

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

HELD AT

BRIGITTE MABANDLA JUSTICE COLLEGE

5 DECEMBER 2025

DAY 45



PROCEEDINGS ON 5 DECEMBER 2025

CHAIRPERSON: Good morning, Minister.

MINISTER MCHUNU: Good morning, Commissioners.

CHAIRPERSON: We are told and we also see for ourselves that your attorneys are not here yet.

MINISTER MCHUNU: Yes.

CHAIRPERSON: Are you comfortable if we start without them, we are told they are close by, or would you prefer that they be here? If your preference is that they should be
10 here, we will wait until they arrive.

MINISTER MCHUNU: If that is in order, but I am here now.

CHAIRPERSON: Tell us your preference. Would you rather we wait or may we start?

ADV SELLO SC: Chair.

CHAIRPERSON: Yes, Ms Sello.

ADV SELLO SC: With your leave, may I?

CHAIRPERSON: Yes, yes.

ADV SELLO SC: I had a discussion with the Minister about this while we were waiting and we had to come down and I
20 think the Minister is being gracious, but from our conversations, I know his preference would be that his attorneys be present when he starts.

CHAIRPERSON: I think let us ...[intervenes].

ADV SELLO SC: Now the communication – apologies, Chair.

CHAIRPERSON: I think let us rather do that if that is what the Minister prefers.

ADV SELLO SC: And just for the record, they assured that they are somewhere in the streets here trying to get into the parking space. So it should not be a delay of more than three minutes, I hope.

CHAIRPERSON: Yes.

ADV SELLO SC: If they are to be believed.

CHAIRPERSON: Let us wait then. It will be indicated to
10 us when we are ready to start.

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

CHAIRPERSON: Let us adjourn.

ADV SELLO SC: Yes.

INQUIRY ADJOURNS

INQUIRY RESUMES

CHAIRPERSON: Ms Sello.

ADV SELLO SC: Thank you, Chair.

CHAIRPERSON: Thank you.

ADV SELLO SC: We are ready.

20 **CHAIRPERSON:** We are in your hands.

ADV SELLO SC: Thank you, Chair. Morning, Chair, morning, Commissioners, and good morning, Minister.

MINISTER MCHUNU: Good morning too.

ADV SELLO SC: Just to let you know that we will not necessarily be starting from the first page of your

statement. I tried to locate a logical point to start from today regard being head to the session yesterday and I thought it would be appropriate that perhaps we conclude on the issues that were raised so that we do not have to go back to them. In this regard I would like to refer you then to the disbandment letter.

CHAIRPERSON: I forgot something I should have done. We keep time at this Commission. You were late. Does one of you want to please come to the microphone and tell
10 us why you were late, in one or two sentences please, we do not want to waste time.

MR TOM: Morning, Commissioners, morning, everybody. Chairperson, we apologise for being late this morning. We misjudged the traffic. We left on time, but we struggled with the traffic in the main street leading to the Commission. We apologise for that.

CHAIRPERSON: Thank you. And you are Mr?

MR TOM: Sorry Chair.

CHAIRPERSON: You are Mr?

20 **MR TOM:** Sandile Tom.

CHAIRPERSON: Tom?

MR TOM: Yes.

CHAIRPERSON: Thank you, Mr Tom. Thank you. Apology accepted.

ADV SELLO SC: Chair, before he leaves the microphone

perhaps he should introduce himself fully because when Mr Ngcukaitobi did, he just said he is with his team. So perhaps if he puts on record his full details it will assist. Thank you.

MR TOM: Thank you. Thank you, thank you, Advocate Sello. My name is Sandile Tom. I am a director at Werksmans Attorneys. With me I have Ms Pumelela Mniki who is a candidate attorney in my team and we are part of the team that represents the Minister of Police in these
10 proceedings. Thank you.

CHAIRPERSON: Thank you Mr Tom. Thank you.

ADV SELLO SC: Thank you Chair. If I may proceed. Minister, I had suggested that perhaps we start with the disbandment letter and that is your Annexure 20 in your file, file 2 of 5 starting at page 476. And I would like us to consider the contents of that letter with reference to what you informed the Commission yesterday as regards what informed you to take that decision.

Now, if I understood your evidence correctly
20 yesterday, you testified that prior to issuing that letter you had had a meeting on the 1st of November at which the possibility of the disbandment of the task team was mooted and I will put it no higher than that. So that minute is your Annexure 20 SM1 in the same file. It is the very, very first annexure.

So perhaps if you take out SM20 out of your file so we can consider it with reference to SM1 and other documents. That might give you a better way of handling the multiplicity of documents, okay. So please take out SM20 from your file and hold it in hand. And then we go to the first annexure in the same file, SM1.

So yesterday I noted in response to the questions about what you took into consideration that you reference a meeting of the 1st of November as I said at which the
10 possibility of the disestablishment of the PKTT was raised and then you reference two other meetings, the meeting of the 21st and the 22nd of November. That is what my note records and I trust that is correct.

