

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

HELD AT

BRIGITTE MABANDLA JUSTICE COLLEGE

25 NOVEMBER 2025

DAY 38



PROCEEDINGS ON 25 NOVEMBER 2025

CHAIRPERSON: Good morning, Ms Pooe.

ADV POOE: Good morning, Chair, Commissioners. This morning, we will be proceeding with the witnesses covering the 6 December events of the takedown. You will recall that in the last sitting, we dealt with members of the Hawks that came from the TOMS Division.

CHAIRPERSON: Yes.

ADV POOE: And today, we will be dealing with three
10 members from the Hawks, but the division Serious Organized Crime Investigation Unit.

CHAIRPERSON: Do we still want to hear anything about what all these officers want to say? Is the only person we should hear from really, not General Lebeya now? Have we not heard enough from all the other officers?

ADV POOE: Chair, the testimony before the Commission was that there were two units of the Hawks that came to the scene. The series of witnesses that we previously dealt with only came from the one unit.

20 **CHAIRPERSON:** Yes.

ADV POOE: And you will recall that there was difficulty identifying the other unit and finding those members, as well as identifying where the instruction to send those members to the scene came from. So these witnesses will deal with that instruction.

CHAIRPERSON: It is basically to clarify who was who.

ADV POOE: Was who and who sent them.

CHAIRPERSON: All right.

ADV POOE: From their division to the scene.

CHAIRPERSON: All right. But as I say, I hope at some stage we will hear from General Lebeya, because I think that is where all of this comes from.

ADV POOE: Chair, not to pre-empt the witnesses' testimony, but once they are done, then all fingers will point
10 in one direction and then we will conclude the section with that individual.

CHAIRPERSON: Thank you. Thank you, Ms Pooe.

ADV POOE: Chair, the first witness in this series of witnesses is Captain Nortje, and he is ready to take the oath.

CHAIRPERSON: Thank you. Good morning, Captain. Please - oh, your mic. Ja, I think even this very important but brief issue should be on record. Good morning, Captain.

20 **CAPTAIN NORTJE**: Good morning, Commissioners.

CHAIRPERSON: Thank you. Please place your full names on record.

CAPTAIN NORTJE: Dail Christiaan Nortje.

CHAIRPERSON: Thank you. Do you swear that the evidence you are going to give is the truth, the whole truth,

nothing but the truth? If so, please raise your right hand and say, "So help me God".

CAPTAIN NORTJE: So help me God.

DAIL CHRISTIAAN NORTJE (duly sworn states)

CHAIRPERSON: Thank you, Captain.

EXAMINATION BY ADV POOE: Chair, Commissioners, the statement of Captain Nortje is under tab 7 of the files in front of you. And Captain, can I confirm that you have a file in front of you with three tabs marked 7, 8 and 9 and your
10 statement being under tab 7?

CAPTAIN NORTJE: That is correct, Commissioners.

ADV POOE: And, Captain, in your statement, or in the file before you, there is an unsigned statement that we made corrections to. Can you confirm that this is the statement that is in your file?

CAPTAIN NORTJE: That is correct, Commissioners.

ADV POOE: And can you confirm that this is the statement you prepared for purposes of giving testimony before this Commission?

20 **CAPTAIN NORTJE**: That is correct, Commissioners.

ADV POOE: Thank you. Captain, can you go to paragraph 2 of your statement where you deal with your background. Can you briefly summarize your background for the Commissioners?

CAPTAIN NORTJE: That is correct, Commissioners. I

started my career in the Police in 1987, underwent my training at the Bishop Lavis College in Cape Town. Upon that same year in December, I was attached to Crime Intelligence Soweto as a Constable. Between 1995 to 2002, I was stationed at the then Syndicate Fraud Unit, Johannesburg. Should I proceed?

ADV POOE: Yes, please. And more recently, or after 2002, where were you stationed?

CAPTAIN NORTJE: From 2002 until 2007, I was stationed
10 at the SANAB at OR Tambo Airport. From 2007, I was attached to the Serious Organized Crime Investigation Unit at DPCI.

ADV POOE: And this is your, the current division you are attached to?

CAPTAIN NORTJE: Ja, where I currently am at the Johannesburg office.

ADV POOE: Thank you, Captain. Can we then go to the events of the 6th of December. You described getting a call from your Commander, Colonel Matlole. Can you explain
20 what happened?

CAPTAIN NORTJE: Yes, on the 6th of December, which was on a Friday at around about 16:24, I received a call on my cellphone from Lieutenant Colonel Matlole from our office, whereby we had to attend to a follow-up information in regard to people impersonating themselves as Hawks

members.

ADV POOE: And once he, once she had given you that information, what other information was provided to you regarding this?

CAPTAIN NORTJE: The address was given to us, which was number 137 Empire ...[intervenes].

ADV POOE: Oh, that is not necessary, Captain. We do not need to disclose the address. And did she explain where this information came from?

10 **CAPTAIN NORTJE**: Ja, she explained to me that the information comes from Colonel Serfontein, our Commander.

ADV POOE: Thank you, Captain. And once you then had the address at your disposal, what did you then do with your team members?

CAPTAIN NORTJE: I informed my team members who were with me at that stage around the Bruma area, and we immediately proceeded to the address to go and verify the information that was given to us.

20 **ADV POOE**: And Captain, is there a reason that, for this exercise to verify whether there were people at that, Hawks members impersonating themselves there, that you would send yourself and four other team members? Is there a reason for this?

CAPTAIN NORTJE: Ja, the reason was basically just to go

and verify the information.

ADV POOE: And for a verification exercise, was it necessary to send five individuals?

CAPTAIN NORTJE: That is correct, because we were a team there, and it would be more sufficient to have so many members there.

ADV POOE: And you then proceeded. How many vehicles did you use to go to the address?

CAPTAIN NORTJE: We proceeded to the address with two
10 vehicles, a Golf and a BMW, white in colour.

ADV POOE: And when you then arrived at the address, what transpired?

CAPTAIN NORTJE: Upon ...[indistinct] [microphone off].

ADV POOE: Captain, your mic, if you can just keep them on, yes. Thank you.

CAPTAIN NORTJE: We immediately noticed that it was a police operation in progress.

CHAIRPERSON: You first mentioned the time of your arrival. Please repeat that.

20 **CAPTAIN NORTJE**: Yes, Commissioners, we arrived there around about quarter past 5. And upon disembarking from the cars, we could notice that there was like a, there was a police operation in progress. We could notice that a whole lot of members around the vicinity of the crime scene. Police members clad in balaclavas and with rifles and sight

arms.

ADV POOE: And what else did you observe? In paragraph 6.1, you talk about the members of Law Enforcement that you saw. At paragraph 6.2, you note some of the vehicles. What were your observations?

CAPTAIN NORTJE: Ja, some of the vehicles were, they did not have registration, some were unmarked as well.

ADV POOE: And you say that this suggested that there was an operation underway?

10 **CAPTAIN NORTJE**: Ja, that is correct, Commissioners.

ADV POOE: And then you also note that they were communicating, the officers, with radios.

CAPTAIN NORTJE: Ja, some were communicating with the radios.

ADV POOE: At paragraph ...[intervenes].

ADV BALOYI SC: Captain – sorry.

ADV POOE: Oh, my apologies.

ADV BALOYI SC: Captain, you also mentioned that they were in, some were in bulletproof vests and you also saw
20 uniformed officers.

CAPTAIN NORTJE: That is correct, Commissioners.

ADV BALOYI SC: So at that point, from your observation, you saw that it was a SAPS operation.

CAPTAIN NORTJE: Yes, on what I observed, like also approaching the, the whole setup where the operation was,

I mean, like with the way they conducted themselves and through my experience witnessing police operations, I could notice that it was a police operation in progress. And there was not, like, if it was not a police operation, there was going to be like a confrontation, Commissioners.

ADV BALOYI SC: Thank you.

ADV POOE: Thank you, Commissioner Baloyi. You say that it was then immediately apparent that it was a police operation.

10 **CAPTAIN NORTJE**: That is correct, Commissioners.

ADV POOE: Captain, at this point, with your experience in seeing that it was a legit operation, why did you feel it was still necessary to continue with the verification exercise?

CAPTAIN NORTJE: Why I felt that it was necessary to verify whether it was a police operation just to get a reference reporting back to my superiors.

ADV POOE: Captain, you then say you proceeded and the first person you interacted with was a Captain Kruger. Can you tell the Commissioners about that interaction?

20 **CAPTAIN NORTJE**: Yes, my first interaction on the, at the address close to the crime scene, I interacted with Captain Kruger. I introduced myself as Captain Nortje from Johannesburg office, and whereby he introduced himself as Captain Kruger from the DPCI, TOMS office. And he informed me that, he also confirmed that it was a police

operation from a National Task Team in progress.

ADV POOE: Captain, at this point you are now interacting with your counterpart from the TOMS Division. Why was it still, was it not enough? You have seen that it was a police operation, now you have talked to Captain Kruger who confirms it is a police operation. Was that not enough for your purposes?

CAPTAIN NORTJE: Like the reason why I had to interact with someone else that is involved with the scene is to get
10 the reference to report back to my superiors.

ADV POOE: So once you talked to Captain Kruger, you then say the next person you met was Captain Wanda.

CAPTAIN NORTJE: That is correct, Commissioners.

ADV POOE: Can you explain what happens then with the interaction with Captain Wanda?

CAPTAIN NORTJE: Ja, upon meeting with Captain Wanda, he came there whereby I was standing with Captain Kruger, and he informed me that they were engaged with an operation whereby they executed a J50 warrant, an arrest
20 warrant, as well as a J51 search and seizure warrants, whereby I asked him for a case number and, or an inquiry number and he did not divulge that to us.

ADV POOE: And you then say that when you asked him for these reference number, alternatively a case number, he responded by saying, tell your General to speak to General

Khumalo.

CAPTAIN NORTJE: That is correct. That is correct, Commissioners.

ADV POOE: You then say, after this interaction with Captain Wanda, where you now do not get the reference or case number, you then establish contact with Colonel Matlole.

CAPTAIN NORTJE: I then, ja, that is correct, Commissioners. I established contact with Colonel Matlole, 10 whereby I informed her about what transpired and whereby she also informed us that we should withdraw and I informed the members that we should withdraw hence that it was a legit police operation in progress.

ADV POOE: And, Captain, how much time did you spend at the scene?

CAPTAIN NORTJE: At the scene, we did not spend more than 15 minutes upon leaving the scene.

ADV POOE: And then once Lieutenant Colonel Matlole said you can withdraw, what did you advise your team members?

20 **CAPTAIN NORTJE**: I advised them, the members, that we should withdraw and we immediately left the premises and whereby I reported back to her via like an SMS as to a short description as to what happened.

ADV POOE: And Captain, in your interaction with other members, did they note anything that they would have seen

when they were attending the scene?

CAPTAIN NORTJE: Ja, the other members were a bit far from the crime scene. They were basically towards the end. And when I walked into the, closer to the crime scene, I walked in with Warrant Officer Radebe, where he were also engaged with some members of the Task Team.

ADV POOE: Thank you, Captain. And is there anything else you want to tell the Commission about your involvement or presence at the scene?

10 **CAPTAIN NORTJE**: Nothing. That is all that I can say.

