

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

HELD AT

BRIGITTE MABANDLA JUSTICE COLLEGE

22 SEPTEMBER 2025

DAY 4



PROCEEDINGS ON 22 SEPTEMBER 2025

CHAIRPERSON: Good morning to you, Adv Motau. Good morning, General. Yes, do I go ahead and have the witness take the oath?

ADV MOTAU SC: Yes. Yes, Chair.

CHAIRPERSON: Thank you. Thank you, Mr Motau. General, I have been told that you will be doing the affirmation.

LT GEN MASEMOLA: That is correct, Commissioner.

10 **CHAIRPERSON:** Yes. Do you affirm that the evidence you are going to give will be the truth, the whole truth, nothing but the truth. If so, say I do.

LT GEN MASEMOLA: I do.

FANNIE MASEMOLA (affirmed)

CHAIRPERSON: Thank you, General. Yes, Mr Motau.

EXAMINATION BY ADV MOTAU SC: Thank you, Chair and co-Commissioners. General, good morning.

LT GEN MASEMOLA: Morning, Counsel.

20 **ADV MOTAU SC:** General, in front of you there are two bundles. You have a small bundle which contains your statement and we will be referring to that as file 1 and it is so marked. And there is a big bundle in which the annexures to your statement are contained. That will be referred to as file 2. Do you follow?

LT GEN MASEMOLA: I do follow, Commissioner.

ADV MOTAU SC: Thank you. And if I can just ask you to please go to file 1 and turn to page 62. Is that your signature that appears on that page?

LT GEN MASEMOLA: That is correct, Commissioner.

ADV MOTAU SC: Do you confirm the contents of the statement as being correct and accurate?

LT GEN MASEMOLA: I do confirm, Commissioner.

ADV MOTAU SC: Thanks. And if I can just ask you to go back to page 2, paragraph 2, you indicate in that paragraph
10 that you deposed to this statement for purposes of this Commission of Inquiry, is that correct?

LT GEN MASEMOLA: That is correct, Commissioner.

ADV MOTAU SC: Yes, thanks. Chair, and co-Commissioners, the statement is being tendered into evidence.

CHAIRPERSON: Thank you, Mr Motau.

ADV MOTAU SC: Yes, General, then in paragraph 3 of your statement you deal with the structure of your statement and you will see if you look at the sub-paragraphs 3.1 to
20 3.12 there are 12 parts to your statement. Is it correct?

LT GEN MASEMOLA: I confirm that, Commissioner.

ADV MOTAU SC: And if you then go back to paragraph 3, the statement, or rather the paragraph should read this statement consists of 12 and not 10 parts, correct?

LT GEN MASEMOLA: That is correct, Commissioner.

ADV MOTAU SC: Thank you. And then if you go to paragraph 4 commencing from paragraph 4 to paragraph 22 you deal with the nomenclatures.

CHAIRPERSON: Just before you respond, General, my co-Commissioner is asking you to please speak up. He says he can barely hear you, please.

LT GEN MASEMOLA: No, I will do so, Commissioner.

CHAIRPERSON: Thank you.

ADV MOTAU SC: Thank you. Perhaps if I can just repeat
10 that to say from paragraphs 4 to 22 of your statement you deal with the nomenclatures that are used in the statement, am I correct?

LT GEN MASEMOLA: That is correct, Commissioner.

ADV MOTAU SC: And commencing from paragraph 23 to 27 you provide your reasons for participating or testifying in this Commission.

LT GEN MASEMOLA: That is correct, Commissioner.

ADV MOTAU SC: If I may just ask please to ...[intervenes].

20 **CHAIRPERSON:** Just, just before that, even though you have given us the nomenclatures here I will still request you when you refer to these in the body of your testimony to still describe each one of those, because by the time you get there I will have forgotten what those were. I do not know about my co-Commissioners. Thank you. Please continue,

Mr Motau.

ADV MOTAU SC: Thank you. Thank you, Chair. I was trying to take shortcuts for myself, but it has not worked. General, then to come back to paragraphs 23 to 27 of your statement where you outline your reasons for participating in the Commission and testifying. If I may just ask you to deal with those paragraphs.

LT GEN MASEMOLA: Thanks, Commissioner. My participation in the Commission starting from paragraph 23,
10 my role as the National Commissioner of SAPS is both complex and pivotal in ensuring the effectiveness, integrity and public confidence in the national policing system. When a Commission of Inquiry such as the Madlanga Commission is convened to investigate matters of national importance, it involves allegations of misconduct, failures in the organisation and oversight or systemic challenges within SAPS. There is no doubt that I must participate actively.

Such inquiry provide a unique and crucial
20 opportunity not only to respond to allegations, but also to reflect honestly on the existing challenges and advocate for meaningful reform. By engaging openly and constructively I demonstrate willingness to subject SAPS to rigorous scrutiny and to embrace recommendations that may emerge from this Commission.

This approach foster a culture of accountability, encourage collaboration with oversight bodies and signals to all stakeholders that SAPS leadership is both responsive and responsible. The importance of my participation cannot be overstated. My participation upholds the best traditions of accountable and transparent policing, aligns with legal requirements and advances both the internal development of SAPS and the broader democratic project in South Africa. It assures the public, government and international
10 observers that the highest level of SAPS leadership is committed to truth, justice and continuous improvement.

Paragraph 26, the benefits of participating in the commission is not to provide my account of interactions with Minister Mchunu on the issues forming part of this subject matter for determination herein only, but also hope that the Commission's findings and recommendation will lead to improved governance, public trust and institutional effectiveness, which are not only critical to SAPS, but are foundational to the wellbeing and safety of South African
20 society as a whole.

ADV MOTAU SC: General, if I can just stop you there, the essence of the point in paragraph 26 is to convey the point that the benefits of you participating in the Commission is not only to provide your account of the interactions with the Minister, Minister Mchunu, but you are saying the benefits

go beyond that, because you are hoping that the findings that the Commission will make together with the recommendations will lead to improved governance within the organisation. Is that correct?

LT GEN MASEMOLA: That is correct, Commissioner.

ADV MOTAU SC: Yes. And then you proceed in paragraph 27. You deal with one of the important aspects which you envisage that this Commission will do and you say the Commission you hope will assist in making a proper
10 diagnosis of the circumstances that have brought us here. And you talk about also the hope that the recommendations that the Commission will make if accepted by the President, will avoid a repeat of what you term as rather the unfortunate events that have led to the establishment of the Commission. Is that correct?

LT GEN MASEMOLA: That is correct, Commissioner.

ADV MOTAU SC: Okay, thank you. If I can then ask you to deal with the next topic that you address in your statement commencing from paragraph 28 to 31 and there
20 you outline your background and your service history within the South African Police Services. If I can just ask you to take the Chair and the Commissioners through that portion of your statement.

LT GEN MASEMOLA: Thank you very much, Commissioner. My background history, I joined South

African Police Service in 1987 and I worked in various provinces through the ranks. I worked in Free State, I worked in Gauteng, I worked in KwaZulu-Natal, Gauteng again, various provinces, Western Cape, deployed there and then I worked also in Limpopo. Throughout my career I acquired broad managerial experience within the service. I attended a number of courses within the South African Police Service, both at junior ranks and at senior ranks. I have 38 years of service in the SAPS and of which 25 years
10 of that was at senior management level.

I held up positions of Unit Commander, I held positions of Deputy Provincial Commissioner in KwaZulu-Natal. I was Divisional Commissioner of Protection and Security Service and then I acted as Divisional Commissioner of Crime Intelligence and then I became a Deputy National Commissioner for Operations and thereafter I went to Limpopo as the Provincial Commissioner. And in 2016 I came back as Deputy National Commissioner again up to 2022 and since 2022,
20 March up to now I have been appointed as the National Commissioner of South African Police Service.

ADV MOTAU SC: And you conclude in paragraph 31 that your trajectory reflects a broad spectrum of policing expertise from grassroots, operational leadership to strategic oversight at the national level, correct?

LT GEN MASEMOLA: That is correct, Commissioner.

ADV MOTAU SC: You have attached a full copy of your CV which we do not need to go to, but for the benefit of the Chair and the co-Commissioners it is on pages 63 to 72 of file 2. Thank you. Then, General ...[intervenes].

CHAIRPERSON: Marked as FM1.

ADV MOTAU SC: SF1. Thank you. Thank you. I apologize, Chair. Yes, SFM1 ja. And General, the next topic that you deal with is SAPS and the criminal justice
10 system commencing from paragraph 32 and in those paragraphs from 32 and 33 you referred to the three pillars that guides the South African criminal justice system. If I can request you to deal with those three pillars which you deem to be foundational.

LT GEN MASEMOLA: Thanks, Commissioners. The pillars of the South African criminal justice system is guided by a clear division of three pillars, the first one being the Police, the second one being the Prosecution Authority, the third being the Correctional Services. The first pillar on the
20 Police serves as the frontline of law enforcement which involves the crime prevention, crime investigation, gathering of evidence, apprehension of suspects with a view to secure evidence for the Courts and ultimately bring that to the next pillar which is the second pillar, which is the National Prosecuting Authority, which is responsible for

deciding whether there is, sufficient evidence exist to prosecute or not to prosecute in that specific matter. And within this pillar you have got then the Judiciary and which is the Magistrates and the Judges which NPA and the SAPS or the State will put the case forward and the Magistrates and/or Judges will then conduct a fair and impartial trial to determine the guilt or the innocence of the accused person.

The third pillar is the Correctional Services that takes over once the Court has delivered its verdict. This
10 sector is charged with enforcing and administrating sentences imposed by the Courts. Their work involve incarceration of offenders and also the management of alternative community based sentences, rehabilitation programs and of course reintegration back to the society. Taken together this three pillars work in concert to uphold the rule of law, protect communities, ensure justice is served and force the public trust in the criminal justice system.

ADV MOTAU SC: So in essence the three pillars are inter-
20 dependent.

LT GEN MASEMOLA: Correct, they are inter-dependent to each other, also hence it is important for each one to remain independent from the other and no encroachment between one against the other.

ADV MOTAU SC: Thanks. And then, General, the next

topic that you deal with is the Police in closer detail and that you outline from paragraph 34 to 42 of your statement. If I can just ask you to take the Commission through that section.

LT GEN MASEMOLA: The Police in a closer look, the establishment of a single Police Service is provided for in Chapter 11 of the Constitution. Section 199(1) states that the security services of the Republic consist of a single Police Force, no, a single Defence Force, a single Police
10 Service and any Intelligent Service established in terms of the Constitution.

ADV MOTAU SC: And then you proceed over the page, you refer to sections 205, section 206 and section 207 of the Constitution which you say they also deal with matters relating to the Police Service insofar as they pertain to structural elements, political responsibility and control over the service in its entirety, correct?

LT GEN MASEMOLA: That is correct. Section ...[intervenes].

20 **ADV MOTAU SC:** Yes, 205 which you deal with from paragraph 36, if you can proceed.

LT GEN MASEMOLA: Ja, section 205 of the Constitution is paramount importance to understand the context of the obligation placed on the National Legislation to clarify matters relating to policing. 205(1) provide for:

“The National Police Service must be structured to function in national, provincial and where appropriate, in the local sphere of Government, giving effect to the implementation of a model that seeks to create a uniform system of policing.”

Section 205(2) of the Constitution provide that:

10 “National legislation must establish the powers, functions of the Police Service and must enable the Police to discharge its responsibilities effectively, taking into account the requirements of the provinces.”

Section 205(3) provides that:

20 “The Police Service is to prevent, combat, investigate crime, to maintain public order, to protect and secure the inhabitants of the Republic and their property and to uphold and enforce the law.”

Section 206(7) provides for:

“The legislative framework to regulate Municipal Police Service, to augment policing by stating that the national

legislation must provide a framework for the establishment of powers, functions and control of Municipal Police Service.”

Furthermore, section 207(2) of the Constitution states that:

10 “The National Commissioner must exercise control and manage the Police Service in accordance with the national policing policy and the directions of the Cabinet member responsible for policing.”

And my understanding of the Cabinet member responsible for policing reverts to the Minister of Police.

ADV MOTAU SC: And if I can just stop you there ...[intervenes].

CHAIRPERSON: Before, before you go on ...[intervenes].

ADV MOTAU SC: Ja, yes.

20 **CHAIRPERSON:** Yes, thank you, Mr Motau. General, I do know that later you do explain directions for example and you put in strategic trying to tell us what exactly the directions envisage in section 207(2). But can you at this stage just very broadly tell us what the distinction is between policy, directions and operational or managerial matters. I will tell you why I am asking you, I am asking

you because further down in your affidavit you start off by stating your main proposition, which is that the Minister's instruction or disbandment instruction strayed onto operational or managerial matters.

But then you have two alternatives and you say if however it is found that the instruction was policy, then, the then being an argument against the Minister's entitlement to have issued the instruction, and you have a further alternative, alternatively if it was a direction as envisaged
10 in section 207(2), again you have an argument against the Minister's entitlement to have issued it.

Because of those possibilities I want you to just tell us what exactly the differences are. What are the inner and outer contours of each one of this. It does not matter if you repeat those when you get to that part of the statement, but upfront I just want us to get an idea of what these are.

LT GEN MASEMOLA: Thanks, Commissioner. My understanding is that the Minister is responsible for, to issue a national policing policy. In other words, that is the
20 direction in terms of what are the priorities that we needs to do as the Police. For example, there could be priorities about let us say gangsterism or cash in transit that is troubling the country. That is a strategy direction that we needs to deal with that.

But the how part of it, how many resources we are

going to use, of course I will inform the Minister as to how, what resources I am going to use, but the how part of it, it is a, according to me it is an operational matter where I will decide how many resources in terms of personnel, vehicles and how are we going to do this job. I do not expect the Minister to say get involved into the how part of it in terms of executing the functions, but I expect that he can identify the priority.

Yes, he can talk to in terms of what he thinks.

10 There is no problem even if he can say how he thinks, the how part, but know that he get involved in to say do it in the following manner. So in this case my issue is for example, in this case of the Political Killings Task Team it is a Task Team that is working at a lower level under a Provincial Commissioner. If ever he found anything wrong with the Task Team he could say that Task Team I think you need to disband it and we can engage in the terms of the why and how and so on.

20 But to say, to go further to say disband, but then after saying disband then he will go further to say now, now, now, not even tomorrow. I think that is totally encroachment into the mandate of the National Commissioner in terms of performance of my duty. I do not know whether that answer ...[intervenes].

CHAIRPERSON: From that response I think I do get the

how, which is an operational issue that falls under the purview of your functions. I do get that. But you seem to be lumping policy and directions together. So I am still in the dark as to what the difference is between policy and directions. Can you now forget about the operational matters and just give us an idea of what the difference is between policy and directions as envisaged in section 207(2) of the Constitution.

LT GEN MASEMOLA: Thanks, Commissioner. The policy
10 will be like we do have the Police Act. The Minister is, get involved in development of that legislation and there is a policy recently, national policing policy. There was not one. There is one that recently was issued that directs us in terms of what we need to prioritize. So it talks more on what is it that we must prioritize, because the Constitution in section 205(3) tells us what must we do, but there will further be priorities that are out there in terms of various provinces. Then the Minister yes, can issue policy to say I need us to go in this way, issue legislation or issue extra
20 policing policy like he did.

CHAIRPERSON; That is the policy as I understand you. And directions?

LT GEN MASEMOLA: Directions according to me it is any directives you can issue to say in terms of, in terms of what, what matters must we, what matters must we

prioritize in terms of like I gave an earlier example to say we prioritize cash in transit for example. He can say ja, there is problem of cash in transit, or there is problem for like in his case he said we have problem of illegal mining in the country, let us do something about it. That is a direction, and we go and to deal with the how part.

CHAIRPERSON: When dealing with policy you touched on something that was issued recently. I actually had a question here that asks whether the policy is contained in
10 one document or in several documents. When you say there was not any before and that one has been issued recently, so that probably means there is only one document, or am I wrong?

LT GEN MASEMOLA: Ja, one takes, my understanding policy will be what the Minister will express mostly together with the rest of South Africans through legislation. And the national policy has, there was never one. There is one now issued.

CHAIRPERSON; Okay. No, thank you. If the Minister
20 were to stray from policy or the directions envisaged in section 207(2) of the Constitution, stray onto operational or managerial matters, would the National Commissioner be legally entitled to disobey the Minister?

LT GEN MASEMOLA: Just come again, Commissioner?

CHAIRPERSON: Would a National Commissioner of Police

be entitled to disobey an instruction by the Minister if that instruction strayed onto operational matters? Would the National Commissioner be legally entitled to say to the Minister, Minister, I am not going to do that, I am not going to act in accordance with your instruction?

LT GEN MASEMOLA: Ja, I take it that yes the National Commissioner can say that.

CHAIRPERSON: Now let me be direct and ask you about yourself. If you were to find yourself in such a situation
10 would you disobey the Minister? If the Minister were to give you an instruction that strays onto operational or managerial matters, would you, General Masemola, say to the Minister I am not going to obey that?

LT GEN MASEMOLA: Ja, it depends, Commissioner, but yes, I will refuse. It is a matter that is career limited ...[intervenes].

CHAIRPERSON: But it depends on what?

LT GEN MASEMOLA: It depends on how he does it.

CHAIRPERSON: It is simple. It is simple ...[intervenes].

20 **LT GEN MASEMOLA:** Yes.

CHAIRPERSON: You have said, you have said operational and managerial matters are within your remit and not the Minister's.

LT GEN MASEMOLA: Yes.

CHAIRPERSON: So I am saying categorically to you that

in what I posed to you the instruction would be falling outside of the Minister's remit and be straying onto operational and managerial matters. Is that clear?

LT GEN MASEMOLA: Ja, no, no ...[intervenes].

CHAIRPERSON: Would you, would you, General Masemola, tell the Minister I am not going to obey that?

LT GEN MASEMOLA: Ja, no, I will tell him that I will not do it.

CHAIRPERSON: So ...[intervenes].

10 **LT GEN MASEMOLA:** But as I said, it depends ...[intervenes].

CHAIRPERSON: So, so ...[intervenes].

LT GEN MASEMOLA: He must explain why doing certain things.

CHAIRPERSON: So if he explains himself would you then obey even if the instruction still strayed beyond the Minister's powers and strayed onto your powers and functions?

LT GEN MASEMOLA: Ja ...[intervenes].

20 **CHAIRPERSON:** I want to understand that depends. So if the Minister explained him or herself satisfactorily to him ...[intervenes].

LT GEN MASEMOLA: Ja, it ...[intervenes].

CHAIRPERSON: Would you then say, Minister, even though you are encroaching onto my area or function, I will

obey you. You are acting unlawfully. You are not acting in accordance with section 207(2) of the Constitution, but because you have explained satisfactorily to me, I am going to obey you, would you say that?

LT GEN MASEMOLA: Well, if he explains and I find the reasons acceptable then I will, but if I find them not acceptable then I will not comply with that instruction.

CHAIRPERSON: Explain yourself. Explain yourself, why would you obey an instruction on something that the
10 Minister has no legal, no constitutional basis to do, why would you obey that? Just explain that. I want to understand you.

LT GEN MASEMOLA: Ja, thanks, Commissioner. What I am referring to, well, my understanding and his understanding probably will differ, but if he says this is what, I am giving this instruction, you must do it, and there is an explanation why should one do the instruction, we will engage on such a matter where is his powers, does it end up.

20 **CHAIRPERSON:** General, I am sorry to belabour this ...[intervenes].

LT GEN MASEMOLA: Okay.

CHAIRPERSON: But I just want to understand your thinking. It is not policy, it is not directions as envisaged in 207(2) of the Constitution. So if it is none of those, why

would you ever obey the instruction? Where would the legal entitlement for the Minister to give the instruction come from?

LT GEN MASEMOLA: Now ...[intervenes].

CHAIRPERSON: And on what legal basis would you obey it?

LT GEN MASEMOLA: Yes, Commissioner. No, it is very clear that, it is clearcut, it is not his, then I will not obey it, I will not do it.

10 **CHAIRPERSON**: I said so right at the beginning.

LT GEN MASEMOLA: Yes.

CHAIRPERSON: I said if ...[intervenes].

LT GEN MASEMOLA: How do I do it.

CHAIRPERSON: If the instruction strays onto your area of function will you obey it and you said it depends. That is what I am trying to understand.

LT GEN MASEMOLA: Oh, no, no, no, I will not do it. That one is straightforward not.

CHAIRPERSON: Thank you, Mr Motau.

20 **ADV MOTAU SC**: No, no, thank you, Chair. I could pick up that there was perhaps something that was lost in the discussion or perhaps the questions that the Chair posed.

CHAIRPERSON: Thank you.

ADV MOTAU SC: Thank you.

CHAIRPERSON: Ja, maybe the General forgot what,

because I introduced my question quite carefully.

ADV MOTAU SC: Yes.

CHAIRPERSON: Quite carefully.

ADV MOTAU SC: No, no ...[intervenes].

CHAIRPERSON: Referring to the straying and so on. But thank you very much.

ADV MOTAU SC: Thank you.

CHAIRPERSON: Thank you.

ADV MOTAU SC: Thank you, Chair. In fact, this issue that
10 the Chair is raising, it is something that you deal with in
your statement and it will also inform how you reacted to
the instruction to disband. But let us proceed and we will
get to that topic. Like the Chair said, it is a matter that you
deal with later, later on in your statement. But if you can, if
I can just ask you to then go to the concluding paragraph of
that section that we were dealing with. In paragraph 42
after you have dealt with SAPS in closer detail, you
conclude by saying:

20 “Central to effective policing is a clear
chain of command and control. The
National Commissioner is appointed to
serve both as a supervisor and
Commander and operates within a
defined legal framework, including
taking directions from the Minister to

promote, alignment with constitutional principles of transparency, impartiality and service to the public.”

And in this paragraph you articulate that the operations between yourself and the Minister are defined within a legal framework. So in other words, the taking of instructions from the Minister happens within the contours of the legal framework as defined and in particular in this instance you were discussing section 207(2) with the Chair.

10 Is that correct?

LT GEN MASEMOLA: That is correct, Commissioner.

ADV MOTAU SC: So the, it depends as you were dealing with earlier, I understood you to be saying it depends if the instruction is a lawful one or not.

LT GEN MASEMOLA: Ja, if the instruction is lawful one will comply. IF not, then one will not comply with it.

