

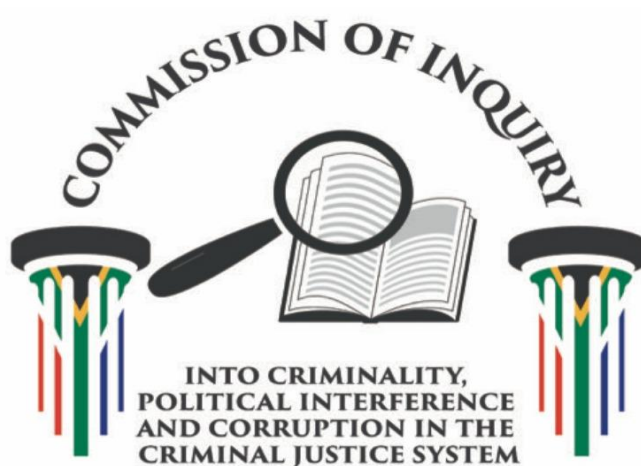
JUDICIAL COMMISSION OF INQUIRY INTO CRIMINALITY,
POLITICAL INTERFERENCE AND CORRUPTION IN THE
CRIMINAL JUSTICE SYSTEM

HELD AT

BRIGITTE MABANDLA JUSTICE COLLEGE

4 NOVEMBER 2025

DAY 25



PROCEEDINGS ON 4 NOVEMBER 2025

CHAIRPERSON: Good morning, Ms Hassim.

ADV HASSIM SC: Morning, Chair. Chair, General Khumalo is ready to continue his evidence today.

CHAIRPERSON: Thank you. I am not sure, after such a longish break, whether I should again have the general take the oath, or whether we should just remind him that he is still under his oath. I am sure he has not forgotten. Good morning, general.

10 **GENERAL KHUMALO:** Good morning, Commissioners.

CHAIRPERSON: General, you are still under your oath.

LT-GEN KHUMALO: Yes, Commissioners.

LT-GEN DUMISANI KHUMALO: (still under oath)

ADV HASSIM SC: Thank you, Chair.

CHAIRPERSON: One thing, Ms Hassan, like I did when we started with the general, besides the statement, what do you suggest? Which volume of the annexures do you suggest we should have in front of us immediately?

20 **ADV HASSIM SC:** I think for this morning, Chair, I would ask that you have two files, the statement file and the file of annexures. It is just marked annexures.

CHAIRPERSON: Annexures. The one we got today, early this morning. Early this morning. The ones ...[intervenes]

ADV HASSIM SC: It is the – it is marked annexures, and it has a batch of annexures that are numbered SDK1 all the

way through to about 40-something.

CHAIRPERSON: Got it. I have got it. I have got both. I have got both. Thank you.

ADV HASSIM SC: Thank you. You have got both. Thank you, Chair. You will need at a certain point the additional folder that you were provided, but I will let you get that.

CHAIRPERSON: You will indicate when.

EXAMINATION BY ADV HASSIM SC: Thank you, General Khumalo, before we were rudely interrupted, we were about
10 halfway through, almost, of your written statement. We had stopped just as you had begun dealing with WhatsApp conversations that were retrieved from Mr Matlala's phone. That evidence has now been covered by Witness X, so we need not cover that ground again. So, can I ask you then to turn to page 39 of your statement? And the heading of this section is the events leading to the Gauteng counterintelligence operation and further evidence of infiltration of the criminal justice system. Is that right? You have got that.

20 **LT-GEN KHUMALO**: Yes, Commissioners.

ADV HASSIM SC: So, when I look at paragraphs 89 to 92, it seems to me that it is quite pivotal, this event that you begin to speak about here, which is the assassination in Vereeniging. It seems to be a pivotal moment in the investigation of criminal syndicates. Do you agree?

LT-GEN KHUMALO: Yes, I do agree, Commissioners.

ADV HASSIM SC: And can you explain to the Commission why that is?

LT-GEN KHUMALO: Thank you, Commissioners. As I explained during my first part of my testimony, that my involvement in this operation was and is still twofold. I am the Divisional Commissioner of Crime Intelligence, which is responsible for the Gauteng counterintelligence OPS or operation. And I am also the project leader of the Political
10 Killings Task Team that played a role in the Gauteng counterintelligence operation.

The main part of my testimony under this part today will be through my role as the Divisional Commissioner of Crime Intelligence, as I will be talking mostly on the Gauteng counterintelligence operations. This is the operation that served as a catalyst of the whole discussion of my testimony. As evidence has been led before, that it was as a result of a hit or murder of Mr Armand Swart, who was an employee of a Q-Tech company in Vereeniging.

20 According to our investigation, that was a mistaken identity. He was not the intended target. But that is where the whole investigation started. The whole investigation that led to the registration of a counterintelligence project under Gauteng Office of Crime Intelligence. It is this investigation that led then to the arrest of Mr Molefe, later

on after the initial arrest of the hitmen that were arrested hours before the murder of Mr Swart. Later on, as the investigation was ...[intervenes]

CHAIRPERSON: You mean hours after, you said hours before?

LT-GEN KHUMALO: Hours after the murder of Mr Swart, the hitmen were arrested, and the firearms were confiscated that were suspectedly by them used in the commission of that crime. The further investigation by then, this was just
10 a Gauteng organised crime investigation when the hitmen were arrested. As then the investigation progressed, that is when later on Mr Molefe as well as Mr Matlala on other related cases. But maybe if I may first confirm that it is Mr Molefe who was then charged with the killing of Mr Armand Swart. But I am introducing Mr Matlala because that is when the cartel started to shape up when we were doing further investigations.

ADV HASSIM SC: So, is it correct, if I understand your written statement correctly, it is this investigation and your
20 involvement in this investigation that led you to expose and to basically have site into infiltration by criminals of the criminal justice system. Is that right?

LT-GEN KHUMALO: That is very correct because that started to come up when we were doing what we normally call in an organised crime investigation, going up the

ladder, taking the investigation further. So, at the initial stage of the investigation, the involvement of the criminal justice system was not clearly visible other than the fact that one of the hitmen was by then a serving member, a warrant officer in the South African Police Service.

ADV HASSIM SC: So, that you were aware of at the time of the arrest of that officer. But as your investigation went on, more members of the SAPS became exposed. Is that what you are saying?

10 **LT-GEN KHUMALO:** That is very correct. We have cases, the organised hits or the contract killings that we have investigated, and we are still investigating as part of Political Killings Task Team. We have picked up that the hit coordinators as well as hit orderers, they have adopted this new way of recruiting the saving members of SAPS to serve as hitmen. So, the arrest of a Warrant Officer Tau as one of the hitmen did not come as a surprise to us with that experience.

ADV HASSIM SC: So, you said a new way of recruiting.
20 What is that? What do you mean by a new way of recruiting?

LT-GEN KHUMALO: So, maybe if I can, without wasting much time of the Commission, if I can take the Commission back to my first parts of my testimony, I had indicated that the recruitment by the organised groups in the form of

syndicates or cartels is very targeted. So, they will want to have more of their members that have experience or are still serving within the criminal justice system that includes SAPS.

ADV HASSIM SC: Okay. Can we turn then to your involvement and when you became involved in the Vereeniging matter and can we begin with the letter from the prosecutor? And I believe that was on the 5th of August, 2024, that the prosecutor, this seems to be when
10 you started to get involved. Before you start, can you turn to page 159 of your annexures bundle and that is SDK15, page 159.

LT-GEN KHUMALO: Yes, I am there.

ADV HASSIM SC: And can you just tell the Commission what this letter is and what it is about?

LT-GEN KHUMALO: Okay, thank you, Commissioners. Maybe with your permission, Commissioners, before I get to the annexure as directed by the senior counsel, it will be crucial that I introduce another subject of our further
20 discussion that is contained in paragraph 91 of my statement. Introducing another parallel investigation that came as an instruction from the National Commissioner for the same team that we are putting together also to investigate that case involving the kidnapping of a prominent businessman, Jerry Boshoga.

So, as the project or this Gauteng Counterintelligence Operation was moving on, yes, it started with Armand Swart case, but then it was soon after that joined by this investigation of this kidnapping case. I am introducing it because I will be talking more about it as I move on with my testimony. But then going back to the annexure on page 59, that is dated the 5th of August 2024.

CHAIRPERSON: Just for purposes of the transcript, it is 159, 159. You said 59.

10 **LT-GEN KHUMALO**: Excuse me, Commissioner, page 159.

CHAIRPERSON: Thank you.

LT-GEN KHUMALO: The annexure is about the letter that is dated the 5th of August 2024, that was written by the senior state prosecutor who was working together with the investigation team on this case of Armand Swart. That letter was addressed to the immediate commander or supervisor of the investigating officers, which is Brigadier Gopane.

It was also addressed to the Deputy Provincial
20 Commissioner Gauteng, which is General Mbuso Khumalo. Also addressed to the Provincial Commissioner Gauteng, which is Lt-Gen Mthombeni. And also addressed to the Deputy National Commissioner of Police at national level, Lt-Gen Sibiya, and the National Commissioner of Police, General Masemola. The letter was with regard to the

management of South African Police at all levels, regarding the risks that the investigating officers were facing in terms of their safety as a result of this case that they were investigating and the senior state prosecutor was prosecuting.

So, the letter is listing the reasons that made the senior state prosecutor to believe that the lives of the investigating officers were at risk. So, it was recommending or requesting urgent assistance by powers
10 that be at provincial as well as national level to ensure that proper measures are put in place to protect both the investigation as well as the investigating officers.

ADV HASSIM SC: Thank you. Perhaps you could read paragraph 16 of the prosecutor's letter, bearing in mind that it refers to Witness A and B.

LT-GEN KHUMALO: Reading paragraph ...[intervenes]

ADV HASSIM SC: Paragraph 16, yes.

LT-GEN KHUMALO: Reading paragraph 16 on record it reads:

20 “You are requested to urgently arrange for the safeguarding of especially Witness A and B. There is a real danger that their lives are in extreme danger, and these organised criminals will do everything in their ability to try

and destroy evidence against them and/or to seriously derail the trial. It has just now become so much easier with Tau referring to the former warrant officer who was part of the arrested hitmen having unlimited access to technology and his syndicate friends and family.”

ADV HASSIM SC: And to be clear for the record, Witness
10 A and B that you referred to are the two witnesses who have given evidence in this commission.

LT-GEN KHUMALO: That is correct. During my testimony Commissioners I will be referring to them either as investigating officers or as Witness A and B.

ADV HASSIM SC: Thank you. So, after this letter is sent by the prosecutor, at paragraph 97 you say that on 8 August Colonel Ntuli was instructed to conduct a threat and risk assessment. Can you first begin by explaining who Colonel Ntuli is and who issued that instruction?

20 **LT-GEN KHUMALO:** Thank you Commissioners. The normal standard operational procedure within our crime intelligence environment because the threat and risk assessment are one of our responsibilities. If we can refer back to the addresses where the letter was sent to, there is no reflection of anyone who is within crime intelligence.

So, the requester will send the letter to the immediate commander of the member or the members involved as well as the provincial and national top management.

So in this case, after the letter was received by the Provincial Commissioner Gauteng, he then channelled it to the Provincial Head of Crime Intelligence in Gauteng province, which is Maj-Gen Lekalakala, who then assigned that investigation of this threat and risk to a Colonel Ntuli who is the commander of Counterintelligence Investigations
10 within Gauteng province, who was then instructed by not one of the addresses but by the Maj-Gen Lekalakala, the provincial head of crime intelligence to conduct that investigation.

ADV HASSIM SC: What does that investigation involve?

LT-GEN KHUMALO: Without maybe exposing the whole methodology, which is mostly of covert nature, I would say it looks at the individual as well as all types of security around an individual or a subject of investigation starting from where the individual lives to where the individual
20 works and to the lifestyle itself as well as all other people that are interacting with the subject of investigation.

It is a process whereafter all those are identified and the information collected there will be a thorough analysis that will be checking the facts collected against the threats and vulnerabilities as identified then from the

requester to determine the likelihood of that. Because by that time, it is looked at as a potential risk. That analysis will be done then to determine the likelihood or the unlikelihood of that potential risk then to materialise. That is what, in short, in brief, the process is all about.

ADV HASSIM SC: Thank you, general. What was the finding of this particular investigation, threat and risk assessment?

LT-GEN KHUMALO: The finding of this whole investigation
10 or this threat and risk assessment against the investigators on this case was found to be – the risk level was found to be high which is the highest level of risk assessment.

ADV HASSIM SC: And if I can just ask you to turn to page 161 - 162 of the annexures bundle. So, that is SDK16, 162. Is this the affidavit by the colonel who did the TRA?

LT-GEN KHUMALO: That is correct, Commissioners. It happened that during a bail application of one of the accused, the need came for the threat and risk assessment that was done to be used or included in the state case. But
20 then because the threat and risk assessment report itself, it is a classified document with all the details that would not want it to be made public. Then the decision was taken that the Colonel Ntuli who was doing the physical threat and risk assessment submits the statement that confirms without details the threat and risk assessment that he conducted.

ADV HASSIM SC: So, when did he conclude his TRA?
When was it signed?

LT-GEN KHUMALO: The threat and risk assessment itself was concluded during August, and it was signed on the 16th of August.

ADV HASSIM SC: So, the fact that this affidavit was signed on the 17th of May 2025 is not a reflection of when the TRA was conducted, but because this was for the purposes of the bail application, it was delayed.

10 **LT-GEN KHUMALO:** Yes, Commissioners, that is what I was explaining, that the affidavit was done way after the threat and risk assessment was concluded. It was just meant for bail opposition.