ADV POOE: Thank you, Captain.

ADV BALOYI SC: Captain, the, was this the first time, or do you have other experience where you have been instructed by your superiors to go and attend to a scene because of supposed information that someone is pretending to be a police officer. Is this something common and that you have experienced?

CAPTAIN NORTJE: No, this was basically the first time, Commissioners.

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

ADV KHUMALO SC: Good morning, Captain.

CAPTAIN NORTJE: Morning, Commissioners.

ADV KHUMALO SC: How are you?

CAPTAIN NORTJE: Fine, and self?

ADV KHUMALO SC: I am good. I have three points and

the first two, I think you are just going to confirm what should be general knowledge. The address where you are based in Diagonal Street, from there to this address at Sandhurst, it is about 11, 12 kilometres, right?

CAPTAIN NORTJE: I think it should, it could be more than that, Commissioners.

ADV KHUMALO SC: Ja. I have checked, I think it is 12 kilometres. And the point I want to make is really that if the team from the Diagonal Street office could go to Sandhurst
10 to verify that this is a legitimate police operation, there was no need to bring people from Pretoria North and people from Mohale City to come and verify the same thing, because the team from Diagonal Street could clearly do that. And based on what you are telling us, you did in fact go there and verify that this is a police operation.

CAPTAIN NORTJE: That is correct, Commissioners.

ADV KHUMALO SC: Ja. So I am worried about what the Pretoria people and the Mohale City people were doing at this address in Sandhurst. The other thing is in your
20 statement, you say immediately when you got there, it is paragraph 7, you could see that this is an official SAPS operation. So you saw that immediately when you got there.

Now, what entitled you to a reference number and a case number in relation to the J51? Once you know that

this are the police and you can see that your TOMS colleagues are there, you fulfilled your mission because your mission was to go there and check if there are people impersonating the Hawks.

Once you got there and you see that they are legitimate TOMS people, they are legitimate SAPS people, that is what you were sent there to do and that is all you needed to report back on. I do not understand why you needed the J51 reference number or the case number for
10 the operation, because that borders on interference.

CAPTAIN NORTJE: Yes, Commissioners, can I just explain why I needed the reference number? The reason why I needed the reference number is to report back to my superiors as to like normally what happens, I have to report back using a reference as to we engaged with the investigators there and they were engaged with this operation using this case number or this inquiry number. It was for our own reference as well.

ADV KHUMALO SC: But you are interrupting what they are
20 doing, because if you are saying they must now stop and attend to you and give you details of the operation, you are interrupting what they are doing. That is my problem.

CAPTAIN NORTJE: Commissioners, we were not interrupting with them because they came to us. We did not ask for them. They came right there to us and informed to

say that they are engaged with executing a J50 and a J51 and whereby I asked just for a reference whereby I can report back to my superiors as to say we went there to go and do, to verify this and members, and whereby I just report back to say members are busy with this regarding to this case.

ADV KHUMALO SC: I do not think you needed a reference number for that. And you could still report, despite the fact that you were not given a reference number.

10 **CAPTAIN NORTJE:** But it is a reference that would be needed from our office.

ADV KHUMALO SC: Did you get it eventually?

CAPTAIN NORTJE: I did not get the reference number, because Captain Wanda informed us to say that he would not divulge any much more in regard to the case. It is just what they were busy with, executing the J50 and J51 warrants.

ADV KHUMALO SC: So my point is you could still report to your superiors without the reference number because that
20 was not necessary.

CAPTAIN NORTJE: I could. That is why I reported it without the reference number, Commissioners.

ADV KHUMALO SC: Thank you.

ADV BALOYI SC: Captain, what did Captain, Colonel Matlole said to you when he gave you the instructions?

CAPTAIN NORTJE: That we should proceed to the address and to go and verify whether, because there is information that it is, there is members, to verify whether it is, there is, that there are members impersonating themselves as Hawks members.

ADV BALOYI SC: And you say upon receiving that instruction, you immediately said to your team that you were with, let us proceed to that address.

CAPTAIN NORTJE: Ja, I spoke to the team and then we
10 proceeded to the address.

ADV BALOYI SC: And when you got there, you parked your vehicles and you proceeded in particular with Warrant Officer Radebe, you proceeded to the gate.

CAPTAIN NORTJE: That is correct, Commissioners.

ADV BALOYI SC: Was there any discussion amongst your team, you and your team, what you are going to do when you get there?

CAPTAIN NORTJE: Ja, upon receiving the information, I
20 informed them the discussion was about to go and verify whether there were genuine Hawks people there.

ADV BALOYI SC: Yes, you did not know what you were going to find there. You were just told there are people that are impersonating ...[intervenes].

CAPTAIN NORTJE: That is correct, Commissioners.

ADV BALOYI SC: The Hawks.

CAPTAIN NORTJE: That is correct, Commissioners.

ADV BALOYI SC: And you proceeded, parked your vehicles and proceeded to the gate.

CAPTAIN NORTJE: That is correct, Commissioners.

ADV BALOYI SC: Without any plan of what we do if we find indeed these are impersonators.

CAPTAIN NORTJE: No, the plan was there. We were going to act if we saw that it was an illegitimate operation.

ADV BALOYI SC: What was the plan? And at which point
10 did you discuss the plan? I am putting this to you, I am asking you this because you are going into a scene that you are telling us you knew nothing about, except that there are people who are impersonating the Hawks. So this is a scene you know nothing about.

CAPTAIN NORTJE: That is correct, Commissioner.

ADV BALOYI SC: At which point do you discuss a plan about how you are going to approach this, which you do not know anything about?

CAPTAIN NORTJE: Hence that we were not going to rush
20 into the scene as to just blindfoldly. We were going to approach the scene systematically if it was not a genuine scene and from there we were going to call more, for more backup.

ADV BALOYI SC: At which point did you or would you discuss a systematic approach? I ask as a layperson. I

imagine you walking into a scene that potentially has got criminals who are armed.

CAPTAIN NORTJE: That is correct, Commissioner.

ADV BALOYI SC: Potentially. And I am assuming you know nothing about that scene unless you know what is going on there from your discussion with Captain Matlole, with Colonel Matlole. Unless you know what is going on, I am assuming you go there knowing nothing about that scene and you potentially expect there are criminals. At
10 which point do you discuss your approach to that scene?

CAPTAIN NORTJE: Hence, as it is approaching scenes like this, whereby there could be a potential confrontation and such, we always have members that are on standby to come, to come immediately, more force towards the scene.

ADV BALOYI SC: And you would have, what, summoned them once you meet resistance?

CAPTAIN NORTJE: That is correct, Commissioner.

ADV BALOYI SC: So effectively what you are saying to us is you walked into an unknown scene without a plan at that
20 point and walked straight up to the gate.

CAPTAIN NORTJE: No, no, like, it is not that we walk straight up to the gate.

ADV BALOYI SC: Yes.

CAPTAIN NORTJE: What we observed from a distance we could see that it was a police operation in progress,

Commissioners.

ADV BALOYI SC: Okay, so even before you got to the gate, you were satisfied this looks like a legitimate police operation.

CAPTAIN NORTJE: That is correct, Commissioners.

ADV BALOYI SC: Okay, thank you. Thank you, Chair.

ADV POOE: Chair, one question, one more question. Captain, if I can refer you to tab 9 of the file in front of you, you will see there is a sticker, of course, marked EAK1. It
10 is the last document in the file. Can you see that?

CAPTAIN NORTJE: Just repeat that again?

ADV POOE: In tab 9 of the file, the yellow tab, you will see there is a yellow sticker that is marked EAK1.

CAPTAIN NORTJE: Yes.

ADV POOE: And it looks like a screenshot or picture of a conversation. At the top, it says EAK1 Colonel Serfontein.

CAPTAIN NORTJE: Yes, I see it.

ADV POOE: And that is an incident report ...[intervenes].

CAPTAIN NORTJE: That is correct.

20 **ADV POOE**: That was sent to Colonel Serfontein. Have you seen that incident report before?

CAPTAIN NORTJE: Yes, I have seen it before.

ADV POOE: And is this an account of what happened?

CAPTAIN NORTJE: That is correct, Commissioners.

ADV POOE: Now, if you go to number 2 of that incident

report, it says:

“They informed us that they executed a J50 and J51 warrants, and they did not want to show us J50 and J51.”

CAPTAIN NORTJE: That is correct, Commissioners.

ADV POOE: Following on Commissioner Khumalo's question, did you ask to see those J50 and J51 warrants?

CAPTAIN NORTJE: No, I did not want to see them or ask for them, Commissioners.

10 **ADV POOE**: So is that not an accurate reflection then of the incident report?

CAPTAIN NORTJE: Just ...[indistinct].

ADV POOE: Is point 2 accurate, an accurate description of what transpired?

CAPTAIN NORTJE: That is correct, Commissioners.

ADV POOE: But you note ...[intervenes].

CHAIRPERSON: But before you say it is incorrect, were you at the same place all the time whilst you were at the premises? Were some of you not here, others there, and so
20 on?

CAPTAIN NORTJE: Ja, I was in a radius of 10 metres whilst I was there, Commissioners.

CHAIRPERSON: And were you the only one that spoke to the Police that you found there?

CAPTAIN NORTJE: It was myself and Warrant Officer

Radebe, like as we were, I was ...[intervenes].

CHAIRPERSON: Of your group ...[intervenes].

CAPTAIN NORTJE: That is correct.

CHAIRPERSON: Of your group, were you the only one that spoke to the Police that you found?

CAPTAIN NORTJE: It was me and Warrant Officer Radebe.

CHAIRPERSON: All right, all right. Thank you.

ADV POOE: And Captain, do you know if Warrant Officer Radebe requested to see the J50 and 51 warrants?

10 **CAPTAIN NORTJE**: No, because it was, I was the only one talking to one of the investigators.

ADV POOE: Oh, so you were the only one talking?

CAPTAIN NORTJE: Ja, that is correct, Commissioners.

ADV POOE: I suppose the only issue is that from point 2, it looks or suggests that a request was made to see the J50 and 51, and that request was then denied.

CAPTAIN NORTJE: No, we did not want to see any of the warrants.

ADV POOE: All right, thank you, Captain.

20 **ADV BALOYI SC**: Can I just check. Captain, you, this document, you were asked if you have seen it before, this very one that you are looking at. What does it mean? What does that answer mean? Did you prepare this or was it forwarded to you?

CAPTAIN NORTJE: This document, as I mentioned earlier

on, I gave a short report to Colonel Matlole whereby she sent in this, a full report.

ADV BALOYI SC: Okay.

CAPTAIN NORTJE: Upon being in contact with me, she verified whatever is in this, the document in front of me, whether that what transpired there, then which I said yes.

ADV BALOYI SC: Okay, so you did not prepare this?

CAPTAIN NORTJE: No, I did not prepare it. She wrote it and confirmed to me that it was, is that the document.

10 **ADV BALOYI SC**: Okay, can I just confirm this with you. In that 5, item 5, it says their vehicle were not having registration plates on. From your statement, that is not, does not seem to be an accurate reflection of the vehicles that were there. I think in your statement you say some vehicles.

CAPTAIN NORTJE: Yes, that is correct, Commissioner.