ADV MOTAU SC: Yes, and I think perhaps what you did not understand from what the Chair was asking, was the Chair predicated the question by asking that assuming an
20 instruction does not fall into either policy or direction, but it strays into your operational area and that instruction is an unlawful one, would you obey it? Would you implement it? I think that is the essence of what the Chair was asking.

LT GEN MASEMOLA: Hm, okay. Alright.

ADV MOTAU SC: But if I can then ask you to deal with the

next topic which is the office of the National Commissioner, your office, and commencing from paragraph 43 you deal with your key areas of responsibility, or your responsibilities, so if I can just ask you to please take the Commission through that section.

LT GEN MASEMOLA: Thanks, Commissioner. My responsibilities include the following as a National Commissioner, management and control, the management and control of the Police Service, adhering to national
10 policing policy and directives from the Minister of Police. In terms of the Constitutional mandate ensure the Police will fill their Constitutional mandate which includes preventing, combating and investigating crime and maintaining public order, protecting the people and the property and uphold and enforce the law.

So my understanding also there is that the Minister in giving directions, those directions must compliment or assist in attainment of this section 205(3) of the Constitution. Strategic leadership, responsible for
20 maintaining an impartial, accountable, transparent and effective Police Service. In terms of personnel management I am responsible for recruitment, appointment, promotion, transfer and discipline of employees of the service, including the appointment of Provincial Commissioners.

On operational support, ensure the provision of

vital service such as crime intelligence, criminal records, crime stats, forensic lab and in terms of internal security responsible for maintaining the internal security of the nation. On international cooperation, international Police liaison, we facilitate cooperation with foreign Police and also appointing liaison officers. I do reports in terms of reporting to the Minister of Police and the President. I account to Parliament and various other legislative oversight bodies, including Chapter 9 institutions.

10 **ADV MOTAU SC:** And then you proceed in paragraph 44 and following to deal with your interactions with the Minister and how they translate when implemented. If I can just ask you to comment from 44.

LT GEN MASEMOLA: In some I as the National Commissioner must implement policy and strategic direction determined by the Minister, but I am responsible for the operational and managerial control of the Police Service. This is due to the fact that the Constitutional scheme in express times removes the operational and managerial
20 control of the Police Service from the hands of the political actors.

CHAIRPERSON: Before you go on, section 207(2) of the Constitution does not use strategic before directions and you are introducing strategic before directions and 44 for the first time. Is this as a result of an interpretative

exercise? If not, just explain that. I am not saying that there is anything wrong with it, but I just want to get an idea where the strategic comes from.

LT GEN MASEMOLA: Ja, the strategic direction, the national policing policy come from the Minister and the direction. My interpretation here was the direction include the strategic direction.

CHAIRPERSON: Thank you. Thank you, General.

ADV MOTAU SC: Thank you, Chair. And then in
10 paragraph 45 you had just dealt with the fact that according to your understanding the Constitutional scheme in expressed terms removes the operational and managerial control of the Police Service from the political actors, from the hands of the political actors.

LT GEN MASEMOLA: That is correct, Commissioner.

ADV MOTAU SC: And then you proceed from paragraph 46 and following, if I can ask you to deal with those.

LT GEN MASEMOLA: As the National Commissioner that
20 is accountable to Parliament but also insulated from undue political influence, the constitutional scheme is automatically deeply rooted in and foster the doctrine of separation of powers. I say more herein later below. I have the autonomy to exercise of my discretion in relation to the control and management of the Police service of course within the prescripts of the governing legislation.

I understand my function to be independent from political interference, other than receiving directions from the Minister of Police. I deem it important ...[intervenes].

ADV MOTAU SC: Yes, and if I can just stop you there. After dealing with those preceding paragraphs that outlines the scheme and the interaction between yourself and the Minister you then deal with, or provide the senior command structure within SAPS and you say part of that is going to be relevant to the issues that the Commission is looking
10 into. So if I can just ask you then from paragraph 51 to deal with the personnel that reports to you as outlined, commencing from 51.1.

LT GEN MASEMOLA: If we go to the command structure of the police there is right at the top you have Deputy National Commissioners. It is not in any, they are not put in any way of seniority whatsoever, but you have a Deputy National Commissioner for Policing, in this case Lieutenant General Mosikili. Then you have Deputy National Commissioner for Crime Detection, that is Lieutenant General Sibiya. You
20 have Deputy National Commissioner for Corporate Services, that is Lieutenant General Dimphe or Mokgoa acting. And you have the nine Provincial Commissioners which include Lieutenant General Mkhwanazi who is the Provincial Commissioner of KZN.

There is a depiction of the structure on paragraph

51.4. You could see the three deputies below reporting directly to the National Commissioner. On the one side you have the Provincial Commissioners, on the other side you have the National Head of DPCI. In our terms I must just explain that with regard to DPCI he is not directly reporting to me, have got a dotted line reporting to me. He reports to the Minister of Police and with me I provide certain support that especially that is your budget. That is one of the recommendations I am sure I will be doing at this
10 Commission that you cannot have half a bread. You either have a loaf of bread or you have no bread.

ADV MOTAU SC: And perhaps if I can just deal with that point that you are making, and you do not necessarily need to go there. Towards the conclusion of your statement you say that there are certain recommendations which you wish to make for the Commission's consideration and you say you will file a supplementary statement at a later stage where you deal with those and I assume this issue that you are talking about now when you say part of the
20 recommendations in the form of submissions that you intend to make being the DPCI's reporting partly to yourself and to the Minister is one of the issues that you are going to address in that supplementary statement that you are going to file.

LT GEN MASEMOLA: That is correct, Commissioner.

ADV MOTAU SC: Earlier on in your statement you said in paragraph 48 you will say more about the issue that you were dealing with *viz-a-viz* your role with the Minister and you said you will say more below. You continue from paragraph 52 with that topic. In essence you say in 52 the point that you have already made that the arrangement as you understand it flowing from section 207(2) is that the Minister is responsible for providing strategic direction and you as the National Commissioner are then tasked with the
10 implementation thereof. And in 53 you refer to day to day operational and managerial performance and execution of the Police Service which rests according to you squarely in the hands of the National Commissioner and you cited an example that you referred the Chair to earlier that a Minister may direct that the combating of cash in transit robberies should be a priority and that development of plans, the issuing of instructions, allocation of resources and implementation thereof remains the responsibility of the National Commissioner. Am I correct, that is what you were
20 conveying earlier in the discussion with the Chair in response to those questions?

LT GEN MASEMOLA: That is correct, Commissioner.

ADV MOTAU SC: And then the one point that you sought to make with regard to the implementation of a direction from the Minister, let us use that example of a cash in

transit, which is the one you used earlier, can the Minister prescribe to you as to when you should deploy the resources to achieve the policy direction that he has provided? Can he tell you when you must deploy the resources, how you should deploy them and how many?

LT GEN MASEMOLA: No, the how part he will not describe, because that depends on, it will depend on me and on what we find on the ground as we do our plans.

ADV MOTAU SC: Equally can the Minister say to you or
10 direct that you should disband the implementation program that you have put in place using this example of the cash in transit robberies, can he give you direction to disband and to disband it immediately?

LT GEN MASEMOLA: No, actually not. He cannot say disband such a low level team. That team is not working at strategic level. It is very low level down on the ground and he cannot also deal with the how part as to you must do it now. That is within the purview of the National Commissioner and Provincial Commissioner.

20 **ADV MOTAU SC:** And I think earlier on you touched on the fact that if there were to be any considerations perhaps or issues that the National Commissioner, sorry, that the Minister is inclined that the National Commissioner should consider, you would expect a discussion I think you said earlier to the Chair.

LT GEN MASEMOLA: Ja, surely there will be engagement so that one understand why would he come to a specific conclusion. If he want to disband a team of cash in transit I would have to understand as the National Commissioner as to what are the reasons why you get to such level.

ADV BALOYI SC: Mr Motau, before you move on, if I may.

ADV MOTAU SC: Yes.

ADV BALOYI SC: General, you are discussing a disbandment stage. I just want to clarify, do you consider it
10 an, would you consider it as an encroachment on your powers, operational authority if the Minister said to you, you should constitute a task team to look at cash in transit issues or to deal with that? So is that an encroachment according to you?

LT GEN MASEMOLA: No, to say establish, do something about cash in transit that is not encroachment. I will as the National Commissioner and the relevant officials establish such a plan and fight that specific crime. So it does not tell me how many people I must use, how, the when. He says
20 cash in transit is a problem, attend to it. Either you do a task team or you do whatever, but attend to it.

ADV BALOYI SC: Yes.

LT GEN MASEMOLA: That ...[intervenes].

ADV BALOYI SC: Sorry, please carry on.

LT GEN MASEMOLA: Yes, that is, the cash in transit is a

problem. As the National Commissioner I will attend to it. But to say to me go and take so and so from province X, so and so from province X, and do this, that will be encroachment, because that is the how part. But defining the problem is strategic for him, I do not have a problem.

ADV BALOYI SC: Yes.

LT GEN MASEMOLA: But to get to the who, how, what, when, that I regard it as encroachment.

ADV BALOYI SC: Yes.

10 **LT GEN MASEMOLA:** Even to say disband, I regard it as encroachment.

ADV BALOYI SC: Yes. I am not at disband.

LT GEN MASEMOLA: Okay.

ADV BALOYI SC: I am not at the disband discussion.

LT GEN MASEMOLA: Okay.

ADV BALOYI SC: I am at the constitute a task team. So my question is more specific than do something about cash in transit.

LT GEN MASEMOLA: Yes.

20 **ADV BALOYI SC:** Can the Minister, is it within the remit the Minister to say to you constitute a task team to deal with cash in transit issues? So it is a specific as instructing that.

LT GEN MASEMOLA: No, that is not – ja, that is encroachment. It is not within him to say constitute a task

team. Myself and the Provincial Commissioner will decide how. Maybe we are going to use not a task team but use just a police station for example. Maybe the problem is located at a police station. So yes, that will be encroachment.

ADV BALOYI SC: Thank you.

ADV KHUMALO SC: Adv Motau, before you continue, General can I take you back to paragraph 43, same section of your evidence. Are you there?

10 **LT GEN MASEMOLA:** I am there.

ADV KHUMALO SC: Paragraph 43 talks about the key responsibilities of your office as National Commissioner of Police. Where does one find those, in which instrument, is it in the Police Act or the National Policing Policy that you talked about? Where does one find those specific responsibilities that you have highlighted from sub (1) to sub (9)?

LT GEN MASEMOLA: You will find them in the, some come from the Constitution and also in the Police Act and
20 also in our strategic plan you do find them.

ADV KHUMALO SC: [Indistinct]... [microphone off]

LT GEN MASEMOLA: Ja, in our SAP strategic plan.

ADV MOTAU SC: And ...[intervenes].

LT GEN MASEMOLA: The Constitution, Police Act and our strategic plan.

ADV MOTAU SC: And perhaps, Commissioner Khumalo, we will also try and deal with that with the prescripts witness that we will lead so that we are able to assist the Commission in terms of the legislative layout. Thank you. Then if we can just conclude that section, because I think the essence you have put across, if I can just ask you to just deal with paragraph 55 which pulls it all together where you say in summation. You deal with strategic versus operations, political versus managerial control and direction
10 versus implementation. If I can just ask you to conclude by dealing with those three subs.

LT GEN MASEMOLA: Ja, in paragraph 55, 55.1 in summation I said strategy versus operations. The Minister give strategic direction while the National Commissioner manages the operational and administrative execution of the direction. Political versus managerial control, the Minister holds political control and accountability whereas the National Commissioner has managerial and operational control. Direction versus implementation, the Minister gives
20 direction and the National Commissioner is responsible for implementing the direction. That is where the how and so on comes in.

ADV MOTAU SC: Thank you. Then, General, if I can just ask that we deal with the next topic in your statement, which is the establishment of the Political Killings Task

Team. You deal with it commencing from paragraph 56 and if I can just ask you to start there.

LT GEN MASEMOLA: Thanks, Commissioner. On the establishment of the Political Killings Task Team ...[intervenes].

ADV MOTAU SC: Yes.

LT GEN MASEMOLA: KwaZulu-Natal has historically experienced significant level of violence driven by political factors. In response to the increase incidents of political violence and fatalities in the KZN up to the 2018, the
10 President of the Republic of South Africa, Mr Ramaphosa, tasked his security cluster to mobilize resources.

He appointed the IMC which is the Interministerial Committee comprising of the Ministers of State Security, Ministers of Defence and Military Veterans, Minister of Police, Minister of Justice and Correctional Services under the leadership of Minister of Police and Minister of Defence, Minister Bheki Cele which was mandated to ensure that those responsible for political incidents are held to account.

20 Its purpose was to coordinate national and provincial efforts, including intelligence and prosecutorial support against politically motivated violence. A team was established by Directors General of the respective departments that I have just named the Ministers thereof as stated above, to implement the directions of those

Ministers. The team was not created through legislation of gazetted through a regulation. It was essentially an *ad hoc* inter-disciplinary unit within the SAPS and the National Prosecuting Authority tasked with investigating political killings with the operational focus in KwaZulu-Natal but of course later it did extend nationally to other provinces.

The IMC directed the establishment of the multi-disciplinary task team, including members from key law enforcement and the prosecution authority to create an
10 investigative and prosecutorial strategy for politically related cases in the province. The Political Killings Task Team was overseen by the National Steering Committee, the IMC and of course they report to the President.

ADV KHUMALO SC: Before you continue, I have noticed that you would describe National Steering Committee later, at paragraph 73 to be exact, but can you please describe it here, what exactly was the National Steering Committee?

LT GEN MASEMOLA: The question of the Commissioner is?

20 **ADV KHUMALO SC:** What exactly was the National Steering Committee? I am saying that I am aware that you do describe it later at paragraph 73, but I want you to describe it where you mention it for the first time, which ...[intervenes].

LT GEN MASEMOLA: Okay.

ADV KHUMALO SC: If I am not mistaken is here.

LT GEN MASEMOLA: Yes. The National Steering Committee consisted of the senior officials at DDG and DG level, let us say Lieutenant Generals and also above. This Steering Committee was chaired by the national head of the DPCI, then was General Lebeya, consisted of the departments of the National Prosecuting Authority, the National Director and his or her officials were part of that, the Correctional Services, the SSA, the Police formations, 10 that is the Deputies of Detectives, Deputy of Policing, the Project Leader of the Political Killings Task Team was giving reports to the Steering Committee. So that Steering Committee was the one that will listen to the reports of the Political Killings Task Team and they report, this Steering Committee will report to the IMC.

ADV KHUMALO SC: Thank you. Thank you, General.

ADV MOTAU SC: Thank you. Thank you, Chair.

ADV SIBIYA SC: Mr Motau, before you proceed. General, what does it mean that the National Steering Committee, 20 the IMC and the President oversaw the PKTT? What is to oversee in this case? And I am asking, maybe I must explain my question, I want to understand what powers, if any, did the NSC, the IMC and the President have over the activities and operations of the PKTT.

LT GEN MASEMOLA: Ja, the use of the word “oversee”

might have English encroachment but all one what is saying is that the National Steering Committee they deal with the operations of the Political Killings Task Team. They untangle problems and give direction and they report to the IMC. The IMC will listen. If IMC feels that there are areas that needs their intervention, for example in this case there was a need for a special court, then the Minister responsible, which is Justice then, will take that up upon himself or herself with the Director General to go and sort
10 out that specific matter. But there were not, the IMC and the President were not involved in what the Political Task Team is doing. There were, the Political Task Team was directed by the Provincial Commissioner, KwaZulu-Natal and the Project Leader.

ADV BALOYI SC: Thank you.

ADV MOTAU SC: Thank you. Thank you, Commissioner. Yes, please proceed. You were about to commence with the second sentence of paragraph 60 where you talk about the PKTT at its inception and who it was led by and who its
20 Operational Coordinator was.

LT GEN MASEMOLA: Ja, the Political Killings Task Team at its inception in 2018 was initially led by a Major General Ramatswele and Lieutenant General Khumalo was the Operational Coordinator. When ...[intervenes].

ADV MOTAU SC: Sorry, and can we just stop here. When

we say Lieutenant General Khumalo, we are not talking about Commissioner Khumalo who is currently sitting as one of the co-Commissioners, am I correct?

LT GEN MASEMOLA: Ja, no, I am not referring to the Commissioner Khumalo who is here. This one is a Lieutenant General Khumalo, Head of Crime Intelligence. But he was Brigadier by then. Ja, you will encounter a lot of Khumalo's in this, but it has nothing to do with work of what they are doing and those that I know they do a good
10 job. I do not know the co-Commissioner.

ADV MOTAU SC: And National Commissioner, if I understand then you are saying because of the many Khumalo's that we are encountering here Commissioner Khumalo is not a deployee of the PKTT.

LT GEN MASEMOLA: No, he is not. He is not. He is just ...[intervenes].

ADV MOTAU SC: No, no.

LT GEN MASEMOLA: Thank you.

ADV MOTAU SC: No, thanks. Thanks, on a – to come
20 back on a serious note, you then informed the Commission about the leadership structure of the PKTT at the time when it was introduced in 2018 and in 2019 – sorry, in the next paragraph you say you were the Deputy ...[intervenes].

ADV BALOYI SC: Sorry, Mr Motau, sorry, before you go to your next paragraph.

ADV MOTAU SC: Yes, sorry.

ADV BALOYI SC: We do encounter quite a number of Khumalo's in the documents. It might be helpful say in this case where he say Lieutenant General Khumalo give us a first name, because I see there is, as you would have noticed there is quite a number of them.

ADV MOTAU SC: Thank you.

LT GEN MASEMOLA: Okay, this one we are referring to here is Dumisani Khumalo.

10 **CHAIRPERSON:** There is even I think a Major General Khumalo, or am I mistaken? Later on at some point there is reference to a Major General Khumalo as well, or am I wrong?

LT GEN MASEMOLA: Yes, there is a Major General Khumalo.

CHAIRPERSON: Yes.

LT GEN MASEMOLA: It is another one.

CHAIRPERSON: You should please do the same when you get to that Major General, do what my co-Commissioner,
20 Commissioner Baloyi, has just said, mention the first name of that Major General Khumalo, then there will be less confusion for us ja.

LT GEN MASEMOLA: Okay.

CHAIRPERSON: Sorry for the interruption, Mr Motau.

ADV MOTAU SC: No, no, thank you, Chair and co-

Commissioners. National Commissioner, you understand that request, where you know that there is more than one surname, or one official with that surname for ease of reference the request is to mention the name so that it is clear which of the surnames ...[intervenes].

LT GEN MASEMOLA: Ja, no I will do so. But maybe during the break I will try and get all the names. I may not know the other names.

ADV MOTAU SC: Okay.

10 **LT GEN MASEMOLA:** Thanks.

ADV MOTAU SC: Alright, thank you. Yes, paragraph 61 you are indicating that at the time when the PKTT was established you were a Deputy National Commissioner, Policing at the time and you were responsible for the initial callup of members to be part of the PKTT, which you say is evident from the attached callup instruction, which is SFM2. If I can just ask you to then go to file 2, SFM 2 commences from page 73.

LT GEN MASEMOLA: Correct, Commissioner.

20 **ADV MOTAU SC:** Yes. The document commencing on page 73 you describe it as a callup instruction and you will see its purpose is outlined in paragraph 1 to say:

“The purpose of this information note is to request the approval of the strategy, its implementation plan and funding for

investigation and prosecution of political related cases in KwaZulu-Natal.”

Then the next paragraph is the background. If I can ask you to just focus on the second unnumbered paragraph there.

10 “The IMC met with the Task Team investigating these cases on 21 May 2018 and one of the preliminary observations was that this multi-disciplinary Task Team was working in ...[indistinct] and it does not have an investigation and prosecutorial plan or strategy that is aligned to overall Government priorities contained in the National Development Plan, NDP 2030, the Medium Strategic Framework, MTSF and other key policy prescripts, i.e. creating safe and security
20 environment.”

If I can just ask that you explain the statement that the team did not have an investigation and prosecutorial plan or strategy.

LT GEN MASEMOLA: Ja, what that refers, Commissioner is that before the establishment of this team there was a

previous team. It was a provincial team that was investigating this very same political killings. So as we were meeting with the IMC that time we were evaluating the functioning or the, of the previous team and that is when we picked up that yes, the team did not have a prosecutorial strategy or investigative strategy, so they were not integrated, there was no prosecutor guided investigation and the team did not have an investigation strategy. So those are the findings of the team that was there that we
10 were inheriting of course. I happened to be advantaged that I know also the establishment of that previous team. I was involved. It was more provincial team and it made no successes at all, so those remarks are referring to that which then we were saying let us rework, let us come with a new strategy and way forward.

ADV MOTAU SC: Okay, so in essence, and now you deal with this later on in your statement, you say there was a Task Team that was investigating or had the very same mandate as it were to investigate the political killings in
20 KwaZulu-Natal which was provincially based and it was later disbanded and substituted with this one.

LT GEN MASEMOLA: Correct.

ADV MOTAU SC: And the remarks that I directed you to, relate to, or refer to the previous Task Team.

LT GEN MASEMOLA: Correct.

ADV MOTAU SC: And I mean you will say more about it when you deal with that aspect.

LT GEN MASEMOLA: Ja, no I will say more when we ...[intervenes].

ADV MOTAU SC: A little later. Then if I can ask you to turn to page 79 of that document, you will see monitoring and evaluation is dealt with in paragraph 6. Can I just ask you to just in brief terms deal with that aspect of monitoring and evaluation.

10 **LT GEN MASEMOLA:** Ja, with regard to monitoring and evaluation within the Task Team, we said that there will be a Tactical Joint Operation Centre, Commanders will meet on a daily basis, inspect dockets, direct operations and the Commanders will also, the Tactical Joint Operational Commanders and the Mission Area Joint Operational Centre will meet on a weekly basis. In other words, there was a method which the team is being monitored regularly from provincial level, that is where your ...[indistinct] is, the Tactical JOCS, they were about four, divided into four in the
20 province where there was a problem by that time of political killings. So at that tactical level they will meet daily. Province, they will meet weekly to monitor what is being done, what assistance can be done, and review where necessary their strategies.

ADV MOTAU SC: And if you look at the second last bullet

on that page it says:

“The status report will be submitted to the Criminal Justice Prevention and Security, JCPS, Director General’s cluster Chairperson bi-weekly for further handling with the IMC.”