ADV HASSIM SC: Thanks. So general, the next two paragraphs summarise what Witnesses A and B were to come and provide evidence onto this commission and we do not need to traverse that. It is there in your statement, and the witnesses have now testified. Can we please go to paragraph 101 of your statement because this is where you
20 say - this is where you became involved. After the threat and risk assessment was concluded, you were approached for assistance. Can you explain that please? Who approached you and when?

LT-GEN KHUMALO: Thank you, Commissioners. As it is also part of our standard operational procedures, the

Provincial Head will receive the final, according to their level, the final threat and risk assessment report before signing it off and then the Provincial Head will go through the threat and risk assessment, including the recommendations that are included.

And then if it happens that the Provincial Head is of the opinion that that particular threat and risk assessment needs to be escalated at national level for their views and also for their concurrence, that happens mainly with the
10 high-profile threat and risk assessment and also those that are rating the risk at the highest level. So that is what happened in this case. My office was approached by the Provincial Head of Crime Intelligence in Gauteng with a view of briefing me and presenting this draft threat and risk assessment for my concurrence and my input.

ADV HASSIM SC: And what type of input would you have provided?

LT-GEN KHUMALO: After a thorough briefing and also going through the draft threat and risk assessment, there
20 were lots of red flags that pointed towards being a very serious, different threat and risk assessment. In the threat and risk assessment, even from the request by the senior state prosecutor, there were references made to the syndicate, knowing that the syndicate, to sustain its activities, it needs the strong support of the criminal justice

system, which is then also inclusive of South African Police Service. So, looking at the request and looking at the draft report, my office then was not comfortable with the recommendations that were included in the TRA. Hence, then, the inputs that had to be included involved the registration of a counterintelligence investigation project.

CHAIRPERSON: Sorry to interrupt you, general. You described the TRA or perhaps more the situation than the TRA as, “different”. What do you mean by that?

10 **LT-GEN KHUMALO**: Thank you, Commissioner. The reference to different is most of the threat and risk assessment request and investigations that will do, it will be mainly where the potential enemy, if I may put it in layman's language, of that particular subject of investigation. It is someone that will have a plan to neutralise as soon as possible.

So, the use of unusual or different refers to the emphasis that was put from the request to the TRA itself that was talking to a syndicate. Now, a syndicate meant
20 that we need to identify all other potential risk areas other than to concentrate on, for an example, other than to concentrate on the name that was mentioned in the request of a Warrant Officer Tau.

So, we had to take it further and define the syndicate. Now, because the request and the TRA were

making reference to a Warrant Officer Tau and the hit squad or hit men that were neutralised by then, it was going to be looked at as a usual TRA. But because of the emphasis and evidence of the involvement of a syndicate that has not yet been identified, that is why we looked at it differently and we used a different estimate.

ADV HASSIM SC: And that was your call?

LT-GEN KHUMALO: That was my call.

ADV HASSIM SC: And so, what did you recommend?

10 **LT-GEN KHUMALO:** As I have reflected, I recommended that we register a counterintelligence investigation which was going to focus mainly on the identification of the whole syndicate. Because now to have countermeasures or protective measures that are directed towards Tau and those that are arrested already was not going to be effective according to my assessment.

That is why the decision to register the counterintelligence investigation to identify more of those that might be involved in the syndicate. In order to protect,
20 as I reflected during my initial testimony, that a counterintelligence investigation is there to protect the operations of the South African Police Service. Now the operations, they include both the operators or the operator as well as the activities, in this case the investigation itself, that it becomes a success.

ADV HASSIM SC: So, was it through those investigations that you were able to identify Mr Molefe as a suspect?

LT-GEN KHUMALO: That is very correct. It was through the counterintelligence investigation that was now - maybe before I get straight to the answer to the question by the senior counsel, let me explain the second most important recommendation that I had included in the initial draft TRA presented to me by the Provincial Head of Crime Intelligence, Gauteng.

10 We also recommended that after the counterintelligence investigation is registered, because we registered it as a project, after it has been registered, it has to be matched with the Gauteng Organised Crime Investigation. That was as a result of, that the TRA was as a result of, because it was going to fit the investigation itself. That was the path of now what we have been referring to in this commission as Gauteng Organised Crime Investigation, GCI OPS, which is the combination of both counterintelligence investigations and Organised Crime
20 Investigation of Gauteng.

ADV HASSIM SC: Thank you, general. I am sorry to interrupt your evidence, but Chair, it comes to my attention that some of the annexures and contents of the witnesses' statements is being projected in public. I was not aware because it does not come up on the screens in front of me

at all. But as a result, information that should not be public is being made public. And may I ask that there is no projection unless I request it?

CHAIRPERSON: May we take an adjournment, a brief, brief adjournment, and I would like for us to meet the people who do the projection outside immediately, please.

ADV HASSIM SC: I would appreciate that. Thank you, Chair.

CHAIRPERSON: Let us adjourn.

10 **INQUIRY ADJOURNS**

INQUIRY RESUMES

CHAIRPERSON: Yes, Ms Hassim.

EXAMINATION BY ADV HASSIM SC (CONTINUES): Thank you, Chair. General, so we left off, you were describing that it was at this point that you set up the GCI OPS. So just to recap and correct me if I am wrong, that comprises the counterintelligence investigation together with the organised crime team and the investigations in Gauteng, is that right?

20 **LT-GEN KHUMALO**: Yes, that is correct, Commissioners, and maybe to add that once the operation reaches that level, before the registration, because now it was the combination of both the counterintelligence investigations coordinated at the divisional level, which is national office, and the investigation was at a lower level, provincial office,

the organised crime investigation. So, when you are in that situation, that is when then before you marry the two, then you brief the national commissioner, because now he is the one also in charge of all provinces and divisions.

ADV HASSIM SC: And it is at this point that you request for members of the PKTT to be seconded to this operation, is that right?

LT-GEN KHUMALO: That is correct, Commissioners, as I reminded the Commission that I was still playing the dual
10 role of both the project leader of PKTT as well as the divisional commissioner of crime intelligence. So, when then the GCI OPS was born, one of the shortcomings that we identified was firstly the approach itself. The investigation was following what I referred to, and I will still refer to it as traditional way of investigating, which is not suitable to investigate organised crime.

So, we had to then have a discussion with the provincial commissioner of where the PKTT is operating in the form of requesting the support. Because it was clear,
20 because already some of the cartel members had been identified. Now, for that type of investigation, we needed to switch from the traditional way of investigation to the organised crime investigation, which I referred to as analysis-driven and prosecutorial-led investigation. Hence, then, beginning of November, we started those discussions,

and we agreed with the Provincial Commissioner KZN that we are going to request the analysts, all types of analysts.

ADV HASSIM SC: Let me pause you just for a moment, general. When you say we had those discussions and we decided, who do you mean by 'we'?

LT-GEN KHUMALO: I am referring to myself as the custodian of GCI OPS as well as the project leader of the PKTT with the Provincial Commissioner of KwaZulu-Natal where PKTT is based.

10 **ADV HASSIM SC:** Okay, so you were discussing this with Lt-Gen Mkhwanazi?

LT-GEN KHUMALO: That is correct, Commissioner.

ADV HASSIM SC: Continue I interrupted.

LT-GEN KHUMALO: Then, the first batch of the experts that we had to assign to the GCI OPS from the PKTT were, as I have said, mainly experts. We had to get a ballistic expert because from the information gathered, it was clear that it will be another investigation support that the team will need. We also requested the digital forensic analyst
20 who then was going to assist in the form of because the organised crime involves lots of gadgets that we are using on our daily lives.

We also needed the call data analyst specialist because of the communication that needed then to be analysed and be used as evidence. We also had to request

three times crime scene investigators. By that time, it was clear from the information collected that there are lots of other crime scenes that might be needed for the team to zoom into.

Hence, then the crime scene experts had to be three so as then they are able to cover all those identified crime scenes. It also had a lot to do with the reconstruction because they were not fresh crime scenes. So, it needed experts then that can be able to do the backdating of crime scene management to try and create the picture as to what happened 2 years ago in this particular place.

Hence, then we had to request three of them. We also had to request the operational analyst. The operational analyst is the one that is collecting all the reports from different analysts and put them together to paint one picture. So, it is an overall analyst that must be able to read and interpret the digital forensic analysis report, the ballistic report, the call data report.

So, we needed that centre of analysis. We also realised that we need the overall commander. In the PKTT we had developed suitable commanders that are able to understand all the different work that is done by experts. That is why we had to be specific because in most cases in the police you will find a commander who is a specialist in visible policing commanding or crime investigation

commanding.

But the capability that we had built in the PKTT was for the commanders that are able to understand all that is expected to be done in a multidisciplinary. It must be a person who must be able to supervise the ballistic analyst, not by being an analyst but by understanding what needs to be done. Hence, then we had to include in our list an operational commander.

Also, the other expert that we requested was the
10 designated firearm officer that talks to the characteristics of most of the syndicates, more specifically this cartel as I referred to last time, that one of the common denominators is for the cartel members to specialise in private security, having companies that are dealing with private security in order to collect as much firearms as possible.

So, for that we needed an expert in the firearm area from the importation to registration to managing or controlling those firearms. And we also had to request an investigating officer who was going to join the two
20 investigating officers that we had at the beginning. The purpose for that was twofold. One was to assist them in the caseload because the cases were increasing almost every day.

But most importantly was to try and bring someone with the idea of the PKTT's method of operating to link with

the two initial investigating officers so as then we upgrade – maybe it is the wrong word to use but we upgrade them as quickly as possible to be at the level of the PKTT investigation. So hence then our request was for 10 of PKTT members. Ten is made up of those experts that I have explained.

ADV KHUMALO SC: Sorry General, you said something I would like to explore. You talked about the level of PKTT investigation. And my question is why did you need the
10 analysts from the PKTT? Could you not get them from say Cape Town or within Gauteng or the Free State or Mpumalanga? Why did they specifically have to come from the PKTT?

LT-GEN KHUMALO: Thank you Commissioner. The main reason is we have seen what we have achieved within the PKTT. We will receive and expect from their respective units. Yes, they will be experts but there will be lots of other areas that we will have to work on to make them, to improve on their fields of expertise. The first one being in
20 the PKTT we prioritise accountability at all levels.

You have to account for whatever you are doing which is normally lacking at unit or station level. And also, the other difference is as specialists are operating within their fields, they only see themselves and what they have to do. There is no link where you link the different experts so

as then they can give you the desired results. And maybe to add the other reason is the turnaround time of whatever that is happening in the PKTT. We have made it such that it is far much better than the normal SAPS units or stations operating.

ADV HASSIM SC: Thank you Commissioner. Can you give us a practical example of the turnaround time that you refer to? What would be the difference in the PKTT versus what you say is not the same in the normal SAPS units?

10 **LT-GEN KHUMALO:** Maybe so as I do not make the work of the Commission difficult, I will quote on one of the evidence that has been led here which is the ballistic analysis. We put it such that the ballistic experts must understand that he or she is playing a supportive role of the investigation. The more time you spend on producing the report, you are delaying the investigator.

20 So now because each and every investigation has got a plan, so the physical worker, the investigating officer, will not want them to miss the targets and the timelines because of a particular specialist that is bringing his or her own turnaround time. I would say where we saw it working for us was or is the ballistic analysis. The reason why we normally use it is in our report we were flaking on ad hoc cases that will be generated from the intelligence-driven operations where we are looking for firearms.

So, in most cases those operations will be on Fridays, during the proper time, but on Fridays. Because we will be having a target that we have intelligence that is in possession of a firearm that was used in a particular case. So, the work of a ballistic expert will start Friday midnight or Friday or Saturday morning when we come back with that firearm.

The target is by Monday when we go to court to enrol the possession of unlicensed firearm. It is already
10 linked with a main case that we are investigating. But all the turnaround times are made shorter because they have to fit the investigation plan. If the request by the investigating team to the call data analyst is to quickly analyse the movement using the towers, that will be given a shorter turnaround time because it has to allow the taskings and the responsibility of the investigator to continue.

So, the investigation plan is not delayed because of the expect. So, it is one of the reasons why we had to tap on the tried and tested personnel from the PKTT. Our
20 timeline, although it is not included in my affidavit, but if we look at the time the experts joined the GCI OPS, which was the 19th of November, and with a quick briefing for them to understand, and thereafter they move separate ways to start doing what is relevant to their different fields, and they bring it back. And then by the 6th of December we were

ready for the takedown of the first target, which is roughly 2 weeks from the 19th to the 6th. That is another example.

ADV HASSIM SC: So that is 19 November 2024 that these 10 members were seconded to GCI OPS, and they began their work immediately?

LT-GEN KHUMALO: Yes, Commissioners.

ADV HASSIM SC: And you say they were recruiters specifically for their expertise?

LT-GEN KHUMALO: Yes.

10 **ADV HASSIM SC:** And you could not obtain that kind of expertise in Gauteng through the normal units? You have explained that.

LT-GEN KHUMALO: Yes, thank you, Commissioners. It is not that we could not, the expertise and experts are there, but the way of operating, starting from the attitude towards your work, which is more about, because I think I indicated previously, that the way of the methodology in the PKTT is different from the normal SAPS way of doing things. Every day there are accounting sessions, every day.

20 When you go out, maybe let me start by, you do not go out to do what you think and feel needs to be done. A day before the team will sit and then the operational analyst who is having all the information in front will then give the direction, which will give rise to the taskings that the investigation team must go and obtain statements from A

and B.

And the statement must contain these. And then when that comes, then the team will sit again to account and verify the feedback, whether it is talking to the – so, we wanted, because we could see, as I have said, that there were - because this now was a different operation with a counterintelligence investigation, as I reflected that one of the objectives of counterintelligence is to neutralise the threat.