ADV BALOYI SC: Okay, so to the extent that this represents, this number 5 may represent that all the vehicles of the people that were running the operation
20 ...[intervenes].

CAPTAIN NORTJE: No, it is not all the vehicles, Commissioners.

ADV BALOYI SC: That is not correct. All right, thank you. Thank you, Ms Pooe.

ADV POOE: Thank you, Captain. Commissioners, we do

not have any further questions for this witness.

NO FURTHER QUESTIONS

CHAIRPERSON: Thank you, Ms Pooe.

CAPTAIN NORTJE: Thank you, Commissioner.

CHAIRPERSON: Thank you very much, Captain Nortje.

CAPTAIN NORTJE: Thank you, Commissioners.

CHAIRPERSON: Thank you.

ADV POOE: Thank you, Chair. Chair, we request a 10-minute adjournment to get the next witness set up. But
10 there is a request from the witness for his face not to be shown because he is a field officer who undertakes and participates in undercover operations. And his concern is that by disclosing his face, he will be compromising some of those ongoing investigations and may also compromise his further participation in undercover operations.

He has only made us aware of that request now. He says he had made it previously to the investigating team, but the evidence leading team only became aware of it shortly before we started this morning. We do not think
20 that it is an inappropriate request given the nature of his work, but of course we are in the Chair's hands as to whether he will allow it. It is not necessarily a safety issue, but it is an operations issue given the nature of his work, that showing his face will expose him insofar as he is participating in those kind of operations.

CHAIRPERSON: So in practical terms then, will he be in the witness stand? And if so, how do we not see his face?

ADV POOE: Chair, the proposal is that he gives his evidence from somewhere else within the building via virtual platform, which has already been arranged in anticipation that Chair may approve the request for his face not to be shown.

CHAIRPERSON: That is in order.

ADV POOE: Thank you, Chair.

10 **CHAIRPERSON**: Thank you. We will adjourn. We will hear from you.

ADV POOE: Thank you, Chair.

CHAIRPERSON: Look, I am looking in the wrong direction.

ADV POOE: Thank you, Chair.

CHAIRPERSON: I am very sorry, Ms Ncube.

ADV POOE: Thank you, Chair.

CHAIRPERSON: And what happens, I do not know which way to look, what happens with regard to the third witness?

20 **ADV SEEELS-NCUBE**: Chair, the third witness is Major General Kadwa. He is available today, but only at 2 o'clock and so we would ask when we are done with this witness for an adjournment. Alternatively ...[intervenes].

CHAIRPERSON: Where is – is it General? Where is the General?

ADV SEEELS-NCUBE: He indicated to us that he is tied up

in meetings all day today and would only be available from 2 o'clock. If it is not convenient for us to hear him today, we can try and arrange for him to come ...[intervenes].

CHAIRPERSON: We would prefer to sit ...[intervenes].

ADV SEEELS-NCUBE: Immediately.

CHAIRPERSON: Yes, and hear all three witnesses and adjourn rather than that break and us just hanging around. That is our preference, so please let us know as soon as possible.

10 **ADV SEEELS-NCUBE**: We will engage with him, Chair.

CHAIRPERSON: Thank you. Let us adjourn. We will resume when we are told to. Thank you.

INQUIRY ADJOURNS

INQUIRY RESUMES

ADV SEGEELS-NCUBE: Thank you, Chair. The next witness is Warrant Officer ...[incomplete].

CHAIRPERSON: Yes, Ms Ncube.

20 **ADV SEGEELS-NCUBE**: It is Warrant Officer Radebe, and he will be testifying virtually, and he will be taking the sworn in chair.

CHAIRPERSON: Thank you. Warrant Officer, good morning. Please place your names, full names, on record.

WITNESS: Paul Makhere Radebe.

CHAIRPERSON: Do you swear that the evidence you are going to give is the truth, the whole truth, nothing but the

truth? If so, please raise your right hand and say, so help me God.

WITNESS: So, help me God.

PAUL MAKHERE RADEBE: (duly sworn states)

EXAMINATION BY ADV SEGEELS-NCUBE: Thank you, Chair. Warrant Officer, in front of you there is a file with nine sections. Your statement appears in a statement - in section 8. Do you have a file divider with the number 8 on it?

10 **WARRANT OFFICER RADEBE**: I have it.

ADV SEGEELS-NCUBE: Yes, and there is a statement there from page 1 to 4. Can you confirm the signature on page 4 is your signature?

WARRANT OFFICER RADEBE: I confirm.

ADV SEGEELS-NCUBE: And you confirm that the statement is the statement prepared for purposes of the evidence you are about to give today?

WARRANT OFFICER RADEBE: I confirm.

20 **ADV SEGEELS-NCUBE**: Okay, and you confirm the correctness and truthfulness thereof?

WARRANT OFFICER RADEBE: I confirm.

ADV SEGEELS-NCUBE: Okay, if we can then commence with your introductory paragraphs. If you can just give the Commissioners a brief background of your career in the police force.

WARRANT OFFICER RADEBE: Thank you, Commissioner.

I am a Warrant Officer in the South African Police Service under the Division Directorate for Priority Crime Investigation based in Gauteng in Johannesburg.

ADV SEGEELS-NCUBE: And who do you report to?

WARRANT OFFICER RADEBE: My commander is Lt-Gen Matlole.

ADV SEGEELS-NCUBE: And that is within the Serious Organised Crime Investigation Unit?

10 **WARRANT OFFICER RADEBE**: Correct, Commissioners.

ADV SEGEELS-NCUBE: And can you tell us what it is that you do within that unit?

WARRANT OFFICER RADEBE: I deal with serious and violent crimes. I do investigation. I am a detective.

ADV SEGEELS-NCUBE: Okay, and you obviously had to give evidence about the events of the 6th of December 2024 and your involvement therein. Can you tell us what transpired on that day?

20 **WARRANT OFFICER RADEBE**: On the 6th of December 2024, Commissioners, I was with the team of about five members including Captain Nortje. Captain Nortje was the one leading the team. On that specific day in the morning, we submitted an operational plan to our office that we would be conducting an operation in the vicinity of the East Rand.

ADV SEGEELS-NCUBE: And sorry, can you just repeat

where was that operation?

WARRANT OFFICER RADEBE: Our operation was in the vicinity of the East Rand area.

ADV SEGEELS-NCUBE: Okay, and you were with Captain Nortje for that operation?

WARRANT OFFICER RADEBE: Correct.

ADV SEGEELS-NCUBE: Okay, continue.

WARRANT OFFICER RADEBE: Yes, for the purpose of that operation, we had on our Hawks golf T-shirts that is
10 branded the DPCI Hawks. We conducted that operation from the morning and in the afternoon at around about 16H00 we went to the Bruma area where we had our debriefing as we were finished with our operation. During our debriefing session, Captain Nortje received a cell phone call from Lt-Col Matlole.

He received that call in our presence because we were still standing together. Lt-Col Matlole requested that - I could hear the conversation between Captain Nortje and Lt-Col Matlole because I recall she was asking the captain
20 if we are anywhere near the vicinity of Sandton, because our operational plan was supposed to be in the East Rand.

The captain said no, we are still here on the East Rand side. We are in Bruma. We just finished our operation. Then I overheard her telling the captain that please, there are members somewhere in the vicinity of

Sandton that are saying they are from the Hawks office. Can you and the team please proceed and verify who those members are?

ADV SEGEELS-NCUBE: Sorry, Warrant Officer, and by the team, did the colonel know that you were with Captain Nortje and the other officers at the time?

WARRANT OFFICER RADEBE: Correct, because I overheard the captain explaining to the colonel that we just finished our operation. We are having a debriefing in
10 Bruma, so I am about to excuse the members. So that is when the colonel said please take the team, proceed to Sandton because there are members who are saying they are from the Hawks office. They are somewhere in Sandton, and we do not know anything about an operation that is conducted by the Hawks in Sandton.

ADV SEGEELS-NCUBE: Okay, and then on page 2 of your statement at paragraph 5, you then referred to receiving a WhatsApp from the colonel. Can you tell us about that?

WARRANT OFFICER RADEBE: Okay, we left Bruma
20 without the address because the colonel said we should proceed meanwhile to Sandton. The address will be sent to us whilst we are on our way to that site. So, as we were driving, the colonel sent the address to my cell phone via WhatsApp. That address came to me at 16:28, which is the address of our destination where we are supposed to go

and see who those members are.

ADV SEGEELS-NCUBE: And just to confirm that that is the address in Sandhurst?

WARRANT OFFICER RADEBE: Correct.

ADV SEGEELS-NCUBE: Yes, sorry Warrant Officer, you fade from time to time. If you could just move closer to the laptop so that we can hear you clearly, please.

WARRANT OFFICER RADEBE: Am I clear now?

ADV SEGEELS-NCUBE: Yes, thank you. Please proceed.

10 **WARRANT OFFICER RADEBE**: Okay, we were travelling in two vehicles. It was a white BMW and a white VW Golf GTI. I punched the address into my GPS, my Maps, Google Maps GPS, and we proceeded. We arrived at the address at exactly 17:14.

ADV SEGEELS-NCUBE: Now, can I just ask you, you say that the address was sent to your WhatsApp, but the conversation with the colonel was with Captain Nortje. Do you know why the WhatsApp was sent to you with the address?

20 **WARRANT OFFICER RADEBE**: I took it because the colonel knows that we are together with the captain, so I took it maybe that is why she sent it to me, because she knew we were there.

ADV SEGEELS-NCUBE: But you yourself did not have a conversation with the colonel?

WARRANT OFFICER RADEBE: No, I did not.

ADV SEGEELS-NCUBE: Okay.

WARRANT OFFICER RADEBE: I really overheard the conversation between the captain and the colonel because we were standing together.

ADV SEGEELS-NCUBE: Okay, yes, please proceed. You are at paragraph 6 where you say you arrived at 17:14.

WARRANT OFFICER RADEBE: Yes, Commissioners, we arrived at 17:14. The reason I am certain about this is
10 because I checked on my electronic Google Maps timeline. It tracks my whereabouts, my movements.

ADV SEGEELS-NCUBE: If I can ask you in that same section to go to page 5, you will see there is an Annexure PMR1.

WARRANT OFFICER RADEBE: Correct, I am here.

ADV SEGEELS-NCUBE: Can you identify that for us, that document for us?

WARRANT OFFICER RADEBE: Yes, this is a screenshot from my timeline Google Maps that I took, and I sent it with
20 my statement.

ADV SEGEELS-NCUBE: Okay, and can you tell us what we are looking at when it says BP? Was that where you were having the debriefing?

WARRANT OFFICER RADEBE: Correct.

ADV SEGEELS-NCUBE: Okay, the next thing then says

driving and it says 16:44 to 07:11. That was when you would have left to go to the address?

WARRANT OFFICER RADEBE: Correct, when we departed the BP Garage.

ADV SEGEELS-NCUBE: Okay, and it then says that you arrive at, well it is got an address 158 Empire Place at 17:14 to 17:24. So you say the 17:14 is the time that you arrived?

WARRANT OFFICER RADEBE: Correct.

10 **ADV SEGEELS-NCUBE**: Okay, please proceed.

WARRANT OFFICER RADEBE: Upon our arrival, I observed there were vehicles at the entrance of the premises.