Is that connected to the point that you were making in paragraph 60 of your statement regarding the PKTT being overseen by the bodies that you have outlined in that
10 paragraph?

LT GEN MASEMOLA: Ja, it is in line, except to say that as that submission is done it means it will go via the National Commissioner’s office, Steering Committee and to the DG’s cluster and then, only then to the Interministerial Committee.

ADV MOTAU SC: Ja. The recommendations are in paragraph 7. You do not need to deal with them. If I can ask you to then turn over the page at page 80. The signature on top there, whose signature is it and what does
20 it signify?

LT GEN MASEMOLA: It is my signature. Above that there is recommendation or not recommended. I did not, I forgot to tick recommended, but I do allude what should happen there to say the operation will be run operationally differently unlike other operations and I also say there is

still something outstanding, which is the budget for vehicles. So that is my signatures.

ADV MOTAU SC: And then if you turn over the page to page 81, the top signature on that page whose signature is it and equally what does it signify?

LT GEN MASEMOLA: The signature is the signature of the Head, National Head of the Directorate for Priority Crime Investigation, General Lebeya and he recommended this specific callup or plan.

10 **ADV MOTAU SC:** So if you look at this document, I do not want to deal with all of them, but they mainly follow the same pattern.

LT GEN MASEMOLA: They follow the same until page 82 where the National Commissioner then approved the plan or the strategy.

ADV MOTAU SC: Yes, I was just dealing with one so that we orientate the Commissioners about the structure of these documents, who gets involved and the signature and what they signify. Then if I can ask you to ...[intervenes].

20 **ADV BALOYI SC:** Mr Motau, if I may just check something.

ADV MOTAU SC: Yes.

ADV BALOYI SC: In that page 79, General, the, under recommendations the second bullet it gives you a budget number or an estimated amount and then it says to be managed at provincial office, KwaZulu-Natal. Does this

mean that this operation, the PKTT then falls under the operational control of the Provincial Commissioner, KZN? It is - and I ask the question mindful that it is a national project as I understand.

LT GEN MASEMOLA: Correct, Commissioner. It is a national project. In this specific instance yes, where I was saying that it will fall under the Provincial Commissioner, KwaZulu-Natal. May I also take you to page 80 under the signature of General Masemola there, hence you see I am
10 saying the ...[indistinct] is different or other national operations and it is understood that this operation is driven, this operation is provincially driven, so what I was, what, to clarify what the Commissioner is asking, yes it was driven at the province. But I must hasten to say it is not automatic that it will be like that.

This was an operation that investigate political related killings, so we were very sensitive and selective as to who gets involved. It does not necessarily mean it is a Provincial Commissioner. It is not automatic that if this
20 Provincial Commissioner goes currently, the next one comes, it will continue with that one. No, it was a sensitive, it was a case specific, because after this Political Killings Task Team was established, a lot of politicians had interest in what they are doing and a lot of enquiries were being made, hence we had to narrow those people that are

involved in this operation. Thank you.

ADV BALOYI SC: [Indistinct]... [microphone off]

ADV MOTAU SC: Thank you. Thank you, Commissioner Baloyi. Just at the time when you are dealing with SFM2 was the focus of the Task Team specifically looking at KZN or had it looked at other provinces beyond KZN? We are now in 2018 at its inception. I am following up from the question by Commissioner Baloyi.

LT GEN MASEMOLA: Ja, at its inception in 2019 the
10 Political Killings Task Team was mainly looking at the province of KwaZulu-Natal.

ADV MOTAU SC: Okay. And we know that later on in the statement you deal with the fact that its mandate was extended beyond the, that province to KZN and to focus on other issues as well, correct?

LT GEN MASEMOLA: Ja, it is correct. Later we will clarify that they were involved in other provinces like the Eastern Cape.

ADV MOTAU SC: Right, if I can then ask you to conclude
20 in paragraph 62, that is where you allude to where the PKTT ended up operating mainly from. You deal with KZN and Eastern Cape. If I can then just ask you to deal with paragraph 62.

LT GEN MASEMOLA: Ja, the operation of the Political Killings Task Team was mainly KwaZulu-Natal and later it,

we extended to the Eastern Cape province under Lieutenant General Dumisani Khumalo's supervision and oversight to focus on political related crimes of course in KwaZulu-Natal and also in the killings in the Eastern Cape, the investigated cases at the Fort Hare mainly murder cases and fraud.

ADV MOTAU SC: And again then you reiterate as directed by the National Steering Committee, the IMC and the President.

10 **LT GEN MASEMOLA:** Correct, Commissioner.

ADV MOTAU SC: And then you next deal with the initial plan and the integrated plan. In paragraph 63 that is where you make the point that you had made earlier that the PKTT was not the first Task Team that had been setup or established in KZN. If I can then ask you to deal with paragraph 66, oh sorry, 63 which deals with the establishment and the disbandment of the initial Task Team which was then substituted or replaced by the PKTT.

20 **LT GEN MASEMOLA:** Thanks, Commissioners. The, ja the Political Killings Task Team was not the first Task Team to establish to deal with political killing in the province. There was a previous team established in 2017 but it was not particularly effective. It was not successful. A decision was taken to dissolve or disband it. During the process of that disbandment of that team a new Task Team was

established, which involves, which is now known as the Political Killings Task Team.

The previous team was disbanded in consultation with the Directors, Generals or Commissioners of SAPS, NPA, SSA and Correctional Services. During those meetings of May, June that is when the new team was moving out and this new team was established. Stakeholders informed that Ministers of the respective departments were informed of the decision of the Directors
10 General of the intention to dissolve the old team. So I want to make it clear also that ministerial approval was not a requirement to establish a team. The decision to disband was taken after a briefing with the Directors General.

The National Commissioner took that decision to disband. At that time it was General Khehla Sithole who was the National Commissioner and ja, ultimately he took that decision and we established a new team which is what we currently have. During that process of establishing the PKTT it was evident that indeed a strong operational head
20 at the time was needed and Lieutenant General Dumisani Khumalo who was a Brigadier then, was achieving considerable success as the Commander of a project which was addressing rhino poaching in the province of Limpopo, Mpumalanga and KwaZulu-Natal and North West.

As the Commander of that rhino poaching Task

Team which was quite successful, Khumalo led efforts that coordinated police intelligence, analytical resources to conduct operations, targeting poachers. So we then, before that, that national team started decentralising its mandate to those provinces that I have mentioned, Limpopo, Mpumalanga, KwaZulu-Natal, North West. In other words, the provinces established their own team and it carry on with the rhino poaching.

So it was an opportune moment then that, because
10 he was successful in that, that we then bring him to come and form the nucleus of establishing this new PKTT using most of the strategies that he has been using in the rhino poaching. The formation of the PKTT represented a significant shift in how political motivated crimes were approached, prioritizing collaboration across multiple agencies and emphasizing accountability. The cross functional approach enabled the team to deliver expertise from various sectors.

You would recall I said the first previously team
20 consisted of members from KwaZulu-Natal. Now this current PKTT consists of members from all provinces and national head office. So the PKTT's establishment was intended to address the complex nature of political violence, ensuring that interventions were coordinated, targeted and responsive to evolving challenges in both

KwaZulu-Natal and later in the Eastern Cape.

ADV MOTAU SC: In the Eastern Cape.

LT GEN MASEMOLA: Yes. So the investigation of these cases are not just a simple like investigating an ordinary murder, there is a lot of efforts and skill that you require to investigate these cases and it takes time to make a breakthrough on a single case.

ADV MOTAU SC: And sorry, if I can just ask you to go back a bit. You speak in the second sentence of paragraph
10 66 about the cross-functional approach which enabled the team to leverage expertise from various sectors thereby enhancing both investigative capacity and prosecutorial effectiveness. If I can just ask you to explain that a bit, the leveraging of expertise from various sectors.

LT GEN MASEMOLA: Ja ...[intervenes].

ADV MOTAU SC: We are already talking about.

LT GEN MASEMOLA: The leveraging of expertise from various sectors ...[intervenes].

ADV MOTAU SC: Which expertise are you talking about?

20 **LT GEN MASEMOLA:** I am referring to the team consisted of General Detectives, Detectives from Murder and Robbery, members of the DPCI and also when we, and also members of the Forensic Services who are from the Forensic lab. And also the team then, later we, as we had the National Prosecuting Authority as part of the Steering

Committee there was a need to have Prosecutors that can work with the team and the National Prosecuting Authority did dedicate Prosecutors to work with this team in KwaZulu-Natal.

ADV MOTAU SC: Yes, and then later on you deal with in your statement the need for collaboration between the various sectors and the National Prosecuting Authority to ensure that the investigation and cases that are referred to court meet the prosecutorial standard that is expected.

10 **LT GEN MASEMOLA:** Ja, the ...[intervenes].

ADV MOTAU SC: Sorry, just one of the central methods in this new investigative method.

LT GEN MASEMOLA: Ja, that is correct, Commissioner. That is correct.

ADV MOTAU SC: Chair and members of the Commission, I am about to move to the new, to a new topic and I am not sure if it is a convenient time for ...[intervenes].

CHAIRPERSON: Yes.

ADV MOTAU SC: For a tea adjournment.

20 **ADV KHUMALO SC:** Let us – Adv Motau, I know you are leaving this section. I just want to go back to 63 quickly. General, the last sentence in paragraph 63, and I assume your answer will take us to tea time, why was it necessary when the previous Task Team was disbanded to consult with SAPS, NPA, SSA and DCS? Why was that necessary

that the consultation take place?

LT GEN MASEMOLA: Well, when we were there, because we were in Durban as those departments we could not take a unilateral decision. Remember, the IMC consisted of Minister of those departments and the heads of those departments were also part, they were also in KwaZulu-Natal, so the National Commissioner could not just decide to dissolve the old team and come up with a new one without taking his counterparts on board, because as you
10 remember, one of the criticism on the team was that it had no investigative strategy, it was working ...[indistinct], it did not have assistance or collaboration of the NPA, so now that we are moving forward with the new team it was necessary then for the National Commissioner to bring his counterparts on board which actually they did their analysis together to say we are now moving forward. So it was necessary that he informed them, they just do not left outside.

CHAIRPERSON: Let us adjourn and resume at quarter
20 past 11.

INQUIRY ADJOURNS

INQUIRY RESUMES

CHAIRPERSON: We are ready when you are, Mr Motau.

EXAMINATION BY ADV MOTAU SC (CONTINUES): Thank you. General, if we can then deal with the next topic in

your statement, it is governance and reporting structure of the PKTT, and you deal with this commencing from paragraph 67 and following. In 67 you indicate that the PKTT operates with the central command overseeing geographically spread SAP units, and based at SAPS KZN HQ. Perhaps if I can ask you then to take it from there in order to also assist the Commission. You remember the Chair said when you get to these terms, you should please define them.

10 **LT GEN MASEMOLA**: Yes.

ADV MOTAU SC: If you can proceed from there.

CHAIRPERSON: Not the obvious ones like NPA or ...[intervenes]

ADV MOTAU SC: Yes, yes. Thank you, Chair.

LT GEN MASEMOLA: Thanks, Commissioner. Yes, the Political Killings Task Team was operating with a central command, meaning that the command was in the province under the provincial commissioner, the SAPS headquarters in the province, and that office is called a MAJOC, a joint
20 operational centre which is at the province, and you have got TACJOCs. TACJOCs is a tactical operations centre, meaning there were four of them divided in the province, led by a senior commander comprising of, at those TACJOCs they were comprising of SAPS detectives, intelligence collectors, analysts, combat teams, that is uniformed

Police, the DPCI investigators, and the structure coordinates intelligence and rapid response and prosecution efforts. That is, so there were four of those TACJOCs being commanded from the province.

The governance reporting lines of PKTT reflected a multilayered oversight and operational structure ensuring clear accountability and coordination amongst key national and provincial stakeholders.

ADV MOTAU SC: Yes, and then in 68.1, you then deal with
10 the different stakeholders and their role. If I can ask you to deal with that, commencing from 68.1, the IMC.

LT GEN MASEMOLA: Ja, the IMC chaired by the Minister of Police and Defence, consisted of senior members, or consisted of Ministers from State Security, Defence, Justice, and Correctional Service, and the IMC was responsible for providing strategic direction over the PKTT and reported to the President and the cabinet in terms of the work of the task team.

ADV MOTAU SC: And you say it was intended to ensure
20 that the PKTT's activities align with national priorities and receive appropriate guidance at the highest level of government?

LT GEN MASEMOLA: That is correct, Commissioner. Then the SAPS, SAPS led the PKTT as the primary agents, contributing investigators, forensic support, crime

intelligence resources. The task team is SAPS led and include members from DPCI ensuring a comprehensive approach to investigation. The SAPS coordinates operational activities and integrate relevant expertise to address politically related or motivated crimes effectively.

ADV MOTAU SC: It is the NPA?

LT GEN MASEMOLA: The National Prosecuting Authority, particularly through its KwaZulu-Natal office, played a key role in embedding prosecutors with the PKTT, and the
10 integration facilitated prosecutorial guided throughout the investigations, ensuring that cases are built to prosecutorial standards and can be effectively presented in court.

The SSA supported the PKTT by providing intelligence where applicable, particularly regarding politically targeted killings. This intelligence functions enhance the PKTT's ability to anticipate, detect, and respond to threats, thereby strengthening the investigative process.

The Department of Correctional Services
20 contributed to the PKTT by assisting with matters such as witness protection and transfer of prisoners from one prison to another when the need arises. This support ensures that the security and integrity of witnesses and the effective management of individuals in custody who are linked to ongoing investigations and/or prosecutions. The provincial

government was also part, which they communicated their priorities, their requirements, priorities, and challenges to the PKTT.

The Premier and the MEC actively participated in this process at the beginning, representing the interests of the province and ensuring that local concerns were integrated into the broader operational framework.

ADV MOTAU SC: And if I can just pause here, some of the stakeholders that you mentioned here were also involved as
10 stakeholders in the previous task team, and you spoke about consulting them when that task team was disbanded. You recall in response to the question that you were asked by Commissioner Baloyi you dealt with and provided your reasons as to why as stakeholders they needed to be consulted. If I can ask you to just touch on that point again.

LT GEN MASEMOLA: Okay. What I was saying is that as the IMC went to the province of KwaZulu-Natal, they went with their directors and generals. So during the meetings
20 the National Commissioner found it, or saw it fit that he consult the other role players because they have got a role to play, which is what I just described now, which everyone has got a role to play. So it was important that he consult them so that they can assist the task team with the role that they are playing.

So hence, you have seen the NPA must provide prosecutors, the SSA must provide intelligence, the Corrections must provide movement or transfers of prisoners. Some of the prisoners or detainees might also be witnesses in other cases, and so it was necessary that that consultation takes place to make the work of the PKTT to be smooth.

ADV MOTAU SC: And you have shown how integrated each of these services are in the implementation of the plan
10 and the achievement of the objectives.

LT GEN MASEMOLA: Correct. *Ja*, it was a multi-agency integrated structure and which was prosecutor led and coordinated through by all the departments that were represented at IMC level.

ADV MOTAU SC: And then the next topic that you deal with in your statement is the development and approval of the PKTT strategic framework, and commencing from paragraph 70 you deal with a recommendation that had been made for the adoption of an implementation plan, and
20 you indicate in paragraph 71 that you participated as a member of the team in the process that led to the recommendation of that PKTT implementation plan, and you indicate that that plan is dated 18 June 2018 and that is the plan that we initially dealt with earlier, that information note, you recall? SFM2. So just for the benefit of the

Commissioners, the document that you refer to in paragraph 71 is SFM2, which you already dealt with earlier.

LT GEN MASEMOLA: That is correct, Commissioner.

ADV MOTAU SC: And we know then that following the presentation of that plan, you say it was accepted by the then National Commissioner and thereby establishing a clear and coordinated strategic framework for the PKTT's activities. If I can then ask you to proceed from paragraph 72, where you deal with the operational chain of command, and in paragraph 73, you deal with the oversight
10 of the PKTT activities.

LT GEN MASEMOLA: Thanks, Chair. The operational command within the PKTT was structured to ensure clear lines of authority and effective coordination of activities. This was achieved by organising the command through Tactical Joint Operation Centre commanders, and the respective zone or unit leads. These leaders were responsible for managing operations within their designated areas and ensuring that actions were aligned with the
20 overall objective of the PKTT. Oversight of the PKTT's activities was provided by the National Steering Committee, which comprised of senior officials from relevant law enforcement agencies, as well as representatives from – no, not from IMC. It was only relevant officials from law enforcement agencies. The committee convened regularly

to assess progress, address challenges, and ensure that the team's effort remained focused on its defined mandate.

ADV MOTAU SC: And if I can just summarise 74 and 75, deal with the operational model which you have set out in parts earlier on, and then in 75 it is the identification of specific operational challenges and the goal that was sought to be achieved. It is something that you have already testified on. If I can ask you to then move to the next topic, being the work of the PKTT, commencing from
10 paragraph 76.

LT GEN MASEMOLA: Thanks, Commissioners. Since the PKTT was established as a task team, the National Commissioner ultimately had to approve the PKTT's budget as part of its budget approval process. The project leader, Lieutenant General Dumisani Khumalo, would prepare an information note which would be verified by the Provincial Commissioner, Lieutenant General Mkhwanazi, and thereafter submitted for recommendation and approval.

20 This information note was essentially a request for extension of the term of the team. When it was established, the PKTT's term was initially six months. Therefore, in order for it to continue operating, its term had to be extended for a further six months and the budget has to be allocated.

ADV MOTAU SC: Sorry, if I can then just perhaps to deal

with what comes after that, because it deals with aspects that you have already testified on. You indicated that the motivation for extensions would be contained in the information notes. We dealt with one example earlier where a motivation is outlined, the plan by way of objectives is also dealt with together with the budget and timeframe for which the approval related. Is that correct?

LT GEN MASEMOLA: That is correct.

ADV MOTAU SC: And you have also spoken earlier on
10 about the principle of reporting, which was intended to ensure that there was transparency and accountability in respect of the operations of the PKTT. Is that correct?

LT GEN MASEMOLA: That is correct, Commissioner.

ADV MOTAU SC: And you also indicated your participation in that process for requesting a budget, identifying the term of the extension, and the priorities that were going to be addressed. Correct?

LT GEN MASEMOLA: That is correct, Commissioner.

ADV MOTAU SC: Yes. Then if I can ask you to move to
20 paragraph 79, where you say:

“When I was appointed as the National
Commissioner...”

LT GEN MASEMOLA: Thanks, Commissioner. Maybe before I move there, let me just also explain that the team's mandate was extended from six months to another six

months, and eventually a year. But then eventually we had to make it permanent. Why it happens that way was that during the first six months and the second six months, the courts, or whether it is the lawyers or the accused, they will postpone their cases and request a postponement beyond the team's mandate, so that by the time the cases come to court, the team is no more there.

So that forced us to end up then saying the team, announcing that the team is permanent, because otherwise
10 cases were not being tried. They would want to know when are they going back. Once they are given the date, then they ask postponement beyond that. So hence we then made the team to say it will be permanent until the political killings subside.

Going to paragraph 79, when I was appointed as the National Commissioner in 2022, I was responsible for approving extensions and budget for PKTT, attached here what I refer to as financial authority from June 2018 to June 2025. The relevant extensions and financial
20 authorities or approval are attached as SFM3. I also wish, I also deal with the June 2025 approval in more detail when I address the events that occurred post the handing over of the 121 dockets that have become known to all South Africans.

CHAIRPERSON: Sorry, Adv Motau.

ADV MOTAU SC: Yes.

CHAIRPERSON: General, the extensions, the various extensions and then the one where the PKTT's term was made permanent, did those require Ministerial approval or IMC approval?

LT GEN MASEMOLA: No, they did not need the IMC approval. It only required the National Commissioner, based on the work that he see, the National Commissioner to approve those extensions.

10 **CHAIRPERSON:** Thank you.

ADV MOTAU SC: And I think perhaps just if we can deal with SFM3 to make one reference correction in the annexures, whereafter all the annexures follow the sequence as contained or referenced in your statement. If I can ask you to turn to the second file, SFM3 on page 133. You will see from 133 to 149, that refers to the document that you seek to reference in paragraph 79, until 149.

LT GEN MASEMOLA: That is correct.

20 **ADV MOTAU SC:** And then you will see after 149 to 150 – sorry, from 150 to 153, that is a different document and you will see when we get to the next paragraphs from 81 to 82, that SFM4 is the document at 150 to 153. So I just want that to be corrected for the record in terms of that one reference in your statement. Then we will deal with SFM4 in the next section.

LT GEN MASEMOLA: Okay.

ADV MOTAU SC: So SFM3 is supposed to go from 133 to 149. Yes, and then SFM4, you will see it starts, if you go to paragraph 81 of your statement, you speak of the March 2024 information note, and that is the one that commences at 150. If you look at paragraph 5 of 150, you will have 2024 to 2025 there, and if you go to the signature page at 152, you will see that that is the March 2024 document.

10 **LT GEN MASEMOLA**: Okay.

CHAIRPERSON: I assume this will necessitate movement of the flags, Mr Motau.

ADV MOTAU SC: Movement, yes. Perhaps what could be done is the one should be labelled as... But we will address that probably SFM3.1, and then it does not affect the rest of the sequence.

CHAIRPERSON: All right.

We will leave it to your juniors to attend it.

ADV MOTAU SC: To attend to it, yes.

20 **CHAIRPERSON**: Thank you. Thank you, Mr Motau.

ADV BALOYI SC: Mr Motau, sorry, before you proceed, on a quick scanning of your SFM3, it looks like different periods of requests for extensions.

ADV MOTAU SC: Yes.

ADV BALOYI SC: Am I correct?

ADV MOTAU SC: Yes.

ADV BALOYI SC: I think it would probably be helpful for the record if you would indicate the first extension date, it is pages so-and-so, and then the next extension date, pages so-and-so.

ADV MOTAU SC: Yes, we will do so.

ADV BALOYI SC: Thank you.

ADV MOTAU SC: And can I just request that I come back to that at a later stage? Because in paragraph 79, it just
10 simply references the fact that those extensions commence from June 2018 to June 2025.

ADV BALOYI SC: Okay.