10 So, you cannot then leave the threat being there for ages. So, the quicker you neutralise the threat, then the quicker the level of risk is going down. Because there are lots of logistics that are put in place to make sure that the investigation and investigators are protected. So, for us to achieve that, not that we undermined the experts that are all over the country, but we thought that we rather opt for the ready-made group that is suitable for what we have on hand.

CHAIRPERSON: General, why cannot the mode of
20 operation of the PKTT be replicated throughout the country? If at the end of the Commission's life, that is in terms of the testimony led before it, we are satisfied that indeed the PKTT works better than the rest of SAPS, this is a question we may have to answer. That is, why cannot that mode of operation be replicated throughout the country?

LT-GEN KHUMALO: Thank you, Commissioner. In all our reports, that is included as one of the recommendations to the powers that be that we recommend that this methodology is used as a benchmark to try and change the way we are investigating crime. Because our traditional way is still suitable for normal crime, the assault commons, the assault GBH, but then when it comes to organised crime, the same traditional ways are not applicable.

So, we will recommend that with all our reports.
10 There has been attempts, Commissioner, if I may divert from my affidavit, there was a time, a year, where all provinces were requested to send a minimum of 6 members of SAPS to come and sit with the PKTT and learn. So, we would have classes at night and then during the day we sent them out with the teams for practical's.

And it was a successful intervention or attempt. The problem started then when they had to go back and implement. Because now those that are expected to implement or supervise the implementation were not
20 understanding. You have trained 6 members from Limpopo, when they get back home to their commanders, they are going back to the old ways.

Hence then the second attempt was with Western Cape, where the National Commissioner instructed that the Provincial Commissioner himself be part of the team that

will go and learn. One can say that showed some positive results, because now the man in charge of the province has got that understanding to implement. Hence then we believe that this model of PKTT can be used as a transition from the normal or traditional way of investigating to this one that is suitable for the problems that we are facing as a country at this moment.

There was a time when I think I had a session with the crime scene experts. Then the first question of the
10 PKTT, the first question I asked was, how many are you
countrywide? They gave me the number that is almost two
times more than the police stations that we have. Then I
said, why then do you have your units somewhere, instead
of having each station allocated the experts?

So, as we move, the second most important
investigative aid that we need to prioritise is call data
analysis. Almost everybody is having gadgets nowadays,
and the way it helps in terms of investigation and also fast
tracking. So, in trying to answer your question,
20 Commissioner, I was very long, but I was trying to show that
there has been attempts, but it will not be the first time that
the PKTT model is recommended. It has been
recommended by ourselves, and then also accepted by
some of the principals within SAPS.

CHAIRPERSON: At the beginning of your response, you

said you made recommendations to the “powers that be”.
Who are those powers?

LT-GEN KHUMALO: Thank you, Commissioner. I was referring to, in terms of accountability, the PKTT is reporting firstly to the provincial steering committee that is made up of the top management of those stakeholders that are within the province. So, when we submit the report, we include that recommendation, so as they can see if they can do something. Same applies to national.

10 **CHAIRPERSON**: I am not sure that that answers my question. You said that you have made recommendations to the powers that be that the mode of operation of the PKTT be adopted nationwide. Did I understand you correctly?

LT-GEN KHUMALO: Yes.

CHAIRPERSON: Yes. Now my question is, who are the powers that be that you made your recommendations to? I would imagine it must be at national level.

LT-GEN KHUMALO: Thank you, Commissioner. I started at provincial level. I was moving on to say even within the
20 national steering committee meeting chaired by the national commissioner, even when we are submitting the periodical reports to the national commissioner, we will include that recommendation. Even when we have to submit the reports to the inter-ministerial or even the Ministry of Police, we will include that recommendation. I think, if I am not mistaken,

the initiative of Western Cape team led by the provincial commissioner was recommended by the ministry when that report was tabled.

CHAIRPERSON: Thank you.

ADV HASSIM SC: Thank you, Chair. So, you would have made the recommendation to the Minister, to the national commissioner, as well as other Ministers within the inter-ministerial committee that was having oversight of the PKTT?

10 **LT-GEN KHUMALO**: Yes, Commissioner.

ADV HASSIM SC: So, that was a small diversion. Let us return to where we were, the secondment of the team and particularly because of the importance of the working method of this team that led to the arrest of Mr Molefe on the 6th. That brings you to paragraph 107 of your statement. Now, general, you will see that the next few pages, all the way up to paragraph 124, describes the events that took place on the 6th of December when Mr Molefe was being arrested or what you call in Hollywood
20 style, takedown.

So, that is what these paragraphs describe, the takedown of Mr Molefe. Now, we have heard from quite a number of witnesses already. The Commission has heard from many witnesses. Witness A, B, C, Captain Wanda, Captain Kruger, a range of people right until yesterday. So,

that is been detailed for the Commission, the details of all of those events. I do not think it is necessary for us to go through these paragraphs in detail. However, I would like you to explain some things for the Commission, including why you describe these events as interference. And I just want to begin by asking you whether you had overall coordination of this operation that was taking place on 6th December.

LT-GEN KHUMALO: Yes, thank you, Commissioners.

10 Maybe to give a little bit of background to the part that the senior counsel is directing me to talk to, I will link it with my last statement that said when the experts were brought in from the 19th of November and then by the 6th of December we were ready for the first takedown, and then the investigation with the assistance of all these experts made it possible for us to obtain the warrant of arrest of Mr Katiso Molefe on the 5th of December.

20 That is when then we had to start preparing for the takedown or the arresting of Molefe the following day, which was then on the 6th of December. So, what we did, because within, as I have said, this is a GCI OPS which has got a lot of intelligence activities within. So, there are continuous threat and risk assessments that are done. Even when you plan for the takedowns, there will be a lot of pre-activities that will take place.

Hence then, maybe before I get to the 6th, I must reflect and remind the Commissioners that we had carried also that kidnapping case or investigation that was assigned to the team also during around October, November, during the same time. So, we had collected a lot of intelligence and information that needed us to conduct the research and questioning of a suspected person involved.

Hence then, on our planning for the 6th operation, we had to include also that part of searching and
10 questioning an identified target on the kidnapping case. So, we had to do that because we had to mobilise additional resources for the 6th. So, in order for us not to remobilise the following week for the research and questioning, then we decided to combine both the operations to take place on the 6th.

ADV HASSIM SC: So, the two operations you are referring to then is the takedown of Mr Molefe and then the questioning of Mr Matlala.

LT-GEN KHUMALO: Yes.

20 **ADV HASSIM SC:** So, both took place on the 6th of December and that was by design.

LT-GEN KHUMALO: By design. It was planned to be like that. Maybe to add why we had to mobilise more resources. When I was explaining the first batch of experts that came to assist, they were miners. I always use this tried and

tested combat experts that we utilise in the PKTT. So, for this particular operation now on the 6th, we had to also get the support from the PKTT for the combat team to come and assist because during the takedown, the first concept is to make the place safe for an investigating officer to enter and search and do whatever that needs to be done.

And the experts from forensic also to come and do whatever that they need to do. But the other experts that maybe Commissioners might add whilst I am there, we had
10 to mobilise extra special task force members from outside the province of Gauteng. The main reason was for a threat assessment that had been done on the second target or second operation, which was the search and questioning of Mr Matlala, based on the profiles that we have done of his more than 20 protectors that are former special task force members. So, we were not going to be able to do our work if we bring the combat team that is less trained than what we were going to face.

ADV HASSIM SC: Thank you, general. Chair, it is 11:02.
20 I am just bringing that to your attention.

CHAIRPERSON: I hope those watching did not see me shaking my head when Commissioner Baloyi whispered to me. Let us adjourn and resume at 11:20.

INQUIRY ADJOURNS

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INQUIRY RESUMES

CHAIRPERSON: Yes, Ms Hassim.

ADV HASSIM SC: Thank you, Chair. General Khumalo, we were at the takedown of Mr Molefe and you had just explained that the, there were two operations that were planned for the same day and I had asked you whether you were the overall coordinator of these operations on that day.

LT-GEN KHUMALO: Yes, that is correct, Commissioners, I
10 was the overall coordinator of both operations on the day as I mentioned the reasons why we had to combine the two. Also we had received fresh information on the kidnapping that needed us to conduct that operation as soon as possible as we are all aware that a kidnapping case is a life and limb situation, that is why then we had to combine the two on one day.

ADV HASSIM SC: Let us start with the one operation first and that is Mr Molefe's arrest. In your description of the events you described the arrival of the Hawks as
20 interference, their arrival at the scene. I want to know why you used that word "interference". But before we get there, why is it that the Hawks would not be part of an operation like this in the first place?

LT-GEN KHUMALO: Thank you, Commissioners. Starting with the last question, the setup of PKTT will be for us to

have investigating officers from general Detectives, also from Organized Crime units of SAPS and also from DPCI, so we have the combination. Most of our teams what also something that we do differently with each and every pillar, we call our teams pillars, with each and every pillar we do not put one type of expertise, we put the combination, for an example as I have explained that within our detection teams we will try to have the combinations as we get all different types of skills together.

10 When it comes to pillar one, which is the intelligence collection, we will go as far as calling up what is referred to as Public Order Policing information officers. Also the National Intervention Units they have information officers. Also the tracking teams are within Detectives, they are dealing with the collection of information, also within Crime Intelligence.

 So our combination of a pillar is not made up of one specific expertise. We try to combine so as within a team we can get all the expertise that we need. So for this
20 particular operation not to include the DPCI as mandated to deal with organized crime, it was because of the background as I have explained that it is stemming from the Gauteng Organized Crime Investigation Unit which, because of a TRA and other reasons and processes it had to be combined with Counter-Intelligence investigations.

We do, as Crime Intelligence we work on projects. Each and every project that we register will have the investigative capacity. So within a project team there will be Crime Intelligence operatives together with Organized Crime, two or three Detectives that are working with our team on each and every project. So under normal way of operating we do work with Organized Crime and DPCI in our Crime Intelligence projects, but it is not the normal policing methodology, it is only for now done.

10 Even it is done like that, but we still have lots of challenges because of that sense of ownership, of where you belong. But that is the idea and the situation, but on this specific operation we opted to use the tried and tested team that is used to this methodology.

ADV KHUMALO SC: Adv Hassim, I am not sure if you are leaving this point. The question I have is, General, how do you ensure that PKTT or GCI Ops and Hawks are not investigating the same subject and therefore do not execute a takedown, parallel takedowns on the same day and
20 therefore your paths cross and it results in unfortunate misunderstandings.

In other words, do you communicate with the likes of the Hawks and other divisions of SAPS when you are executing operations to avoid misunderstandings. That is one version of what we have heard and the other extreme is

of course that it was interference. But how do you ensure that those misunderstandings do not happen?

LT-GEN KHUMALO: Without maybe falling into a trap of compromising the operation, but at my level and other senior officers we sit with Organized Crime and DPCI in the normal OCTA meetings where all the projects are discussed and the targets, so as and when the investigations are discussed, then that is where we are able to pick up that there might be parallel investigation and based on the
10 threat, if for instance in one of our projects some of our targets are from DPCI and they are dealing with the same project, so we will try to avoid compromising that project by not working together but discussions, persuasions that it is either it becomes the Crime Intelligence project.

That is why within Crime Intelligence we are allowed in terms of the Act to have Counter-Intelligence investigations, such that we can start the investigation on our own up, from the beginning up until the end. If, for instance, then it comes out that the investigation will
20 involve either people from DPCI or investigation or any other environment that is entrusted with investigations. So we call those self-sufficient projects where we will do everything on our own up until we take the matter to court.

ADV KHUMALO SC: So on this specific one, this specific takedown and the interrogation of Matlala specifically, there

was no communication from your office to the Hawks to say we will be executing this operation on this day?

LT-GEN KHUMALO: It is one of the – thank you, Commissioner. It is one of those operations where we had to safeguard, because during our investigation and intelligence collection we had picked up that there might be those individuals from DPCI environment that are involved, so we did not have that discussion with the environment, with DPCI on this specific one.

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

ADV HASSIM SC: What do you mean by involved? Thank you, Commissioner.

LT-GEN KHUMALO: I will make one example. I am not sure if it is still coming up further on with my statement. During our investigation it came out that there is an individual, a Zungu, that is from TOMS of DPCI that is working with the cartel. Now, and other pieces of information that will point towards that direction. So even before the takedown we had that red flag that we need to
20 protect this investigation against DPCI, if I may put it.

ADV BALOYI SC: General, perhaps just to go back to the original question asked by Commissioner Khumalo. When you share information as agencies, is it a specific, do you share a specific as to say we are going to be conducting a takedown on this day, on this individual. What is the detail

of information that you share?

LT-GEN KHUMALO: Thank you, Commissioner. When it comes to takedown, takedown it is a very close, because it is the last step of the operation, it has to or normally involves those people that were part of the initial stages of the operation. It does not come out that during the takedown phase we have now to widen the scope and brief almost everybody. That is during takedown.

But during the initial stages of the operation under
10 normal circumstances there will be representatives from each of the required field of expertise to be part of the project team and even that will be closed to the project team members only. But during the evaluation sessions where all environments are there to evaluate all operations, even the sharing of information there, the leader of each project will come and present the progress to us so as then we can advise and assess if the project is progressing well.

But it is not the sharing of tactical and operational
20 information, so there is no stage that talks to that. But if it happens that there are targets that are at a particular level in a particular environment that are part of the target, informally and indirectly so, there can be a discussion between for instance myself and the Head of DPCI to say on this project we will be limiting our briefing as well as our information sharing, because we have some of the target in

the space. But that talks to also trust issues between the two principals or amongst the principals in the space.