ADV SEGEELS-NCUBE: You again fading, Warrant Officer, can you just move closer?

WARRANT OFFICER RADEBE: Am I clear now?

ADV SEGEELS-NCUBE: Yes, it is better.

WARRANT OFFICER RADEBE: Yes, upon arrival at the address, at the entrance of the address we came to, there
20 were vehicles parked outside and police members standing at the gate. We drove onto the left-hand side opposite the road, across the road actually, where there was a black Mercedes Benz that was parked with three males that were standing behind it. We parked in front of that Mercedes and then as I alighted the motor vehicle crossing the street, I

noticed a colleague of mine that I know, Sergeant Sipho Mthethwa. I know Sergeant Sipho Mthethwa because I used to work with him at PIU and I also recognise other colleagues I used to work with from the PIU Provincial Investigation Unit.

ADV SEGEELS-NCUBE: What is the PIU, the Provincial Investigation Unit?

WARRANT OFFICER RADEBE: Correct. As I was crossing the street, he shouted, gritting at me, hey, hola, 10 hola. Hey, are you also sent here? But we were speaking in an African Zulu language. Are you also sent here? I said, hey, gents, what is going on here? At that time, Captain Nortje was also crossing the street with me. I think he was on my left side but a little bit behind me.

I walked towards the members, the ones I know from Provincial Investigation Unit. Then I asked them, gents, what is going on here? And then Sipho was talking to me. He said, hey, you see that guy there he pointed from the three gentlemen that were standing behind the 20 Mercedes-Benz. He pointed at the guy that was wearing a cap, spectacles, and a backpack.

He pointed to that man and said, you see that idiot? He is busy taking videos of us and he is taking pictures. He is talking to someone on the phone, telling that person that we said we are from the Hawks office. Then I looked.

When I looked at the person he was pointing at, I recognised that man. I know that man to be Malcolm X. He once came to my office ...[intervenes]

ADV SEGEELS-NCUBE: Sorry, Warrant Officer, can I just ask you, so you say that Sergeant Mthethwa was the person that you had this exchange with, and he is from the PIU.

WARRANT OFFICER RADEBE: Correct.

ADV SEGEELS-NCUBE: Was he with the members that were conducting the takedown operation or was he from
10 ...[intervenes]

WARRANT OFFICER RADEBE: To be honest, to be honest, I do not know what was happening there. I do not know whether he was part of the people, because he was standing outside of the gate with a group of people that I know. Those guys from Provincial Investigation Unit, the PIU.

ADV SEGEELS-NCUBE: Okay, and so you say that the person that he pointed out to you, you knew him as Malcolm X. How do you know him? How do you know Malcolm X?

20 **WARRANT OFFICER RADEBE**: Okay, I know Malcolm X because he came to my office. I think it was in 2022. It was in the afternoon I was leaving my office. I was the last person at the office. It was in the afternoon. As I walked out, I found him knocking at the door. We have got a glass door, but it is got that access control, so you cannot come

in. Someone must come and open for you.

So, I found him outside, and then he told me he is Malcolm X, and then he is got information. Because I was the only person at the office at that time, I allowed him to come in. We sat next to the door here, and he asked me if I knew him. I said, no, I do not know you. He went on TikTok. He opened up his phone on TikTok, and then he showed me videos of him helping homeless people in Santon, like he was giving them food and money.

10 You know the people that are homeless people? And then he said, that is me. I normally, I am normally with these homeless people I help them out, and they normally give me information. This information I used to share with the police from Sandton. Now I do not trust them anymore. Someone directed me to the Hawks office. I need someone that I can relay this information to. I said, no, you are at the correct place.

20 So, I gave him my number. I also took his number, but I wrote it on the diary, I think. And then that was the last of me seeing him. I have never met him since after that. And then, next to him, there was an African male, a short African male. I do not know him. I have never met him before. And then the third person that was standing with him, I recognised him also. That is Adv Thami Hadebe. The reason I know Adv Thami Hadebe he is representing

suspects in the South Gauteng High Court in a case that I am investigating. Can I proceed?

ADV SEGEELS-NCUBE: Yes, please proceed.

WARRANT OFFICER RADEBE: Okay, while I was talking to Siphon Mthethwa and his colleagues that are with him, I then asked them, is there any members from the Hawks here? Then they pointed me at Captain Kruger, whom I only knew his name later. At that time when they pointed him, I did not know him, who he is. When I turned and looked at
10 him, he was standing with Captain Nortje.

ADV SEGEELS-NCUBE: Can I just ask you, Warrant Officer, why did you ask if there were any members of the Hawks on the scene?

WARRANT OFFICER RADEBE: Because the instruction was very clear to find out if there is any members of the Hawks that are conducting an operation at Sandton.

ADV SEGEELS-NCUBE: Okay, please proceed.

WARRANT OFFICER RADEBE: All right, after that, I saw Captain Nortje also talking to another guy. I do not know
20 who he is. And then shortly after that, we did not even spend time. Captain Nortje said, guys, no, we are done. We can now go back. And then we got into our cars and then we drove back to BP Garage, where we had our debriefing.

ADV SEGEELS-NCUBE: And do you recall what time did

you leave the scene?

WARRANT OFFICER RADEBE: Okay, if you go back to my timeline, it was at 17:24. We arrived at 17:14 and we left at 17:24. We hardly stayed there 10 minutes. I think it was 10 minutes if I calculated properly.

ADV SEGEELS-NCUBE: And you say after that, you went back to the BP Garage.

WARRANT OFFICER RADEBE: Correct. And when we left the place, when we were walking to our cars, I could see
10 Captain Kruger also walking towards the car that was parked across the street. So, I take it he was also leaving that time.

ADV SEGEELS-NCUBE: Do you know whether there was any report that was compiled or filed regarding this incident by the Hawks?

WARRANT OFFICER RADEBE: Okay, in our normal duties for every task we are given, we must send back a proper full report back to the commander. Whoever is in charge at that time, the senior would type on WhatsApp a full report
20 and it would be sent back to whoever gave the task.

ADV SEGEELS-NCUBE: Did you ever see an incident report or any report that was prepared regarding the incident?

WARRANT OFFICER RADEBE: No, I have never seen it. But I was told by Captain Nortje that he would draft a short

SMS WhatsApp report back to Colonel Matlole.

ADV SEGEELS-NCUBE: Now, according to your electronic timeline, it seems that you were at the address for about 10 minutes. Is that correct?

WARRANT OFFICER RADEBE: That is correct.

ADV SEGEELS-NCUBE: And can I just get an understanding of what exactly it is that you were doing in those 10 minutes? I know that you say you were talking to Sergeant Mthethwa, but was there anything else that you
10 were doing insofar as official duties are concerned?

WARRANT OFFICER RADEBE: Nothing, Commissioners.

ADV SEGEELS-NCUBE: And from your point of view, not only because you knew the people that were on the scene, Sergeant Mthethwa being one of them, but also because of what you observed, you knew immediately that it was an official police and legitimate operation?

WARRANT OFFICER RADEBE: Correct, Commissioners.

ADV SEGEELS-NCUBE: So again, just to find out from you, why stay for 10 minutes if you knew that from the
20 onset?

WARRANT OFFICER RADEBE: All right, Commissioners, when we are working as a team in the police, normally the person in charge would be the one that is doing the talking. We cannot just jump into a crime scene, and everyone do as he pleases. That is why we handed over the platform to

Captain Nortje to address the issue. So, it was just unfortunate that I saw people that I knew so I could not just stand and that is why I went to them, and we interacted, we talked, we spoke. So that 10 minutes we had given it to Captain Nortje to explain our purpose for the visit and thereafter tell us as to what we must do.

ADV SEGEELS-NCUBE: And then just finally, did you notice if Captain Nortje was speaking to anybody from the takedown operation?

10 **WARRANT OFFICER RADEBE**: I do not know whether there were members from the takedown. I saw him talking to Captain Kruger and another police member. I think that is Captain Wanda.

ADV SEGEELS-NCUBE: There is a report in the incident report that was submitted where there is an indication that Captain Kruger had tried to get some information, but it seems that the takedown team chased him away. Did you witness any of that?

WARRANT OFFICER RADEBE: No, I did not witness that.

20 **ADV SEGEELS-NCUBE**: And then you are now aware that there have been allegations that members of the Hawks team were attempting to interfere with the arrest operations of Mr Katiso Molefe and that those members had golf T-shirts branded with the Hawks emblem. That would have been your team, correct, that had the Hawks T-shirts?

WARRANT OFFICER RADEBE: The members that were wearing Hawks T-shirts were from my team, that is correct.

ADV SEGEELS-NCUBE: And ...[intervenes]

WARRANT OFFICER RADEBE: But the part that we did not even know whose house or address we were visiting.

ADV SEGEELS-NCUBE: Did you witness any of your team members interacting with the takedown team in a manner that suggested that they were attempting to interfere with the arrests?

10 **WARRANT OFFICER RADEBE:** That never took place. I never witnessed any.

ADV SEGEELS-NCUBE: And you say that you were quite a few members that went, but in your evidence you only reference Captain Nortje from your team and yourself. Where were the other members of your team?

WARRANT OFFICER RADEBE: The other members of my team were standing across the street next to our vehicles.

ADV SEGEELS-NCUBE: And what were they doing?

20 **WARRANT OFFICER RADEBE:** They were just standing, like I explained, with our unit. In most cases we attend to crime scenes that are already attended by station members or other units. So, it is a norm for us that when we attend to a specific crime scene, the only person that will start the conversation to where we are going to will be the person with higher rank.

CHAIRPERSON: Warrant officer, please speak close to the mic.

WARRANT OFFICER RADEBE: Am I clear now, Commissioner?

CHAIRPERSON: Yes, yes.

WARRANT OFFICER RADEBE: When we arrive at a crime scene, the officer with the higher rank would be the one that is doing the introduction and will explain the purpose for our visit to that crime scene. Then only in a case where the
10 scene must be handed over to us, there will be a walkthrough first, and then the scene will be properly handed over back to us. So that is why even when we got to that scene, we did not see any danger. That is why we allowed Captain Nortje to be the one going to do the introduction and explain the purpose for our visit there. It is just that unfortunate part where I saw someone I knew, then I left the members there, then I crossed the street, and I went to the person I knew.

ADV SEGEELS-NCUBE: Can I ask you to just go to
20 section 9, the file divider that says 9, and if you can go to page 5, it is Annexure EAK1. Do you have it?

WARRANT OFFICER RADEBE: Yes, I have it.

ADV SEGEELS-NCUBE: Now, if you go to a paragraph - there is numbers there, and if you look at number 2, it says:

“They informed us that they executed a

J50 and J51 warrants, and they did not want to show us J50 and J51.”

In your statement, you say that you did not ask for any details of the operation because it was none of your business. Now, it seems here that somebody from your team did ask for these details. It suggests that somebody did ask for these details. Do you consider that to have been some form of interference by a team member if they were asking for that information, which you consider to be none of your business?

WARRANT OFFICER RADEBE: Okay, that is why we allowed Captain Nortje to be the one that is doing the communication when we arrived there. I do not know what led them to come to this asking of J50s and J51s, because our instructions were to find out if really there is members from the Hawks that are at Sandton that are conducting an operation because the officers have no clue of such operation.

