within Law Enforcement Agencies
20 that we are ready for them.

I said when I presented earlier I knew that I have got a target on my back. So for me, maybe you will forgive me in saying this as a Zulu man, “Angim’nyonyobeli umtu, ngimqonda ngqo” [vernacular]. So I wanted to make sure that they get a message that we are ...[intervenes].

CHAIRPERSON: I do not sneak up on a person, I face them directly.

LT GEN MKHWANAZI: So, Commissioner, we were pushed to the corner that for us to counter this what is happening, let us draw attention of South Africa for them to realize the battle that we are about to face and it is a battle I must say, as I said when you put that screen that they are so-called experts, they are so-called forensic investigators, they are so-called journalists, that is a whole lot of people that are
10 spreading news, feeding the narrative that is being perpetuated by these people internal.

We have people in the organization that when a case is opened they take the docket and they keep it in their office and they do not investigate it and we have evidence for that. The Deputy Provincial Commissioner, Gauteng can be called into this Commission, he will tell you the list of all these dockets that were opened, there is one of them, it is a kidnapped person which is allegedly Matlala is involved, that docket was in Gauteng but an instruction
20 came from the head office, General Sibiya's office that we want that case docket. That docket is sitting at the head office. The mother of the kidnapped son or the missing son even contacted me, because she cannot find closure and I would begin to see that who are people implicated, the Matlala's and these investigations, I have been surprised.

We therefore cannot sit back, Commissioners. We must take off our Parabellum shoes and take off our blue uniform and work boots and go and face the enemy directly.

ADV SELLO SC: Thank you.

ADV KHUMALO SC: So the short answer was the attire was a show of force.

LT GEN MKHWANAZI: You can put it like that, Commissioner. It is, it goes beyond that. You have to win a psychological warfare, you need to win physical warfare
10 and while we are doing that we begin to see suspension of some people that were blocking investigations and we start seeing cases being enrolled that involve these people. I must say that that press briefing put about pressure to the people that were blocking this investigation from happening.

The team is working day and night, albeit the Court putting Khumalo and the team outside to frustrate them, but they still find a way of pushing forward to make sure that we collapse this entire enterprise that has developed in front of us for the safety of our children and for the safety of the
20 citizens of this country.

ADV SELLO SC: Thank you, General. Commissioner, that answers your question, Commissioner Khumalo? Thank you. The next chapter you deal under the heading “retaliatory efforts” and just in brief you contend that there are retaliatory efforts taken against you personally or some

of you and the Task Team in general. From paragraph 311 you name two incidents but I just want to point out that from paragraph 311 under the heading “the Empangeni matter” you, it is the one you narrated I think in detail before so I would propose that perhaps you do not go through it in detail but you link it to a subsequent issue that arose starting at your paragraph 319. But before you do so, just to close the Empangeni matter, perhaps you might want to have regard to your paragraph 317 and 318 as regard specifically that matter before you move on then.

LT GEN MKHWANAZI: Commissioners, I can indicate her that on the matter of Empangeni that got me into the media that involving those drugs and ammunition that were found in prison, after I had requested an enquiry be registered and being investigated, on the 14th of February 2025 Adv Mkhonza of the NPA declined to prosecute on this matter on the position of drugs and ammunition. I believe that confirm my suspicion that we could not prove that she is got to do with this five rounds of ammunition and this few pills that were found in a dustbin. So the NPA declined to prosecute on that matter.

ADV SELLO SC: And before you move on, you attached the affidavit of Colonel Ndlovu and the NPA letter marked MK26. (Microphone off) I apologize. You have attached Colonel Ndlovu’s affidavit as well as the NPA letter and

both are MK26, just to point out to the Commissioners that the first document is the affidavit. The actual letter declining to prosecute is at 601 of that annexure. It is a handwritten entry I think into the investigation diary signed by Adv Mkhonza.

LT GEN MKHWANAZI: That is correct, Commissioners. And if the Commission allow me to read on 601 the entry that was made by the Advocate in that enquiry and his actual reasons for declining to prosecute. It reads as
10 follows, and it is dated the 14th of February 2025:

“I decline to prosecute Ms Nellie Joyce Ndlovu on the unlawful possession of ammunition and drugs. The photo album was received. It is clear that the above items were found outside her house in the dustbin where anyone would have access to. There would be no prospect of successful prosecuting Ms Ndlovu.”