ADV HASSIM SC: Thank you, Commissioner Baloyi. If I can just continue with this just a little further, because you referred to a Captain from TOMS who you said was working with the criminal syndicate, and what I, my question is when you get this information you are informed that there is a member of the, well, whether it is, whoever the member is, member of the police service who is implicated in this, do
10 you report that? Do you investigate it? What happens, what happened to this person, Captain Zungu for example?

LT-GEN KHUMALO: Thank you, Commissioners. The stages of intelligence processing, they will start with the receiving of information, which is not intelligence yet and then it will be put through the process then of confirming it involving the profiles ...[indistinct] audit and other unconventional methods of intelligence processing that will take you to the stage where then you decide that we need to launch now a fully fletched investigation on this
20 particular subject.

So in this example that I have cited, we had received information which was still in the process of being, and it was not far away from the takedown date, as then the takedown came and then it passed and then we continued with investigation and then during the raid and the

confiscation of a cellphone from Mr Matlala on the 6th of July, the cellphone that we found there was having the particular individual, Captain Zungu saved in the cellphone of Mr Matlala and some calls which was then a step up of the information that we had received prior.

So it is still an ongoing investigation. I am citing it as an example as I am going to dwell now on the interference during that takedown.

ADV HASSIM SC: I got that, but can I just clarify something. You said 6 July and you said the phone that you got from Mr Matlala on the 6th of July. So that was after his arrest in May?

LT-GEN KHUMALO: Yes.

ADV HASSIM SC: So was this the phone he had while he was in prison?

LT-GEN KHUMALO: In prison, yes Commissioners. We had three encounters with Mr Matlala. The first one was the 6th and then the second one was the, the 6th of December, the second one was the 14th of May and then this at a small scale an operation in prison was on the 6th of July.

ADV HASSIM SC: Thank you. So let us go back to the Hawks. My question was first of all, you were getting, were you getting briefed and getting progress updates of the operation on the day?

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

Commissioners. As an overall we use that term in our operations, for each and every operation there will be an overall Commander who will continuously get the situation report and advise the Operational Commanders on the ground. I was receiving continuous situation reports throughout the operations. Even the fly over of the helicopter, I was even receiving the video footages as it is happening so as then I am able to activate the analysis department to continue with the profiling, identification of
10 the aircraft and as you get the information, because you are the overall Commander, you support the team on the ground with your support staff that is behind you. So in this operation I was continuously briefed.

ADV HASSIM SC: So we have, the Commission has already heard evidence that there was a person who called the Hawks, who called the Head of the Hawks at the time. Do you know the person who made this call?

LT-GEN KHUMALO: On the day of the takedown we could not be able to identify, but as, to identify the caller, but as
20 the investigation was progressing we managed then to narrow the scope towards the final identification of the caller or as to the activation of the Hawks either to be part of the operation against the lawful operation that we were conducting. Maybe to get to the ...[intervenes].

ADV HASSIM SC: And who was that person?

LT-GEN KHUMALO: The person, so far all our information is pointing towards a Mr Mthethwa who according to our investigation is the one who activated the call, but I will get to the further explanation as to what let us to that identification as I explain the whole interference as per my ...[intervenes].

ADV HASSIM SC: Okay, go ahead. That was where I began was to explain why you call it interference.

LT-GEN KHUMALO: Yes. So maybe before I even get to
10 the interference, one is looking at the common denominator. The first operation was the execution of an arrest warrant of Mr Molefe, which took place before the one at Matlala's house. But one common denominator that one needs to flag is on both these operations the name of the Minister of Police was either dropped in the form of name dropping by the individuals against whom the operations were targeted ...[intervenes].

CHAIRPERSON: Maybe, General, let me take you a few
20 steps back. You said it was Mr Mthethwa who activated all of this. Can you – that is the involvement of the Hawks I assume. What do you mean by activated all of this?

LT-GEN KHUMALO: Thank you. Thank you, Commissioner. I was coming to the explanation now as to what we mean by activation as the event, or during that operation was moving on. Maybe if the Commissioners can

allow me to finalize that point of the name dropping, which is something that was a common denominator ...[intervenes].

CHAIRPERSON: Alright, please. Please continue.

LT-GEN KHUMALO: During the two operations the evidence has been presented in this Commission as to the dropping of the name at the operation at Molefe's place by the close protector or driver or colleague who then asked one of our members as to are they aware that who Mr
10 Molefe is a close friend of the Minister.

And also later on in the operation at Matlala's place, Mr Matlala himself indicated that you guys disturbed my diary, I was supposed to go and meet the Minister of Police, now you are here. So that was the common denominator that I was referring to. Now going then to the ...[intervenes].

ADV HASSIM SC: Sorry, General, just to clarify, that was the evidence of Witness C.

LT-GEN KHUMALO: Yes, Witness C.

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

LT-GEN KHUMALO: Then going to the, between paragraph 112 and 124 of my statement where we are looking at the so-called by even myself in my affidavit as interference, in my view now, in my view now this was a clear obstruction of justice and defeating the ends of justice by DPCI officers,

JMPD officer Mokgatle and Sergeant Fannie Nkosi of Detective Services in the office of the Lieutenant General Sibiya at head office. I will then unpack that what is referred to as interference in my affidavit, but my view is it is a clear obstruction of, and defeating of justice.

Starting with the event at Molefe's residence during the operation of which then Witness A and B, including Captain Wanda, they have presented in details. But the first incident that talks to the obstruction, as I have
10 indicated that with our operations we move in stages. We plan for the operation and we stick to the plan.

So when we were at the initial stage of the operation that includes a lot of surveillance, that includes a lot of scouting, that includes a lot of other covert intelligence methodologies, it happened that Mr Molefe activated the JMPD officer Mokgatle to come and confirm what he was suspecting around his house. That also happens to a person who is familiar with our methodologies. We try by all means when we do our work not to be noticed,
20 but the mere fact that Mr Molefe noticed our pre-operation activities it talked to him being familiar and working closer with our own people that will then be able to confirm that something might be coming. So ...[intervenes].

ADV HASSIM SC: So it is not that the criminal are outsmarting you, it is that they are getting information from

sources inside.

LT-GEN KHUMALO: Ja, hence even during my first part of testimony I indicated the very selective type of recruitment by the syndicates. They recruit those people that would add value to their operations, so hence then even our environment of intelligence community is not ...[indistinct] during that. So one will take that they will get that in service training or assistance by those people that are working for the cartel, hence I am touching on this first and
10 initial part of obstructing the ends of justice, because that was tampering with our operational plan when then Mr Mokgatle was activated to come and verify and confirm if indeed the activities in the vicinity were talking to the possible police operation of which he successfully did and gave feedback to Mr Molefe.

So Mr Molefe, when the operation started, phase 2, had already got the confirmation that the operation is on its way, because he happened then to get an expert that is having systems on the cellphone to verify and confirm
20 whatever that is suspicious around and give a feedback of which according to our information he did give feedback to Mr Molefe.

ADV HASSIM SC: And just for the record, Chair, the affidavit of Officer Mokgatle is contained in the annexures at SDK22, page 196. And, General Khumalo, you are

familiar with that affidavit?

LT-GEN KHUMALO: Yes, I am, Commissioners.

ADV HASSIM SC: And what essentially does Officer Mokgatle say in that affidavit?

LT-GEN KHUMALO: Officer Mokgatle is confirming most if not all of what we have made up of his activities during that day and the affidavit that we got from him assisted us to confirm most of the information that we had picked up. And also other affidavits that we collected, then when we were
10 doing that quick investigation, because for instance one outstanding thing might be in his affidavit he is indicating that he was busy with his routine work around the area, but then the affidavits by the, his immediate supervisors was he was off sick that day, not working.

So after doing whatever that he did for Mr Molefe and giving feedback, then he says he continued with his patrols. That are irrelevant based on the affidavits by the immediate supervisors that we wanted them to confirm.

Also he is confirming the abuse of the systems that
20 are used then to verify information during investigations and intelligence processing in terms of vehicles, in terms of people. And this can go as far as maybe to touch on it, we, in the intelligence environment we use a lot of covert resources. Now for a person to be able to link a covert resource with police, it will need a person who is very

knowledgeable as to how to go around and detect that of which then Mr Mokgatle successfully did.

ADV HASSIM SC: Okay, so just to close this, to confirm, Mr Mokgatle said that he obtained the ownership of those vehicles outside Mr Molefe's house and that that was the way in which he was assisting Mr Molefe. Is that right?

LT-GEN KHUMALO: Yes.

ADV HASSIM SC: And he also confirms in his affidavit that he is very close to Mr Molefe.

10 **LT-GEN KHUMALO:** Yes, that is correct, Commissioner. And then moving on to the point that I have touched a little bit that talks to the information about Zungu that we had received before the interference day, the 6th of December, which was during May 2024, way before the 6th of December when then Major General Shibiri informed our Witness A and B that the people that they were investigating are having lots of money and are linked with officers from the TOMS, of the Hawks and he specifically mentioned a Zungu.

20 So that is the information that we received way before the 6th of December. Now we then packaged it where it belongs and we are processing it as we move along with the investigation. I am touching it at this stage so as when I get to the high level, I take it that I will not have to dive deep in terms of the activities by TOMS and Hawks on the 6th, because there is a lot of evidence that has been led

here.

ADV HASSIM SC: That is right.

LT-GEN KHUMALO: I am touching on this point so as when I get to the high level summary of what happened on the day, we link it with the information that we had received months before that talks to the TOMS and the Hawks that then informs my view of this not just being interference, but being the obstruction and defeating of justice.

ADV HASSIM SC: And we are going to end up with Mr
10 Mthethwa at some point there.

LT-GEN KHUMALO: Yes.

ADV HASSIM SC: Okay, continue.

LT-GEN KHUMALO: Then, so with that then from our side that we had, we were privy to the May information and other activities that we had already conducted after receiving that information in May confirming attempting to identify others, because the statement was Mr Molefe or, and the people that the team was investigating were linked with officers from TOMS and Hawks with specific reference to Zungu.

20 So we had to do a lot of other spade work to try and confirm that statement that is then from May up to now because it did not stop on the 6th of December. So it was not a real surprise for us what happened on the 6th when then there were members from the Hawks, including TOMS, in Mr Katiso Molefe's premises during our operation based

on that information that we had received.

CHAIRPERSON: General, do you hold this view of obstruction of justice against the members of the Hawks who arrived at the scene or do you hold it as against perhaps people much higher up? Let us leave aside Officer Zungu for a moment, but those who actually arrived on the day, do you hold that view against them? I will tell you why I am asking.

I understand the offence of obstruction of justice to
10 have as a mental element intent, not negligence, but intent. So would you say all of those officers who arrived there and who on my understanding of the evidence went there on the instructions of senior officers, so would you say those officers at that level had an intention to commit the offence of obstruction of justice? If you do, on what basis do you do so?

LT-GEN KHUMALO: Thank you, Chair. When the, when we round off the investigation, preparing then to process the matter forward for prosecution, that is the time where
20 we will be able then to bounce the actions and activities by each individual against the elements of the crime of obstructing as the Chair has indicated. For now the identification and information is talking to the activities.

So there might, if I may make an example, there might be a person who had intent of defeating the cause of

justice who was not at the scene but who played a role and then within a vehicle there might be two or three people that were at the scene of crime and maybe one of them did not have the intent, but then two had intent, so the final stages of investigation then will clearly give us the picture.

CHAIRPERSON: So at this stage you are referring to the Hawks as a collective, not necessarily identifying individuals?

LT-GEN KHUMALO: That is correct, Commissioner.

10 **CHAIRPERSON**: Thank you.

LT-GEN KHUMALO: So moving on to the issue of how far we are in terms of the identification of the activator, according to the reports that we received from the day of the operation and also our follow up investigations that we did is that Mr Boy Mthethwa is the one who activated the involvement of the Hawks.

Why we say so, it is because he was not within the premises, so when then he arrived, based on our methodology of operation, I think during my initial testimony
20 we played a short video of our very minor operation which is compliance inspections in Cat Matlala's offices and we saw how we approach each and every operation. It is the Combat that will clear the target for the experts to come and do their work.

CHAIRPERSON: Who will neutralize, that is the word that

you used.

LT-GEN KHUMALO: I was trying to avoid it, Chair. Who will neutralize the target so as it makes the environment conducive for the experts to do their work. So in this operation the same happened. When then the target, if I talk to the target, we do not normally refer to a person. The target is from the gate or from the vicinity. Whatever that we will demarcate as a target, the space that we must own during the operation it will be referred to as a target.

10 Now when the target was neutralized, using that word with the permission from the Chair, and then that is when then Mr Mthethwa came and attempted then to cross over the red tape, the demarcated neutralized space and he tried to introduce himself as a brother to Molefe. Still that did not work, because it does not work, because you cannot make the target sterile and you also contaminate it. Whoever or whatever that attempts to contaminate the target will have to wait until we are done.

20 So that excuse or request was not successful of Mr Mthethwa who introduced himself as a brother so as he can be allowed to enter the neutral ground. And then he was refused and then that is when then he indicated that he will call the Hawks to come. So that is the first part that talks to why we are moving towards identifying him as the activator of the Hawks.

CHAIRPERSON: Was he ...[intervenes].

ADV HASSIM SC: But who did he call? Oh, sorry ...[intervenes].

CHAIRPERSON: Was he seen making a call?

LT-GEN KHUMALO: Can I?

CHAIRPERSON: Was he seen making a call?

LT-GEN KHUMALO: Ja, I am still getting there, Commissioner. I was just ...[intervenes].

CHAIRPERSON: I am sorry for ...[indistinct] so enthusiastic
10 as it were.

LT-GEN KHUMALO: I was indicating the words uttered first that if you refuse me as a brother to Katiso Molefe to enter, then I am going to call the Hawks to come here. Interpreted by us, to come and deal with you that you are refusing me access into the premises.