ADV SEGEELS-NCUBE: Okay, so if somebody had asked for this information, you consider that to not have been part of what it is that you were asked to go and do there?

WARRANT OFFICER RADEBE: I would say so. I would say so.

ADV SEGEELS-NCUBE: Thank you, Warrant Officer. Chair, no further questions for this witness.

CHAIRPERSON: Thank you, Ms Ncube.

ADV BALOYI SC: Warrant Officer Radebe, in your statement at paragraph 8, where you mention Sergeant Mthethwa, if you go after where you say how he greeted you and this is how you are commonly known, you then say:

“When I approached him, he asked me,
did they also send you.”

You see where I am reading?

WARRANT OFFICER RADEBE: I can see, Commissioner.

10 **ADV BALOYI SC:** Yes, they in that sentence, they sent, did they also send you? Did he say who is the ‘they’ was referring to?

WARRANT OFFICER RADEBE: Commissioner, he did not say, but that was his exact words to me.

ADV BALOYI SC: Yes.

WARRANT OFFICER RADEBE: If I can put it in Zulu, I think it would make more sense ...[speaking in vernacular].

ADV BALOYI SC: I see. And the rest of that sentence, you asked him what was happening, he pointed to the three
20 gentlemen behind the Mercedes Benz. Standing on its own, he pointed to the three gentlemen behind the Mercedes Benz after you asked him what was happening. It really does not mean - it is not - it does not make sense as it stands there. Do you care to explain more?

WARRANT OFFICER RADEBE: Yes, Commissioner. Eh, I

will also explain it in Zulu because he spoke to me in Zulu ...[speaking in vernacular]. Does it make sense, Commissioner? How I came to knowing who is he talking about?

ADV BALOYI SC: Repeat what you said, Warrant Officer.

WARRANT OFFICER RADEBE: Yes.

ADV BALOYI SC: And then move closer to your computer, please.

WARRANT OFFICER RADEBE: He pointed to the guy that
10 was wearing glasses, speaking in Zulu ...[speaking in vernacular].

ADV BALOYI SC: And you say this person that he is describing as Isli Malesis Fagamaprel[?], is that the person?

WARRANT OFFICER RADEBE: The one with the schoolbag.

ADV BALOYI SC: And that is the person you say is Malcolm X, in the next paragraph? Is that the same person?

20 **WARRANT OFFICER RADEBE:** Correct, Commissioner.

ADV BALOYI SC: All right, and then lastly from me, you in paragraph 10 then describe the three people, Malcolm X, Adv Hadebe, and then there is another person there that you say you do not recognise, the shorter gentleman next to Malcolm X. But then in the next paragraph, and I just want

to make sure that they link up, in the next paragraph 11, you start by saying:

“While I was chatting to them.”

Who is ‘them’ there?

WARRANT OFFICER RADEBE: It was Sergeant Mthethwa and the team he was with, the PIU team he was with.

ADV BALOYI SC: So, it is not the Malcolm X party?

WARRANT OFFICER RADEBE: No, no, no, I never spoke to them.

10 **ADV BALOYI SC**: All right, thank you, Warrant Officer.

WARRANT OFFICER RADEBE: Thank you, Commissioner.

ADV KHUMALO SC: Good morning, Warrant Officer.

WARRANT OFFICER RADEBE: Good morning, Commissioner.

ADV KHUMALO SC: I do not think you can see me. I do not know what is wrong with my video. I just need you to confirm two things for me. One is in paragraph 12 of your statement that you were not on the scene for more than 10 minutes. So, you confirm that what you were sent to the
20 Brightstone House, sorry, it is not Brightstone. What you were sent to the Sandhurst House to do, you could do that in 10 minutes, right?

WARRANT OFFICER RADEBE: Because of the nature of how I found the place to be. I found people I knew that they were police officers.

ADV KHUMALO SC: Yes, so, I am still uneasy about why the other Hawks members were there for 50 to 60 minutes because it is quite clear that what the Hawks were sent there to do, and your team actually confirms this, you could do that in 10 minutes and leave the scene. They did not have to be there for 50 to 60 minutes. But I just need you to read paragraph 14 of your statement into the record. I am more interested in the third sentence, but just read all of it into the record, please.

10 **WARRANT OFFICER RADEBE:**

“There was no reason for me to interfere with anyone's duties. As soon as we arrived on the scene, it was clear to us that it was a legitimate police operation. I interacted with the members that I knew. I did not ask them about the details of the operation. It was none of my business.”

ADV KHUMALO SC: Thank you.

20 **CHAIRPERSON:** Warrant officer, I do not know whether I should call this advice or a request. Look at the last sentence of paragraph 7 of your statement. There, you say:

“I also noticed three black males standing behind the black Mercedes-Benz.”

That is a very anachronistic way of describing people.

WARRANT OFFICER RADEBE: I am sorry, Commissioner.

I actually meant to say three African males.

CHAIRPERSON: I am not sure that you even want to say

that. You saw three men standing behind the black

Mercedes-Benz. Did it matter if they were black or white or

African or white? It did not matter. Race there is totally

irrelevant. This has everything to do with how you would

find people described especially in trials. It would be a

10 Bantu male, Bantu female, black male, black female when

race had nothing to do with it whatsoever. From now

onwards, you should please try to avoid that. If race is

irrelevant to what is spoken about, there is no need to

specify it at all. Thank you very much, Warrant Officer.

WARRANT OFFICER RADEBE: Thank you, Commissioner.

Noted I will ...[indistinct].

CHAIRPERSON: There is a question from my co-

Commissioner, Commissioner Baloyi.

ADV BALOYI SC: Yes, Warrant Officer, just so that I

20 understand, we are looking at this scene against the context

of this scene that we are discussing with you and your

presence there is that there is a Hawks team that comes

there with, I think it is Captain Kruger that you mentioned in

the statement. We know now we have evidence that there

was also a helicopter which was mobilised and your team

also gets mobilised to be on the scene and all of these are Hawks mobilised entities.

Now, and the reason you all say you were given to be at the scene is you were told that someone is pretending to be from the Hawks and you must now go and verify this. Now, and here is what I am trying to understand is in the normal courts, do you, for example, as a team member or as a team, do you know what other teams of the Hawks on any given day are doing and where they have been deployed or
10 their deployments in fact? Is that something that is shared across the Hawks on any given day of operations?

WARRANT OFFICER RADEBE: Commissioner, for all Hawks members, before conducting any operation, the member must first send an operational plan to the office, to the immediate commander, explaining briefly what operation he is going to conduct, where is he going to be and with how many members. We sometimes utilise members outside the DPCI, meaning our uniformed people, our flying squad or our TRT.

20 We mention them in the operational plan. That operational plan is sent to our immediate commander. Our immediate commander will therefore send it too provincial. Provincial will therefore send it to head office. This is not shared to the members on the ground. It is just for commanders to know the whereabouts of the members and

what they are doing.

ADV BALOYI SC: You would not have known, for example, that Captain Kruger on the day had another operation elsewhere?

WARRANT OFFICER RADEBE: Correct, Commissioner. I would not know.

ADV BALOYI SC: Okay, thank you.

WARRANT OFFICER RADEBE: Thank you, Commissioner.

CHAIRPERSON: Thank you very much, Warrant Officer.

10 **ADV SEGEELS-NCUBE:** Chair, there is just one more question. We are able to share the screen now. Warrant Officer, are you able to see the photograph on your screen?

WARRANT OFFICER RADEBE: Correct, Commissioner.

ADV SEGEELS-NCUBE: You indicated in your statement that you saw a black Mercedes-Benz. Is that the Mercedes-Benz?

WARRANT OFFICER RADEBE: Correct, that is the Mercedes-Benz, Commissioner.

20 **ADV SEGEELS-NCUBE:** And you say you saw three gentlemen, but there is only two now. Can you identify any of them?

WARRANT OFFICER RADEBE: I see one is banded there with red sneakers, so I see three. Though I cannot see his face, that one there.

ADV SEGEELS-NCUBE: Yes, that is correct. He is

standing against the pole.

WARRANT OFFICER RADEBE: Yes, Commissioner. The one that is wearing a blue shirt, I think it is a blue shirt on your on your right-hand side.

ADV SEGEELS-NCUBE: Yes.

WARRANT OFFICER RADEBE: Not the one with the hands at the back.

ADV SEGEELS-NCUBE: Yes.

WARRANT OFFICER RADEBE: The one that is, I think he
10 stretched out his arm. That is Advocate Thami Hadebe.

ADV SEGEELS-NCUBE: Okay, and the other gentleman with his hands behind his back, that is the gentleman you do not know.

WARRANT OFFICER RADEBE: I do not know the gentleman.

ADV SEGEELS-NCUBE: And the person with the red sneakers?

WARRANT OFFICER RADEBE: I cannot see him.

ADV SEGEELS-NCUBE: Okay, so that person was not the
20 person that you saw with these two gentlemen when you arrived.

WARRANT OFFICER RADEBE: I cannot say that now because I cannot recognise exactly the clothes he was wearing, but he was standing with these two gentlemen.

ADV SEGEELS-NCUBE: Okay, but ...[intervenes]

WARRANT OFFICER RADEBE: Possibly it could be him.

ADV SEGEELS-NCUBE: Continue.

WARRANT OFFICER RADEBE: Possibly it could be him, but he was standing with these two gentlemen. It is just that I do not know when this photo was taken.

ADV SEGEELS-NCUBE: Okay, but when you arrived, you saw these two gentlemen with Malcolm X?

WARRANT OFFICER RADEBE: Correct, Commissioner.

ADV SEGEELS-NCUBE: By this vehicle?

10 **WARRANT OFFICER RADEBE**: Correct, Commissioner.

ADV SEGEELS-NCUBE: Okay, thank you. No further questions, Chair.

CHAIRPERSON: Thank you for real now. Thank you very much, Warrant Officer.

WARRANT OFFICER RADEBE: Thank you, Commissioner.

NO FURTHER QUESTIONS

20 **ADV SEGEELS-NCUBE**: Chair, we were able to get General Kadwa to come in earlier. We have not established whether he is here as yet but can – he is here. If we can take a short adjournment to get him ready.

CHAIRPERSON: Years ago, I am sure more than 15 years now, trial situations, we used to sit, and the witness would be called in while she was sitting here. Is there a problem with that?

ADV SEGEELS-NCUBE: Well, Chair, I have not seen him,

so I do not know where exactly, but if we can go and call him.

CHAIRPERSON: We will hear from you. We will hear from you.

ADV SEGEELS-NCUBE: Okay, thank you. Just a short adjournment, Chair. Thank you.

CHAIRPERSON: Thank you.

INQUIRY ADJOURNS

INQUIRY RESUMES

10 **ADV SEGEELS-NCUBE**: Thank you, Chair. The next witness is Maj-Gen Kadwa, and he has no preference.

CHAIRPERSON: Good morning. Is it still morning? Good morning, General Kadwa.

MAJ-GEN KADWA: Please place your full names on record.

WITNESS: [Indistinct].

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

WITNESS: So help me God.

CHAIRPERSON: Thank you.