ADV MOTAU SC: I will just make sure that the extensions are identified in accordance with the request. Thank you. General, if we can then come back to your statement. In 81 you deal with... No, no, sorry, perhaps before we start with 81, in paragraph 80, you made that point earlier that although it was initially mandated to deal with the political killings in KZN, it was extended to the Eastern Cape to
20 investigate murders and related cases at the University of Fort Hare.

LT GEN MASEMOLA: That is correct, Commissioner.

ADV MOTAU SC: We will deal with that slightly later. Then in 81 you deal with the extension relating to that March 2024 period, and I had just indicated that the

extension approval, which you mentioned in paragraph 82, which is SFM4 on your current statement, it should actually be SFM3, pages 150 to 153. We will attend to the renumbering with the evidence leaders. Perhaps if you could just give an overview of the points that you seek to make in paragraph 81 in relation to the extension of the mandate of the Political Task Team to cover the killing of traditional leaders in KZN.

LT GEN MASEMOLA: Thanks, Commissioners. Although
10 initially the team was mandated to work in KwaZulu-Natal, later the team's mandate was extended to the Eastern Cape province to deal more specifically murders and other related cases at the Fort Hare University, and they were quite very successful in that regard.

During March 2024 the team's mandate was once again extended. A decision was taken to extend the mandate and also appointing Khumalo further as the project leader for the financial year. The mandate of the team was extended from April 1, 2024, to include the investigation of
20 cases involving the killing of traditional leaders. This was an outcry that the Minister did by then. Minister COGTA and Minister Police indicated that these traditional leaders, as they understand also the Presidency, that these cases need to be prioritised, and I then decided that I extend the mandate of the team to also include cases of traditional

leaders.

There were parallel major investigations that were still ongoing, like killings at Fort Hare University. There was a potential risk that the courts involving political related cases, especially 49 trial-ready cases and 82 cases that were under investigation at the time, may collapse if we withdraw the team. Incidents of political related cases were expected to increase as we are approaching the elections in 2024 due to unstable coalition governments at various municipalities, especially in KwaZulu-Natal.

ADV MOTAU SC: And then in paragraph 84 you deal with an invitation from the President for the PKTT to brief, or rather for him to receive a briefing in respect of the operations and the successes of the PKTT at that point. If I can ask you to deal with that paragraph 83?

LT GEN MASEMOLA: Yes.

ADV BALOYI SC: General, maybe before – sorry, Mr Motau – before you answer the question, in paragraph 81, the extension of the mandate to cover University of Fort Hare and the traditional leaders, who made that decision to extend?

LT GEN MASEMOLA: I made that decision because of the outcry that was there.

ADV MOTAU SC: Can I ask a follow-up question? My understanding is that there were various task teams

throughout the country. Why specifically the PKTT? What was it about it?

LT GEN MASEMOLA: Well, when the first, those, the killings did happen, yes there was, the Provincial Commissioner did put a task team to do investigation. But as we, one have seen there is no progress then we... The reason why we called the PKTT is because of its nature of success. You could see that, if I may go to Fort Hare, the Fort Hare cases were being investigated by the province of
10 Eastern Cape, the SAPS in the Eastern Cape, including the DPCI in that province, for quite some time, over a year or so, and we, there was not much of success.

Because of this team, one knows how successful it is in most cases, then we asked that they assist in the Eastern Cape. And indeed, within a short space of time they were able to resolve most of the cases at the university. Normally, people say that where you have the Khumalo investigating, if there is a case, definitely you will face the full might of the law. So in this case also it proved
20 that way. Thank you.

ADV MOTAU SC: And when we deal with the documents later, we will show that in respect of both these extensions the Presidency was contacted, both in relation to the extension of the mandate of the PKTT to include the murders at the University of Fort Hare in the Eastern Cape,

and in relation to the killings of traditional leaders. You will explain at that point with reference to those documents, what the reference to the Presidency and how that cascaded, if at all, from that to yourself in respect of implementation. But I do not want to take you out of sequence in your evidence. If then you can proceed, subject to the commissioners having finished their questions, to deal with the briefing of the President at the Durban Airport following his request.

10 **LT GEN MASEMOLA:** Ja, there was an invitation from the President. He was for other work in the province of KwaZulu-Natal and he invited the team on 17 March at Durban Airport, and members of the team, together with myself and the Minister, did brief the President on the work of the team. This was the last briefing to the President on the PKTT before its disbandment, and the attached presentation to that is SFM5. So that day they did their briefing ...[intervenes]

ADV MOTAU SC: Sorry, just for ease of location, that
20 presentation is at pages 167 to 186 of file 2.

CHAIRPERSON: Thank you, Mr Motau.

ADV MOTAU SC: We will come back to some of those details later. Yes, and then you proceed in paragraph 84 and you provide the statistics which you say highlight the successes of the PKTT since its inception in June 2018 until

28 February 2025. I can just ask you to deal with those, commencing from 84.1.

LT GEN MASEMOLA: Ja, as of 28 February 2025 the following statistics highlight the success of the PKTT since 2018. They had 612 dockets that have been allocated. 125 of these dockets are still under investigation. Nine were unfounded. Unfounded means that you can say it is a false case. They were finding a lot of those during the time, and 10 were pending the DPP's decision as to whether to
10 prosecute or not. 114 were at various courts. 57 were withdrawn for various reasons, and 297 were finalised. Finalised means either guilty or not guilty or alternative dispute resolution, whatever the outcome of it will be.

The outcome of this highlights both the complexity and the challenges inherent in prosecuting politically related cases. As I said, Commissioners, earlier, the cases are quite very complex when one investigates them. So they need more skill, more time.

ADV MOTAU SC: But perhaps if you could just shed some
20 light to the commission, what is it that is complicated about investigating these or prosecuting these politically related cases?

LT GEN MASEMOLA: Ja, what it entails is that you have somebody, we call it a hit orderer, somebody that orders that somebody be killed and they procure, they have to

procure a hitman, which is *inkabi*. He must somewhere procure also a firearm, and then at some point then get the firearm to the *inkabi* and make sure that then the hit is undertaken. So to link all those people some ...[intervenes]

CHAIRPERSON: Sometimes procure spotters as well.

LT GEN MASEMOLA: Ja, sometimes they procure spotters that will check where are the people. So after the killing, sometime complex, difficult to link all those people and there are those that have got, they have invented some new
10 modus operandi in terms of how they deal with it. But I would not say it because it will educate others. So that is how complex it was.

In some cases, especially of cases of intimidation and attempted murders, councillors will go as far as getting into their cars and say somebody must shoot, but just make sure you shoot just on the shoulder. Do not shoot too deep on the bone. In that process, sometimes because the person is in the boot, you shoot from outside. Always an accident happen, then they get seriously injured. That was done
20 purely to derive, to fight for protection. To say one bodyguard, I have been shot at.

But when investigations at later stage, sometimes it reveals that, no: But why you say there was a shooting? It was only you and the protector was there, or it was somebody, not a protector. So then some, they will then

confess that: Ja - no, I wanted to make sure that I get a budget from municipality for protection. That is how at length they went. So that is why I say these cases are quite complicated.

ADV MOTAU SC: Okay and the intervention should be equally sophisticated to deal with them.

LT GEN MASEMOLA: Yes, also, yes, the intervention, because if you use local Police, sometimes they know local politicians. It becomes much more easier for them maybe
10 to be swayed or persuaded in the investigation. Hence, we use members from other provinces. We know it is expensive, but it is worth it, because if you use local Police, it is always a problem. I must say, after the team was there, a lot of people that needed to know the work of the team, was quite a lot of them. We were briefing based on who wants to know what, not briefing everybody on what the team was doing.

ADV MOTAU SC: Then, in essence, between paragraph 86 to 90, you continue to set out the statistics that highlight
20 the successes of the PKTT. I do not need you to deal with those, because the commission will see the figures as they are outlined there. But there are two points that I would like you to deal with from those paragraphs. In paragraph 86, you make a point that:

"In your view, the PKTT is hugely

successful."

And you say:

"As will be dealt with in detail later, on
6 March 2025, Lieutenant General
Khumalo presented the PKTT's
successes to Minister Senzo Mchunu in
an effort to convince him that his
decision to disband the PKTT was ill-
advised, to the extent that he was
10 advised at all."

If I can just ask, maybe just for you to explain to the Chair
and the Commissioners, what point do you seek to make
here?

LT GEN MASEMOLA: Ja, the point I seek to make here on
paragraph 86 was that, well, we know that the team was
successful, Commissioners, in doing this work. So on the
6th of March, there was an invitation for the Minister to go
and discuss the disbandment plan. You would recall that
the Minister issued the letter on 31st December to disband
20 the team. So I did seek audience immediately thereafter,
which it never came quicker.

If ever we met, we met on other matters, but not on
this one. So 6 March, the purpose was to discuss the
disbandment plan. But then we then put also a summary of
the success of what the team has done, even though we

know that it was sent to the Minister's report of the 20th of January. The aim was, of course, also to maybe convince him to think otherwise about the team at this particular meeting.

CHAIRPERSON: General, sorry to interrupt you. I am not at all questioning your assertion with regard to success, but I just want to understand it. You referred to 612 dockets, and you say of those, 297 were finalised. That is at 84.7. Can you please just explain how exactly you measure
10 success? 612 and 297 finalised. I do see that is very close to 50%.

LT GEN MASEMOLA: Ja, finalised, Commissioners, I might not have exact figures here, which I am sure General Khumalo will bring it onboard later. It means that it is cases that are finalised, be it ...[intervenes]

CHAIRPERSON: No, you did explain that. You did explain what finalised mean. What I want to focus on now is the assertion that the PKTT is hugely successful. I am not questioning that. I am not suggesting that it is not hugely
20 successful. I just want to understand how you measure success.

LT GEN MASEMOLA: Oh, thanks, Commissioner. How we measure success, we measure it in terms of cases where the team did get a conviction. That is how we measure success. That is cases where there is convictions. Even if

there is no sentencing yet, but once there is conviction, then that we count as a success. Detection of suspects and getting them for court, and eventually, if there is a conviction, then that is the success.

CHAIRPERSON: I do not know to what extent this may be of relevance to the findings and possibly even recommendations we make at the end. But regarding to the fact that you said finalised encompasses different categories of finalisation, and you are now focusing on
10 convictions. We are looking at 297, which is a figure relating to all those categories.

So it makes it very difficult for one to have a sense of, for example, the convictions. Because with regard to success, you seem to focus on convictions. So if you have this globular total, you have no idea as to what exactly the success is if one looks at convictions. But I guess it would be very unfair of me to require you to give those statistics here if you do not have them in your affidavit. Perhaps let us leave it there.

20 **ADV MOTAU SC:** Thanks, thanks, Chair. General, did I understand you correctly when you said Lieutenant General Khumalo is going to deal with this issue in more detail?

LT GEN MASEMOLA: That is correct.

ADV MOTAU SC: Did I understand you correctly?

LT GEN MASEMOLA: That is correct, Commissioner. He

will deal with the details of that.

ADV MOTAU SC: And he will provide those statistics.

LT GEN MASEMOLA: That is correct.

ADV BALOYI SC: Mr Motau, perhaps General Khumalo will deal with it. You will indicate if that is the intention. But it is a slightly different angle and a follow-up on the Chair's question. Now, in this presentation to the President, General, and I am looking at page 168 and in paragraph 1, 2, 3, 4, 5, bullet point 5, you say:

10 "As of July 2018, the team is allocated
and accounts for 329 dockets of
politically related cases."

That is the presentation in March 2014. Then in your statement at paragraph 84.1, you say:

"Since June 2018, the PKTT has
612 dockets allocated to it."

Should we read this to mean that the difference between 612 and the 329 is at March 2024 is in fact the increase in dockets from April 2024 to...

20 **ADV MOTAU SC:** February 2025.

ADV BALOYI SC: Ja. Is that what it means, or is it just a case of how the evidence is presented, Mr Motau, that there is no detail and the bit of it is lost in there somewhere?

LT GEN MASEMOLA: Sorry, Commissioner, you say on?

ADV BALOYI SC: So if you look at 168, bundle B, or the

second bundle. That is the presentation to the President.

And bullet point 5, you say that:

"At July 2018, 329 dockets had been allocated as of July 2018."

So as a date of presentation from July 2018, at least that is how I read it, the PKTT had 329 dockets as at the date of your presentation in March 2024. Then your statement says:

"As of February 2025..."

10 Which is a year later:

"The PKTT has 612 dockets."

Is that an indicator of the growth in dockets? Is it a question of the numbers? Because it is like a 50%, nearly 50% increase in dockets in one year.

LT GEN MASEMOLA: Ja, is an increase from 329 to then the current, which is 612. It is an increase of extra allocation of dockets.

ADV BALOYI SC: So as of the time that the Minister makes the decision to disband, you are now dealing in the
20 region of about 612 dockets.

LT GEN MASEMOLA: Yes, that is correct. Yes.

ADV BALOYI SC: Thank you.

ADV MOTAU SC: Thank you. We are about to touch on paragraph 86, and you were dealing with a reference to a meeting of 6 March 2025, which we know, sorry, which you

say you will deal with it in detail a little later. But in this paragraph, you talk about a presentation of the statistics that were presented to the Minister at that meeting. And those statistics are the ones that I did not deal with earlier on. If you go over the page 27, there is what you call a detailed breakdown of the 333 dockets. You see that?

LT GEN MASEMOLA: Yes, Commissioner.

ADV MOTAU SC: Yes, and you deal with them from 86.1 to 86.5. And then in 87, you deal with how they were
10 allocated. You see that?

LT GEN MASEMOLA: Yes.

ADV MOTAU SC: From 87.1 until 87.3. That is how you deal with the allocation of the 333 dockets.

LT GEN MASEMOLA: Yes, Commissioner.

ADV MOTAU SC: Then in paragraph 88, you deal with the 18 dockets that pertained to the incidents of killings at the University of Fort Hare, and you break those down into 14, 2 and 2. You see that?

LT GEN MASEMOLA: Correct, Commissioner.

20 **ADV MOTAU SC**: Then in paragraph 89, you deal with the team having been further allocated 51 dockets that are associated with murders, targeting traditional leaders. You break those down into 48 and 3. You see that?

LT GEN MASEMOLA: Correct, Commissioner.

CHAIRPERSON: Please hold your thought and do not

forget where you were, Mr Motau.

ADV MOTAU SC: Thank you, thank you, Chair.

CHAIRPERSON: General, can you please explain the 333 dockets at the top of page 27? Where does that number come from? The last number that had been referred to was the 612 at 84.1. Then at 86, just before 86.1, there is reference to 333 dockets. Where does that come from?

LT GEN MASEMOLA: Well, the 333, if I go back and look at it, it will come from the same 612. It is not an extra
10 number above 612. It come from the same 612. What I need to just probably go and check back is the 297, because as to the 297 and the 333.

ADV MOTAU SC: Perhaps if you turn to page 411, it might assist.

LT GEN MASEMOLA: 411.

ADV MOTAU SC: 411.

CHAIRPERSON: That is under SFM12.

ADV BALOYI SC: Mr Motau, I realise that we did not give your bundles any name, and I am worried that the record
20 might just struggle you between you moving between the two bundles, and it is not clear, for purpose of the record, that now you are referring to a different bundle.

ADV MOTAU SC: So we had said file 1 and file 2.

ADV BALOYI SC: [Indistinct]... in the same order.

CHAIRPERSON: Ja, maybe for uniformity, what we did –

sorry, sorry, sorry, my co-Commissioner. What we did with General Mukwanazi's files, we called them Mkwanzazi's files, we called them Mkhwanazi 1 and Mkhwanazi 2. So perhaps we should for uniformity, do something similar here and for the statement, we call it Masemola 1, and then the annexure is Masemola 2. Then when counsel refers to them, you do the same. Thank you.

ADV MOTAU SC: Thank you, Commissioners.

CHAIRPERSON: Thank you, Commissioner Baloyi.

10 **ADV MOTAU SC:** Yes, National Commissioner, I directed you perhaps in that discussion with the Chair regarding 333 dockets to page 411 of Masemola 2. Then perhaps you could explain it from there.

LT GEN MASEMOLA: Okay, thanks, Commissioners. If you go to – it is Masemola 2, right?

ADV MOTAU SC: Yes, and also bearing in mind what the Chair's question is.

LT GEN MASEMOLA: Yes.

20 **ADV MOTAU SC:** The Chair's question is, relative to the number of 612 that you had provided as being the total number of dockets, where does 333 come in?

LT GEN MASEMOLA: Correct.

ADV MOTAU SC: Or feature.

LT GEN MASEMOLA: So if you go to SFM...

ADV MOTAU SC: 12.

LT GEN MASEMOLA: 12 on page 412, right at the bottom left, you will find the 612 dockets, totally that was allocated to the team. That is the total. Then when you go to page 411 of the same document, on the top left corner, you will find the 333 cases. If you look at the topic of that is:

"Political related cases."

There were 333 totally for the whole period. Then the breakdown comes there. Just the writing is not so good.

ADV MOTAU SC: So which one? Which one are you
10 looking at? Do you want to deal with parallel cases or you want to deal with *ad hoc* cases?

LT GEN MASEMOLA: No, the breakdown of the 333 is on the ...[intervenes]

ADV MOTAU SC: Yes, on the top column.

LT GEN MASEMOLA: Ja, on the top column there is 53, 3, 2, 1, 1, 7, 4, 60, 11. So what I was saying was that the topics on top are just not readable. But that is where the 333 refers to political related cases of the 612. Then the 90 below refers to parallel cases of the same 612. Then the
20 120 on the same page is *ad hoc* cases, 120 of the same 612.

ADV MOTAU SC: But perhaps to assist the commission, what are parallel cases and what are *ad hoc* cases?

LT GEN MASEMOLA: Parallel cases ...[intervenes]

ADV MOTAU SC: I am aware that you said Gen Khumalo

will give more detail on this, but the Commissioners need the information now to make sense of these numbers.

LT GEN MASEMOLA: Yes. Parallel cases are those cases where they will find that their suspect, beside them investigating him for political related case, they find that this fellow have also committed, let us say, robbery somewhere. Either a robbery of common robbery. Then that case will be - it is not politically related. So meaning it is not necessarily the mandate of this team. But they are
10 having investigating this suspect. Then they will take that case to make it as a parallel case.

ADV MOTAU SC: Okay.

LT GEN MASEMOLA: Then *ad hoc* cases also are those cases that are necessarily not politically related. But the same accused might have been arrested for possession of illegal firearm at a different Police station or in an unrelated matter. But then the team, in order to bring these cases together, to know better their client, then they will take those cases and investigate them. So those cases are not
20 politically related, but their client is involved in those cases. Then traditional leadership cases...

ADV MOTAU SC: This is over the page at 412.

LT GEN MASEMOLA: Ja, if we turn the page from 411 to ...[intervenes]

ADV MOTAU SC: Ja, 412. Just over the page.

LT GEN MASEMOLA: Yes. Traditional related cases relate to killings of traditional leaders, be it the Nkosis and the Nduna's. Not necessarily killings alone, might also mean attempted murders and so on. Then University of Fort Hare cases, those were cases of murder and fraud and corruption and so on, at the University of Fort Hare. The last column is the overall total of 612. But I must go back to the parallel cases and the *ad hoc* cases. I would want to leave that also, more specifically for General Khumalo to
10 come and explain the detailed difference between the two. I do not want to conclude on that one.

CHAIRPERSON: Thank you. Thank you very much, Mr Motau, this clarifies it.

ADV MOTAU SC: Thank you.

CHAIRPERSON: Thank you very, very much. Thank you to you as well, General.

LT GEN MASEMOLA: Thanks, Commissioner.

ADV MOTAU SC: General, in paragraph 90 of your statement, the last sentence you say:

20 "The PKTT has an unmatched success rate."

Now, I want to bring you back to paragraph 84, perhaps to further clarify the question that the Chair was asking. If one is merely looking at 612 dockets and of those, 297 were finalised, it would appear just on the face of that that there

are less cases that were finalised than the cases that had been allocated. You see that? Because if you just look at 612 and subtract that, subtract 297 from that number.

LT GEN MASEMOLA: Correct.

ADV MOTAU SC: It would be less than half the total number of dockets.

LT GEN MASEMOLA: Correct.

ADV MOTAU SC: I think it is in that context that the Chair is asking the question to say how do you then measure
10 success, particularly with reference to the point you make in paragraph 86 and the last sentence that I referred you to in paragraph 90 of your ...[intervenes]

CHAIRPERSON: Factoring into that, the fact that finalisation does not mean convictions only. There are several categories under that term. So the 297 in terms of convictions is even reduced further as it were. So please respond to Mr Motau's question.

LT GEN MASEMOLA: Thanks, Commissioner. The finalisation in this regard, we will recall that the dockets at
20 Fort Hare University, there has been arrests made. Those cases are still at court, if not yet finalised, because the trial of this type of case takes long. Also taking into account that, I think it was, ja, over 51 of the traditional leaders' dockets, the team only took those dockets in 2024. So there could not have been more move in terms of

investigation of those cases.

It does not mean that they might have made a lot of arrests, but the cases will still be at court and not finalised as we mean in terms of conviction. So that is the difference. It is not expected that if they have got 612 dockets, there shall be 612 convictions. No, it does not work that way. They might have made arrests, but cases take time. We can refer to this very same year, we might have seen a number of convictions coming from the very
10 same cases of the team that comes a long way.

CHAIRPERSON: So perhaps it may be short-changing the PKTT to focus on convictions only. I would imagine that, and I think it is stated somewhere in your affidavit, there may be instances where there is no movement at all in terms of detection and arrests. But upon the PKTT taking over, there is suddenly movement in that regard. You get arrests and you get people appearing in court. So it may not necessarily lead to convictions in the end, but the fact that suddenly there is movement does make a difference.

20 **LT GEN MASEMOLA:** Correct. That is correct, Commissioner. Especially if we look at the Fort Hare one, there was no movement at all. But after the team intervened, people were arrested, people were brought at court, and the cases are still in the process at the court.

CHAIRPERSON: Of course, one assumes that the arrests

would not be arrests for the sake of it, and that it would be arrests that are justified in the circumstances.

LT GEN MASEMOLA: Yes, correct, Commissioner.

ADV BALOYI SC: Mr Motau, if I may? You, General, in that paragraph 90, you say that the PKTT has an unmatched success rate. Obviously, you and the Minister disagree. In his letter, we know he says that it adds no value or some language to that effect. Now, when you say the success is unmatched, what are your comparators? What is your point
10 of reference against which you are comparing to say the success of the team is unmatched?