And then thereafter the evidence also led by Captain Wanda who was the senior during that operation confirms then that he did speak to Brigadier Mokoena of the Hawks through the phone of Mr Mthethwa, maybe linking
20 that with the information that we had received that the information of the deployment of the Hawks came from the National Head to the Divisional Commissioner, then to Brigadier Mokoena.

Now when the evidence of Captain Wanda comes with him talking to Brigadier Mokoena through the phone of

Mr Mthethwa takes us back to the utterances of Mr Mthethwa that I will call the Hawks to come. That is the second part. So by the time then Mr Mthethwa activated as I have said the Hawks according to our current information, the, because the activation was under the pretence of police impersonation that whoever chose the police impersonation as a reason to activate the Hawks, did not have access to Officer Mokgatle's confirmation long before to say the activities, people that are around hovering and
10 doing whatever, are real police officers, it means there is an operation that is coming.

So we are saying, that is my view, that there was that either lack of communication or the use of police impersonation was an attempt to make it look genuine, but the information was already confirmed during the pre-operation phase.

Then on further investigation it was then confirmed, I am going back to the TOMS, the Hawks, General Shibiri, it was then confirmed that indeed General Shibiri was not
20 wrong when he gave us the information long before that there are officers within TOMS of Hawks that are working together with the cartel.

That was also confirmed then on the 6th of July when we confiscated the phone from Matlala, which is part of the cartel. We are using that to round off what informs

the current view that the events that are involving the JMPD officer as well as the Hawks, we are holding the view of it being the defeating the ends of justice on that specific day.

ADV HASSIM SC: General, but do you know who Mr Mthethwa is? Is he a relative of Mr Molefe? Who is he?

LT-GEN KHUMALO: Unless I am pushed further by the senior counsel, I will confirm that we do know who Mr Mthethwa is. He is an associate of Mr Molefe.

ADV HASSIM SC: He is an associate of Mr Molefe?

10 **LT-GEN KHUMALO:** Yes.

ADV HASSIM SC: And you are saying you will go no further. Is this part of an ongoing criminal investigation?

LT-GEN KHUMALO: It is part of the ongoing investigation, that is correct.

ADV HASSIM SC: And just the one other thing is, I was not sure whether you had got there, whether you said it was who exactly, do you know who Mr Mthethwa called exactly? I know the evidence says that Mr Mokoena was on the line and of course he rounded up the troops to go and do the, to
20 check out the scene, but who did he call?

LT-GEN KHUMALO: Ja, thank you, Commissioners. That is the part of the investigation that we are rounding up that I can link with my response to the question that was asked by the Chairperson that using the chain of events as well as the information that we had through affidavits and the

information on the ground together with the statements or affidavits that are talking to the chain of communication, we are still in that process of positively linking the two that will give us then the final suspicions that the involvement of A, D and F was intentional but the involvement of B, E and G was collateral damage or was by a coincident.

ADV HASSIM SC: Okay, thank you, General. Does that then conclude your ...[intervenes].

LT-GEN KHUMALO: Interference.

10 **ADV HASSIM SC:** Yes, what you wish to say about interference by the Hawks. What I meant is in relation to Mr Molefe and the incident of Mr Molefe.

LT-GEN KHUMALO: That is correct, Commissioners.

ADV HASSIM SC: And are you now going to turn to the operation on the same day that took place at Mr Matlala's home I believe?

LT-GEN KHUMALO: Yes.

ADV HASSIM SC: Okay, so you already explained why both were conducted on the same day and what exactly was it
20 that you were seeking to do at Mr Matlala's house? What was that investigation about?

LT-GEN KHUMALO: Ja, thank you, Commissioners. As I have indicated, the purpose of the operation that we attempt search and questioning was part of the investigation that was informed by the intelligence that we

had collected and most importantly that we had confirmed around the same day or same hours or same days we got the warrant of arrest of Mr Molefe between the 4th and the 5th when you have finalised the investigation, you briefed the prosecution and you get the warrant of arrest.

So as that was happening we were also receiving more concrete intelligence that was talking to the kidnapping case. I gave the background, maybe not in full, that that investigation to be allocated to this team came as
10 a result of a meeting that I was invited to by the National Commissioner with a victim, a victim I mean people that are closer to the victim of kidnapping.

It is during that meeting that they shared their wish and their uncomfotability about this particular kidnapping case being investigated within the office of the Deputy National Commissioner, Lieutenant General Sebeya, because according to them their information was Mr Matlala was involved in the kidnapping and Mr Matlala is very close to the Deputy National Commissioner.

20 So it is during that meeting that the instruction, in some cases if not all cases in the SAPS we work with instructions, not requests, that the team, GCI Ops, must take over this investigation. So during the collection of intelligence as well as information which also included a lot of digital forensic analysis in terms of video footages that

included a lot of call data analysis, because we had those experts that were there to assist in the Vereeniging case, now that his case has been made part of this, they were also assisting.

So the operation then was termed the search and questioning, because there was evidence, not evidence, there was intelligence that was confirmed that the victim might be in those particular premises and delaying that as I referred to earlier on, that kidnapping is a life and limb
10 situation, your main, your first objective is to rescue the victim unharmed.

ADV HASSIM SC: When did you acquire that intelligence that the victim may be at these premises?

LT-GEN KHUMALO: It was being acquired as the days were moving towards the 6th, but specifically between the 4th and the 5th, that is when then the information or intelligence was confirmed, which then prompted us to plan that operation so as then we achieve the main objective of rescuing the victim. And if I am not mistaken, Witness C
20 testified a lot on the specifics that we had in terms of intelligence that day.

ADV HASSIM SC: Okay. So you confirm the intelligence around the 4th, 5th and you conducted the operation on the 6th. And then what happened when you arrived?

LT-GEN KHUMALO: That will bring me to the third and the

last part of interference which again according to my view subscribes to the defeating the ends of justice. We had confirmed as I have said, intelligence and we were not going to take a decision to have that operation if we did not check what we had against our standard operational procedures.

Then the interference in the form of defeating the ends of justice in that second operation now comes in the interview that the team had with the subject of
10 investigation, Mr Matlala who confirmed and even showed evidence that Sergeant Nkosi told me that you are coming, the first part of that was told me where the place where you were having the briefing.

When we go for an operation we will have a staging area where we will brief, the final brief before we attend to the target. So the situation reports were going to Mr Matlala as we are moving on with the operation, so which will be between an hour or two hours as we move on. So if you are given the concrete information that the team is
20 having their briefing session in that place and after that they are coming to your house and then you have enough time to prepare, hence then when the team came, Mr Matlala confirmed that he was expecting and waiting for them. Looking at that evidence and information ...[intervenes].

ADV HASSIM SC: Sorry, General Khumalo, you mentioned Officer Nkosi, I just want to confirm that that is not the same Nkosi that was giving evidence before the Commission I think yesterday. This is not the Warrant Officer, this is a Sergeant Nkosi.

LT-GEN KHUMALO: That is correct, Commissioners. Maybe I was going to call this one witness E if that was the case. This is a Sergeant Nkosi ...[intervenes].

ADV HASSIM SC: Yes.

10 **LT-GEN KHUMALO:** Who is a Detective attached to the office of the Deputy National Commissioner, General Sibiya.

ADV HASSIM SC: And this is the Sergeant Nkosi that Witness C has testified about.

LT-GEN KHUMALO: That is correct, Commissioner.

ADV HASSIM SC: And it is the same Sergeant Nkosi who had the bank card of Mr Matlala that we saw in those WhatsApp pictures.

LT-GEN KHUMALO: That is correct, Commissioners.

ADV HASSIM SC: Okay, thank you. Continue.

20 **LT-GEN KHUMALO:** I should think on the interference paragraphs that I am moving from 112 of my affidavit to 124, that is talking to the interference that I am holding the view of it being the defeating the ends of justice and obstruction. It was really a bad day for the team.

We are not people that are happy with a 50% out of

100%. When we do our work, prepare and we decide to go for a takedown we want 100%, but the way the, what I referred to as interference in my affidavit made us not to achieve the 100% that we always strive for, more especially at our second operation then that is related to kidnapping.

ADV HASSIM SC: Okay, so, and you say that because of this interference by Nkosi which defeated your operation on that day, and is this, I need you to just take this further, I want to understand how you fit the Sergeant into the picture. You have said before that he is close to General Sibiya.

LT-GEN KHUMALO: That is correct, Commissioners.

ADV HASSIM SC: Why do you say that?

LT-GEN KHUMALO: I say he is close firstly because officially he is working from his office and there is evidence that we are still going to lead that will confirm the closeness in terms of the resources that he is utilizing, the official resources that he is utilizing to further the objectives of the cartel, instead of the objectives of SAPS to investigate crime as he is expected to do. The senior counsel touched on the ...[intervenes].

ADV HASSIM SC: Shall we do that. I mean you say that we will still lead. Should we just get there? Let us get to that point, the evidence that you want to lead in relation to Sergeant Nkosi.

LT-GEN KHUMALO: That is correct, Commissioners, we can get to that evidence.

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

ADV BALOYI SC: Before you do that Ms Hassim, may I just ask a question. General, this Sergeant Nkosi, was he part of the team that would have been involved with this operation at Mr Matlala's? Was he part of it?

LT-GEN KHUMALO: Thank you, Commissioner. No, not at all. The team that is, because Sergeant Nkosi is a
10 Detective, so in this team we have only three Detectives and we know them, we work with them, so there will not be the fourth one that, as I indicated that during our investigation, more especially during takedown we try by all means to limit the involvement of other people, because we had invested so much on what we have collected. Now if we are going to allow a newcomer, a foreigner to come and have access to what we have, it might then jeopardise our chances of being successful. So he was not part of the investigation.

20 **ADV BALOYI SC:** If he was not part of the investigation how would he have known the kind of detail for example that you are now meeting for briefing, you are at a staging, I think you called it a staging place, and from there you are proceeding to Mr Matlala, on that day how would he have known that information?

LT-GEN KHUMALO: Thank you, Commissioner. That is part of, that is the part of the investigation that we are rounding off to talk to the defeating the ends of justice. There are lots of possibilities and we have done some eliminations so as then we can come to the final evidence that will give us exactly how was he able to get this blow by blow plans and activities by the team on that specific day.

ADV BALOYI SC: Was that, the fact that you are conducting the operation on the day but also the detail of
10 your staging, your meeting for a briefing at a particular place at a particular time, was that information that was widely known within the SAPS?

LT-GEN KHUMALO: Thank you, Commissioner. As I reflected earlier on, we try by all means to protect our information, especially when it comes to that stage of takedown. The information was not widely known. I indicated that the Combat team that we planned and utilized for this part of operation was the Special Task Force team, two sections, that we had to get from other provinces other
20 than Gauteng, because we had information and intelligence as to how resourceful the cartel is, especially within Gauteng.

But still it managed then to get into this particular Sergeant and, and, so it is part of, the investigation started with the debriefing, checking as to where did we go wrong,

what happened and then it led us then to the investigation where we are eliminating facts that cannot be true or be evidence but we are moving closer to having a concrete answer which is one of, we always say learning curves, because when you are involved in a Counter-Intelligence project the first fact is you are fighting an enemy from within other than from outside SAPS. So we are in that situation, Commissioner.

ADV HASSIM SC: So, thank you, Commissioner Baloyi. So
10 what I am hearing you say, General, is that this is still part of an ongoing investigation, but you do wish to put some evidence before the Commission.

LT-GEN KHUMALO: Yes.

ADV HASSIM SC: And the evidence that you now wish to place before the Commission is in fact evidence that has been led in camera by Officer X and the reason why it was in camera was because it was part of an ongoing criminal investigation, is that not so?

LT-GEN KHUMALO: That is correct, Commissioners.

20 **ADV HASSIM SC:** And you, why now have you decided that, first of all is everything that was led in camera going to be provided to the Commission openly today or only a part?

LT-GEN KHUMALO: Thank you, Commissioners. When I appeared in front of the Commissioners and I tendered the

application for some of the evidence or information to be heard in camera, I did indicate that as the Commission will be continuing with its work it might happen that there will be part of what was heard on camera that then we might see the need now of leading that evidence in front of the Commission in public, weighing against the disadvantages.

So the part that we are going to lead today, which was part of the in camera evidence is the part that we feel that we have exhausted the investigation. There might be
10 also some parts that might not form part of the evidence where we are still finalizing the investigations.

ADV HASSIM SC: Okay, so it is not all of the evidence, it is part of it that you wish to lead. Okay, and before we begin with that evidence, can you just tell the Commission what the general subject is that you are going to be dealing with?

ADV KHUMALO SC: Just before you go there, which file should we ...[intervenes].

ADV HASSIM SC: My apologies, Commissioners. It is now
20 the file, exhibits bundle, part 2.

ADV KHUMALO SC: We can put away the annexures bundle for now?

ADV HASSIM SC: Yes, you may. Commissioners, the exhibits bundle, this is part 2 of the exhibits bundle and the items, there are 11 items and they are marked CJC22 to

CJC32 and they will be led in that sequence. General, do you have that in front of you?

LT-GEN KHUMALO: Yes.

ADV HASSIM SC: Okay, so I think before we start do you just want to give the, in just a sentence or two, indication to the Commission what this evidence relates to.

LT-GEN KHUMALO: Yes, thank you Commissioners. The evidence relates to my last part of interference that I was leading, which is around Sergeant Nkosi that I reflected that
10 he is attached to the office of the Deputy National Commissioner, Lieutenant General Sibiya, and the evidence will be talking to the link that has been identified through Sergeant Nkosi that is linking the office or Lieutenant General Sibiya and the cartel, which can be easily understood if we may recall the evidence that we led on the charts where the bank card, the picture or photo of the bank card of Mr Matlala was found to be in possession of Sergeant Nkosi.