EBRAHIM AHMED KADWA: (duly sworn states)

EXAMINATION BY ADV SEGEELS-NCUBE: Thank you, Chair. General, could you please just switch on the

microphone and leave it on? Yes, just the one, thank you. In front of you, you should have a file that has a section 9 at the end, a file divided with section 9.

MAJ-GEN KADWA: Section 9, that is my statement?

ADV SEGEELS-NCUBE: Yes. It has your statement from page 1 to 4, and then on page 5 is an Annexure EAK1. It is an unsigned statement, and you will sign it when you are done with your evidence, but do you confirm that this is your statement that has been prepared for purposes of you
10 giving evidence today?

MAJ-GEN KADWA: Thank you, Commissioner. I do confirm that this is the statement.

ADV SEGEELS-NCUBE: Do you confirm the correctness and truthfulness of the contents of the statement?

MAJ-GEN KADWA: Yes, I do, Commissioner.

ADV SEGEELS-NCUBE: If we can then start on page 1 of the statement at the introduction, if you could just give us a brief summary of your career in SAPS and your current position.

20 **MAJ-GEN KADWA**: Thank you, Commissioner. I am a Maj-Gen in the South African Police Service, and currently serving as the Provincial Head of the Directorate for Priority Crime Investigation in the Gauteng Province. As it is obviously known, we are more commonly known as the Hawks.

I enlisted in the South African Police Service in November of 1985, and I have now just completed 40 years of uninterrupted service in the police, and most of my operational career in the police has been spent working in the narcotics as well as the Organised Crime environment. I have been in the Hawks since its inception, when we were officially established in July 2009.

And in this current capacity as the Provincial Head of the Hawks, all the members in Gauteng Province in the
10 Hawks, regarding the operations that they are undertaking, as well as the personnel, I am directly responsible in terms of running those operations and accounting in that respect. There are six components that are within the Hawks in Gauteng that we are dealing with. If you want, I can name them.

ADV SEGEELS-NCUBE: No, I do not think it is necessary for these purposes, but it may become necessary as to the team that had been sent out on the 6th of December if you would then at that stage identify which component they fall
20 under.

MAJ-GEN KADWA: Thank you, Commissioner.

ADV SEGEELS-NCUBE: So then, if we can then proceed to page 2 of your statement at paragraph 3, you of course know that you are here to speak about your participation or involvement in the events that transpired on the 6th of

December 2024. If you could just take us through that, please?

MAJ-GEN KADWA: Thank you, Commissioner. So on the 6th of November, which was a Friday ...[intervenes].

ADV SEGEELS-NCUBE: December.

MAJ-GEN KADWA: I think November is now embedded in my head, sorry. Ja, on Friday, the 6th of December 2024, at around 16:00, I was on official duty and I was on my way to the Hawks National Excellence Awards, which was held
10 here in Pretoria. At that stage, I received a telephone call from our former National Head, General Lebeya, who recently retired, and on this call he enquired whether I was aware of any Hawks operation underway in Sandhurst in Johannesburg.

My immediate response to General Lebeya was that I am not aware of any operation that is undertaken. Then General Lebeya instructed me to verify whether any of our units were conducting such an operation in Sandhurst, and then he WhatsApped me the specific address, which was
20 137 Empire Place in Sandhurst. When I received this instruction in speaking to him, I literally understood it to mean that I should send our members to go and specifically verify if there are Hawks members operating on that particular address. I had no knowledge where General Lebeya got this information from. I just basically received

whatever the information that could have come along, Commissioner.

ADV SEGEELS-NCUBE: General, if I can just ask you at this stage, did you ask General Lebeya where he got the information from?

MAJ-GEN KADWA: Commissioner, I did not. I did not question the source of the information. Because he was calling as a National Head, I accepted it, that he is requiring myself to follow this up.

10 **ADV SEGEELS-NCUBE**: Okay. Please proceed. I think we are now at paragraph 4.

MAJ-GEN KADWA: Yes. I then contacted Colonel Serfontein, who is a Unit Commander of Johannesburg Serious Organised Crime Investigation, to send members to verify if the Hawks were indeed conducting an investigation at this specific address. I sent him the message via WhatsApp.

20 In terms of the Hawks in Gauteng, we basically mirrored according to the police districts that they are utilising. So, the Johannesburg unit will have the serious Organised Crime, the Serious Corruption, and Serious Commercial Crime that will be covering that jurisdiction. But when I called Colonel Serfontein, he also was not aware. And considering it is Friday afternoon, I basically took it upon myself to just ask him rather to – and he never

knew about the operation. I basically instructed him to send members to go and verify if this was indeed a Hawks operation.

ADV SEGEELS-NCUBE: And at this stage, were you still on your way to the awards when you had the conversation?

MAJ-GEN KADWA: Yes, I was still on my way to the awards.

ADV SEGEELS-NCUBE: Okay. At paragraph 5, you may proceed.

10 **MAJ-GEN KADWA**: Okay, just hold on. As I was on my way to the awards, to the best of my recollection, I was not aware now of how many phone calls or whatever it is I would have had with Colonel Serfontein, because one would allow them time to go and get things done. But when I arrived at the Excellence Awards in the east of Pretoria, we basically would assemble as the senior management of the Hawks together with the dignitaries that would have been invited to a VIP waiting room.

20 And whilst I was there at the VIP waiting room engaging others, it is then that I also got an impression, because people were enquiring generally about any operation that the Hawks is undertaking and that kind of things. So from there, I could already see that others were already kind of picking up something. But I cannot remember the granular details, but I did remember that at

some stage people were indicating that the Hawks were doing checks also in Johannesburg relating to this similar issue, if I can call it that way. So that is when I also learned that the – but as I said, I do not have the granular details of those discussions. These people were talking in that – this thing.

ADV SEGEELS-NCUBE: General, before we go on to the next paragraph, I just want to clarify one or two issues. In your statement you say:

10 “To the best of my recollection, I did
 not follow up with Colonel Serfontein
 throughout the afternoon.”

Earlier in your evidence, you say you do not recall if you would have called him after that initial call. So I just want to clarify if perhaps there is an error in the statement. Are you saying that you may have called him after the initial call to follow up, but you do not recall, or that you did not follow up with him?

MAJ-GEN KADWA: No, it is possible that I would have
20 called, but as I said, I do not have the benefit of the messages now, as well as the itemised billing for me to have checked. So I would not be able to give any further explanation on that. But to the best of my knowledge, I may have called him.

ADV SEGEELS-NCUBE: And other than the initial call

from General Lebeya, did you have any further interaction with General Lebeya via phone calls before you arrived at the awards?

MAJ-GEN KADWA: Not to my recollection.

ADV SEGEELS-NCUBE: So if you did follow up with Colonel Serfontein after the initial call, it would have been of your own initiative, not that there was somebody following up with you in progress.

MAJ-GEN KADWA: [Indistinct].

10 **ADV SEGEELS-NCUBE**: Okay. And then you say you do not know the final, you cannot recall the granular details of what transpired when you arrived at the Excellence Awards, which gave you an impression that it was not just you that had been asked to enquire about whether there was a team that was conducting an operation. Do you know if there was any, if anyone mentioned or there was any indication that another unit within the works had also been asked to go and check, not just whether they were having a conversation about if there is an operation, but whether there was
20 actually an instruction given to another unit?

MAJ-GEN KADWA: I do not think I would have got it in so much of depth, but as I said, when we were there, there were people initially enquiring from me, General, do you know anything about this and whatever? And then as the process was going on, remember it is VIPs and whatever,

but I would have picked up later where there was an indication that there were checks done also in Johannesburg. So that is how I would have put two and two together, but I did not go to any detail in that regard.

ADV SEGEELS-NCUBE: Would one of those people that you had interacted with, would it have been General Mbotho?

MAJ-GEN KADWA: It is possible. It is possible. Because when I would have arrived there, you know, the usual
10 protocol, you will be greeting your colleagues, including your head office personnel. So I would have met him there, and there is a possibility he would have spoken to myself. But as I said, I never at that stage thought it necessary now to – I cannot recall now.

ADV SEGEELS-NCUBE: And as the provisional, the Provincial Head, who do you report to?

MAJ-GEN KADWA: In terms of the reporting lines, we are directly accountable to the National Head of the Hawks.

ADV SEGEELS-NCUBE: So you would have at that stage
20 reported directly to General Lebeya?

MAJ-GEN KADWA: We were reporting directly to General Lebeya, and it remains like that in terms of the protocol.

ADV SEGEELS-NCUBE: Okay.

MAJ-GEN KADWA: Although if you take General Mbotho's position, he is a Divisional Commissioner for National

Priority Offences operations. So in certain instances, if there are operational matters that he is directly coordinating, then we will be accounting to himself.

ADV SEGEELS-NCUBE: In other words, if it falls within his area of responsibility, you would have to follow an instruction given to you by him?

MAJ-GEN KADWA: Yes.

ADV SEGEELS-NCUBE: Okay, but that was obviously not the case here.

10 **MAJ-GEN KADWA:** No, because the National Head would have been the one who called me directly.

ADV SEGEELS-NCUBE: Okay. I just want to confirm again, so you did have a conversation with General Mbotho that day?

MAJ-GEN KADWA: I would have definitely greeted him. We would have chatted one or two things. It is possible he could have also chatted with me on this issue, but as I said, I cannot now recall that.

20 **ADV SEGEELS-NCUBE:** Thank you, General. Then on page 3, you may proceed at paragraph 6.

MAJ-GEN KADWA: Okay. So, ja. So after some while, after about 18:00, I think it may be more around, I would rather say more around 18:30, because 18:00 would be when our function would have started. Ja. So while I was still at the award ceremony, now the award ceremony will be

underway, I received this WhatsApp message from Colonel Serfontein, basically confirming they did the checks.

And according to the message, he basically indicated the WhatsApp message that was sent to me, they basically confirmed it was a legitimate police operation undertaken by a multidisciplinary team. I no longer have that WhatsApp message because I normally would clear my WhatsApp messages. And therefore, in order to be able to ensure that, be able to confirm what I would have provided
10 to the National Head as our final report for this thing, I would have consulted with Colonel Serfontein to obtain the specific final feedback message which we provided to the National Head, which is attached as EAK1 here.

ADV SEGEELS-NCUBE: Okay. Here we can go to EAK1. So this would have been the incident report that Colonel Serfontein sent to you, and which you then on-sent to General Lebeya that same evening.

MAJ-GEN KADWA: Yes.

ADV SEGEELS-NCUBE: Do you recall if you received a
20 response from General Lebeya to this?

MAJ-GEN KADWA: I cannot recall receiving any response.

ADV SEGEELS-NCUBE: Okay. If we can then just deal with the response. Did you follow up with Colonel Serfontein telephonically regarding this report, or did you just accept it as the report and sent it to General Lebeya?

MAJ-GEN KADWA: I basically accepted it as a report and forwarded it to General Lebeya.

ADV SEGEELS-NCUBE: Okay. And were you aware of the person who, the identity of the person who resided at the address that you had sent, asked the team to go to?

MAJ-GEN KADWA: Absolutely not.

ADV SEGEELS-NCUBE: Okay. If we can then deal with your paragraph 7, which is part of your conclusion.