LT GEN MASEMOLA: Ja, it will be difficult to match the work of the team with a province or a district because they work across. When one uses that word unmatched, it is that there are cases that they would have been dead with no progress. But once you get this team into that case, you will see movement, you will see arrests. Like, let us go back, I think somewhere we talk about a number of cases which the team had somewhere in 2018, which come from
20 the previous team with very little success.

But after this team was then put into work, they were able to make a breakthrough in a lot of those cases. The next example in point is the Fort Hare. Like I was saying, some of the fraud cases there in Fort Hare, the DPCI has been investigating them for more than a year and we have

not had a breakthrough. But after we got this team at Fort Hare, there was a progress on murders, frauds and corruption. So, that is what one refers to, that they are bound to make a breakthrough. We can go as far as in Gauteng province, where we had cases of murders and drugs related, which after the team seeks, the Gauteng team seek assistance of KwaZulu-Natal and we allowed 10 members of the Political Killings Task Team to assist Gauteng. They started making a breakthrough and also
10 they unravelled more than what the team in Gauteng would have found.

So, that in its case, in its nature, we are saying that the team is a success. If the KwaZulu-Natal Political Killings Task Team members did not come to Gauteng, we would not have the current rate of unravelling, the arrest of Abo[?] Molefe, the arrest of Abo Cat, and of course there are still others on the line that still needs to be processed. So, by saying that their success is unmatched, that is what we refer.

20 But then saying to, on the Minister's letter that he assessed and there was no value, I do not know where the statements come from. I do not know the assessment, when, where was it done, with who, I do not know. Well, probably that may come later, but I do not know what assessment was done. But what we know is what I am sure

everybody knows, everybody sees. A lot of convictions that are happening even now for cases and the team is still doing its work and they are quite successful.

ADV MOTAU SC: We will deal with that part when you deal with your interaction with the Minister. But one of the things that you mentioned there is that there are three people who had information that is relevant in respect of the activities of the PKTT and you say it is yourself, General Khumalo, and General Mkhwanazi. And that none of you
10 were consulted by the Minister to receive a briefing on the activities of the task team. Without necessarily going into detail, because I know that we will deal with that issue. But perhaps you could just highlight very briefly that point with reference to the, with Commissioner's Baloyi's question based on the Minister's letter and what the Minister says.

LT GEN MASEMOLA: Okay, thanks, Commissioners. With regard to that, in the letter where the Minister says, after assessment, the team has no – is not adding value to SAPS or to the country, I cannot recall the exact wording. I sure
20 for one to come to that conclusion, yes, you must have done assessment. And when you do assessment, obviously you will talk to people that are dealing with the matter at hand. In this case, it is the PKTT.

So in order for one to have had briefing of the PKTT, the Minister would have definitely have briefing from

General Mkhwanazi, or have briefing from Dumisani Khumalo or had briefing from myself. To an extent maybe 30%, maybe, should have had briefing from Lieutenant General Lebeya, because Lieutenant General Lebeya, at some point he headed the National Steering Committee, but it did not go far, he left it. So he would not know the complete work of the team. There is no way he would know it.

So then to come to that conclusion without having
10 this briefing, I wonder who briefed him, because that is for sure I know. There is nobody that knows the work of the team than those, unless you go to the junior commanders of the team, which we enquired, and that is not the case. Thank you.

ADV MOTAU SC: Okay. All right, we will come back to that issue when – like I indicated, we deal it your statement in relation to the interactions that you had with the Minister and when, in relation to the Minister's decision of 31 December, were those engagements held. But if I can
20 just perhaps touch on one aspect in relation to the activities of the PKTT. And I am aware that Major General Khumalo will deal with that aspect, among other things, when he goes into detail regarding the PKTT's operations.

But one of the aspects that you mentioned earlier is the difference between getting to the hitmen and getting to

the mastermind. And one of the methods through which the PKTT operates is that it does not deem it sufficient to merely arrest the hitmen, and that there may be instances where they do know who the hitmen are.

But in order to resolve the crimes – the crime in its entirety, they may decide not to arrest the hitmen that are known because they want to get to the bigger fish, for lack of a better description. If you could just perhaps touch on it, because earlier on you – as you are distinguishing the
10 different role players, one of the models upon which the PKTT operates is that one. If I can just ask you to very briefly touch on it.

LT GEN MASEMOLA: Ja, thanks, Commissioners. Well, investigation – as the team do investigation, they apply a lot of strategies. At some point, they will throw their dockets together and allow them to swim and, so that they can see which direction should they go, without rushing to get to arrest the hitmen. Because sometime if they do that, they will lose the rest of the chain. So sometime, they will
20 identify some spotters and start with them in order to get to the mastermind or use the – even the hitmen for information purposes and collection.

So, they were applying various methodologies which are legal, and there is nothing wrong or illegal in them, but their strategies, ja, was that they would not just rush to

arrest a specific person for the sake of arresting. They will investigate their cases thoroughly and determine in the whole value chain of the hit order, the spotters, the one that procured the firearm, they will determine where to start, which way to move forward or move backwards, so they will always use those strategies. That is how the team became successful.

ADV MOTAU SC: I was going to ask you that, are those considerations relevant in determining the success and the
10 statement that you make when you say their success rate is unmatched?

LT GEN MASEMOLA: Ja, indeed, it is – it does also indicate their – ja, it does talk to them being successful because they do untangle sometime cases that would have been closed as either it become cold case or they are not resolved.

ADV MOTAU SC: I think we can just leave that aspect. Major General Khumalo will deal with it ...[intervenes].

LT GEN MASEMOLA: Okay.

20 **ADV MOTAU SC:** As the person with the details. If I can then ask you to turn to page 90 – sorry, page 29, your paragraph 91 of Masemola 1. You deal there with the point that the IMC was regularly briefed on the progress and success of the PKTT, and you attach the different presentations that were made to the PKTT on 3 August 2018

until 6 September 2023, and those are attached as Annexure SFM6, is that correct?

LT GEN MASEMOLA: Yes, is correct, Commissioner.

ADV MOTAU SC: And that for the benefit of the Commission, it is at – it starts at pages 191 to 359 of Masemola 2.

ADV BALOYI SC: Mr Motau, will you – with this as well as we requested previously, please?

ADV MOTAU SC: Yes. Well, yes, I will do that in line with
10 the earlier request ...[intervenes].

ADV BALOYI SC: Okay.

ADV MOTAU SC: When we deal with some of the relevant aspects in those presentations. But perhaps where I would like us to start with the contents of that paragraph is the second part where you say:

“As far as I am aware, there were no further IMC meetings after the 6th of September 2023.”

Now, would that period extend until the Minister took a
20 decision to disband the task force or the task team? In other words, between the period 6 September 2023 to 31 December 2024? Is that period covered by the statement that as far as you are aware, there were no further IMC meetings?

LT GEN MASEMOLA: Ja, that is correct, Commissioner.

Ja, since that that was the 6th of September 2023, which is referred to as SFM7, is the last IMC briefing that was done.

ADV MOTAU SC: Okay. Then, you continue to make the point in the next sentence to further illustrate the point that the PKTT was viewed as effective. I was able to source the media briefing held by former Minister of Police, Minister Cele, wherein he expressed the IMCs positive view of the PKTT and its successes. And you referred to Annexure SFM7, and if I can ask you to turn to page 360 of
10 Masemola 2. And if I can ask you to deal with the first six paragraphs on that page.

You will see it is, the document is headed speaker notes from the former, from the Police Minister at the time. Minister General Bheki Cele on behalf of the IMC on political killings in KwaZulu-Natal. And it was delivered on the 6th of September 2023. And then just after:

“Ladies and gentlemen.”

If I can ask you to just deal with those paragraphs that follow. From:

20 “I address.”

Until just before:

“Ladies and gentlemen of the media.”

LT GEN MASEMOLA: Ja, thanks, Commissioner. Ja, in that press briefing, which was hosted by the then Minister, he says:

10 “I address this media briefing this morning on behalf of the Inter-Ministerial Committee on political killings, consisting of Minister of State Security, Defence, Justice and Correctional Services, and myself, the Minister of Police, who also chairs the IMC. The IMC held this meeting on Tuesday in Durban, where it was presented with a detailed briefing on the work of the integrated multidisciplinary task team investigating political killings in KwaZulu-Natal since 2018 to date. In its five years of existence, the committee has provided the nation with several updates. The last one took place in February 2022. The committee remains committed to encouraging political tolerance by individuals and parties, whether before, during, or after elections period and beyond. However, through the integrated work of the task team, the IMC is as committed to arrest those

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10 who use violence to settle political scores. This task team includes the SAPS, NPA supported by State Security Agency, and Correctional Services. The Premier and MEC for Community Safety in liaison of KwaZulu-Natal. It is on this score that the IMC wishes to categorically put it on record that the initial mandate given to the Committee by His Excellency, President Cyril Ramaphosa in 2018, not to allow KZN to be a killing field is still on course.”

ADV MOTAU SC: And then if I can ask you to please turn to page 362 under the heading, regional stability. And if I can ask you to first deal with the first paragraph, under that heading.

LT GEN MASEMOLA: It says:

20 “Members of the media, with each update on the IMC on the work of the task team, it is becoming increasingly clear that the team is working with purpose, agility, and is focused on producing results. Prior to the establishment of the task team, we

know that cases were not properly investigated, which often led to suspects not being arrested.”

ADV MOTAU SC: And then if I can ask you to skip the following paragraphs and deal with the last one, just before:

“Ladies and gentlemen.”

The IMC. The one ...[intervenes].

LT GEN MASEMOLA: Oh.

ADV MOTAU SC: That says:

10 “The IMC is encouraged.”

LT GEN MASEMOLA: Oh.

ADV MOTAU SC: Yes, yes.

LT GEN MASEMOLA: Ja:

“The IMC is encouraged that interventions are in place to deal with all forms of politically related crimes proactively and reactively in the eThekweni and in the Zululand District.

ADV MOTAU SC: And then if I can please ask you to turn
20 to page 369, and deal with the conclusion.

ADV KHUMALO SC: Mr Motau, maybe before you leave this page, it is top of the page 362. General, would that not be considered a success what is set out on top of page 362?

LT GEN MASEMOLA: The one that says:

“The task team is conducting intelligence-driven operation targeting possession of unlicensed firearms, which has resulted in 172 cases. Over 250 unlicensed firearms have been taken off the street through the Police operations.”

It is regarded as a success, but however, these specific cases will fall either on that category of *ad hoc*
10 ...[intervenes].

ADV KHUMALO SC: Yes.

LT GEN MASEMOLA: Or parallel.

ADV KHUMALO SC: Yes, remember ...[intervenes].

LT GEN MASEMOLA: But I think it is more *ad hoc*.

ADV KHUMALO SC: When the Chairperson ...[intervenes].

LT GEN MASEMOLA: But it is a success.

ADV KHUMALO SC: Was asking you, when you say the task team was hugely successful, what does success mean? And at that time you limited it only to convictions.

20 **LT GEN MASEMOLA:** Okay.

ADV KHUMALO SC: Now my question is, if they remove 250 unlicensed firearms from the streets, which I assume could be used for later killings, is that not a success of the task team?

LT GEN MASEMOLA: Well, it is a success, Commissioner.

Sometimes one sees things as obvious, so you do not – because to me it is obvious, so you sometimes not mention them. But indeed, that is a success.

ADV MOTAU SC: Thank you. If I can then ask you to turn to page 369 and to deal with the conclusion.

LT GEN MASEMOLA:

10 “In conclusion, on behalf of the IMC, I wish to dispel any notion that seeks to cast doubt in the work of the task team investigating political killings in KZN. Today's briefing has not only demonstrated the progress in the work that falls within the mandate of the task team, it has also revealed the continuous efforts by the task team to ensure that firearms linked to crime since and taking off the streets. The work of the task team has been commendable and is fully supported by

20 the IMC. The committee encourages enhanced and maintained collaboration between departments of Police, State Security, National Prosecuting Authority, Justice and Correctional Services, in order to stabilise political

violence in the province and beyond. The work of the task team extends beyond the KZN borders. Its work has also been exemplary in the investigation and ultimate breakthrough of the murder cases in the Fort Hare University in the Eastern Cape, where eight people have been arrested and brought before the Courts. The task team is also assisting in investigating in the Limpopo and Mpumalanga Province. Lastly, as we edge closer to the National General Elections next year, the efforts are being solidified to boost the work of the IMC as well as investigations. In enhancing the work of the task team, the IMC has resolved that there will be dedicated Courts to speedily prosecute these matters. The IMC again calls for political parties to strengthen internal mechanism to diffuse inter and or intra tensions and instability that may escalate and lead to political attacks and killings. I thank you.”

ADV MOTAU SC: And if I can just ask you to turn back to your statement and please deal with ...[intervenes].

CHAIRPERSON: Before moving on.

ADV MOTAU SC: Yes.

CHAIRPERSON: This is the Minister Cele says this a year, three months before the disbandment instruction. So for the picture to be complete, you would have to touch on whether anything that tended to detract from what the Minister says here had happened during that period, one year, three
10 months. Had anything happened that detracted from the positive remarks by Minister Cele?

LT GEN MASEMOLA: No, Commissioner, there was nothing that – negative that we could have said happened with the task team that might have changed opinions. The task team kept on doing good work all the way.

CHAIRPERSON: Thank you.

ADV MOTAU SC: Yes, maybe just to complete that, did the IMC between the period after the former Minister made that statement and before the disbandment ever express any
20 dissatisfaction about the work of the PKTT and not achieving its mandate?

LT GEN MASEMOLA: No, I must also say that normally IMCs lifespan is the administration of the specific Government in place. So there was not IMC appointed, but there were Ministers in those departments. But from either

of those Ministers and on my own Minister, there was never any expression of dissatisfaction about the work of the task team.

ADV MOTAU SC: Dissatisfaction you mean?

LT GEN MASEMOLA: Ja, the ...[intervenes].

ADV MOTAU SC: There was never an expression of any dissatisfaction?

LT GEN MASEMOLA: There was never expression of any dissatisfaction from any Minister, including Minister of
10 Police.

ADV MOTAU SC: Yes, no, no, we will deal with that because you then say when you deal with that letter, you say it came as a shock and a surprise, but let us deal with it when we get to that point.

ADV BALOYI SC: Mr Motau, before you proceed.

ADV MOTAU SC: Yes. Yes, Commissioner Baloyi.

ADV BALOYI SC: In this media statement, General, in that last page 370, there is now a reference to the task team assisting in Limpopo and Mpumalanga Provinces. You have
20 not said anything about it in your statement and neither did General Mkhwanazi speak to Limpopo and Mpumalanga. Do you care to share any more detail?

LT GEN MASEMOLA: Ja, we did wanted to expand to those two provinces and we did have a meeting once with the Ministers and the Officials of the National Steering

Committee at some point in Limpopo, more specifically at Mogalakwena to go and assess the killings. They were mostly in Mogalakwena and Vhembe, which is Twendo[?]. And in that assessment, we found that the Provincial Team is on course, they do not need any assistance.

And so there was no further necessity to go over to go and assist in that specific province. In Mpumalanga, there were cases – there were cold cases that we needed to relook at and that has never happened. We never extended
10 to get to Mpumalanga. It was something that will still be done.

ADV MOTAU SC: Thank you, Commissioner Baloyi. General, if I can ask you to turn back to your statement and deal with paragraph 92. You say the narrative that the PKTT was not effective is completely false. Can I ask you to deal with that?

LT GEN MASEMOLA: Thanks, Commissioners. Ja, on paragraph 92, I am saying that:

20 “The narrative that the PKTT was not effective is completely false. If at any point I was convinced that the PKTT was no longer effective, I would not have approved its extensions and budgets, which had to be considered twice a year. Hence my astonishment

when I learned that the Minister had issued a directive to me to implement his decisions to disband the PKTT. I am convinced that if the Minister had made himself available for briefing and engaged me with an open mind prior to issuing the disbandment directive, he would not have disbanded the PKTT.”

But I must also say that, of course, on the renewal
10 authorities, financial authorities, now and then you will find
maybe especially the CFO, questioning the long lifespan of
the team. I mean, a CFO, you have got a right to question
those. CFO normally do not know what is happening in the
field, what we are dealing with. So, we do accept that now
and then CFO will query.

That will – at some point she will say, but why do not
you make a unit? The reason why you do not make a unit,
once you make a unit, then it is a unit of KwaZulu-Natal.
Then you are back to square one, unfortunately. So
20 whereas here you have members of the team, they are not
permanently there. They stay there for two, three months,
they go home in their various provinces for a month or two.
Then they come back as and when their case are coming to
Court or to beef up the team. So that model worked for us
the best because they do not belong to the province. They

do not get involved in local politics whatsoever. So, thanks.

ADV MOTAU SC: Thank you. If we can then go to the next topic that you deal with in your statement, which is Gauteng Counter Intelligence Operation, commencing from paragraph 93. And it goes all the way until paragraph 100. If I can ask you, in the paragraph 93, you refer to the fatal shooting of an employee of an entity called Q-Tech in Vereeniging. If I can just ask you to start there and tell the Commission about the events of 17 April 2024.

10 **LT GEN MASEMOLA:** Ja, Commissioners:

“On the 17th of April 2024, Armand Swart, an employee of an entity called Q-Tech in Vereeniging was fatally shot while seated in his car outside his workplace. The employer, which is Q-Tech, had reportedly identified price inflation in a Transnet contract, which subsequently exposed a complex web involving organised crime, Police corruption, and significant personal risk for those conducting the investigation. The Organised Crime Unit in Gauteng, under the leadership of Deputy Provincial Commissioner Mbuso Khumalo, assumed the

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responsibility for investigating Mr Swarts's murder. This case became integrated into the broader Gauteng Crime Intelligence Operation. Three suspects were apprehended in connection with this murder. First one being Michael Pule Tau, a Police officer, Musa Kekana, and Tiego Floyed Danny Mabusela. The charges included murder, conspiracy, attempted murder, possession of suspected stolen property, and possession of unlicensed firearm and ammunition. Forensic examination linked the recovered firearms to several other violent crimes, thereby consolidating the cases against the accused and revealing a larger syndicate allegedly offering nearly a million rand for assassination.

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Although bail was successfully opposed initially, the accused Michael Pule Tau was later released on bail on account of health grounds. This development raised considerable concern among the investigators and prosecutors due to

10 increasing threats, including both verbal and physical intimidation, such as being followed and threatened with harm. Consequently, on the 5th of August 2024, the SPP formally communicated the threats to senior Police officials, including myself. In the correspondence, the SPP requested urgent protection measures for the investigators. The letter of the SPP ...[intervenes].”

ADV MOTAU SC: Ja, and those measures are set out in that letter.

LT GEN MASEMOLA: In that letter.

ADV MOTAU SC: Which is at 371 to 372, ...[indistinct].

LT GEN MASEMOLA: Thanks, Commissioners. Paragraph 98:

20 “In accordance with SAPS procedure, Major General Mbuso Khumalo conducted a threat and risk analysis supported by Major General Lekalakala, who is Gauteng Head of Intelligence, and together with Colonel Ntuli, who completed the assessment, concluding that the risk level was high

and recommended a 24-hour protection. Subsequently, the matter was escalated to National Office and a parallel counter-intelligence case was initiated along the primary investigation. Lieutenant General Dumisani Khumalo, the Divisional Commissioner, was brought into the picture and given the apparent association of SAPS officials of various ranks with individuals under investigation. The threats directed towards investigators, allegations of bribery involving magistrates linked to the cartel, concern over Police infiltration, and the reduction of the investigation team from five to two members, particularly due to the threats. It was deemed necessary for Lieutenant General Dumisani Khumalo to urgently request external assistance. The request was directed to Lieutenant General Mkhwanazi, who then seconded 10 members of the PKTT.”

ADV MOTAU SC: Except for this, can I just ask you – sorry

can I just stop you there?

LT GEN MASEMOLA: Okay.

ADV MOTAU SC: Sorry, Chair.

CHAIRPERSON: Thank you, Mr Motau. Can you just explain, you will forgive me if it has been explained, but can you just explain the reduction of the investigation team from five to two?

LT GEN MASEMOLA: Commissioner, what it means is that the investigation of the murder of Armand Swart, at some
10 point there were five investigators. Because of the threats that were directed to this team, some of the members left the team, and there were only two left to carry on with the investigation. Sometimes you would want to force members to continue doing a certain work, but at some point when you realise that it might not assist, you must – you require a certain braveness to do certain things, then they had to reduce from five to two.

CHAIRPERSON: Thank you. Thank you, Mr Motau.

ADV MOTAU SC: Thanks. Thanks, Chair. And that led to
20 the request for capacitating that team with the secondment of the 10 members? That is the point you make in the last sentence of that paragraph.

LT GEN MASEMOLA: That is correct, Commissioner. And it was brought to my attention, and I approve of it.

ADV MOTAU SC: Yes, but there is something I needed to

get you to clarify in paragraph 99. When you talk about allegations of bribery involving magistrates, and perhaps let me just stop there and deal with that one. As I understand, these are only allegations at this stage, but those are still being investigated and looked into. Is that correct?

LT GEN MASEMOLA: Ja, it is allegations that were made specifically in this case, where I am aware that the two investigators, at some point they were told by one of the seniors that there is three envelopes ready, and that one
10 envelope is for the two of them. The other envelope is for the Prosecutor, and the third envelope is for the Magistrate. So that is, of course, allegation. From my side, it is a hearsay, but I am sure General Khumalo could talk more on that. But it is still under investigation.

ADV MOTAU SC: Yes, I think at the point, perhaps the focus, is that those are not concrete findings as yet, but they are allegations that are being looked into. I think that that is more the point that I was trying to establish there with regards to those allegations.

20 **LT GEN MASEMOLA:** That is correct, Commissioner.

ADV MOTAU SC: Okay and equally with regards to the links to cartel members and the concerns over Police infiltration, that equally has that status, that it is allegations that are being looked into at this stage.

LT GEN MASEMOLA: Yes, it is allegations, yes, that is

under investigation, and it might not be a good thing to expunge it more than that.