ADV HASSIM SC: Okay, we will begin with the first item
20 then and if I could ask for it to be projected. Thank you. So, General, what is this that we are looking at?

LT-GEN KHUMALO: Thank you, Commissioners. A one liner introduction to this, I will go back to the operation for the 6th of December. On the 6th of December during that operation one of our activities was to download the CCTV

camera footage in the premises of Mr Molefe of which we did. So the CCTV footage that we are playing is the one that was confiscated and downloaded on the 6th of December. But the evidence as per the dates, if the dates will appear on the screen, it is for the 27th of November which was then around 5 or 6 days or less than 10 days before the 6th of December. So on the first part ...[intervenes].

ADV HASSIM SC: So let us just take it slowly. So this is,
10 what we are looking at is footage from the CCTV camera at Mr Molefe's house?

LT-GEN KHUMALO: Yes, Commissioners.

ADV HASSIM SC: And the date stamp is 27 November 2024.

LT-GEN KHUMALO: Yes, Commissioner.

ADV HASSIM SC: Okay. And who is the person that we can see in the video that is exiting the white BMW?

LT-GEN KHUMALO: The person that we see exiting the white BMW is Sergeant Nkosi.

20 **ADV HASSIM SC:** Okay, so that is ...[intervenes].

LT-GEN KHUMALO: He just arrived in the premises of Katiso Molefe on the 27th of November. So the vehicle, the vehicle that is projected there on the video, I think we are still going to see it much closer, it is the vehicle, it is an SAPS vehicle that is allocated to the office of the Deputy

National Commissioner, Crime Detection, Lieutenant General Sibiya. So that is the first link that one will explain with that and there is a lot of, or maybe one has to, because when we get to that slide we might have lots of questions.

It is the policy of the South African Police Service to have all vehicles fitted with an internal tracking system which is referred to as AVL so as then we are able especially during complaints, investigations and our type of
10 investigations we are able then to have our work easily cut out. But this ...[intervenes].

ADV HASSIM SC: But, can I, sorry, I am going to interrupt you, because we are going to come there.

LT-GEN KHUMALO: Yes.

ADV HASSIM SC: So let us, okay, let us just take it slowly. So 27 November 2024 and the timestamp is 16:31. Is that right?

LT-GEN KHUMALO: That is correct, Commissioners.

ADV HASSIM SC: Okay. And so we see Sergeant Nkosi
20 arriving and there is anything else that we need to see from this video?

LT-GEN KHUMALO: From this video we can confirm that those premises are for Mr Katiso Molefe. We have been frequent visitors there. We had arrested him twice and he is getting bail now and again we might then go back there

any time soon. So we confirm that these are his premises.
We confirm the car and the individual driving the car.

ADV HASSIM SC: Right.

ADV KHUMALO SC: Just for the record, this is the Sandhurst residence where the incident with the Hawks took place and where the takedown operation took place.

LT-GEN KHUMALO: That is correct, Commissioners.

ADV HASSIM SC: Thank you, Commissioner. So could we, anything further from this video that you wish to say, from
10 this clip?

LT-GEN KHUMALO: Ja, we can ...[intervenes].

ADV HASSIM SC: May move on. Okay, so can we play the second clip. It is not showing. Could we have it projected, please. Thank you.

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

ADV HASSIM SC: One second, General. I just want to go back to the beginning of this. Thank you. Let us just watch the video. Okay, can we go back to the beginning and pause it there. Okay, so now that we have seen it, we are
20 just going to go back to the beginning. Pause it. Thank you. Okay.

LT-GEN KHUMALO: Thank you, Commissioners. This part of the video maybe if we can check the time, Mr, Sergeant Nkosi did not spend much time there. It was less than 5 or 6 minutes.

ADV HASSIM SC: The timestamp says 16:40 and the previous video was 16:31, so it is about 9 minutes.

LT-GEN KHUMALO: Ja. And then we noticed that when he was arriving he did not have any bag with. So now this second video is showing – okay, maybe standing there it is him and Mr Katiso Molefe who is then accompanying his visitor back to his car and then we notice that the Sergeant is now carrying a white paper bag. Unfortunately for us it is not transparent so as we can see what type of chocolate is
10 in there, but he is having a bag.

That does not look like it is heavy, but it has got some contents. Then we will use lots of analytical minds to check what is it that you can carry in such a carrier bag with value, but it is not that heavy as then the picture is like he just came in to collect something that was already packed and waiting for pickup.

ADV HASSIM SC: Okay, but you do not know what is in the bag, correct?

LT-GEN KHUMALO: That is correct, Commissioners. We
20 are still trying to get the systems that will make us be able to see behind bags, the scanners, through the system but using our own analytical minds we can see that he is carrying something that is not that heavy but it is of value.

ADV HASSIM SC: Okay.

LT-GEN KHUMALO: And we can then look at chocolates,

sweets or whatever that you can put in that type of a bag and you hold it dearly so on your right hand. Thank you, Commissioner.

ADV HASSIM SC: Okay, and so – sorry, if you could just go to the end of that video, if you could just scroll it down to the end, yes. Right, so that is Mr Molefe who escorted him back to the vehicle.

LT-GEN KHUMALO: That is correct, Commissioners.

ADV HASSIM SC: Okay. Can we then turn to item 3.

10 **ADV BALOYI SC:** Ms Hassim, perhaps before you go too far, for the record I think you should state the exhibit numbers.

ADV HASSIM SC: Oh, thank you. Thank you, Commissioner Baloyi. So the first video clip was CJC22. The second was CJC23. That is the video we just saw. The third item is CJC24. Okay, so this is a screenshot – well, what is this? It is a screenshot of the car, we can see that. Can you tell us ...[intervenes].

20 **LT-GEN KHUMALO:** Thank you, Commissioners. It is a screenshot of the same car that we wanted to confirm the registration numbers which corresponds with what we call in the police SAPS number. Each and every police car has got two numbers. There is an SAPS number as well as the registration number. As it is reflected there it is FV38NHGP.

ADV HASSIM SC: And is this photograph a still screenshot from the video that we just watched?

LT-GEN KHUMALO: From the video footage. We wanted to confirm and project it, because in the video footage as the video is moving it is not easy, but then we used different angles of a video, then we opted for this that can clearly show the registration.

ADV HASSIM SC: The registration number, okay. So that is the same car that was in the driveway of Mr Molefe's
10 house. Okay, can we then turn to item 4, which is CJC25. And, General, this is what you started speaking about earlier and it is projected on the screen, but there is also a hard copy of this in your folder as CJC25, if it is easier for you to read it. Can you tell us what it is we are looking at?

LT-GEN KHUMALO: Thank you, Commissioners. As I have reflected and I said all the vehicles of SAPS are registered on a particular system which will be linked with the tracker system of SAPS. Now the, in an attempt then to finalize our identification of the car we have to work closer
20 with our technology management system division of SAPS that are managing this particular system.

And then to confirm on the top left indeed the registration number was confirmed, highlighted in blue and then the particulars of the vehicle, including its allocation which is reflected then indeed as the car being allocated in

the office of DNC Crime Detection, Deputy National Commissioner, Crime Detection. And our interests on utilizing this system was to have access to the movement using the tracking system only to get the report from the system managers that the vehicle movement tracking unit like a normal tracker is not installed in the car.

It is either it was never installed, but the information about the car is on the system. It is either it was not installed or was installed and removed some time.

10 So that is the investigation part that is still ongoing, because if it was installed before, it needs a reversal on the system until you get to a date when it was still recording the movements, but the current status is the unit itself is not in the vehicle.

ADV HASSIM SC: I think perhaps for the record if you could just read out the bottom right-hand corner of that screen where it says last message from PAS.

LT-GEN KHUMALO: Okay, thank you. That is the report then from the system that confirms what I have just said.

20 There is no vehicle movement unit installed in this vehicle on our system, but the vehicle itself and its particulars is on the system.

ADV HASSIM SC: Thank you. And we have confirmed, I might have just, just for the record again the registration number is at the top left-hand corner of this document.

LT-GEN KHUMALO: Yes, Commissioners, that is where I started trying to explain this still photo of, or printout of the system that that is the registration number that is picked up from the video footage is then still photos and compared to with what is on the system, including the make and almost the whole information about the vehicle and we have since then got hold of the vehicle itself to do the physical check and comparison to make sure that we have the correct information.

10 **ADV HASSIM SC:** Thank you. Chair, it is 13:02.

CHAIRPERSON: Let us adjourn and resume at 2pm.

INQUIRY ADJOURNS

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INQUIRY RESUMES

CHAIRPERSON: Before we start, let me just mention that for certain logistical reasons, we will sit until 3pm today and, of course, resume at 09:30 as usual.

ADV HASSIM SC: Thank you, Chair. So General Khumalo, we left off – the last thing we were looking at was the
20 information on the BMW and you had finished explaining to the Commission what the details of the vehicle are, who it is allocated to, and that there is no tracker installed on that vehicle. So that was CJC25. The next item ...[intervenes].

ADV BALOYI SC: Maybe before you move on, Ms Hassim, let me ask my question. General, we heard yesterday from

a witness for the DPCI that they have a system where if a vehicle is used, a DPCI vehicle is used, there has to be a log that is completed which explains where the vehicle went and its purpose, why it was there. So there is a record keeping of sorts on the movement of vehicles. Does the SAPS, do you have that in your section, including the Deputy National Commissioner's Office?

GENERAL KHUMALO: Thank you, Commissioners. Yes, indeed. We have the official log sheet for any movement of
10 a vehicle that is completed manually in support of this electronic tracking. It is called SAP132B. Part of our investigation on this is talking to that, but the current information is non-existing also. So both the electronic tracking and the manual one, it looks like it is not existing, but we do have the system in place.

ADV BALOYI SC: And then secondly, Sergeant Nkosi, I think you said earlier he was not involved with the operation, with the team. He is not part of the team that was involved with the Matlala matter, the Bogoshi
20 investigation, I think that is what you said. If he is involved with any investigation, well, maybe let me first ask this way. Could he be involved in an investigation that you are not aware of and that would put him at Mr Molefe's house? Is it possible given his job and where he is sitting?

GENERAL KHUMALO: Thank you, Commissioner. It is

possible if you are an investigating officer, you go where your investigation is leading to. There are investigations that are conducted in the office of the Deputy National Commissioner, hence there is that team that is there in the office of the Deputy National Commissioner. So it might happen if then there was an investigation that was making him to be in the premises of Mr Molefe.

ADV BALOYI SC: And if there is such, there would be a record of it, any such investigation? There would be a
10 record of it.

GENERAL KHUMALO: That is correct, Commissioner.

ADV BALOYI SC: All right. Thank you, General. Thank you, Mr Hassim.

ADV HASSIM SC: Thank you, Commissioner Baloyi.

ADV KHUMALO SC: Just a quick question. The operation at Mr Matala's house on the 6th of December 2024, did you brief the National Commissioner and the Deputy Commissioners about it in advance of the operation?

GENERAL KHUMALO: It is only the National
20 Commissioner that was briefed in advance. But then in terms of information, maybe also getting to the Deputy National Commissioner's level, it is part of the investigation that we are busy with to determine the leakage.

ADV KHUMALO SC: Okay.

ADV HASSIM SC: Thank you, Commissioner Khumalo.

Okay. So, General, could we look at now CJC26, which is also a video? We will play it first. Okay. Back to the beginning. All right. Thanks. Can you just play it until all the individuals are on the screen? There. Thank you. All right. First of all, General, what is this a video of? Where is this place?

GENERAL KHUMALO: Thank you, Commissioners. This is a recent footage that was shown on national television on the 9th of October 2025. It was during the search and
10 seizure operation that was conducted by the team from KZN that is investigating cases then that are related to, amongst others, the Deputy National Commissioner, Lt-Gen Sibiya. So this is the footage that the team had interest on for various reasons that I am still going to expand on as we move on with this linkage that we are discussing on this part of my affidavit.

ADV HASSIM SC: Okay. Thank you. So this is a video of a TV screen. So this was playing on the news. Is that right?

20 **GENERAL KHUMALO**: That is correct.

ADV HASSIM SC: And it says on the TV screen, Sibiya Home Raid and it was on the 9th of October, as you said. So can you identify who – first of all, can you confirm that this is Mr Sibiya's house?

GENERAL KHUMALO: Yes, Commissioners, we can

confirm that it is Lt-Gen Sibiya's gate to the house, to the premises.

ADV HASSIM SC: Okay. And there are three individuals in the video. Can you describe, or do you know who they are? And can you tell the Commission, starting with the figure in the black pants?

GENERAL KHUMALO: The figure in black pants on the right, it is the Deputy National Commissioner, Lt-Gen Sibiya. And then the figure following him on a black shirt
10 poses like a close protector, but we have not fully identified, the same as the other gentleman that is remaining behind.

ADV HASSIM SC: So the third gentleman is in a striped shirt you have not been able to identify.

GENERAL KHUMALO: Yes, we are still in the process of fully identifying.

ADV HASSIM SC: Okay. So can we just play the video through again? Okay. All right. So can you describe what happens now?

20 **GENERAL KHUMALO**: Ja. The figure with the black t-shirt is seen posing or acting like a protector by opening the door for the Principal to get into the driver's seat. And after that, then the figure will move towards the back to the third vehicle on that convoy of three vehicles that are at the gate.

ADV HASSIM SC: So Mr Sibiya gets into this driver's seat of this, what do you call this? This Toyota?

GENERAL KHUMALO: A Toyota bakkie double cab.

ADV HASSIM SC: And then the person who you think is a protector proceeds to the third vehicle in the line of ...[intervenes].