MAJ-GEN KADWA: Okay. Thank you, Commissioner:

10 “So following evidence presented at this Commission, I can confirm that members of the Hawks, or I can confirm...”

Okay, let me read it again:

20 “I have heard evidence presented before this Commission that members of the Hawks were interfering with the arrest operation of Mr Katiso Molefe on the 6th of December 2024. I am not aware of these allegations of interference until I heard the evidence presented by witnesses before this Commission. I personally had no intention to interfere in any legitimate police operation. My understanding is

that the Gauteng Hawks who attended the scene on my instruction to Colonel Serfontein were not the first Hawks members, and that is also presented in that message of EAK1, to arrive and did not stay on the scene for more than 10 minutes. So the members of Johannesburg Serious Organised Crime, from my understanding, they remained for a brief period at this particular scene. I do not have details of what the team did when they arrived on the scene, other than what is contained in their feedback message. Having regard to the contents of the feedback WhatsApp message, I do not consider this to have been interference, especially given that the team indicated they were there only for 10 minutes.”

ADV SEGEELS-NCUBE: You may continue to paragraph 8.

MAJ-GEN KADWA:

“In hindsight, regarding the instruction that I gave to Colonel Serfontein, I should have taken it upon myself to ask

General Lebeya for more information regarding his instructions to verify. However, when I receive an instruction from the National Head, I normally accept his *bona fides* as my superior, and that the instruction being given has a legitimate purpose.”

ADV SEGEELS-NCUBE: Yes, you may continue.

MAJ-GEN KADWA: Thank you. So had I been approached
10 by a member of a lower rank or a member of the public directly, I would have adopted a different approach where I would basically have done some due diligence in terms of obtaining the details of the person, why they are basically making these kind of claims, and then depending on the situation, depending on who is calling, it can either be myself or I could then delegate one of our officers from one of our operational components to go and conduct the interview and then be able to then establish if the information is credible for us to be responding to such a
20 claim.

ADV SEGEELS-NCUBE: If you can then read, I think it is the last sentence that starts with, I did not do so in this instance.

MAJ-GEN KADWA: Okay:

“I did not do so in this instance

because I accepted that if the instruction is coming from the National Head, he would have satisfied himself that the source was credible and that I did not have to do so a second time.”

ADV SEGEELS-NCUBE: Thank you, Commissioners. That is all the questions I have for this witness.

ADV BALOYI SC: Good morning, General.

MAJ-GEN KADWA: Good morning, Commissioner.

10 **ADV BALOYI SC**: General, maybe to start off, as head of the Hawks Gauteng the TOMS team, does it fall under you as well?

MAJ-GEN KADWA: No.

ADV BALOYI SC: Just explain that structure.

MAJ-GEN KADWA: Okay. So the TOMS is a national competency, stands for the Tactical Operations Management Section. It is a head office-based competency. However, it is there in the larger interest of the Hawks as well as the broader law enforcement
20 fraternity. So what the TOMS will normally be doing is proactive operations, providing also tactical support when required.

And in terms of the TOMS, we know that a lot of the operations they are doing, as I said, they are serving the broader law enforcement fraternity. There is times they will

work in my province as well as in other provinces in the mutual interest of basically resolving cases. In some cases, they would be the ones having the information. In other cases, they will receive the tasking. But they report directly, as I have indicated, in terms of our command structure to the Divisional Commissioner, National Priority Offences Operations. In this case, it is Lt-Gen Mbotho.

ADV BALOYI SC: Okay, thank you. Now, when General Lebeya calls you and say you should go and verify this
10 operation, you would have responded to him that you are going to do that, to execute the instruction as you describe it. You would have indicated that. Did he inform you in that telephone call where he is giving you an instruction and you respond to him that you are going to execute the instruction, does he inform you that he has already spoken to General Mbotho about the same issue?

MAJ-GEN KADWA: I have no such idea.

ADV BALOYI SC: Okay. So you did not know that somebody else has been given an instruction to go and
20 verify?

MAJ-GEN KADWA: No, Commissioner.

ADV BALOYI SC: Okay. And does it happen, is it common, and has it ever happened before this, that General Lebeya calls you to ask to verify an operation of the Hawks in your recollection?

MAJ-GEN KADWA: Okay. General Lebeya would not have called me previously with a similar kind of situation.

ADV BALOYI SC: Yes.

MAJ-GEN KADWA: He would often call me as a Provincial Head to basically follow up or to get feedback on operational matters, high-level investigations we are conducting, in certain cases to verify maybe a report we make. He is very pedantic in that regard.

ADV BALOYI SC: Yes, but I am asking specifically about a
10 live operation that is happening, to call you and say I want to know what is happening right now in that operation.

MAJ-GEN KADWA: Never before.

ADV BALOYI SC: This was the first time he did that. And I understand your statement to say, in fact your answer now, that you did not know that there was another team that has been sent to go and do exactly that which you sent Serfontein to go and do.

MAJ-GEN KADWA: Absolutely not.

ADV BALOYI SC: Yes.

20 **MAJ-GEN KADWA:** In fact, just maybe to clarify, so when the General asked me if our province, if I am aware if any operations are done, and when he provided me the address, I took it upon myself then because he is giving the instruction check this address out. But maybe he was asking me to maybe check with everybody, you know,

instead of sending people. But I understood it to mean send people because we are in Gauteng, there are people claiming to be from the Hawks, and in terms of our reputation and with the National Head calling, it was going to be very important that we be able to do that.

ADV BALOYI SC: Yes, but the point that I was seeking to establish with you is that you did not know that General Mbotho was also looking at the same issue that ...[indistinct] to look at.

10 **MAJ-GEN KADWA:** Not in this case, until I arrived at the venue, and then I got a sense there was another team that was there.

ADV BALOYI SC: Okay. And then you say at paragraph 8:

“I should have asked General Lebeya for more information.” But you explain why.

You say:

20 “When I receive an instruction from the National Head, I accept the *bona fides*.”

I do not have any difficulty with that. Then in the next paragraph you say:

“Had I received this instruction from someone of a lower rank or a member of the public, I would have at least, at

the very least, asked for details of the person who had given the information, and I likely would have tasked an officer within my unit to interview the person to establish whether the information was credible.”

It is that last part. Is it fair to say you would expect, given what you say here, that you would expect that General Lebeya would have verified the credibility of that allegation,
10 that there are people pretending to be Hawks in an operation?

MAJ-GEN KADWA: General Lebeya is an experienced police officer, experienced detective officer. Surely if people would have called him, he would have had to do his due diligence, and it is on that basis that I have accepted this issue.

ADV BALOYI SC: Yes.

MAJ-GEN KADWA: But as I have indicated in this paragraph, if somebody had called myself, then I am now
20 the first responder on that information, and it is how I would handle that information becomes very important.

ADV BALOYI SC: Yes.

MAJ-GEN KADWA: And although it is a side issue, in the Hawks we field quite a lot of situations. I will not say daily, but I would say regular intervals, where there are people

who are bogus, who operate as the Hawks, and we are duty-bound to be able to ensure, firstly, if somebody is calling us, and if we ignore something like this, there could also be certain other consequences at a later stage.

We are dealing in a very parasitic kind of crime ecosystem where there is corruption and collusion at different levels. I mean, even the prison walls are not safe. We have done operations from the Hawks, specifically in my province, which was aired on Carte Blanche, where there
10 are syndicates operating from Correctional Services facilities in this very city, and where they are able to obtain extensive information regarding individuals that they can basically prey on, to be able to call to say I am from the Hawks, and I have this investigation, or I have this warrant of arrest.

They have mastered to manipulate people with social engineering tactics, just enough for those people to make speedy payments, and we have successfully dealt with syndicates involved in that way. We have people who
20 would be calling in all kind of mock-up situations, where people would call ordinary people, even pretend they are sitting by some form of police listings. We had instances where people would have called me, whilst I was the Provincial Head, and claiming that they are from the Hawks, and there would be people who are telling us they have

been wearing Hawks golfers.

We would set up sting operations. We have arrested people. I do not want to go into it because these cases are before court, but I am just giving Commissioner a lowdown of the kind of realities that we would be facing. I think the important thing in this position of trust is we have to be receptive and responsive in the way we deal with people.

ADV BALOYI SC: And in your responsiveness, you still
10 verify, check the credibility of the allegation. I imagine if I called you in the morning and said there are people here, that would not be sufficient for you to send five vehicles to my property.

MAJ-GEN KADWA: There would have to be a certain amount of, I would rather say, during that telephone call, or it depends in what way the persons approach you, just to get some sort of basic before you decide into what risk levels or threat levels you are going to take such a response forward.

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

MAJ-GEN KADWA: Thank you, Commissioner.

ADV KHUMALO SC: It is still morning. Good morning, General.

MAJ-GEN KADWA: Good morning, Commissioner.

ADV KHUMALO SC: I keep looking at my watch because I

cannot say good morning after 12:00. General, is there some tension that you are aware of between the Hawks and the SAPS, or the task teams that were executing the operation in Sandhurst?

MAJ-GEN KADWA: Let me talk about myself first. I think the way we operate, because we are very much about collaboration, it is very important that we are not transactional. It is very important that we maintain very strategic partnerships in dealing with people. From myself,
10 I think I normally enjoy quite a, I would rather say, courteous relationship with my counterparts, and able to get ourselves moving forward in doing things.

But to answer your question, I think it would be a big lie if I told you that there was no kind of simmering tensions in certain quarters. But I think the most important thing as a professional police officer for us is to ensure that we subscribe to our code of conduct, our oath of office, and be able to ensure that service delivery is professionally executed to our nation.

20 And as the Hawks, we are also dealing with international partners. So to also ensure that when we are dealing with them, that at all times we will be able to display ethics, integrity, unity in the way we are doing things.

ADV KHUMALO SC: Thank you. In your response to one

of the earlier questions, you said there could not have been interference because your team was only there for about 10 minutes. What, in your view, would constitute interference? If they were there for an hour, for example, would you regard that as interference?

MAJ-GEN KADWA: I think the most important, if you are looking at interference, is what exact conduct those members would have done. If they went there to try and do things that would be improper in trying to say we would
10 want to know where you get this and starting to verify things, I think then you are getting into this. But from what I heard in the testimony here, I am very satisfied that there was no interference by our officers or other officers because they just basically did the basic thing to go there. Once they confirmed they were police officers, they got some basic details, and they basically would have left. So for me, that is definitely not interference.

ADV KHUMALO SC: No, but let us take a step back. In the middle of your answer, you said if they started asking
20 questions and started looking for things, that would be interference. Did I understand you correctly?

MAJ-GEN KADWA: No, if they started getting into deep stuff. But I mean, if you say who are you, where are you from, then basically there is no interference in that.

ADV KHUMALO SC: So if they said you have told me that

you are executing a J50 or J51, let me see it, let me satisfy myself that you are in possession of such document, would that be interference according to you?

MAJ-GEN KADWA: I think that is going to be going in that bounds if you really now, because once you have confirmed they are police officers, once they have explained to you they are doing an operation, I think that is sufficient. Now if you are really demanding these other things, then it will be a problem. Perhaps if the people were refusing to show you
10 their appointment certificates or give some basic credentials, then you can see there may be a reason for us to follow up that.