20 Signed by the Prosecutor. So, Commissioners, this goes to demonstrate exactly my suspicion on this matter as it started that make this enquiry, take this thing to Forensic lab, get Forensic people to come in here and I guess they did that is why there is photographs, which means Forensic people came, did the touch DNA, took photos and they filed

it in an enquiry and they could not prove that this person who sleeps in this house is responsible for the dustbin outside and the content that was inside the dustbin.

ADV SELLO SC: You then lead on to from paragraph 319 onto IPID, the Independent Police Investigative Directorate.

LT GEN MKHWANAZI: I had indicated – thanks, Commissioners. I indicated that an OB entry of Empangeni surrounding this matter was brought to my attention by Mr Mogotsi and I said this Empangeni is in a policing area
10 where the Minister of Police stays and to my surprise, after all these incidents, on the 12th of March I received a letter from IPID, the Acting Head of investigation at IPID who wrote on his letter, the first paragraph, which says that they received a complaint of interference from the Minister of Police regarding alleged interference with the arrest of the senior Correctional officer in January 2024.

The incident happened in 2024. IPID sends this in March 2025 and they are saying the Minister of Police is the one who register this complaint with them, in black and
20 white.

ADV SELLO SC: Before you proceed, I see you are I think reading from MK27, is that correct, starting at page 603. The subject line of that document references Empangeni with a CAS number of 03/01/2024. Is that the same case number as the Empangeni matter that you say the NPA

refused to prosecute or is that a different one?

LT GEN MKHWANAZI: It is the same one.

ADV SELLO SC: Okay.

LT GEN MKHWANAZI: That the NPA declined to prosecute on, the Empangeni matter. Commissioners, if you see on 601 of the attachment top right corner the enquiry number. Actually it was not a case, it was an enquiry. The enquiry number is dated 3/01/2024. So this is what the Minister's letter I assume was referring to because, or the IPID letter, 10 although they said it is a CAS. It is not a CAS, it was not registered as a case, it was an enquiry.

ADV SELLO SC: Also, General, before you continue, so we do not get confused, the number at 601, 3/01/2024, is that a date or an enquiry number, because I see on the left column there is a date of 14/2/2025. So the number on the top right that you just read ...[intervenes].

LT GEN MKHWANAZI: Yes.

ADV SELLO SC: Is that a date or is that a formal entry number or CAS number or ...[intervenes].

20 **LT GEN MKHWANAZI:** Ja, it is a register number.

ADV SELLO SC: Okay.

LT GEN MKHWANAZI: What we do in the Police when we ...[intervenes].

ADV SELLO SC: Sorry, it is because – I apologize. It is because you called it a date and I wanted to clarify that.

LT GEN MKHWANAZI: Ja, no, it is a ...[intervenes].

ADV SELLO SC: It is not a date.

LT GEN MKHWANAZI: It is, well 3/01/2024 it is a reference number, 3 it is a reference number, slash, the following numbers it is the month and slash, the following numbers it is a year.

ADV SELLO SC: Okay.

LT GEN MKHWANAZI: That is what – so it is a reference to the case number.

10 **ADV SELLO SC:** Understood.

LT GEN MKHWANAZI: If it is a case, if it is an enquiry, reference to the enquiry number, that is why it is 2024. It remains on the register like that.

ADV SELLO SC: And you maintain that it corresponds to what IPID calls CAS number in the subject line?

LT GEN MKHWANAZI: That is correct. In the heading of IPID letter which is dated the 12th of March 2025 it write the reference this Empangeni case with those numbers, 3/01/2024.

20 **ADV SELLO SC:** Thank you, you may continue.

LT GEN MKHWANAZI: So in this letter as I said, Commissioners, maybe reading exactly paragraph 1 of the letter so that I can quote it verbatim. It reads as follows:

“Kindly note that IPID received a complaint of interference from the

Minister of Police registered as IPID CCN 2025020200. The matter falls within section 28(1)(h) of IPID Act, Act number 1 of 2011.”