GENERAL KHUMALO: To the third vehicle in the line that we see.

ADV HASSIM SC: Okay. And you have been able to –
10 well, maybe let us go to the next item and then we can conclude what we make of this. And so that would be CJC27.

GENERAL KHUMALO: Thank you. It is a still photo. Can I continue?

ADV HASSIM SC: Yes, go ahead.

GENERAL KHUMALO: Thank you, Commissioners. It is a still photo from the video footage that we have just seen that is giving us a clear registration numbers of the vehicle and the same three gentlemen then moving as per the
20 previous video with the heading, heavily armed police raid home of suspended deputy National Commissioner Shadrack Sibiya.

ADV HASSIM SC: Okay. We are going to come back to this vehicle. Can you just read out what the licence plate number is for this Toyota Hilux?

GENERAL KHUMALO: The licence number is clearly seen on the still photo. It is LY36PGGP.

ADV HASSIM SC: Okay, thanks. And the next item then is CJC28. This is also a still photo. Is this a photograph of the two vehicles that were following the Hilux?

GENERAL KHUMALO: That is correct. From the other angle of the video footage, the purpose was to identify the white BMW that looked like the one that we have seen before. And indeed, it was confirmed with the registration
10 plate that on that convoy, the third car as the convoy was leaving the gate was indeed the same BMW that is allocated to the office of the Deputy National Commissioner.

ADV HASSIM SC: And were you able to establish who was driving the vehicle?

GENERAL KHUMALO: At the time of the video footage and the still photos, we had not identified the driver.

ADV HASSIM SC: Okay. So you now have identified the registration numbers of the two cars, one being the BMW and the other being the Toyota Hilux. Can we go to item
20 CJC29? And in fact, you know, General, it is probably better if we just do the following. If we go to the next one, which is CJC30 first. And can you tell us what that is a picture of?

GENERAL KHUMALO: Thank you, Commissioners. The picture is from the LPR footage that we ...[intervenes].

ADV HASSIM SC: Can you just define LPR for the Commission, please?

GENERAL KHUMALO: In full? Let me look for that. It is a Licence Plate Recognition system that we normally source then from our partners during the investigation.

ADV HASSIM SC: Okay, continue.

GENERAL KHUMALO: So the footage and the still photos are for the date of the 30th of the 9th month 2025. It was on the William Nicol Drive and then it specifies the time that
10 the vehicles were moving past that camera and it shows us the same motor vehicles then following each other as identified on the day of the search and seizure operation in the office of the DNC.

ADV HASSIM SC: This was on the 30th of September. Sorry. This is 30 September 2025. So it is not on the day of the search and seizure operation. Is that right?

GENERAL KHUMALO: That is correct, Commissioner.

CHAIRPERSON: General, can you please give us more information on the camera that you mentioned?

20 **ADV HASSIM SC:** On the camera?

GENERAL KHUMALO: The camera that we are using, it is a Licence Plate Recognition that is used by most of the security companies and other stakeholders then that are assigned or responsible for the monitoring of some specific routes. Then they are our stakeholders because if there is

information that we want to access, then we can be able to.

CHAIRPERSON: So these cameras are placed along certain routes?

GENERAL KHUMALO: Along certain routes depending as to which security company is assigned to monitor a specific route.

CHAIRPERSON: Thank you.

ADV HASSIM SC: Those are private companies?

GENERAL KHUMALO: Yes.

10 **ADV HASSIM SC:** And you requested the footage. How did you get this particular footage? Do you request footage for a particular licence plate number or a particular day? How do you get it?

GENERAL KHUMALO: As part of information collection, we will then request sometimes based on a particular date because there is something that we want to confirm. Sometimes it will be a random request so as we can see the movement of a vehicle that is the subject of investigation.

20 **ADV HASSIM SC:** So in this case it was a request for the specific licence plate?

GENERAL KHUMALO: For the specific date, for a specific reason which might form part of what I requested that there are some parts of this that are still ongoing in terms of investigation.

ADV HASSIM SC: Okay. So here we have, you said it was

on William Nicol Drive, it is the 30th of September, it is at 12:19 in the day. And the two vehicles you were able to confirm are which vehicles?

GENERAL KHUMALO: Yes, we were able to confirm that it is the two vehicles of interest with the same registration plates of a double cab Toyota bakkie with registration number LY36PJGP in front followed by the BMW with registration number, the BMW, the police BMW with registration number FV38NHGP.

10 **ADV HASSIM SC**: Okay. And if we turn over the page in the same exhibit, CJC30, so that would be page 10, we have another photograph of those cars. And can you just tell us when that was taken and at what time?

GENERAL KHUMALO: Thank you, Commissioners.

ADV HASSIM SC: And where?

GENERAL KHUMALO: Thank you, Commissioners. That was around Sandton, then along Freeman Drive.

ADV HASSIM SC: I think you are looking at the wrong...

GENERAL KHUMALO: Okay, sorry.

20 **ADV HASSIM SC**: Page 10.

GENERAL KHUMALO: Sorry, Commissioners. That is at Glenhove Road and then the time, the date was the 7th of October, time 12:22.

ADV HASSIM SC: And it is the same two cars?

GENERAL KHUMALO: Yes.

ADV HASSIM SC: Okay, page 11.

GENERAL KHUMALO: Page 11, the same two cars on a different date that is not clear or visible on the still photo and we do not have also them on our notes, but it is at Sandton, Fredman Drive, the same two vehicles were captured there.

ADV HASSIM SC: Okay, and then if you turn over page 12.

GENERAL KHUMALO: Page 12, the LPR is showing us the same vehicle of interest without then the BMW following it
10 on this picture. And the date and times are also not captured on the photo, but the registration number is still the same car.

ADV HASSIM SC: Okay, and then just for completeness, let us go to 13.

GENERAL KHUMALO: On the 13, we pick up through the LPRs the SAPS BMW with the same registration plate, the number of the camera, the time and the date was the 9th of October at 21:05, which is the night or the same day as the day of the search and seizure operation.

20 **ADV HASSIM SC:** Okay, so it is dark because it is taken at night?

GENERAL KHUMALO: At night, yes.

ADV HASSIM SC: So it is 9 October, 21:05 and that is the BMW?

GENERAL KHUMALO: Yes.

ADV HASSIM SC: And then the next page, 14.

GENERAL KHUMALO: Next page, 14, it is now the bakkie, same camera, same date, more or less the same time with the difference of a second following the interpretation is they are following each other.

ADV HASSIM SC: So on page 14 you have the bakkie and it passes the camera at 21:05:00.

GENERAL KHUMALO: Yes.

ADV HASSIM SC: And then on 13, the BMW passes the
10 camera at 21:05:01, so it was one second after the bakkie.

GENERAL KHUMALO: Yes, hence our analysis then says same day, same camera, possibility is the vehicles were following each other.

ADV HASSIM SC: Okay. So with that, those series of pictures, let us go back to the exhibit we were looking at earlier, which is CJC29. And can you explain what this exhibit is showing first before we look at the detail?

GENERAL KHUMALO: Yes. The exhibit marked as
20 CJC29, it is the data that will request, that will give us information that we will need to analyse, consolidating all the cameras that have a vehicle of interest that happened to pass. And then if they are two, like in this case, we will use such information then to build up the pattern of the vehicles following each other on the same days and times, as well as the camera numbers and the routes that the vehicles are

travelling on.

ADV HASSIM SC: Okay, thank you. So this is a sort of consolidated data set of the vehicles passing various cameras?

GENERAL KHUMALO: That is correct, Commissioners. You will get both the images as well as data, because sometimes to get more data, it helps you to build a bigger picture than to want to rely on the images only.

ADV HASSIM SC: So can we look at the detail of this
10 then, to explain what it is you see from this data?

GENERAL KHUMALO: On this data, Chair ...[intervenes].

ADV HASSIM SC: And we do not need to go through all, but we could go through maybe three of them just to give the Commission the idea of what is going on in here.

GENERAL KHUMALO: As the system is referred to as LPR licence recognition, it shows that it works on the registration plate. So that is why then before any data is captured, there will be a registration plate, and thereafter the next information that will be having a date of when it
20 was captured, and then will also be followed by the area as well as the street, so as you are able to see as to which direction the vehicle of interest was moving towards.

ADV HASSIM SC: Okay, so can we be a bit more specific about this? If we look at the first one on the left-hand side, that is the licence plate for the bakkie, is that right?

GENERAL KHUMALO: That is correct.

ADV HASSIM SC: And it is a photograph taken on 9 October at 21:05:00.

GENERAL KHUMALO: Yes, that is correct, Commissioner.

ADV HASSIM SC: And it was taken at East Road and South Road.

GENERAL KHUMALO: Yes, Commissioner.

ADV HASSIM SC: Okay. So if we move down to the BMW, the FV licence plate?

10 **GENERAL KHUMALO**: Then the FV now for the BMW on the same road, same camera, more or less the same time, on the same date, with a difference of seconds or a minute apart.

ADV HASSIM SC: It is one second apart.

GENERAL KHUMALO: Yes.

ADV HASSIM SC: 21:05:01.

GENERAL KHUMALO: That is correct.

ADV HASSIM SC: Okay, so if we just do the same exercise to show the pattern, with the second one, so the
20 second from the top, again the bakkie.

ADV HASSIM SC: The second from the top also for the bakkie, registering LY, East Rand and South Road, number of the camera and then the date as well as the time, 21:04:56.

ADV HASSIM SC: 21:04:56. And if we compare that with

the BMW, it is the second one.

GENERAL KHUMALO: The second one ...[intervenes].

ADV HASSIM SC: And the time is?

ADV HASSIM SC: From the top, the BMW is the same East Rand and South Road, same camera and then the same date and the time is 21:05:01.

ADV HASSIM SC: No, no, I think you mixed up the two. It is 21:01:58.

GENERAL KHUMALO: Yes, number three.

10 **ADV HASSIM SC**: Yes.

GENERAL KHUMALO: Yes.

ADV HASSIM SC: So the difference between the two is two seconds?

GENERAL KHUMALO: Yes.

ADV HASSIM SC: Okay, and if we take one more, if we take the last LY, the last bakkie one on the left-hand side?

GENERAL KHUMALO: The LY, the first one, the first entry.

20 **ADV HASSIM SC**: So the one, two, three, the fourth one from the top. Sorry? On your screen it is the first one at the top, ja.

GENERAL KHUMALO: On my screen is the first one.

ADV HASSIM SC: On the left, ja.

GENERAL KHUMALO: It is the LY36PGGP Sandton, Fredman Road and Rivonia Road. The date is the 9th of

October. The time is 20:33:15.

ADV HASSIM SC: Okay. So then if we move down to the BMW, what does that show? Which is three, the third one.

GENERAL KHUMALO: It is the registration number of the BMW, same route, Sandton, Fredman Road, Rivonia Road. Same camera number, same date, October 9th, time is 20:34:36.

ADV HASSIM SC: Okay. So 20:34:36. So this is – and the one before it was 20:33:15. So, sort of 45 seconds
10 apart.

GENERAL KHUMALO: Yes, Commissioners, that is the exercise then that we will embark on. Once you receive this data, which is in bulks, but then it will need a thorough analysis to determine the days and times when the two vehicles were moving together and when they were separate because it assists in terms of proving the point of investigation that you are targeting.

ADV HASSIM SC: And have you and your team done a thorough analysis? I understand that this is here for
20 illustrative purposes, but have you done a thorough analysis on the movement of these two cars?

GENERAL KHUMALO: We have done a thorough analysis that is talking to our points of investigation.

ADV HASSIM SC: And what does that analysis show you?

GENERAL KHUMALO: Commissioners, as I requested,

maybe that there are parts of this investigation that will request that they remain on *camera*, but after we have secured evidence and data, we felt that we can share. And then the final results that is turning this into an evidence, and then we think that we need to finalise that type of investigation first.

ADV HASSIM SC: Okay. Is it fair to say that at the minimum, what we see is that the two cars moved together?

GENERAL KHUMALO: That is correct. More especially,
10 Commissioners, if we look at the main heading for our discussion, the link that we have been working on that talks to the office of the DNC, Mr Nkosi and the cartel.

ADV HASSIM SC: So we were able to – you have identified the BMW and the ownership of the BMW and the driver. Can we now do the same for the bakkie?

CHAIRPERSON: The driver, when the BMW arrived at Molefe's home, have we established who the driver was on the clips on the highway? The clips captured by the cameras along the highway, do we know who the driver of
20 the BMW was there at Mr Molefe's house? You have told us that the driver was Sergeant Nkosi.

GENERAL KHUMALO: Yes, Commissioner. Using the CCTV footage, it gave us concrete information. And then using the Licence Recognition System, it needs to be coupled with either local or internal tracker, as well as the

132B, that will give the particulars of the driver and the purpose for driving. So it is the part that we are still wrapping up.

CHAIRPERSON: Thank you, thank you.

ADV HASSIM SC: Okay, so you are not able to say at this point who the driver is in these pictures?

GENERAL KHUMALO: No.

ADV HASSIM SC: Okay. So the bakkie, can we turn to CJC31, page 15 of the Exhibits Bundle? And can I ask that
10 you zoom in on the vehicle in the middle of that screen?
Okay. Okay, General. So shall we begin from there, General? Can you describe what this slide is telling us?

GENERAL KHUMALO: Thank you, Commissioners. In an attempt to consolidate all the information that we have collected and confirmed to date, starting with the vehicle itself, as we can see it in the picture, as well as the registration numbers, and then on top, I think if we scroll down...

ADV HASSIM SC: Up.