For example, there are instances where people will claim, maybe not necessarily to be from the Hawks, another area that they like to use, we are from Crime Intelligence, and they will go to certain premises and the way they will operate, they will be able to do things, I would rather say in a way, and get away.

But when officers are responding, you will find that
20 in checking up on that, you will find that they are police officers, but not necessarily from Crime Intelligence, because they are trying to use another police division so that if anything has to be done at a later stage, you will be kind of already on the wrong track. But if you do those basic things, that is not interference, Commissioner.

Really, I think that is where they have at least checked, because when you give feedback, your principals may get back to you to ask, did you write down the names of the people?

Because today we are operating in an environment where many things – as indicated, there are people even cloning police vehicles, rapid response vehicles, where the TOMS team, when I was the Acting Component Head for Organised Crime Investigations, there was an operation
10 undertaken by the TOMS team where there were cloned vehicles used to rob delivery vehicles operating from the airport to various areas of Midrand and Pretoria carrying high-value items like cell phones and that.

And in that instance, the syndicates were wearing police bulletproof vests, they would be wearing some sort of police uniform enough to kind of, and actual cloned vehicles. So it just shows you to what extent we are dealing with a parasitic criminal ecosystem.

ADV KHUMALO SC: General, you have listened to all the
20 evidence and you have also heard from your subordinates. Can you think of any reason why the members that were executing the takedown would regard Hawks' presence and conduct on the 6th of December 2024 to constitute an interference? Can you think of any reason?

MAJ-GEN KADWA: Okay, to be very impartial, surely if

you are executing a legitimate operation *bona fide*, you want to be able to concentrate at that operation because you are working at a high-risk environment, looking at the operation they were conducting, looking at the broader evidence. So surely you do not want all these sideshows because concentration has to be given.

But it is in this case, when the Hawks is receiving the issue, as I already received the information on the back end to say people are claiming to be from the Hawks. We
10 are just checking that part. There I cannot see any interference. But if we went and did something beyond that, then that would be interference. I can also tell the Commissioners I have worked as an operational officer in Narcotics and in the Organised Crime for the vast portion of my career. And in many areas we go, we will get the Flying Squad, we will get the Highway Patrol, we will get the local police station, all coming to that scene.

They want to see who exactly is there because certain communities in this crime ecosystem we are in, they
20 will call the Station Commander, the community police forum, and they find ways and means to come and check. And the best way to deal with that is the normal interpersonal relations to be courteous. You will go out. For example, we operate in certain communities where people are dealing with a lot of cash.

For example, in the Chinese community, and in the areas that they stay, they maintain a close relationship with the police officers or with the Station Commander. And I know when we have been doing operations on suspected brothels, in some of these areas we will be running sting operations. Whilst we are there, then you will find either if we are doing observation duties or if we have just done the operation, then there will be people from the Flying Squad or the local station calling to say, General, you will never
10 announce your presence here.

But at the same time, I will explain to the Station Commander, once we do an arrest, we have to come to your police station to register the case docket. But we cannot tell you in advance for operational security. We are dealing with a high-risk kind of organised crime environment, and more and more of the operations we do have to be indoctrinated for the ultimate success.

ADV KHUMALO SC: And lastly, General, what have you learned from this unfortunate episode? It seems to me that
20 there is no proper communication between SAPS and Hawks and various units within law enforcement. Because if there was, at the level of Generals, somebody could have enquired from SAPS, do you have an operation in Sandhurst? If you do, then I received a call that somebody was impersonating the Hawks. You have assured me that it

is your operation. I take your word for it. That is the end of it.

What can be done better in terms of communication at that level so that things like this do not happen again? There could have been a shootout between the Hawks and the task team at that address if one thing went wrong. What can be done to improve that communication between the various law enforcement units in our country?

MAJ-GEN KADWA: I think very importantly, I think this
10 Commission, as well as the ad hoc committee we are following, I think certainly we need to basically digest all the different scenarios that we have seen. And I think as law enforcement, and currently with the Hawks being one of the premier police directorates responding to national priority crimes, it is going to be of critical importance that we are going to be united in motion and we would have to develop a mechanism that we can be able to synchronise in the way we will operate.

But with that said, I do not think this is to be very
20 real and not to be naive. Whether we are watching the FBI in the United States, whether we are going to any other jurisdiction, these professional issues, in one or other way, do have dynamics. So I think it is very important that we need to be very sober about these issues and not just try and confine this one incident to be the alpha and omega.

But it is an important lesson because we are dealing with high-value targets and it is very important for ourselves that when we are dealing with them as law enforcement, as South Africa incorporated, we have to be united in motion.

So we will have to develop mechanisms. So if we are running these operations, there could be other ways that we may have to employ that is less intrusive. And certainly dealing with our adversaries, the last thing we want them to be able to detect is that there is some form of
10 division or there is some sort of dissatisfaction. So we have to develop a very pragmatic, a very high-level kind of structured approach in which operations.

But with all that said, I can assure you that things still have to be indoctrinated. I think what we are following in this Commission, what we are following elsewhere, we are dealing with high levels of collusion and complicity. And you have to be very, very tactical and strategic in the way you basically execute successful operations.

ADV KHUMALO SC: Thank you, General.

20 **CHAIRPERSON:** You have used indoctrinated twice. I am not quite sure that I understand the use of that word in this context. Can you please explain yourself, General?

MAJ-GEN KADWA: Thank you, Commissioner. I can see you are listening attentively. I hope my academia will explain it correctly. I know indoctrinated in other

terminology means we brainwash somebody. But with the exposure I have dealing both locally and internationally with Organised Crime and to basically I think very relevant to what I am responding to today is due to all these dynamics that we are dealing with, with the issues of interference, with the corruption and collusion, with the access people have,

And even in certain instances you may as a Provincial Head or in the case of the National Head or the
10 Divisional Commissioner for National Priority Offences Operations, there will be certain operations that you will do. They will be basically not following the standard protocol. You may choose a team, and they will account directly to you and no one else. And you will manage everything in that operation where there cannot be any opportunities for others to interfere and that kind of thing.

So there will be people reporting. The whole reporting lines will be collapsed so that that operation – and I think if you are looking at what we are following here, I
20 think there is a model, if we can call it now, followed by PKTT that is not in the regular frame of the police. And as horses for courses, where we have to improvise this for maximum and optimum effect, then we must do what we have to do to defeat our adversaries.

CHAIRPERSON: Thank you.

ADV BALOYI SC: General, just lastly from me, this operation that you were asked to verify or instructed to verify, it is happening in your neighbourhood as in Gauteng. It is your province, you are head of Gauteng. Is it fair to say that you would have been the first port of call as it happened with General Sibiya? Because it is, Lebeya rather, I apologise. As it happened, in fact, you are the first port of call because this is an operation in your neighbourhood. Is that correct? It is a fair thing to put?

10 **MAJ-GEN KADWA**: Yes.

ADV BALOYI SC: Okay. And I put to you because we see the involvement of TOMS, which you have said is a national competence, and it would seem to me that it may well be an overreach or an exaggeration, in fact, to go to the TOMS before coming to you or instead of coming to you. As the owner of the geographic area and therefore someone who would ordinarily have better insight on operations in Gauteng, Hawks operations in Gauteng, do you care to comment?

20 **MAJ-GEN KADWA**: No, thank you, Commissioner. As I indicated, when the National Head called me, I understood go and check this address in a literal sense, but I did arrange for people to go. I do not know what was the instructions they have given to TOMS or to General Mbotho, who would then be the one directing TOMS in dealing with

it.

And also to maybe just elaborate, other than this issue, the Hawks is also a national competency. All these interprovincial borders, in reality, are basically not meaning too much in a sense. Gauteng, while geographically being the smallest province, but it is in terms of its economic weight, in terms of its, like we have all the multinationals, the banks, I think the bosses of crime are sitting here. It is about crime economics.

10 So with that, many of the operations and even the other Hawks units, from national to other provincial levels, they will be following up in many cases, maybe a cyber investigation, a cyber fraud investigation where the payments would be made here. Maybe they have to come and arrest attorneys or accountants. And even in that case, as I indicated about the indoctrinated approach, the Provincial Head of that province, he will make his own risk assessment to say, can I call General Kadwa before to say we are operating in your area? Or do we call him after the
20 operation just to let him know now it is safe? So anybody making enquiries about Hawks operating here, then it can be at least something he can be able to know what is going on.

ADV BALOYI SC: With that explanation, are you saying there would be nothing unusual if General Lebeya had said

to you there is a pretend operation in the Free State, go and verify it? You are not suggesting that?

MAJ-GEN KADWA: No, I am not suggesting that.

ADV BALOYI SC: Yes.

MAJ-GEN KADWA: Okay, let us put it this way. This was a very basic exercise. It was just to verify. But if it was something that a National Head who has a prerogative decided there is something very sensitive and maybe there is corruption and collusion in a specific province, and then
10 he is now tasking my province, he is assigning my province or myself to basically oversee that operation, then I can go and also operate in any province because he has mandated me to be able to undertake that investigation for reasons best decided by himself or at head office level.

ADV BALOYI SC: Yes. I want to discuss the specific facts.

MAJ-GEN KADWA: Okay.

ADV BALOYI SC: The facts where there is an operation in Sandhurst. There is an allegation apparently that the
20 people who are conducting this operation have said they are members of the Hawks. So your superior calls you and says go verify. And I was testing the simple proposition that this being your province, as Provincial Head, indeed you would have expected rightly so that General Lebeya would call you, call you to verify because this is your area

where this particular operation is happening. You accept that?

MAJ-GEN KADWA: Absolutely, because when he called me, that is exactly how I understood it, and that is why I sent other people.

ADV BALOYI SC: Yes.

MAJ-GEN KADWA: I had no indication until later when I was now picking up the vibes, but I had no indication, Commissioner.

10 **ADV BALOYI SC**: Okay. Thank you, General. Thank you, Chair.

ADV SEGEELS-NCUBE: Thank you, Chair.

CHAIRPERSON: Thank you very much, General.

NO FURTHER QUESTIONS

ADV SEGEELS-NCUBE: Chair, those are the witnesses for today. We had scheduled Brigadier Mokoena to return, but he is only available tomorrow, and so we will slot him in with the other witnesses that are scheduled for tomorrow. So we would adjourn early today, Chair.

20 **CHAIRPERSON**: I do not know how your scheduling stands, but just a second. We will discuss the issue of, is it what, Colonel? I have forgotten the rank now.

ADV SEGEELS-NCUBE: Brigadier Mokoena.

CHAIRPERSON: Brigadier. I am very sorry to demote him. Brigadier Mokoena. We will discuss it in chambers, but

from where we are sitting, we do not think there is a big rush with that. If it is going to interfere with your scheduling, it can wait until the new year. I think they are more important. I am not suggesting it is not important because it relates to the question whether there was interference. That is important, but not for the immediate. But we are going to discuss. If you felt that there are time constraints and you were just pushing him in, take it from us that it is the sort of thing that you can easily think about
10 having next year or in the new year, but we will talk about it.

ADV SEGEELS-NCUBE: Thank you, Chair.

CHAIRPERSON: So let us adjourn until 09:30 tomorrow.

ADV SEGEELS-NCUBE: Yes, Chair.

INQUIRY ADJOURNS TO 26 NOVEMBER 2025

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