And the second paragraph it then says:

10 “It is alleged that on Monday, the 8th of January 2024 at about quarter to 9 in the evening, 20:45, an operation was conducted at Qalakubusha Prison, residential area. The Police went to house number 3 and searched the premises. In the process five rounds and 12 pills wrapped in a foil were found in the dustbin outside the house. The owner of the house, Ms Nellie Ndlovu, was arrested and taken to the Police Station for detention. The items found in the dustbin were booked as exhibit in SAP13 number 36/2023 and 20 37/2023, Empangeni SAPS. It is further alleged that while the Police were busy processing the suspect they received a call from the Provincial Commissioner who instructed the team not to open a case against the

suspect.”

So this is what formed the basis of IPID to come and launch an investigation. Strange enough, Commissioners, to date I do not know what happened to this investigation of IPID, but I can safely tell you that the current Acting Head of IPID flew to KZN and when he arrived in KZN he had written a letter, two paragraph letter that he did not sign and that letter was in the car and he came to apologize that they quoted the wrong person as the
10 complainant, the Minister, they should not have done that and the complainant was not the Minister.

So when I asked him but where were you when this letter was written, he said he was on leave. I said but how do you justify the person who write the letter. Of all the people who can make an example or make a mistake on, why would you make a mistake of referring to the Minister. I believe it is the Minister that forced you, IPID, to launch an investigation on this. Well, of course he denied it. He said it is not in IPID. When I asked him but who it is if it is
20 not the Minister, he said no, it is an anonymous complaint. I said no, you cannot tell me that, anonymous complaint and yet you have written the Minister here. I was not born yesterday.

And I asked him so what are you coming to do here in my office? He said no, I want to withdraw this letter. I

said okay, what is it that you have? He then asked my staff officer to get into the lift and go downstairs into the car and open his boot and take a folder and bring it to the office and he opened the folder, there was this letter that was written, not signed. There are two paragraphs, first one we are correcting that the complaint did not come from the Minister. The second paragraph, you do not have to submit a statement.

He signed it in my presence. He asked my help
10 with this and I said well, I do not have a problem, you want to give me this thing, you feel it is important for you to spend state money and fly from Pretoria to come here and sign this letter in front of me to withdraw that, are you trying to cover up the Minister or what. But he said no, he is not covering up the Minister, so he signed the letter, he made a copy and he left. That made me believe that he wanted that there can only be two copies, one for me and one for him, because he asked me not to release that copy, which I did not.

20 But to date I have never heard of IPID again whether they are still investigating or not investigating. They will maybe come and explain after that what happened to that investigation. So this is but one of the example that made me realize that this is now the Minister's fightback, indirectly so. He might denied it. He denied it in public but

the IPID people made a mistake. An honest IPID member that compiled this letter and signed this letter, if he is brought to this Commission under oath he might say was it the Minister or not the Minister. I would like to hear what that member says under oath, because as we investigate we might find the truth and if he lies under oath it might be troublesome.

ADV SELLO SC: That then brings you, General, to your paragraph 325 under a slightly different heading. This time
10 it is the General Khumalo case. You want to highlight other aspects regarding this case. Remember that you had quite an extensive engagement with the Chair when you were talking about concerns within the Magistracy and you referenced this particular case. And I think perhaps the issues you want to highlight insofar as you claim a retaliatory action, actions against you or your Task Team members, are from 330, paragraph 330 by way of examples. Without necessarily going into deeper detail are you able to summarize that in brief?

20 **LT GEN MKHWANAZI:** Yes, Commissioners, I can indicate, I said earlier with regard to how the team, GCI Ops is being collapsed, the heart of it was General Khumalo, General Lekalakala, the people that are driving this operation, the CFO at Crime Intelligence that are driving this operation, General Madondo who is responsible

for all his gadgets that were bought, moved from DPCI and the likes and brought there, who is responsible for this, they were arrested by IDAC.

I want to invite the Commission and the public in general to just go and revisit the Amendment Act of IDAC, of NPA so that they can be able to extract on the section 7 the mandate of IDAC. They are charged with the responsibility of dealing with serious cases, very serious cases, but the arrest that happened on the case as I said, 10 remember, Commissioners, I said Mr Adams opened cases in Cape Town and opened cases in Johannesburg with no elements of crime on his statements. But this arrest is a result of a case in Brooklyn, Pretoria, where Mr Adams is a complainant with the statement dated January 2025.