ADV MOTAU SC: Okay. All right, and then in paragraph 100, you conclude by indicating that those members that were seconded to the Gauteng team were then integrated into that Gauteng Investigation Team, but the dockets were never transferred to the PKTT. If I can just ask you to explain that, the integration of the members into the Gauteng Investigation Team without the PKTT dockets being
10 transferred?

LT GEN MASEMOLA: Ja, what we mean by that is that the members that came from KwaZulu-Natal came to assist the two colleagues in Gauteng, but what they were investigating was never taken to KwaZulu-Natal to form part of the Political Killings Task Team. Those dockets remain in Gauteng under, of course, this team.

ADV MOTAU SC: After the lunch adjournment, subject to the Commissioners agreeing that it is a convenient time to take lunch, you are going to be dealing with the arrests of
20 Mr Molefe and Mr Matlala.

CHAIRPERSON: Let us indeed take the lunch adjournment now and resume at two o'clock. Thank you.

INQUIRY ADJOURNS

INQUIRY RESUMES

EXAMINATION BY ADV MOTAU SC (CONTINUES): Thank

you, Chair and Commissioners. General, just before the lunch adjournment we were dealing with the two paragraphs above the next topic that we are going to deal with and I asked you in relation to the issues that you deal with in paragraph 99. Just for completeness, do you know if cases were opened in relation to those allegations that you refer to in paragraph 99?

LT GEN MASEMOLA: No, I do not know.

ADV MOTAU SC: You do not know?

10 **LT GEN MASEMOLA**: No.

ADV MOTAU SC: All right, that is fine. It will be dealt with by witnesses that are to come. Then the next topic that you deal with is the arrest of Mr Molefe and Mr Matlala and you start in paragraph 101 with reference to the role that the Gauteng team played, assisted by those PKTT members who had been seconded to this team. Can I just ask you to take it from there?

LT GEN MASEMOLA: Thanks very much, Commissioners. The Gauteng team, assisted by the seconded team from
20 KZN, conducted two simultaneous operations on the 6th of December 2026. The arrest of Mr Molefe and the questioning of Mr Matlala around the kidnapping of a one Mr Jerry Boshoga happened. The operation conducted at Matlala's house originated from a referral from my office, in particular, a concerned party requested a meeting with me

and upon meeting, the person indicated that General Sibiya, he implicated General Sibiya and indicated that he is known to be close friends with Mr Matlala. It was expressed that Matlala was involved in various crimes and suspected to be involved with the kidnapping of Mr Jerry Boshoga.

Given this background, I requested, because the person was not trusting anyone, especially in Gauteng in the investigation of this crime, I requested Lt-Gen Dumisani Khumalo to conduct the investigation into this kidnapping.

10 Through investigations, it was established ...[intervenes].

ADV MOTAU SC: Sorry, can I just ask you to just clarify there, without necessarily giving the details, are you saying that the concerned party who came to see you implicated General Sibiya in the kidnapping that you refer to in that paragraph, or is it in relation to something else?

LT GEN MASEMOLA: No, no, no, he did not implicate him in the kidnapping, he implicated Mr Matlala in the kidnapping, but he further said that Mr Matlala is very close to General Sibiya and the concern of coming to me was that
20 there is no way that General Sibiya can oversee this investigation or decide who must investigate this case. That is the reason for coming to me.

ADV MOTAU SC: So that information that is being conveyed to you, does that, or is that tantamount to implicating General Sibiya there, as you say in paragraph

102?

LT GEN MASEMOLA: That is correct, yes. That is what I am saying, that yes, the person said General Sibiya is close to this Mr Matlala, who is implicated or suspected to be implicated in the kidnapping.

ADV MOTAU SC: All right. I think you deal with this issue later when you deal with the internal investigation that was conducted, and we will get to that. Then you proceed, you say given this background you requested ...[intervenes].

10 **CHAIRPERSON:** I am sorry. This may have been clarified, I am not sure. Is the allegation that General Sibiya was implicated because he is friends with Mr Matlala or is the suggestion that he was implicated, whatever the basis might be, but that he happens to be friends with Mr Matlala? This is rather vague.

LT GEN MASEMOLA: Maybe, do I hear you Commissioner? Maybe you can repeat it.

CHAIRPERSON: I am saying this sentence is rather vague. I am not sure what it means. Is the suggestion that
20 General Sibiya was implicated because he is friends with Mr Matlala or is the suggestion that he is implicated or was implicated on some basis, whatever that basis might be, but he also happens to be friends with Mr Matlala? So what exactly does this mean?

LT GEN MASEMOLA: What it meant was that,

Commissioner, is that he said that Mr Matlala is possibly implicated in the kidnapping of Mr Jerry Boshoga. But then the person further said he is aware that between Mr Matlala and General Sibiya they are very close and there is a lot happening around them and there is no way that he can accept that he investigate this case or oversee this case, and further mentioned other areas where he says they are too close, they work together, they share a lot of information together, so there is no way that he can then
10 oversee this investigation.

ADV MOTAU SC: I see you are dealing with it in a very constrained manner.

LT GEN MASEMOLA: Okay.

ADV MOTAU SC: No, no, you could perhaps explain to the Commission if there is a reason why you are not at liberty to detail or disclose the extent of what was revealed, you could say that to the Commission so that there is an understanding of why you are putting it simply like that and not going into detail, or unless if there is a detail that is
20 missing, you should provide it.

LT GEN MASEMOLA: Okay, ja, the matters around this, they are still under investigation, but well, the person did bring to my attention that the closeness of them to such an extent that this person said Mr Matlala is actually one of my deputies, it is just that I am not aware of, in that he is doing

the same work with General Sibiya, they direct police to do certain things and so on. So that was the allegation that was said. I think it is safe to leave it there.

ADV MOTAU SC: And you are saying because of the fact that those matters are still under investigation?

LT GEN MASEMOLA: Correct, they are still under investigation, yes.

ADV MOTAU SC: And is that the reason why you are not sharing more and you just simply make that allegation in terms of the General Sibiya having been implicated?

LT GEN MASEMOLA: Ja, I think, ja, it is safe to leave it there because it is still under investigation, so it might not be a good to give everything while it is still under investigation. Thank you.

ADV MOTAU SC: All right, if you can then proceed? You say through investigations, this is the last sentence in paragraph 102.

LT GEN MASEMOLA: Ja, the operation conducted at Mr Matlala's house, actually that is what I just said, to say that originate from a referral from me, in particular a consent party that requested a meeting with me and upon the meeting the person implicated Mr Matlala and also said Mr Sibiya is closer to Mr Matlala. It was expressed that Mr Matlala is involved in various crimes and suspected to be involved in the kidnapping of Mr Jerry Boshoga. Given this

background, because this person did tell me that I would find it quite difficult to, according to he or her, to find a justification to choose a specific investigator in Gauteng. Hence, then I approached Lt-Gen Dumisani Khumalo to conduct this investigation.

Through investigations, it was established indeed that Mr Matlala is a person of interest, which resulted in the search to his premises on the operation of the 6th of December 2024. I am advised that soon after his arrest, Mr
10 Molefe was charged with murder and conspiracy to commit murder. On the 14th of May 2025, Mr Matlala was arrested on three counts of attempted murder and conspiracy to commit murder.

ADV MOTAU SC: Yes, and then you proceed. You state that these two individuals have now been formally charged with serious offences, for which harsh sentences are imposed by law if proven.

LT GEN MASEMOLA: Yes, these two individuals have now been formally charged with very serious offences for which
20 a harsh sentence may be imposed by law if proven. It is my considered view that the secondment of these individuals from the task team was a correct decision to do. That is the secondment of the members from KwaZulu-Natal PKTT. I am advised that Dumisani Khumalo will provide a detailed account of the GCI Ops and the PKTT's involvement.

ADV MOTAU SC: Mr Khumalo or Lt-Gen Khumalo will give the details regarding those two takedowns of the 6th of December and the issues surrounding those activities. And as you indicated, he will also deal with the statistics in relation to the successes of the PKTT and deal with the secondment of the PKTT members to the Gauteng team.

LT GEN MASEMOLA: And the operations, correct, Commissioner.

ADV MOTAU SC: All right. And then we can go to the next
10 topic. I know that later on you bring back these events of the 6th of December in relation to the events that relate to the disbandment, but if we can just then deal with the next topic being the disbandment, starting from paragraph 107? You talk about the fact that the issue relating to the Minister's instruction to disband the task team started at a time when you were on leave in December to January. If you could just take the Commission through that?

LT GEN MASEMOLA: Thanks, Commissioners. Paragraph
20 107 of my statement, my involvement in the events unfolded in December 2024 to early January 2025, commenced while I was on annual leave from the 30th of December 2024 to 14 January 2025. So on the 28th of December 2024, I was attending an official funeral of a Captain in eSikhawini, Richards Bay, with the Minister of Police. We had an opportunity to engage on other matters during that day.

ADV MOTAU SC: Sorry, there is a point there that you make, that annual leave had been approved by the Minister.

LT GEN MASEMOLA: Yes, the annual leave was approved by the Minister himself, yes.

ADV MOTAU SC: So he was aware that you were on leave?

LT GEN MASEMOLA: He was aware that I would be going on leave from that day of the 28th.

ADV MOTAU SC: Yes, you met at that funeral on 28
10 December 2024 and you said you had an opportunity to engage. Then, if you can proceed to 108.

LT GEN MASEMOLA: Ja, despite this, at no point during my interaction did the Minister indicate any intention to disband the PKTT, let alone immediately or express concerns about its operations. This lack of prior warning made the subsequent developments all the more unexpected and perplexing, as there had been no communication or indication suggesting that such a drastic decision is imminent.

20 **ADV MOTAU SC:** Can I just ask you maybe to pause there, to say up to that point, in other words, from the date of the 28th of December when you last saw the Minister before the instruction was issued, and going backwards from the time when the Minister was appointed into office, had the Minister expressed any dissatisfaction or concern about the

PKTT and its activities and that it was not performing satisfactorily?

LT GEN MASEMOLA: No, he never expressed any dissatisfaction or unhappiness. Hence, he was not even yet briefed about what PKTT is and what it does.

ADV MOTAU SC: Okay, I think you deal with that in the paragraphs that follow. If you can then deal with 109?

LT GEN MASEMOLA: On the 2nd of January 2025, I received a WhatsApp message from Maj-Gen Sebola
10 regarding a letter from the Minister. Maj-Gen Sebola is working in my office as the executive manager. It has come – it had not – I had not seen the letter at that stage. The WhatsApp contained the letter from the Minister addressed to me, dated 31st December 2024. The letter is attached as SFM9.

ADV MOTAU SC: Yes. Can I ask you to go to File 2, Masemola 2, Annexure SFM9, which starts at page 373?

LT GEN MASEMOLA: 373, yes, I am there.

ADV MOTAU SC: If you are on 373, you will see there the
20 subject is a letter to NetCom, and it is an email from one Nkabinde CM, dated 31st December 2024:

“Good afternoon, National
Commissioner General Masemola.
Please find the attached letter from the
Minister for your urgent attention.”

following the Moerane Commission report, even though not flowing directly from such that an Inter-Ministerial task force be established. The key mandate was to stop, investigate, resolve unresolved murders of politicians in the country, especially in KwaZulu-Natal. My observation in this regard, as indicated above, is that further
10 existence of this team is no longer required, nor is it adding any value to policing in South Africa. I therefore direct that the Political Killings Task Team be disestablished immediately. Further, that a preliminary report in this regard be submitted to the Minister by the 20th of January 2025. The final and closing report must be submitted to the Ministry Management Executive
20 Committee meeting late January 2025, the date of which will be communicated as soon as possible.”

It was sincerely signed, Minister of Police, Mr ES Mchunu MP, dated 31-12-2024.

ADV MOTAU SC: Now, if you go back to the issue that

was touched upon earlier by the Commissioners, the three components that emanate from section 207(2), the issue of policy direction and operational issues. Now, with reference to the instruction that the Minister is giving, what is your view when the Minister says:

“I therefore direct that the Political Killing Task Team be established immediately.”

Does that constitute policy or direction by the Minister? If
10 yes, why? If not, why not?

LT GEN MASEMOLA: Ja, my interpretation is that it is a direction – it is a directive that actually deals with the work of the National Commissioner, meaning that I take it as an encroachment in the operational activities of the organisation SAPS, because he is going as far as even saying that when must it be done, must be disbanded, moreover without knowing, even not knowing the reasons why. So yes, if you take it in terms of the Constitution, I definitely regard this as an overreach to the functions of the
20 National Commissioner.

ADV MOTAU SC: So you say as part of your response that when the Minister said that the disbandment should happen immediately, that is also dealing with the how part, i.e. the implementation thereof?

LT GEN MASEMOLA: Ja, correct. But let us say my

interpretation as a person maybe was wrong to say maybe this is still part of a direction, then I will have a problem where he says it must be done immediately, which is the how part. He could have left that to the National Commissioner. But now in this case, even where one does not know why, would you go as far as disbanding a team of this nature? Because for me it flies in the face of section 205(3) where it says the police must – part of the function is to investigate crime. So if you stop the investigation of
10 crime, I do not know now what you expect police to do.

CHAIRPERSON: Just to make sure that I understand, you emphasise the how. I do not know whether you are suggesting that there was not necessarily a problem with the disbandment instruction itself, or was there?

LT GEN MASEMOLA: Commissioner, there was also a concern about the disbandment, what informed the disbandment.

CHAIRPERSON: Okay, but would it, all things being equal and assuming that you had no problem with what informed
20 it, would it have been a lawful instruction? Disband the PKT Team, would that have been a lawful instruction, all things being equal?

ADV MOTAU SC: In other words, is it still part of policy direction?

LT GEN MASEMOLA: To say disband the – no, that is for

me, that is an overreach, that is an operational matter. So it would not. Rather, if ever there is any problem, it should have been discussed.

CHAIRPERSON: In short then, with or without the how, the instruction was unlawful?

LT GEN MASEMOLA: Yes, my interpretation, that is correct, ja.

CHAIRPERSON: Thank you, Mr Motau.

ADV MOTAU SC: Thank you, thank you, Chair. And then
10 in the statement you proceed that the matter could not wait and you are linking this to the point that you have made, or rather, the point that you have read from the Minister's letter that says a report must be prepared and submitted to the Minister by the 20th of January 2025. And you are due to return to the office on 14 January, like you say, and you say you had considered that you would address the issue upon your return. But then in paragraph 110, if you can please commence from there, you say, however, it seemed the matter could not wait. If you can take it from there?

20 **LT GEN MASEMOLA:** Ja. Paragraph 110:

“However, it seemed that the matter could not wait. I received a call from Lt-Gen Mkhwanazi the same day, 2nd January 2025. He told me that he saw in the media a letter from the Minister

to me to disband the PKTT. I informed him that I am on leave until 14 January 2025, and had not had any opportunity to consider the contents of the letter from the Minister, but that I was aware of it. I made it clear to Lt-Gen Mkhwanazi that I had nothing to do with the disbandment, and I informed him that the Minister never sought any
10 advice before taking the decision.”

ADV MOTAU SC: So when you say any there, you say my advice?

LT GEN MASEMOLA: When I?

ADV MOTAU SC: You say – you said now any, but the statement says never sought my advice?

LT GEN MASEMOLA: Ja, what I am referring to is that the Minister never sought an advice from me before he embarked on this action.

ADV MOTAU SC: Yes, proceed. Lt-Gen Mkhwanazi also
20 informed?

LT GEN MASEMOLA: Ja:

“Lt-Gen Mkhwanazi also informed me that he too had not been engaged in the possible dissolution of the PKTT.”

ADV MOTAU SC: And then in the next paragraph you deal

with how you classified the communication by the Minister, and what did you do as a step following that instruction that had been communicated to you by the Minister. If you can please proceed?

ADV BALOYI SC: Before you do that, General, do you have any knowledge how this letter would have ended up in the media on the 2nd of January?

LT GEN MASEMOLA: I have got no idea as to how.

ADV BALOYI SC: It is not from your office?

10 **LT GEN MASEMOLA:** As far as I know, no, it is not. It is not from my office.

ADV BALOYI SC: Thank you.

ADV MOTAU SC: Thank you.

LT GEN MASEMOLA: Given the fact that the Minister was instructing, not soliciting our views of the disbandment of the PKTT, I deemed it necessary to speak to the President about the issue. I spoke to the President on the 1st of February 2025. During this meeting, I mentioned the Minister's directive to disband such a successful team, and
20 the President told me that he would speak to the Minister. Of course, I did not really require from the President to say whether he agreed or not, but I did tell him that this team has been dissolved, reason unknown, and I said if ever it has to be done, it cannot even be done in this abrupt manner, because I do not know what we are chasing. And

that is when he says no, he will speak to the Minister.

ADV MOTAU SC: Yes. Then 112, you say at a later stage?

LT GEN MASEMOLA: At a later stage, the President did inform me that he did discuss the issue with the Minister. He did not inform me on what details they discussed.

ADV MOTAU SC: Did he tell you what outcome they reached on the issue?

LT GEN MASEMOLA: No.

10 **ADV MOTAU SC:** And is that where you left it, with the President?

LT GEN MASEMOLA: Yes, that is where I ended. As I said, I did not expect the President to get to an operational matter, but I did tell him that there is this issue, and I said if ever it has to be done, it should be a process of winding down, and not this abrupt manner. And from there, well later I did, that is why later then I already – by that time I already submitted a report to the Minister, the one that was due on the 20th, where I described or I was explaining to the
20 Minister that if you disband this team, this is the best way on the how part. And I described that it should be a wind down, it should be a phased-out approach and not this abrupt. But still, as and when we meet, I kept on asking the Minister, but what is the reason for the disbandment of the team? I never really got a real reason as to why.

ADV KHUMALO SC: Adv Motau?

ADV MOTAU SC: Yes. Just going back to the letter, General, it is on 375 in Masemola 2, paragraph 3, where the Minister talks about the Political Killings Task Team. As far as you know, was the Minister aware, as at 31 December 2024, that the mandate of the task team has been extended to Fort Hare and also the traditional leaders' killings? As far as you know, was the Minister aware that the mandate had been extended?

10 **LT GEN MASEMOLA:** I do not know. I would not know who would have told him, but I just do not know whether he was aware.

ADV MOTAU SC: The reason I am asking you that is because the Minister records in the letter that the key mandate was to stop, investigate, and resolve unresolved murders of politicians in the country, especially KwaZulu-Natal. But according to you, the mandate had been extended to deal with other issues?

20 **LT GEN MASEMOLA:** Yes, the mandate was extended to deal with Fort Hare and later extended to Gauteng. But also, that founding paragraph that a directive was made to the National Commissioner in 2019, I do not know that. This team was not established as a result of the Moerane Commission. The report of the Moerane Commission came out somewhere in 2018, September. This team was already

in place because of the murder. So there is no relationship between the Moerane Commission and the establishment of the team, because the team was already there. I would not know the linkage, how it came about.

ADV MOTAU SC: Thank you. And you later on in your statement deal with the various requests to brief the Minister about the activities of the task team. Although those requests, you say you make them after this instruction had been issued, but leading to those
10 interactions, if we could start at 113?

LT GEN MASEMOLA:

“It is important to know that the PKTT had proven to be an essential unit in managing political related cases, particularly during periods of heightened tension such as election cycles. The abrupt directive to dissolve the team not only disregarded ongoing investigation processes, but
20 also undermined the collaborative effort that were in place to ensure justice and stability in affected regions. This decision, taken without prior consultation or warning, created significant uncertainty amongst key

stakeholders like your NPA and the risk disrupting the momentum of crucial investigations.”

ADV MOTAU SC: Yes, if I can ask you to just perhaps explain that last part, that last sentence about the uncertainty and the disruptive effect that it had on the stakeholders and the momentum of crucial investigations. If you could share with the Commission, what do you mean by that?

10 **LT GEN MASEMOLA:** Ja, what refers, Commissioners, is that this team had a team of – the PKTT had a team of prosecutors that were assisting the team, guiding them with the investigation. So when all of a sudden this abrupt decision to disband abruptly, then you leave them uncertain, not knowing what is happening. And of course, the work that they were doing also from their side, it means is left incomplete because they were not regarded or consulted when this decision was taken.

20 **ADV MOTAU SC:** And the issue regarding the impact, as you say, on the cases that were ongoing at that stage, is not catered for in the Minister's directive as to how they are supposed to be dealt with.

LT GEN MASEMOLA: Ja, well, the investigations that were still pending, let us say partially had bails and cases that were before Court and so on. So that is one of the areas

that were not taken care of in the letter. And as I said, the prosecutors from NPA were also not consulted. So does it mean they remain in the province of KwaZulu-Natal or they must go? So that raises questions. And also, the impact on the cases itself will definitely be problematic because IOs were still going to court and there must have been partially heard cases and follow-up on prosecutor's instruction by investigators. That still has to be done. So those, it means it would have all been disrupted in the
10 main.

ADV MOTAU SC: All right. I think we will touch on some of those when you deal with the report that was prepared and submitted to the Minister pursuant to the letter, indicating that a report needed to be prepared by 20 January 2025, which is the topic that you deal with next at
114. If you could proceed from there?

LT GEN MASEMOLA:

“Since the letter required a progress
report to be prepared by 20 January
2025, and given that I was still on
20 leave up to 14 January 2025, I
instructed a brigadier in my office to
forward all those letters from the
Minister to all the deputies, including
General Sibiya, to instruct them to

prepare the necessary reports. My intention was to discuss the matter with the Minister to understand his reasons and attempt to dissuade him.”

ADV MOTAU SC: Ja, to dissuade him.

LT GEN MASEMOLA:

10 “However, the letter contained an instruction to prepare reports that were due by 20 January 2025. Of course, if I refused to carry out that instruction, I would have been accused of insubordination, since all that was required insofar as the instruction was concerned was the preparation of the reports, which I then allowed the officials at my office to start doing while I was still on leave.”

20 **ADV MOTAU SC:** And if I can just ask you to clarify, when you say the refusal to prepare a report could possibly result in the Minister accusing you of insubordination, what do you mean by that?

LT GEN MASEMOLA: I mean that, well, he wanted a progress report by 20 January, but he wanted also the immediate disbandment, which by design, it looks like it was designed that it happened while I was still on leave. So, I

said to the officials that no, prepare the reports, but no disbandment because the date for the first report is 20 January and I will be back by the 14th. So, all I am saying is if I did not do anything, probably the Minister would have said, ja, no, this one is not taking my instructions. Hence, I said, no, prepare the reports, I will see them when I come back.