20 **GENERAL KHUMALO:** Ja, if we scroll up, we will see the Lt-Gen who is linked with the driving of the same car on the 9th of October, and maybe also to mention that we have additional information that is showing that is helping us with the daily movement of the car. That will direct us to the identification of drivers or driver as we finish off the

investigation. But the purpose of this part is mainly to confirm the car and the driver, as well as the owner, if we scroll up. And then the car is registered or owned by a gentleman named Skarnik [?] Stuart James. If we scroll, I am not sure whether it will be back up. A quick scroll again, again, and then on the left.

ADV HASSIM SC: To the left.

GENERAL KHUMALO: To the left or to the right. Ja. So a quick profile of the owner of the car. As I have mentioned,
10 Mr James is having a total of 34 cases. He was found guilty on 18 of them, and 11 were withdrawn, and five he was found not guilty. That is the profile our system has of the owner of the car.

ADV HASSIM SC: The owner of the Toyota bakkie?

GENERAL KHUMALO: Yes.

ADV HASSIM SC: Okay. So a total of 34 cases against him, in which he was found guilty in 18. Can we just scroll down to see the details of those cases? And if we can start, perhaps, yes, right at the end.

20 **GENERAL KHUMALO:** The profile of the cases, maybe then I will get the guidance from the Commissioners if we have to go through all 35 of them. But we are just – we have listed all of them, starting with the Brighton Beach. Most of them are from KZN. There is only one that is from the North West province, starting with the Brighton Beach

CAS number of 2011 where he was found guilty ...[intervenes].

CHAIRPERSON: Perhaps only those where he was found guilty.

ADV HASSIM SC: Guilty, yes.

GENERAL KHUMALO: Thank you, Chair. And then the next one where he was found guilty, the Chatsworth, same year in January, which is a few months before the Brighton Beach one. He was found – he committed, because the
10 CAS number is the day of the offence, so it is not the day of conviction or being found guilty. So, moving to the third one, found guilty, Durban ...[intervenes].

ADV HASSIM SC: So, the Chatsworth one was for carjacking.

GENERAL KHUMALO: The Chatsworth again in January, same year 2011, the carjacking, which is not far away from the first carjacking that we started with, more or less the same month. And then another guilty, 2010, this time around the car is not hijacked but it is stolen, theft of a
20 motor vehicle. Durban Central CAS, found guilty again. And then Durban North, another theft of a motor vehicle, found guilty.

In 2011, on the 5th month, the busiest years with the quick analysis from 2010/2011, we are still there. Then we are moving to the next ones, Durban North again, same

year, two months apart, another theft of a motor vehicle, found guilty. Then the withdrawals, another carjacking, same year on the 6th month, it looks like there is a carjacking or theft each and every month in different police stations. This one is Hillcrest, another Hillcrest ...[intervenes].

ADV HASSIM SC: That one was not guilty.

GENERAL KHUMALO: On the Howick, 2011 again on the 10th month, theft of a motor vehicle. Another one, Malvern, 10 another car hijacked, followed by the Mariannahill, 2011 again on the 6th month, another carjacking, found guilty. And then not guilty, withdrawn, withdrawn, then guilty again, 2011, theft, carjacking, Newlands East in Durban. Another one not far from Durban, Pinetown, on the 6th month, another carjacking, found guilty. And then they withdrawn, they withdrawn. Another one, Richards Bay, 2012, for a change now, we are moving away from 2010/2011. And then the assault GBH followed by the common assault around the same area, Richards Bay, and 20 malicious damage to property around ...[intervenes].

ADV HASSIM SC: Sorry, just a second. The Richards Bay was 2021?

GENERAL KHUMALO: It was 2021, and then the not guilty Richards Bay, not guilty Richards Bay, and the theft of a motor vehicle in 2011. The special years of stealing or

hijacking cars between 2010 and 2011. And then Richards Bay, withdrawn, another withdrawn, not guilty, withdrawn, withdrawn, withdrawn. Another guilty, Town Hill, theft of a motor vehicle during 2012.

And then another guilty in the same area the previous year, which is 2011, for a theft of a motor vehicle. And then the Wentworth in 2011 around Durban, for the carjacking. And then the last one then is 2011 case, he was found guilty for carjacking. The list as reflected, there
10 are lots of questions.

If you commit so many thefts and hijackings within the space of two years and you are found guilty, how many years and when are you serving your sentences? Because everything is like in a very short space of time. That is part of the investigation that is still ongoing. That is the criminal profile of the owner of the bakkie so far.

ADV HASSIM SC: So this is the vehicle that General Sibiya got into on the day of the raid on his home and this is the person who owns it, and he has quite a long rap
20 sheet, and quite serious crimes too. Would you agree?

GENERAL KHUMALO: I fully agree, Commissioners.

ADV HASSIM SC: Okay, so if we want to wrap up this section, unless there is anything else you want to say on this slide, General, no? Okay, so then can we turn to CJC32, page 16? And can you describe what we see in that

picture?

GENERAL KHUMALO: In the picture is the day the Deputy National Commissioner was appearing in the Ad Hoc Committee with the same gentleman, owner of the car, acting like his close protector in the highest offices of Government for two days. We then captured that, so as then we can finalise our link and relationship.

ADV HASSIM SC: Okay. So is the purpose of this photograph to show that he is in the presence of General
10 Sibiya and in Parliament?

GENERAL KHUMALO: That is correct, Commissioners.

CHAIRPERSON: I would not have been able to recognise him in the picture in Parliament because he is clean-shaven here and he is heavily bearded in the other picture where you show the ownership of the Toyota Hilux double cab bakkie. How did you establish the identity?

GENERAL KHUMALO: That is correct, Commissioner. When we do the images, we want to do them in line with the photo that is on the system. But then the personal
20 information is the one that will confirm our pieces of information, but we would not want to use the photo image from the other system when we are talking on the other system.

CHAIRPERSON: It is complicated for me, but I will let it ride, as they say.

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

ADV HASSIM SC: You go ahead, Commissioner.

ADV KHUMALO SC: The question is, how do you know that the person you see in CJC32 is the owner of the Toyota double cab that we identified earlier? Just by looking at this photo, how are you able to tell that that is the person?

GENERAL KHUMALO: Without maybe divulging the parts of information that is still under investigation, but what we are projecting is what has been confirmed through different
10 means of how we confirm images as well as information behind the image. I will use maybe the first layer that moving to areas like the Parliament, like moving into this area, I must be accredited and then my correct particulars must be captured somewhere. Now, if they will be confirmed, if they will be checked against the particulars that are in the registration of the car. I am not saying that is what we did. I am saying it is for an example, Commissioners.

ADV KHUMALO SC: Why are you sounding like the
20 National Commissioner when he was asked about the WhatsApps? He would not confirm or deny. He left it in the air. So my last question is, when you say this gentleman that we see in CJC32 is a personal protector of General Sibiya, how do you know that? Are personal protectors of Commissioners not employed by SAPS? Is this gentleman

employed by SAPS or is he a private individual?

GENERAL KHUMALO: Okay. No, that is very correct, Commissioner. The personal protectors of SAPS senior officers are employed by SAPS. But in this case, then for different reasons, then it is not the case.

ADV KHUMALO SC: This gentleman is not employed by SAPS?

GENERAL KHUMALO: He is not employed by SAPS.

ADV KHUMALO SC: He is employed by General Sibiyi?

10 Or you do not know?

GENERAL KHUMALO: I am not sure of the usage of employed, Commissioner, but the activities from the allocation of a vehicle and some close protection movements will talk to a gentleman not employed by SAPS but performing those duties.

ADV KHUMALO SC: Thank you.

CHAIRPERSON: In passing in response to Commissioner Khumalo, you say that the personal protectors of senior officers within SAPS is provided by SAPS. Did I understand
20 you correctly?

GENERAL KHUMALO: That is correct, Commissioner.

CHAIRPERSON: Let me ask you a specific and direct question. Does General Sibiyi have SAPS personal protectors?

GENERAL KHUMALO: The information that talks to the

protection of senior officers is normally coupled with a threat-and-risk assessment that is a classified document. It is something that would be between the senior officer and the National Commissioner who is approving. So unfortunately, Commissioners, I can only be able to give a hint on one that talks to myself. Because it is normally for protection purposes centred around the two people, the senior officer and the National Commissioner.

CHAIRPERSON: I would understand that to relate to whether protection should be provided, but it is something else whether factually protection is indeed provided. I would understand if your answer was I am not able to divulge that information for security reasons. But the answer that you have given does not answer my question.

GENERAL KHUMALO: Maybe then, Chair, with your permission, if I can combine the two responses into one. That we are custodians of threat-and-risk assessments for everybody associated with SAPS. So we have access if we have to go to a file and review or conduct any other additional information or investigations. But the divulging and talking about the threat and risk assessment is governed by those policies like I mentioned in terms of the TRA of the investigating officers for the GCI Ops.

ADV BALOYI SC: General, you have provided us with the proof of ownership of the BMW and you have not done that

with this vehicle, this bakkie that you say is owned by Mr James. Is there a reason for that?

GENERAL KHUMALO: Thank you, Chair. We can refer to it as a ...[indistinct] machine when we are packaging, but we have the computer printout like we have with the BMW.

ADV BALOYI SC: So you have official proof that it is his vehicle?

GENERAL KHUMALO: That is correct, Commissioner.

ADV BALOYI SC: Will you make that available to the
10 Evidence Leader for our records, please?

GENERAL KHUMALO: Yes, we will do so.

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

ADV HASSIM SC: Thank you, Commissioners. Just a few questions following from that. The first is you confirmed that the owner of the Toyota is Mr James that you referred to, right?

GENERAL KHUMALO: That is correct, Commissioner.

ADV HASSIM SC: And in response to Commissioner Baloyi
20 just now, you said you have a printout like with the BMW. But I just want to confirm what it is, whether you mean to say that or whether you have a form of printout. Because the one for the BMW is from the internal system.

GENERAL KHUMALO: Yes.

ADV HASSIM SC: Is it the same kind of printout? I

understood that to be for vehicles that belong to SAPS.

GENERAL KHUMALO: Yes. So in response, the vehicles that belong to SAPS are centralised in terms of proxies. Hence, then the system will be different. But for the individual, the system that we – most of us, as we register our vehicles, it will be reflected on the NaTIS system.

ADV HASSIM SC: Okay, so it is a different system but proof that it is registered to this individual that you named?

GENERAL KHUMALO: That is correct, Commissioners.

10 **ADV HASSIM SC**: And ...[intervenes].

CHAIRPERSON: Before you continue, will that be marked CJC33 or something else when it comes?

ADV HASSIM SC: When it comes, I think – what was the last one? I think for the sake of not interfering with the next witness's exhibits, we will make it 32.1.

CHAIRPERSON: 32.1. All right, thank you.

ADV HASSIM SC: And you confirm that it is the same person in the picture on the screen right now is the same person that is in the picture on the slide with the guilty
20 convictions?

GENERAL KHUMALO: That is correct, Commissioners.

ADV HASSIM SC: And you have conducted an investigation in order to establish that that is indeed the same person?

GENERAL KHUMALO: That is correct, Commissioners.

ADV HASSIM SC: And just to follow up also on the question of protection, do I understand you to be saying that a senior officer in the SAPS does not automatically have protection protectors? It is not automatic.

GENERAL KHUMALO: That is correct. It is not automatic. It is always a recommendation that is given after a threat-and-risk assessment has been conducted.

ADV HASSIM SC: Okay. So it is not automatic. And to the question whether General Sibiya has SAPS protectors, 10 your answer is? Just to get that clearly, because I did not quite get it when the Chair was asking. So does General Sibiya have SAPS protectors?

GENERAL KHUMALO: Looking at the level in terms of the policy, he is supposed to have. The only part that one cannot detail in this platform is to confirm yes or no, because the -currently – because TRA is a classified document that talks to the subject and whoever is responsible for the recommendations.

ADV HASSIM SC: Okay, I will leave it there. He might 20 need it after you are done. I understand, but we will not press any further with the status of the protection. We are now done with the exhibits in this bundle. Is there anything else you wish to say about this link that you were trying to make before we move off this topic?

GENERAL KHUMALO: No, no. Thank you so much,

Commissioners. The concern that we have as we are dealing with this project talks to the infiltration of in this case, I will say SAPS at the highest level by the syndicates. Before you even do the detailed investigation, looking at the basic profile of the individual, it tells you that it is either individual is part of a car hijacking syndicate that is working very hard looking at the timelines, that it is not one vehicle per year, maybe it is 12 or whatever the target.

So that is what we think it is a worry of what we are
10 facing as SAPS to be easily, whether we use easily infiltrated or easily befriended or easily be associated or easily be any other word, because it makes, as we are saying, and I quote and I heard the evidence by the Witness A, B, and C, it makes the lives of those that need to deal with these cases very much difficult because now for them to come closer to the individual, they must first go through the Deputy National Commissioner, which is something else.

So with this, we are confirming and proving the
20 challenges that we are facing as to, because the other thing that we can add is the professional criminals that are part of syndicates and cartels, this is a must that they must do. It is a must that they must be closer to higher levels, so as then it becomes difficult for lower levels. I should think there has been evidence that was led, I am not quite sure

whether it is this Commission or the other committee, where Matlala will be on the process of wanting to get closer to the so-called Generals, including myself, because getting closer is a requirement that will make it difficult for the operators to do their work.

So it is both ways, that it is either a senior officer will want to get closer, or for any other reasons, or it is the professional criminal that will have a need for protection purposes to be closer. And that is done in many ways, so
10 that is why we are worried about the trend that we see growing within SAPS, which makes the work of the juniors very, not difficult, but painful. Thank you, Commissioner.

ADV HASSIM SC: Thank you, General. Chair, it is three minutes past three.

CHAIRPERSON: Let us adjourn and resume at 09:30 tomorrow.

INQUIRY ADJOURNS TO 5 NOVEMBER 2025