I do not know whether Mr Adams flew up to Pretoria to deposit another statement but what is strange is that the complaint on this matter that got these members arrested is exactly same complaint on a case that is in the possession of IDA that were opened in Cape Town and Pretoria, which 20 the complaint it is about the six members of Crime Intelligence management who are charged with corruption related to the irregular appointment of Brigadier Mogwele as per the Brooklyn CAS 542/6/2025.

ADV SELLO SC: And that is the case that I think you unpacked for the Commissioners when you were dealing

with the bail conditions that were set against General Khumalo, is that correct?

LT GEN MKHWANAZI: That is correct. Commissioners, as you see they are charged for irregular appointment, not operations or misuse of funds at Crime Intelligence, nothing of that sort, but the irregular appointment. And they are accusing Brigadier Mokwele for having received gratification which is the salary that the organisation is going to pay her over a period of 12 months. So she is arrested and charged
10 for receiving that salary that she has not received.

This team is charged, I am not going to dwell much into the charge sheet.

ADV SELLO SC: Yes.

LT GEN MKHWANAZI: But what is interesting on this one is that the Magistrate then comes with the court ruling that says on the bail condition they must never enter any premises of Crime Intelligence in the country. That is the interesting part in relation to this case.

That is what strengthen our commitment in terms of
20 fighting the syndicate that this is a strategy employed by them to make sure that his investigation are stopped and the people that are playing part here it is IDAC. With all this expectation from the, from Government that IDAC is going to deal with serious cases, but they confined themselves with dealing with labour related matters,

irregular appointment.

It is really peculiar indeed and I really do not understand why will an institution like IDAC that is supposed to be focussing on some serious things that are affecting this country, then they bother with cases of this nature. I must say this one was initiated between them and Mr Adams. It is not that which the Minister have referred to them, so they ought to come up with something else.

But I guess IDAC is going to be invited to come
10 here before this Commission. They are welcome to come and explain themselves as to what – what I am bringing before this Commission is the fact that is there, I am not speculating it, it is in black and white. So theirs is just come and explain why they chose this route of dealing with investigations in their offices.

ADV SELLO SC: And at paragraph 331 you reference another incident, or once again speaking to retaliatory action. Can you summarize that.

LT GEN MKHWANAZI: Commissioner, you will see on that
20 projector, the slide that I presented on the top right corner I circled a few entities. Maybe you can flight it back if you are able to. I circled a few entities ...[intervenes].

ADV SELLO SC: She is trying to get it up again. Yes.

LT GEN MKHWANAZI: Okay. I circled a few entities. That is just to show, I wanted to indicate to the Commission

that this is the fighting structure of the people of this cartel that we are investigating. They are using this environments to fight. Of course, they are also using the people that are spreading wrong information and publishing things on the media and speaking loud. Some people that have got audience in public and speak ill against the Crime Intelligence and I am going to invite, I know maybe it might not be, is not in my statement, but General Khumalo will talk about it, but I am aware as part of the management that

10 in the history of all the intelligence performance that the performance of Crime Intelligence in terms of the audits for the past 5 years or so, maybe Auditor General of South Africa will come and tell you how were things before Khumalo came there and how are things now.

It will be interesting to see that and so you can ask yourself whether is there any maladministration or not. I know of properties, I am not disclosing as to what, but I know properties and the money spend and renting buildings versus the money spend in procurement, but that is subject

20 to another discussion other day. But these are some of the messages that goes out into the public.

ADV SELLO SC: In relation then to – oh, our slide has disappeared. I wanted to contextualize what you state at paragraph 331.1 and 331.2. I thought that is why you wanted the slide to be put up.

LT GEN MKHWANAZI: Yes, Commissioner, why I wanted this slide to be put out is because I am aware that in December when the team searched Vusimuzi Matlala's house on the 6th of December beside the Law Enforcement having presented themselves there to come and disrupt the operation, there was a case that came subsequent to that where Vusimuzi Matlala was coerced to open a case against the team members that they stole his Rolex watches and many other items.

10 So that case was sent to IPID so that IPID can investigate and arrest this members from the team. So that is one of the cases that were registered. And there is another case that is sitting in the Eastern Cape and there are many other cases that have been persuaded against the team members.