ADV MOTAU SC: So, it is prepared, do not submit because I will be back and I will deal with it when I get
10 there?

LT GEN MASEMOLA: Yes, because the due date was the 20th of January. I said, no, no, no, prepare the reports, when I come back the 14th, I will deal with everything henceforth from there onwards.

CHAIRPERSON: Please explain this. The Minister says prepare a preliminary report in this regard and this follows the sentence that says the PKTT is being disestablished immediately. So, when he says a preliminary report in this regard, what did you understand that to mean?

20 **LT GEN MASEMOLA:** My understanding was that he wanted a report probably on how far is the disestablishment, but what I am saying to the official is, no, you do not disestablish anything, prepare a report in terms of how you think this establishment, if it ever is done, how it should be done. But that the team be disestablished

immediately, well, that I did not comply with and I told them nothing should happen. Maybe that was the plan that had happened while I was on leave, but I said to them nothing happened to the team. They can start preparing reports on the team.

CHAIRPERSON: Here is what I am trying to understand. You have said now more than once that any instruction to disband would be unlawful, or once given, it was unlawful. Now, it does not quite make sense to me that you would
10 have feared insubordination if asked to make a progress report, that is how I understand you, on a disbandment that is unlawful. Why did you not say, Minister, your disbandment instruction is unlawful. Therefore, I cannot make a progress report on something that is unlawful.

LT GEN MASEMOLA: Well, that I did not say. I just said to the team, prepare whatever report, but compliance to that immediate disestablishment, you just do not do that one until I come back.

CHAIRPERSON: Thank you.

20 **ADV MOTAU SC:** Thank you, Chair. Then on paragraph 115 you deal with the fact that you returned to the office. If you can proceed from there?

LT GEN MASEMOLA: I returned to the office on the 14th of January 2025, and late in the afternoon I had a discussion with Lt-Gen Sibiya. He presented a plan or a letter to me

on how to close the PKTT in line with the directive of the Minister. I was, however, not satisfied with that proposed plan because it contained, most important, contained this immediate disestablishment. I informed General Sibiya that it would be irresponsible to summarily disband the PKTT and remove case dockets from them, as it will have a detrimental effect on the investigation of the cases. It will cause problems, complications in relation to the prosecution of matters already in court, and it will detrimentally affect
10 witnesses in witness protection and families that were affected by these killings.

ADV MOTAU SC: And then you say in 116, you gave Lt-Gen Sibiya an instruction?

LT GEN MASEMOLA: I instructed General Sibiya that the PKTT should be wind down in a phased approach, without compromising the proper execution of our police duties, if ever it has to be done, and which I then instructed him to go and rework on this plan and I further directed him to another Maj-Gen to go and assist him in developing
20 something of a phased-out approach.

ADV MOTAU SC: Yes.

CHAIRPERSON: General, now you are talking winding down. You actually repeat this further on, paragraph 131. You say:

“Importantly, insofar as the way

forward is concerned...”

This is 131:

“... we have proposed that the following steps be taken to wind down the PKTT.”

And in 131.2, you say:

“The 128 dockets that were still...”

No, no, no, I am looking at the wrong paragraph. 131.3, you say:

10 “No new dockets would be taken by or allocated to the PKTT.”

So what you say in 116 ties in with what you say in 131 and 131.3, but all that tells me is that you had basically accepted that the PKTT be disbanded. Your difference with the Minister and indeed even Lt-Gen Sibiya was whether this should be immediate, which is what the Minister and Lt-Gen Sibiya wanted, or it should be a phased process, which is what you preferred. Now, you have said that the instruction to disband was unlawful. Can you explain why you
20 accepted that there be a disbandment, but that it be a phased process?

LT GEN MASEMOLA: Ja, thanks, Commissioner. After, of course, talking to the Minister, looking for an ear to explain this matter further, to understand why is he doing what he is doing, at some point then I had no alternative left but to

say, well, if ever it goes – has to go to a way of disbandment. In other words, I am giving in, but not in his approach, but on my approach to say let then the team be wind down if ever it has to be disbanded. And in the absence of a hearing by him, because since that time we never discussed it, he agreed that he will make time that we agree, we discuss this matter, but that time did not come, even though I know I met him on the 16th of January and we discussed other matters. When we come to this one, he
10 says, no, no, no, let us wait for the report of the 20th. So, that is why I am saying – what I am saying is that at this point in time, yes, in a way I am giving into his instruction, but I say not our way, but my way. And that is where then still there was no agreement on that.

CHAIRPERSON: I do not understand that, General. Remember right at the beginning I asked you this, and I even said – I was first hypothetical as it were and then I said, I will ask you as General Masemola a direct question. And I said if the Minister were to give you an instruction
20 that strays onto your purview of functions, would you obey that? And you said you would disobey that. Do you remember giving me that answer right at the beginning?

LT GEN MASEMOLA: Ja, correct, Commissioner.

CHAIRPERSON: Now, why is it that once confronted with what you say was an unlawful instruction from the Minister,

you relented? Can you explain that? Especially regard being had to what you say at paragraph 161 of your affidavit. In fact, paragraphs 161 and 188, you say – I am sorry – you say in paragraph 161:

10 “The decision to disband the PKTT in KZN was fundamentally an operational matter, falling squarely within the purview of the National Commissioner, who is responsible for the management and strategic deployment of policing resources.”

The effect of that is that the instruction was unlawful. The Minister was not legally entitled to have given that instruction. Do you agree that that is the effect of this, paragraph 161?

LT GEN MASEMOLA: I do agree, Commissioner.

CHAIRPERSON: All right, let me take you to 188. Then you say:

20 “In respect of the Minister, knowing what I now know, what I consider to be irrational and inexplicable, and I emphasise what follows, encroachment into operational issues is now explained...”

Blah, blah, blah. But what I focus on is you say the

Minister was encroaching onto your area of function. Now, just tell me how, especially in the face of what you said at the beginning, which is that you would not obey an unlawful instruction from the Minister. Now, you say in so many words that this was unlawful. Unlawful, why? Because it strayed onto your area of function. So why do you now suddenly talk the language of winding down in a phased manner and no new dockets are to be given to the PKTT? Effectively, you are relenting to an unlawful instruction.

10 And you have told us at the beginning, you will never do that. You will disobey an unlawful instruction. Can you please explain yourself?

LT GEN MASEMOLA: Thanks, Commissioner. Well, if you look back on the letter, it did say disestablish immediately. I refused to do that. Hence, I said to my team, do not do it. I come back, I seek audience. The audience do not come, and eventually when it comes, it is still insistence on do establish. And by that time, of course, I am not aware that the December operation gave effect to the disestablishment
20 of the team. But of course, I am seeking answers, why is this team being established? And I have got no other assistance where to go to. I have got this team, I have got this Minister, and he insists on this disestablishment.

CHAIRPERSON: General, if it is unlawful, it is unlawful.

LT GEN MASEMOLA: I agree, Commissioner.

CHAIRPERSON: So I just do not get you. I do not follow you. It is unlawful, it is unlawful. And you told us this morning that if an unlawful instruction were to issue from the Minister, you would disobey. Now here is one, it is unlawful at paragraph 161 and paragraph 181, 188 of your affidavit you say the instruction was unlawful. So why obey it if you told us that you would not obey an unlawful instruction? It is a simple question. I do not quite get your answer.

10 **LT GEN MASEMOLA:** Okay. No, I agree, Commissioner. I do understand what the Commissioner is saying, that yes, I said I would not agree to it. But what I am saying is if you are sitting in my position where I was and this Minister is insistent without the hindsight of knowing later, because the Commissioner now is advantage in that you have got the before I know the December operation of the 6th, how it impacted on the disestablishment. And also me saying, no, I do not – I am not going to comply with this instruction, which I did to an extent to make sure the team is not
20 disestablished immediately, that I was successful.

And eventually without any other help and with this Minister in front of me insisting, I had to end up saying, well, if we do it your way, I do not accept, but let us rather do it my way. Probably as we go along, I might find motive and kept on saying, but Minister, why are you

disestablishing this team? I kept asking that question all the time. And I did acknowledge, Commissioner, that yes, initially I refused not to comply with his instruction, but after having no any other way and life goes on, this man is here in front of me, he wants the team disestablished, there is no any other help, so what do I do? The only way that I did was, no, if you do that, you do it my way, not your way because ...[intervenes].

CHAIRPERSON: Maybe then, I hope I will not sound as
10 being facetious, maybe then you should have qualified your answer of this morning and say I would not obey an unlawful instruction unless the Minister breathes down my neck.

LT GEN MASEMOLA: Unless?

CHAIRPERSON: Unless the Minister breathes down my neck.

LT GEN MASEMOLA: Okay. I hear, Commissioner. The positions that we find ourselves as government officials, well, I am sure the Commissioners are prerogative where
20 they are sitting. We go through things.

ADV BALOYI SC: As a follow-up to your discussion with the Chair, what is available to you, whether from your employment terms, whether the laws that govern your position, and policies, what is available to you as a mechanism should you disagree with the Minister, for

example, on the decisions such as this? Is there anything available structurally that allows you to escalate the matter, or to pursue a particular cause to get resolution, other than trying to meet with the Minister? Is there structurally anything that you can do about it?

LT GEN MASEMOLA: Ja, well, the only avenue I know is the President. Other than that, well, in this case, General Mkhwanazi did report to the Portfolio Committee on police. There was no assistance. So, I do not know. Basically, I
10 cannot take my own Minister to court.

ADV BALOYI SC: Yes.

LT GEN MASEMOLA: So, there is no any other avenue.

ADV BALOYI SC: You went to the President. You did speak to the President about it.

LT GEN MASEMOLA: Yes, yes, I did speak to him.

ADV BALOYI SC: Thank you.

LT GEN MASEMOLA: And I cannot go to court, taking the same Minister to court. No, there was no such a rule.

ADV MOTAU SC: All right. So, you say you could not take
20 the Minister to court. We know you told us earlier you went to the President, and earlier on in your evidence you say that the best that you thought you could do at that time was to insist on a phased-out approach, and you indicated that you were hoping that in that intervening period you could perhaps get to answer the question, why was the Minister

disestablishing the task team? I think it is part of your engagement and interaction with the Commissioners.

LT GEN MASEMOLA: That is correct, Commissioner.

ADV MOTAU SC: But was it an option for you to say, I am not going to do it at all? You remember what the Chair asked. The Chair said, he asked you earlier on whether would you obey an unlawful instruction by a Minister, and you said no. And in light of the engagement, he says perhaps you should have qualified it and said unless the
10 Minister was breathing down my neck, then in that case I would implement an unlawful instruction. I think that is the import of what the Chair was putting to you, that it seems in
116 when you implement this instruction by way of a winding down, it seems to be inconsistent with the earlier answer when you said, but if an instruction is unlawful from a Minister, without more, in other words, without qualifying it, you said you would not implement it. Do you understand where the Commissioners are coming from?

LT GEN MASEMOLA: Ja, no, I understand where they are
20 coming from, yes.

ADV BALOYI SC: Sorry, Mr Motau, can I just? Just so that I am clear what the general is saying. General, how I understand you, you are saying you did not give effect to the instruction of immediate disbandment. So you did not take any action, all you did was you started preparing a

report which would recommend how it should be done. So at no point, as you sit there, at no point did you take steps to disband the team. Am I understanding you correctly?

LT GEN MASEMOLA: That is correct.

ADV BALOYI SC: Thank you.

LT GEN MASEMOLA: So what I did was to propose that if we disband, this is the way, and can Minister sign that off, the report of the 20th of January, which was submitted 22nd of January. So that was not signed off, and we were left, of course then, in a limbo.

ADV MOTAU SC: So the high water mark, as we are sitting here today, forget about the report. As we are sitting here today, have you disbanded the task team in accordance with the Minister's instructions?

LT GEN MASEMOLA: No, I have not. I have not sent out a letter to disband the task team. But however, I am aware that proposals that are being made here, some people end up starting implementing them, but the task team was never disbanded. That I have not signed. I kept renewing the authorities for it to continue working.

CHAIRPERSON: But you yourself had actually relented. That was my point. You yourself had actually relented and accepted that the PKTT should be disbanded. And I say so for what you stated in the two paragraphs I referred to. I think it was 131 and 131 point something. There you

basically accept that the PKTT must go. You say it must be wound down, but it must be wound down in a phased manner. So you may not have gotten to the stage of actually killing it, but you had accepted that it must be killed, but in a phased manner. That is where I am. And you go so far as to say that no new dockets must be given to it. So you have basically accepted the instruction, but it is merely just a question of how this should be implemented. You can only implement a decision if you
10 have accepted it. So that is where I am.

LT GEN MASEMOLA: You are correct Commissioner. There, yes. In terms of those proposals, that is what I end up proposing to the Minister that yes, maybe this is the way to go, which was still not accepted.

ADV MOTAU SC: If we can then continue from paragraph 117? You deal with the events of 15 January 2025 in relation to Lt-Gen Sibiya. If you can please proceed from there?

ADV BALOYI SC: Sorry Mr Motau, before that I do
20 apologise. In that letter at page 374, the letter from the Minister. You have that paragraph 1, which is about the filling of posts in the Intelligence division. Do you have any comment about that? Why such an instruction was given and whether that had any consequence? Well, whether you implemented it and what consequence, if any, did that have

on that division?

LT GEN MASEMOLA: Yes, Commissioner. The decision, yes, was – we were directed not to fill working post, and they were not filled and they are still vacant even now. The advert, I think it went out either last weekend or now recently. It will go out if it is not yet out. I do not know the reason. But when I asked him, why are you freezing these posts, he gave me the reasons that the advert are too generic. They are not specific in that the advert, in the
10 main was that the advert, our advert says diploma or degree.

And according to him, we cannot lump those two together. But we did explain to him why it is like that to say it will go a little bit far in the past. The only qualification that was there for the police was a diploma and most members will have that diploma which was offered by a Technicon called Technicon. It was first RSA and then SA and then later we merged with UNISA. So, if you say degree only, then it means you are excluding majority of the
20 senior and experienced people. So, we rather say diploma degree. That was the reason that we gave him. But nevertheless, he has his understanding on that.

ADV BALOYI SC: And before this letter and this instruction on the filling of posts, had there been a discussion between you and the Minister about this issue of

the filling of posts? And is it ordinarily a matter that the Minister gets to make a decision about, to give instructions on?

LT GEN MASEMOLA: No, normally when the posts are vacant, it is an administrative matter that gets filled between myself and either the division, or between myself and the Provincial Commissioners. Actually, sometimes I only sign that adverts because the specific Provincial Commissioner will liaise with the division human resource
10 and they will advertise posts. That is how it is being handled.

ADV MOTAU SC: Thank you, Commissioner Baloyi. Yes, you were about to deal with the day after your return and your second engagement with Lt-Gen Sibiyi on the 15th of January. Paragraph 117, please proceed.

LT GEN MASEMOLA: Thanks, Commissioners. Paragraph 117. On the 15th of January 2025, Lt-Gen Sibiyi came to my office and found me with Maj-Gen Sebola. He briefed me on the prepared plan or letter. You will remember,
20 recall that the day before I said to him that I will not sign his letter because it does not even take that winding down plan. So, the next day he came with a different letter. He presented the letter to me, which he directed to Khumalo, which letter he requested that I sign.

I did not sign the letter and I told him I would prefer

that if ultimately the PKTT was to be disbanded, which I was against, I did not want it to be abrupt, but rather be taken through a process of winding down gradually. I told him to leave the matter with me. I will continue with it myself and develop the report that the Minister required. Lt-Gen Sibiya was well aware that as the National Commissioner, only I had the authority to sign off the letter he wanted me to sign. Hence, he brought it to me in two days in succession. Notwithstanding this, he proceeded to
10 issue the same letter under his own name on 17 January 2025 without even changing the due date, which was 16 January 2025.

ADV MOTAU SC: If I can ask you to stop there? Do you have an idea, or did you have an idea at that stage, why would Lt-Gen Sibiya come to you and request you to sign a letter, and you refused, and he ultimately decided to issue it in his own name?

LT GEN MASEMOLA: No, I do not know.

ADV MOTAU SC: Did you know at that stage why he did
20 that?

LT GEN MASEMOLA: No, I did not know, and actually I became aware very late of that letter of his that went out on 17 January.

ADV MOTAU SC: Do you know when, more or less, you became aware of that letter, that he had sent it off in his

own name?

LT GEN MASEMOLA: I cannot remember whether it must be somewhere in February or March, but it was at a later stage.

ADV MOTAU SC: And then you continue in the last sentence on para 117?

LT GEN MASEMOLA: This letter was issued under General Sibiya's name after Lt-Gen Dumisani Khumalo and I briefed the Minister on the 16th of January on the
10 involvement of – on Lt-Gen Sibiya's involvement and association with criminal syndicates. I will deal with this matter, this briefing later.

ADV MOTAU SC: All right, so if we stop there, on the chronology you say you came back to work on the 14th, he came to your office to speak to you, he returned on the 15th, and the conclusion of that discussion that you had over the two day period was that he should leave the matter with you and you will deal with it.

LT GEN MASEMOLA: That is correct, that I will do the
20 report myself.

ADV MOTAU SC: And that you then did not sign off on that letter, which is where you left the matter on the 15th. Then on the 16th you briefed the Minister, and we will deal with the details of that meeting with the Minister in more detail later, but you say you briefed the Minister on the 16th of

January. Among other things that you briefed him on, was on Lt-Gen Sibiyi's involvement and association with the criminal syndicates.

LT GEN MASEMOLA: And that is correct, Commissioners.

ADV MOTAU SC: And then you say that was on the 16th, and on the 17th Lt-Gen Sibiyi issued this letter in his own name.

LT GEN MASEMOLA: That is correct, Commissioners.

ADV BALOYI SC: Mr Motau, do we have a copy of that
10 letter in the bundle?

ADV MOTAU SC: Yes, yes, we are going to get to it now.

ADV BALOYI SC: We are going to get to that?

ADV MOTAU SC: Yes, we are going to get to it. We will
come back to the details of what is it that you briefed the
Minister on and what is it that you say links General Sibiyi,
or makes him involved and associates him with the criminal
syndicate. We will deal with that issue. And in particular,
the status of those issues as reported to the Minister. What
exactly were they? Is it allegations? Is it facts? But we
20 will get to that issue in a short while. If I can ask you to
turn to 118, if you can proceed from there?

LT GEN MASEMOLA: Ja. In line with my discussion with
Lt-Gen Sibiyi, I also had a discussion with Lt-Gen Dumisani
Khumalo. I told him to prepare a preliminary report as
contained in the Minister's directive of 31 December 2024

and that we should aim for 20 January 2025 to submit the report. Since this was a direct instruction from me, it took precedence over Sibiyah's instruction. During that week, although I do not recall the exact date ...[intervenes].

ADV MOTAU SC: Sorry, perhaps can I just ask, before we go there, Commissioner Baloyi, just to give you the reference of where we are going with that letter, it is at 376. Perhaps you want to have a look at it ahead of – yes, let us proceed. Because you deal with it in paragraph 122, which
10 is where we are going. Yes, during that week?

LT GEN MASEMOLA: During that week, although I do not recall the exact date, I contacted the Minister via mobile to request audience. I informed him of the importance of providing an initial briefing regarding the establishment and activities of PKTT. The Minister indicated his willingness to schedule time for this discussion. At the same time, there were adverse media reports pertaining to Crime Intelligence. The Minister subsequently called me to
20 express his intention to appoint a senior counsel to investigate various issues highlighted in the media, including the appointment of Brigadier Lekganyane and Brigadier Mokwele, the security clearance of General Dumisani Khumalo, and the murder of Sindiso Magaqa.

I assured him that detailed information on these topics was readily available and reiterated my request again

to brief him comprehensively on matters related to Crime Intelligence and the PKTT. The Minister agreed to a briefing on the afternoon of the 16th of January.

ADV MOTAU SC: So if I can just ask you to pause there? Those issues that the Minister had expressed that he had an intention to appoint a senior counsel to investigate, did those topics or issues form part of the issues that you had been wanting to brief the Minister on?

LT GEN MASEMOLA: That is correct. All those issues, including the – because he even asked me, including the murder of Sindiso Magaqa. And then I explained to him, yes, including that case, because the only time you see those media articles is because of the work of the PKTT.

ADV MOTAU SC: Let us then proceed, 121.

LT GEN MASEMOLA: On that day, Lt-Gen Dumisani Khumalo and myself, which is the 16th of January, briefed the Minister with a thorough update on the aforementioned matters, as well as ongoing Counter Intelligence investigations, and reminded the Minister that a briefing on the PKTT should still be held. The briefing included an identified syndicate with significant influence and/or connections, politically and/or within law enforcement, and the criminal justice system. The report included the identity of senior SAPS officers who are associated with criminal syndicates and/or who are advancing or protecting the

interests of what is called Big Five within the law enforcement criminal justice system.

CHAIRPERSON: What is that?

LT GEN MASEMOLA: Commissioner?

CHAIRPERSON: What is this Big Five? It is certainly not the animals.

LT GEN MASEMOLA: No, no, no, it is not the animal, Commissioner. It is people that are involved in criminal syndicates. Ja, they were just termed by the team to be
10 called the Big Five.

CHAIRPERSON: Is this specific individuals or is it a generic term?

LT GEN MASEMOLA: Yes, Commissioner, there are specific names attached to those individuals, or attached to the so-called Big Five.

CHAIRPERSON: Thank you, thank you.

ADV MOTAU SC: Yes, can I ask this? I understand those issues involve issues of Crime Intelligence, and those are the aspects that General Khumalo is going to speak to. And
20 I am aware, you might not know this, I am aware that the intention is that part of his evidence there is going to be an application that is going to be made to the Commission that it be heard in *camera*. That is how far I am able to deal with that issue.

LT GEN MASEMOLA: Correct.

ADV MOTAU SC: Yes, Commissioner.

CHAIRPERSON: If an obligation for in *camera* proceedings will be granted.

ADV MOTAU SC: Yes, no, Chair, there is a separate team that is running that issue.

CHAIRPERSON: Yes, yes, yes, yes.

ADV MOTAU SC: And of course ...[intervenes].

CHAIRPERSON: No, I thought I should just record the if.

ADV MOTAU SC: Yes, the if.

10 **CHAIRPERSON:** Thank you.