ADV SELLO SC: And that leads you then to the case at 331.3.

LT GEN MKHWANAZI: That case of 331.3, Commissioners, it is said, I did not want to mention this
20 much in public but I can talk about it now. I had said when I addressed the public on the 6th of July 2025 that there are firearms that have since been linked with multiple murders in Gauteng province. What is heartbreaking for me, Commissioner, is that when these firearms are found and they are send to Forensic Service of the South African

Police Service, and you will expect the analyst to produce a report after testing this firearms against the cartridges found, and also against the database of other cartridges that were found in other scenes so that you can do a comparison whether these firearms are involved in other cases other than this one, those firearms when they were tested the report that came did not compare these firearm with other cases and yet the investigators had information that the same firearms were used.

10 So when the team came in, the 10 from KZN to assist this investigators they were able to, because they have got ballistic expert within them, they were able to go and get the analyst who was at home at the time and they asked him to accompany them, to come to the Forensic offices and they, he gave them firearms, they went and tested this firearms themselves, so when they tested the firearms, the firearms linked with these other murders.

 So they came back to the analyst and say but we want to see your gadget that you used to explain to us why
20 you do not produce the report that say this firearms are linked with other murders, why did you hide that away. So they came with him to the office so that they can be able to take those gadgets and be able to download to get proof whether did this analyst get the same results that they are getting or he got the different results.

But after the team did that and they came with the member back to the office to get those gadgets, the senior management in the South African Police Service responsible for Forensic encouraged this Police Officer to go and open a case of kidnapping against the team, because the team forced him to come in and give them the gadgets because they wanted to establish that we are testing this guns, we are getting this positive reports and you had this firearms in front of you and you do not produce
10 this report.

So I did not say in the public when I addressed that the linkages of this firearms were actually tested by the PKTT team, they were not tested by Forensic here in Pretoria who was in possession of this guns, because there was a collusion to hide that evidence. So after this testing we have seen this case has been enrolled in Court and people arrested already and it ...[intervenes].

ADV SELLO SC: I apologize. In relation to paragraph 331.3 ...[intervenes].

20 **LT GEN MKHWANAZI:** 331.3.

ADV SELLO SC: 331.3 yes.

LT GEN MKHWANAZI: Yes.

ADV SELLO SC: You state in respect of that particular officer that he opened a kidnapping case.

LT GEN MKHWANAZI: Yes.

ADV SELLO SC: And you put it under that subject, retaliatory action against the Task Team. Is that what you are saying ...[intervenes].

LT GEN MKHWANAZI: Yes.

ADV SELLO SC: Happened here that that case was opened in retaliation to the efforts of the Task Team?

LT GEN MKHWANAZI: That is correct, because you, the person who was involved did not open the case immediately. We learned that he was coerced to open this
10 case against the team that he was kidnapped and as a Police Officer he was taken to his office to open his office and so that the team can access gadgets, but he claimed kidnapping as a result.

ADV SELLO SC: Okay.

LT GEN MKHWANAZI: After that on the day he went back home. He was not cuffed, he was not doing – he just went to the office and he gave them what they needed and he left. But he was coerced to open a case of kidnapping, which if he is persuaded by IPID or any other bodies, it is
20 easy for them to arrest the team, like IDAC has done, arrest the team and put them out of action.

ADV SELLO SC: Okay.

CHAIRPERSON: If you have explained it, General, you will forgive me, and why do you say he was coerced?

LT GEN MKHWANAZI: Commissioner, the team was with

these Police Officer from the time they went and met with him at his residence and he came with them without any concern into the offices. Some of the seniors even came to join this team at the office. They even offered them lunch. They even bought them lunch. So the relationship between the team and this member and other officers of Forensic was a cordial, colleagues engagement.

I am not going to say exactly what he said to the team, but he indicated to the team that these firearms are
10 linked with serious cases that he does not want to get involved with. So, but later for this person to now go and open a case back at ...[indistinct] where he came from as if he was kidnapped whereas he came here to Pretoria into his office. We can only conclude that someone influenced him to do that, because he will have, if he was kidnapped he could have phoned anyone.

He called his Commanders to come there, so his Commanders were there and the evidence of kidnapping it is something that I believe maybe that is why IPID is not
20 able to affect any arrest on it, but a case was opened as a result. So it is part of those things that we are seeing, Commissioners, that if these members are arrested it means this team must stop working.

In the Eastern Cape, Brigadier Tshabalala from DPCI is also invited to do the same against the members in

the Eastern Cape. So there are many cases then are being registered against the very same Gauteng Counter Intelligence investigation that is taking place. Well, the first strike was IDAC, so I do not know if the others are going to strike thereafter and come with their own bail condition as well.

So, but we are concerned about this. It is me, the Minister's complaint, IPID. It is these members, kidnapping case, IPID. It is these members, promotion of a place in
10 IDAC. So it is the same members that are affected by these, that is why we see there is a concerted effort to make sure that there is a frustration of the work of the team in this regard.

ADV SELLO SC: Thank you, General, that then brings you to the next topic if you are done with that one and here you ...[intervenes].

ADV BALOYI SC: Ms Sello, you have 331.4.

ADV SELLO SC: Yes, Commissioner.

ADV BALOYI SC: It does not have any detail at all. Just
20 in case it becomes important somewhere along the line ...[intervenes].

ADV SELLO SC: Yes.

ADV BALOYI SC: Are we likely to get further detail or this is as far as it goes?

ADV SELLO SC: We can enquire from the General. I note

that that paragraph ends with a sentence, further clarification regarding the details of this case is pending.

ADV BALOYI SC: Yes.

ADV SELLO SC: General, perhaps you may assist the Commissioner.

LT GEN MKHWANAZI: Ja, I just flagged it here, Commissioners, because I know this case also that affect the very same members of the team. You will recall back then the team was working in the Eastern Cape so there are
10 cases that looks like they were registered against them in the Eastern Cape. So, but I do not have the details on it, that is why when I concluded my statement I end it here. But it is a combination of all the cases that comes out as a result of, that are affecting these members that are working at this Organized Crime team.

ADV SELLO SC: Thank you, Commissioner. General, we then turn to the next topic in your statement. The heading is “allegations against me in the public domain”. Could you briefly deal with that.

20 **LT GEN MKHWANAZI:** Commissioners, I know there are many allegations against me in the public domain which are widely publicized. There are podcast channels that are hosting specific individuals that speaks all bad things about me. At least now I know that the Louis Vuitton bag cost how much money. I did not know until they spoke about me

in the media and I went to ask my wife what is a Louis Vuitton and how much is it and I got to learn.

I do not want to engage much on it. We know that Mr Paul O’Sullivan, immediately after addressing the nation on the 6th of July he came on television and he said bad things about me and it did not start. He has been on this for years, Commissioners.

The relationship between him and General Sibiya it is something that is an open secret. So could it be that
10 because I mentioned things about his friend that made him to respond like this? I said this Mr Paul O’Sullivan is working in the security industry as a ...[indistinct] person. He once worked at the airport in Johannesburg and after that he then opened his own company. I know of, maybe I can put it here, Commissioners that as I said I have got informers. The Chief of Staff of the Minister of Police, Mr Nkabinde, he used to work for IPID, he has given me files about the *modus operandi* in IPID and when he used to be there the role that Mr Paul O’Sullivan were playing in IPID.

20 There was a fallout between the two of them. Mr Paul O’Sullivan does not mince his word when he speaks out there. He just speaks openly. So I do not want to debate what he is saying. I want him to come before this Commission and come and argue the things that I have presented in this past three days that everything is a lie and

he must tell me why he says it is a lie, not to come here and accuse me on something that he cannot substantiate. But if he has got evidence of it, he is welcome to come. It is an open Commission this. He must come here and say this is what Mkhwanazi has done, this is what Mkhwanazi has done, this is what Mkhwanazi has done.

For me what I can tell you what we have picked up, we are investigating, I became aware of this, I registered the case, the case is being investigated in KZN. I hope he
10 also pick up things against me, he register a case, the case is being investigated and you see the outcome of that.

There is a Professor that I have never met in my whole life, Professor Mary De Haas. This is an academia, a violence crime monitor analyst in KZN. I expect the learned friends and people that are academias to do research. You do not write something that you do not research, but from what I see what Mary De Haas publishes most of the time, it is a one-sided story. You hear from a person who tells you the story, you do not investigate, you publish it. I am going
20 to set an example, Commissioners, as I am closing on this.