ADV MOTAU SC: No, no, thanks for that. Of course, that application has to satisfy the criteria. And, General, if we can then continue? You say Lt-Gen Sibiya was included as one of the senior SAPS officers involved with criminal syndicate. The details of this briefing cannot be publicly disclosed, given the Crime Intelligence implications. In fact, when we briefed the Minister, he was given a hardcopy of the briefing note, and after the briefing note, he had to return the copy. As a result, the Minister saw the names of
20 the implicated persons, which included Lt-Gen Sibiya, Katiso Molefe, and Cat Matlala.

Can I just ask, I am running ahead of your statement and I am moving from paragraph 121 to paragraph 179. Perhaps starting from 178 to give context. On 178 you deal with the summary of the report of the investigation into the

alleged misconduct of Lt-Gen Sibiya. I will come back to the other details at a later stage, but there are two things that I would like you to deal with out of these allegations. If you turn to page 58 of your statement, paragraph 179.5, there you say there are unsubstantial – well, so one of the issues that you wanted the investigator to look into, or the person that had been appointed to conduct this investigation, was alleged associations.

And at that stage, it says there are unsubstantiated
10 allegations that Lt-Gen Sibiya has associations with individuals under investigation by SAPS, including Mr Vusi Matlala. These allegations require further criminal investigation. Now, the question that I am asking you is this. If you look at this paragraph, it says the allegations at this stage are unsubstantiated and they require further criminal investigation. You see that? 179.5.

LT GEN MASEMOLA: Correct.

ADV MOTAU SC: And if you look back at paragraph 121, it says the part that I just read, Lt-Gen Sibiya was included as
20 one of the senior SAPS officers involved with criminal syndicate. And can I ask you to clarify to the Commission what is the status of these allegations? Because you see on the one hand it says unsubstantiated, and in the earlier part, the allegations, well, the association is put as a fact.

LT GEN MASEMOLA: Thanks, Commissioners.

ADV MOTAU SC: So that when the Commissioners apply themselves to this issue, they have got to understand what your evidence is.

LT GEN MASEMOLA: Ja. Commissioners, this is a matter that is under investigation. And one, of course, will never say – you can never qualify it. For now, you can say it is unsubstantiated allegations until it is fully investigated and proven. That is what I would like to say at this stage.

ADV MOTAU SC: So between these two versions, the
10 Commissioners should go with the one at 179.5?

LT GEN MASEMOLA: The one of 179.5.

ADV MOTAU SC: To say that they are still currently being investigated and they are not substantiated?

LT GEN MASEMOLA: Correct, Commissioners.

ADV BALOYI SC: Mr Motau, may I just test this?

ADV MOTAU SC: Yes.

ADV BALOYI SC: My understanding of 121, the part that you referred to, is what was contained in the briefing to the Minister. And then later on, in the later paragraph, it is an
20 instruction to the person appointed to conduct an inquiry. So it is actually, it is not a case of choosing, at least for the Commissioners, to choose the one or the other. But it is recording what was said to the Minister and then something slightly different to the investigator. Am I...

ADV MOTAU SC: Perhaps first, the issue will become

clear when we get to deal with it later.

ADV BALOYI SC: Okay.

ADV MOTAU SC: But I understand, Commissioner. There is nothing wrong with that categorisation, that the one is a factual recorder of what was presented to the Minister during the presentation in that hardcopy and then the other one relates to an investigation that was conducted internally and the terms of reference that were given to the investigator. Yes. I think we will not pitch it higher than
10 that.

ADV BALOYI SC: Thank you.

ADV MOTAU SC: Thanks. But the point then that you make, returning to 121, is that the consequence that you refer to in the last sentence in paragraph 121, you say, following that presentation that was given to the Minister in that hardcopy, he saw the three names of these implicated persons. Lt-Gen Sibiya, Mr Katiso Molefe, and Mr Cat Matlala. And that is ...[intervenes].

LT GEN MASEMOLA: Ja, that is correct, Commissioners.

20 **ADV MOTAU SC**: That is on the 16th. And then your point that you were making earlier is then on the 17th of January, which is on paragraph 122, the letter that General Sibiya had brought to you on the 14th and the 15th, which you refused to sign, he proceeded to issue it himself under his own name.

LT GEN MASEMOLA: That is correct, Commissioners.

ADV MOTAU SC: And you state in that paragraph that by so doing, by issuing that letter, contrary to what you had indicated to him, it was in defiance of your instruction to implement the Minister's disbandment instruction and to prepare a report essentially justifying the decision to disband the PKTT. So when he did that, you say he disobeyed your instruction.

LT GEN MASEMOLA: That is correct, Commissioners.

10 **ADV MOTAU SC:** And can I ask you to turn to that letter? It is at page 376 of Masemola 2.

CHAIRPERSON: Are you there, General?

LT GEN MASEMOLA: I am there, thanks.

ADV MOTAU SC: Thanks, Commissioner. Yes, and I am going to refer you to some portions of this letter in which General Sibiya deals with certain aspects regarding the disbandment and I will take you back to your statement where you say you have considered all of these aspects that he was suggesting, but even implementing the
20 disbandment in the terms as he had stipulated here would still have a disruptive effect. And if I can then ask you, General, to start on 376, paragraph 3? This is after he deals with the establishment of the task team. The Minister's letter of the 31st of December, then in paragraph 3 he says:

“The directive requires immediate compliance with appropriate measures to be undertaken to ensure the effective disbandment of the NTT PKT in accordance with current prescripts in this regard.”

If I can just perhaps ask you there, throughout it is the PKTT and now it is the N which represents national. Is there any reason for that? That change?

10 **LT GEN MASEMOLA:** There will not be any change, according to me. I take it that it still refers to the PKTT and it is the same as the NTT PKT. It refers to the same team, basically.

ADV MOTAU SC: And he says there:

“with appropriate measures to be undertaken to ensure the effective disbandment of the task team in accordance with the current prescripts in this regard.”

20 What are these prescripts that he is referring to that govern or set out appropriate measures that need to be undertaken to ensure the effective disbandment of the task team? Do you know?

LT GEN MASEMOLA: No, I do not know those measures.

ADV MOTAU SC: And he continues, he says:

“these measures must ensure that ongoing investigations are not disrupted or compromised.”

LT GEN MASEMOLA: Ja, well, I would not know what the how part, what does he refer? I do not know.

ADV MOTAU SC: You did not engage him on this? Did you get a chance to engage him on this?

LT GEN MASEMOLA: When he brought this letter to me, the 15th, when I look at it, well, I scanned it. The only area
10 that I said I do not agree with, I said, I can see whatever you do, but I do not want this immediate disbandment of now. Because you say all this, but you still want immediate disbandment. And I told you that if ever we disband, we should wind the team down.

ADV MOTAU SC: And you indicated, you concluded by saying he must leave it with you, you will implement it.

LT GEN MASEMOLA: Yes, no, I concluded by saying that do not even write anything, the report to the Minister, I will do it myself. And once we got approval from the Minister, if
20 he agree or disagree with me, we will take it from there. And only then we will start implementing.

ADV MOTAU SC: Did you have an opportunity to consider paragraph 3.7 of his letter during those engagements? 3.7, page 378.

LT GEN MASEMOLA: I am the one talking 3.7?

ADV MOTAU SC: Stakeholder communication:

“All internal and external stakeholders must be notified in writing about the disbandment of the task team, the transition plan for ongoing cases, and the future protocol.”

Did you have a chance to consider that aspect of the letter?

LT GEN MASEMOLA: No, no, no. I did not really consider the letter. But the issue there would be who should do that
10 external stakeholder engagement because if it should be done, it should be done by him or myself, if it has to be done.

ADV MOTAU SC: And paragraph 4:

“A comprehensive closing report must be submitted by 16 January 2025 confirming compliance with the aforementioned directive.”

And he goes on to talk about how it should be structured.

And you have indicated this letter, he signed it on the 17th.

20 **LT GEN MASEMOLA:** Ja, so it would not have – there is no report that would have been in by the 16th of January.

ADV MOTAU SC: And then 4.5, 379:

“Stakeholder feedback. Input from key stakeholders in response to the announced disbandment of the task

team, for example, comments by the
NPA and SSA.”

I take it that you also did not consider that aspect.

LT GEN MASEMOLA: No, ja. No, I did not consider that. I just said as long as you talk of immediate disbandment, just leave this and leave it for me to come up with a plan.

ADV MOTAU SC: And I am pointing you to these aspects, General, just in case there is going to be a narrative that says, but some of these things that you wanted to be done
10 on a gradual basis were still there. And you say in your statement you considered this plan where he was talking to you about it and you still decided or concluded that it was not going to effectively address your concerns.

LT GEN MASEMOLA: Ja, in other words, I wanted that he should come up with a plan, not writing a letter that there must be a plan coming from somewhere. He should come with his winding down plan that clearly says what and how it should happen. Not writing somewhere else, looking for somebody to do a plan.

20 **ADV MOTAU SC:** And in paragraph 126 of your statement, you deal – you continue to deal with parts of the contents of this letter. You see, you start with a reference to the contents from paragraph 123, 124, 125, and paragraph 126. You see that?

LT GEN MASEMOLA: I see that, Commissioners.

ADV MOTAU SC: And if perhaps you can deal with that conclusion in 127? You say you found something peculiar with that instruction letter.

LT GEN MASEMOLA: Ja, I said that I found it peculiar that the instruction letter from General Sibiya required the closing report to include the very same information. The very same information that the Minister ought to have considered at the time when he made the decision to disband the PTT, not after he had taken the decision, such
10 as a summary of the key consideration that resulted in the decision to disband the PKTT. Because it is not Khumalo, it is the Minister.

ADV MOTAU SC: So this is information that is sought after the fact, but not prior, which information would be needed for purposes of deciding whether to disband the task team or not?

LT GEN MASEMOLA: Ja, so that such information should be part of the assessment that was done that is referred to in the Minister's letter before he come to the conclusion to
20 disband.

ADV MOTAU SC: And perhaps just before we proceed on 128, if I can just ask you to tie in a point that you make in paragraph 126, the second sentence as previously stated.

LT GEN MASEMOLA: 12?

ADV MOTAU SC: 126, second sentence as previously

stated.

CHAIRPERSON: That is the fourth line, fourth line of 126.

LT GEN MASEMOLA: Ja:

10 “As previously stated, the PKTT was formed because the existing investigative units were ill-equipped to handle the sophisticated nature of political killings and organised crime. In fact, Lt-Gen Sibiya’s instruction was to abandon an effective model and revert to a model so unsuccessful that the President had to intervene to establish IMC to address this killing.”

ADV MOTAU SC: So, in 126 and 127 you mention at least two reasons why you had a difficulty with Lt-Gen Sibiya's approach.

LT GEN MASEMOLA: That is correct, Commissioners.

ADV MOTAU SC: Okay. Then if we go to 128.

20 **ADV BALOYI SC:** Mr Motau, before you go to 128, which I think is a different discussion, so maybe still on this letter. General, this letter from General Sibiya does give instructions for immediate implementation, setting up temporary transition teams. In fact, he says in paragraph 3 the directive requires immediate compliance, in paragraph 3 of that letter. And then there is a whole list of effective

measures that must be taken, people must go back to their stations, equipment and vehicles are located, must be redistributed. So this is a letter that on receiving it, in my understanding, the recipient, it is directed to the Divisional Commissioner of Crime Intelligence. What was the instruction after you received the letter from the Minister and you are now back in your office and you are interacting with the content of the instruction from the Minister, what was your instruction to your Divisional Commissioners?

10 And I am more interested specifically the instruction to Sibiya, to General Sibiya.

LT GEN MASEMOLA: Ja. The instruction to him was go and draw a plan that would wind down the team. Not go give instructions. Come back to me with a plan that detail that this is a wind down plan of the team.

ADV BALOYI SC: Yes.

LT GEN MASEMOLA: That is what I wanted from him.

ADV BALOYI SC: Yes.

20 **LT GEN MASEMOLA:** And I did mention that not this immediate disbandment, so you must stay away from that. Develop a plan that talks to firstly the work of the team up to so far and thereafter come up with a wind down plan as to how should we wind down the team in a phased-out approach.

ADV BALOYI SC: Yes. And before that instruction to

General Sibiya and others, what was his involvement if any with the work of this task team?

LT GEN MASEMOLA: He was never involved. The little I remember, he attended one briefing in KZN.

ADV BALOYI SC: Yes.

LT GEN MASEMOLA: Other than that, he would recommend when financial authorities comes, he will recommend them forward to me. But the detailed work of the team as far as I know, no, he was never involved.

10 **ADV BALOYI SC:** So according to you, would he have been in a position to brief the Minister if he had briefed the Minister on this task team? Would he have been in a proper position to do that, given what you know about his involvement or non-involvement with the team?

LT GEN MASEMOLA: Ja. The way I know his involvement, no, he would not have been capable, he would not have been able to brief the Minister on the work of the team, at all, no.

ADV BALOYI SC: Thank you.

20 **LT GEN MASEMOLA:** Maybe a former Minister, yes, could better brief the current Minister much better, not General Sibiya.

ADV BALOYI SC: Thank you. Thank you, Mr Motau.

ADV MOTAU SC: Thank you, Commissioner Baloyi. And I think earlier on in your statement you made the point, and

we have dealt with it, that the three people that could have briefed the Minister, yourself, General Mkhwanazi and General Khumalo, were not requested to provide a briefing, and you never provided that briefing prior to the decision of immediate disbandment being taken.

LT GEN MASEMOLA: That is correct, Commissioners.

ADV MOTAU SC: All right. And if we can then turn to page – sorry, paragraph 128, we are going to deal there with the paragraph that leads us to the report of 20th, of the
10 20th of January 2025 that was then prepared and you submitted to the Minister on the 22nd. If I can just ask you to deal with that paragraph?

LT GEN MASEMOLA: Ja, on paragraph 28 Lt-Gen Dumisani Khumalo prepared the report for the Minister and submitted it to me in order for me to present it to the Minister on the 20th of January 2025. Of course, I also worked on the report myself with the legal services. I was informed by the Minister's Office that he would only be in the office on the 22nd of January 2025. I waited for the
20 Minister to return on the 22nd of January 2025. I submitted the report to him. The report is Annexure SFM11 on the SFM2.

ADV MOTAU SC: Yes, that is at page 381. If I can ask you to turn to the page 382, because on 381 it is a covering letter from yourself to the Minister. Then the report itself

starts at 382. In paragraph 1 you deal with the filling of posts, which was the first point in the Minister's letter. Those posts within Crime Intelligence. Then the second point, you deal with ports of entry, and the third point in paragraph 3 you deal with the Political Killings Task Team. And if I could just ask you there under that paragraph 3 you say:

10 “The contents of this paragraph have been noted. It is further noted that the preliminary report has been requested by 20 January 2025, and the report is provided as follows.”

In 3.1, you deal with the background to its establishment. 3.2, the threat assessment overview. And if you proceed in 3.3, you deal with the current strength of the National Task Team. If I can ask you to deal with that, because here you are highlighting the strengths to the Minister.

LT GEN MASEMOLA: Okay. On 3?

ADV MOTAU SC: It is on page 385.

20 **LT GEN MASEMOLA:** Ja, 385.

ADV MOTAU SC: Yes.

LT GEN MASEMOLA: It says that the National Task Team is a task team consisting of 102 members from different specialities drawn from different provinces within SAPS as follows.

ADV MOTAU SC: Yes, and then there you give the breakdown of the expertise.

LT GEN MASEMOLA: Correct.

ADV MOTAU SC: I do not think we need to get into those details, but proceed underneath that.

LT GEN MASEMOLA:

10 “Further, the team has since been allocated a team of 16 dedicated prosecutors from the Organised Crime Unit of KwaZulu-Natal National Prosecuting Authority.”

ADV MOTAU SC: And then in paragraph 3.4 you deal with the progress report on cases. And under 3.4.1 it is investigation and prosecution of political related cases in KwaZulu-Natal and the statistics are provided underneath that. If you turn over the page, you deal with the investigation and prosecution status of allocated politically related cases, and you proceed. I would like you to deal with 3.4.3 where you say – where the report deals with the
20 status of arrested suspects on politically related cases. The numbers are provided. You will see it says from July 2018 to date, meaning the date on which you are submitting the report to the Minister being the 20th. When it was prepared, 20th, submitted on the 22nd.

LT GEN MASEMOLA: Ja, if it is submitted on the 22nd, it

means the report would have been gone up to end of February.

ADV MOTAU SC: And then the 3.8.8 suspects you deal with, and you give the breakdown there. But I need you to deal with what you say after giving the breakdown, it must be highlighted.

LT GEN MASEMOLA: Ja.

ADV MOTAU SC: Please, if you could deal with that?

LT GEN MASEMOLA: Ja:

10 “It must be highlighted that 34 SAPS
 members were arrested and charged on
 various related charges, including
 being involved in the killings or
 defeating the cause of justice on
 political-related cases. These include
 former Sergeant Dlamini, whose case
 is all over all of a sudden making
 headlines. All arrests and factual
 reports were submitted to the
20 Provincial Commissioner of KwaZulu-
 Natal for departmental processes to be
 initiated.”

ADV MOTAU SC: This issue of Sergeant Dlamini, you deal with it later in your statement.

LT GEN MASEMOLA: Okay.

ADV MOTAU SC: And perhaps we will deal with it there when you get that portion., but it is one of the matters that you reported to the Minister on. Then 3.44, you deal with the breakdown of the role of the 388 suspects that had been arrested. And then 3.4.5, you deal with parallel dockets linked to political-related cases. And if I can just ask you to proceed from there to go to 3.5.3 on 389?

LT GEN MASEMOLA: On 387?

ADV MOTAU SC: 389, paragraph 3.5.3, investigation of
10 University of Fort Hare cases.

LT GEN MASEMOLA: Okay, thanks Commissioners:

“During January 2022, the Vice
Chancellor of the University of Fort
Hare lodged a complaint with the
President of the Republic of South
Africa regarding the murder of staff and
officials of the university and the slow
pace of the investigation thereof. The
National Commissioner of SAPS
20 directed that the National Task Team
investigating political-related cases in
KwaZulu-Natal take over the
investigation of these cases as from
January 2023.”

ADV MOTAU SC: I think if you can – if I may just ask you

to stop there? You remember Commissioner Khumalo asked whether the Minister having regards to what he says in his letter whether he was aware that the task team had extended its mandate, or its mandate had been extended beyond KZN. Do you recall that?

LT GEN MASEMOLA: Correct.

ADV MOTAU SC: And you said at that stage he would not according to you, you do not know and you do not think he would have been aware prior to the disbandment letter and
10 instruction that he had provided. And at least on your engagement with the Minister you inform him after he has taken this decision in this report, which is after the fact. Do you understand?

LT GEN MASEMOLA: That is correct.

ADV MOTAU SC: This information, at least on what we have now, there is nothing that shows that the Minister was aware of this extension of this scope prior to him writing that letter.

LT GEN MASEMOLA: That is correct, Commissioners. Ja,
20 yes, he might not have been aware before, but after. But I also need to just correct, I think on paragraph 353.

ADV MOTAU SC: 353?

LT GEN MASEMOLA: Ja. The date there, January 2022, and on the second paragraph, January 2023. I think the first paragraph, January 2022, is incorrect. It should be

2023 also. The paragraph below 353.

ADV MOTAU SC: Yes. That should be January 2023?

LT GEN MASEMOLA: Correct.

ADV MOTAU SC: Thank you. And then you also deal with the complaints that were referred to the Minister against the task team. If you go to 392, paragraph 3.6, you see cases highlighted by critics of the task team. The following cases have been referred to in letters written to the Minister, in which accusations have been levelled against the task
10 team. And you deal with those three cases that have been identified, or at least which have been brought to the Minister's attention. Correct?

LT GEN MASEMOLA: That is correct, Commissioners.

ADV MOTAU SC: And then in paragraph 3.7 at 395 you also bring to the Minister's attention the extension of the National Task Team's mandate, in paragraph 3.7, to deal with the House of Traditional Leaders. If I can just ask you to deal with that?

LT GEN MASEMOLA: That is correct, Commissioners.
20 3.7:

“Extension of the National Task Team mandate. Since April 2024, after concerns were raised by the House of Traditional Leaders and the South African Local Government Association

to the Presidency, a directive was issued that the task team's mandate be extended to include the investigation and prosecution of cases involving the killings of traditional leaders in KwaZulu-Natal, with effect from April 2024. This resulted in an additional 50 case dockets allocated to the team. 48 are murder, one is attempted murder, 10 one is kidnapped.”

ADV MOTAU SC: And then, if I can just ask you to skip the breakdown of the cases?

ADV KHUMALO SC: Mr Motau, maybe to help you, because it is almost four o'clock, if the General can just conclude by letting us know who issued that directive referred to them?

ADV MOTAU SC: Do you follow that?

LT GEN MASEMOLA: Okay, I follow that. That directive was issued by myself, the National Commissioner.

20 **ADV KHUMALO SC:** So it was not the President?

LT GEN MASEMOLA: No, no, no. I had a meeting with the Minister of Police and Minister of CoGTA, and after that meeting I said to them this is the way forward, how I am going to deal with the matter. I am going to give the matter to the Political Killing Task Team.

ADV MOTAU SC: In fact, you did deal with it in your evidence earlier when you said you issued an instruction to implement the extension of that scope. And if I could perhaps conclude, Chair and Members of the Commission, with the conclusion on page 406, paragraph 3.11? You indicated to the Minister your view regarding the performance of the task team. If I can just ask you to just deal with that? In other words, from the words, the task team, until politically motivated murders.

10 **LT GEN MASEMOLA:** Ja, the paragraph 3.11, in the conclusion:

“The task team has undeniably achieved and far exceeded the purpose for which it was established. No other task team in South Africa has achieved these successes, nor has been able to investigate and ensure successful prosecution of the perpetrators of politically motivated murders.”

20 **ADV MOTAU SC:** I think if perhaps we can stop at that point, if it is convenient, and then, Chair and Members of the Commission, I will continue – I will just deal with a few of the aspects that are touched on in that conclusion.

CHAIRPERSON: Thank you, Mr Motau. Thank you, General. Let us adjourn and resume at half past nine

tomorrow. Thank you.

INQUIRY POSTPONED UNTIL 23 SEPTEMBER 2025

INQUIRY ADJOURNS