The case, the famous case of the murder of a politician at Umzimkhulu in KZN, Sindiso Magaqa, General Khumalo at the time was a Brigadier, I said when I presented here General Khumalo used to work under Operational Response division, coordinating operations. He

only arrived at Crime Intelligence most recently, 2023 if I am not mistaken, 2022 I think, end of 2022, 23. When this arrest happened back then he was not anywhere close to Crime Intelligence. He was a Brigadier. He is the one that was leading the team that cracked that investigation of Sindiso Magaqa. He is the one that found that the firearm that was used in the murder of Sindiso Magaqa and the vehicle that was used in the murder of Sindiso Magaqa are the resources that came from Crime Intelligence. It is
10 General Khumalo that found that and it is him that caused about at least 30 Police Officers to be arrested that were part of this criminality that are happening in KZN involving the murder of politicians and others.

But when the Professor receives something from Mr Adams, that Mr Adams flew from Cape Town to Durban in prison to go and collect it from an arrested person and the arrested person makes a story that Crime Intelligence was behind this, therefore it is Khumalo and he take that, they run with it. They have no clue. The person they are
20 accusing is the same person that made this arrest, but you are accusing that person.

Now you will expect that maybe from Mr Adams and others, but you do not expect that from the Professor. The Professor should have said yes, you are receiving this, let me go and check and verify where was Khumalo on this day,

when did he start at Crime Intelligence, what was his role, who was part of Crime Intelligence when this thing came. You will have picked up that. So I do not know if she is in South Africa or she is not, but I would be happy if the Commission can invite Mary De Haas to come here and many others. There are many other people that have got opinions that are making allegations against me in public. I invite them to come here, Commissioners, and sit in this chair and present and give me an opportunity to come back
10 and respond to the allegations.

I am going nowhere. “Inkosi esa ngcinile ...”.

[vernacular]

ADV SELLO SC: Thank you, General. Yes mam? Commissioner?

ADV BALOYI SC: General, just to go back to what you say about the relationship between General Sibiya and Mr O’Sullivan, you say it is in the public domain, certainly not to some of us. Lest it be, what you have said, lest it be understood if that was not your intention, to mean there is
20 an improper relationship. Perhaps if you could just say a little bit more about this relationship, are they familial, is it professional, what in fact is this relationship you are speaking of?

LT GEN MKHWANAZI: Commissioner, I cannot talk about the nature of the relationship between the two of them.

What I know is what General Sibiya told me personally that Paul O’Sullivan is his friend. He said it with his own words to me. That is why I am saying on me going to the media addressing the nation on the 6th then Paul O’Sullivan went into the media and accused me. Instead of listening to the message I am delivering and cause this allegations I am making to be investigated, he did not bother. He just fired back almost immediately. So that made me realize that in Zulu we will say ...[vernacular]. So I like to believe that perhaps this what I was alleging there somehow links him somehow.

CHAIRPERSON: I have not been sworn in to interpret.

ADV SELLO SC: Thank you, Chair. That brings us to the end of General Mkhwanazi’s testimony at this leg of the Commission. As he indicates in his statement he shall avail himself when called upon to do so by the Commission and should he be required to file a further statement, he has expressed his full intention to do so. Unless Commissioners have further questions, that is the testimony of General Mkhwanazi. Thank you, Chair.

CHAIRPERSON: General, I do not remember ever being in the witness stand, but to be in the witness stand for three days it must be quite onerous. Thank you very much and you are excused for now, because there seems to be an indication that you might be recalled and you yourself also

offered to come back and counter whatever allegations may be made by others. So you are excused for now. Thank you very much, General.

LT GEN MKHWANAZI: Thank you so much. Maybe if I can indicate to the Commission that Parliament also invited me. I am going to a meeting with the Evidence Leaders on Thursday and Friday next week, but the date of the hearing in Parliament I do not know, so I will hear from them.

CHAIRPERSON: Yes, I doubt that you coming back to us
10 will be anything immediate at all. I doubt that. Thank you very much, General. We will resume on Monday at 9h30. Let us adjourn. Thank you very much.

INQUIRY ADJOURNS TO 22 SEPTEMBER