MINISTER MCHUNU: That is correct.

ADV SELLO SC: For the record we only have, you have only provided the minute of the 1st of November. We do not have the minutes of the other two meetings.

MINISTER MCHUNU: That is correct.

ADV SELLO SC: So let us then turn to the minute of the
20 1st of November, the SM1 and in particular page 99, if we could turn to that page. It is SM1, the first one, the first annexure in the file. We had regards to that minute yesterday. I am at page 99. I would like you to turn to that page. Have you located it?

MINISTER MCHUNU: Yes, I have done so.

ADV SELLO SC: Yes. Now, I understood yesterday that you had these three meetings and thereafter you had no further engagement with the management of SAPS, or in particular the National Commissioner, and then I understood for the Christmas break over the period 29th to the 31st of December that is when eventually you took the decision.

Now, in explaining your reference to immediately yesterday the use of the word immediately in your disbandment letter you said that should not be construed as
10 an instruction to disband immediately. So the immediacy are attached to something else, the speed with which you took your decision, not the disestablishment that you are calling for. Did I understand you correctly?

MINISTER MCHUNU: Not exactly. Maybe it is a question of wanting to say it in my own words.

ADV SELLO SC: No, maybe, and let me try with my own words because my understanding becomes important to how I approach the issue. You recall your letter states:

20 “I therefore direct that the Political Killings Task Team be disestablished immediately.”

That is the phraseology used. And in your engagement with the Chair yesterday you said immediately does not speak to the disestablishment. Do you remember the engagement with the Chair about immediately

...[intervenes].

MINISTER MCHUNU: Yes.

ADV SELLO SC: Being an adverb and then searching for the verb?

MINISTER MCHUNU: Yes.

ADV SELLO SC: So I just wanted to test that.

MINISTER MCHUNU: Yes.

ADV SELLO SC: You did not say it is the disestablishment itself that must be taken immediately.

10 **MINISTER MCHUNU**: Yes.

ADV SELLO SC: Your thinking at the time was that that would be subject to a particular process ...[intervenes].

MINISTER MCHUNU: Yes.

ADV SELLO SC: That would roll out over time.

MINISTER MCHUNU: Yes.

ADV SELLO SC: Am I correct?

MINISTER MCHUNU: You are correct.

ADV SELLO SC: One thing I do not think we got to yesterday was an understanding of what process did you
20 anticipate to roll out until the point of disestablishment. So if possibly you could address yourself to that. Thanks.

MINISTER MCHUNU: Thank you very much. I did not necessarily work out a detailed process beyond saying what I indicated in the directive, namely that once the National Commissioner receives the letter what we would be looking

forward to would be his response in the form of the preliminary report which would be handed over to us and, or to me, and then I would look at it as we move towards the Minesco. So I did not necessarily work out any detail at the time when I wrote the letter beyond those kinds of engagements, but I had in mind engagements going forward.

ADV SELLO SC: Understood. Thank you for that, Minister. Then this brings me to your Annexure SM1, page
10 99. You have the page open?

MINISTER MCHUNU: Yes.

ADV SELLO SC: That page has at the top a paragraph with a bullet point. I want us to skip that, the next and go to the third.

MINISTER MCHUNU: Yes.

ADV SELLO SC: It should be highlighted in yellow, I think.

MINISTER MCHUNU: I see.

ADV SELLO SC: Yes, and that paragraph reads, I quote:

20 “The Minister further indicated that there must be consideration and review of certain capabilities such as the Political Killings Task Team, which are primarily about addressing serious crimes. He stated that SAPS should guard against creating structures/units

based on specific category whilst these duplicate the existing capabilities.”

In this regard, you gave some examples:

“e.g. taxi killings, political killing, all about matters.”

You see that?

MINISTER MCHUNU: Correct.

ADV SELLO SC: Now, the process, let me ask a different question. This minute of your meeting states that:

10 “Prior to the disestablishment of these task teams there must be a reconsideration and review of certain capabilities of these task teams ...”

And you make an example with the Political Killings Task Team. Do I understand that correctly?

MINISTER MCHUNU: Correct.

ADV SELLO SC: Was that review undertaken as per the minute, the review of the capabilities of the Political Killings Task Team?

20 **MINISTER MCHUNU**: That was in reference to what had already happened in one part but it also was in reference to the need for ongoing assessments just after we had, because this was almost at the end of the year, this meeting ...[intervenes].

ADV SELLO SC: Yes, but ...[intervenes].

MINISTER MCHUNU: We had, I think, internally completed the process of those reviews but it was merely referring to that and of course the need for ongoing, which would include current or any other current task team that would still be there, including the National Political Killings Task Team, because although we had the adopted the structure and all of that but there were, the National Killings Political Task Team was still there and therefore it was in reference to the current structural situation.

10 **ADV SELLO SC**: So if I understand you correctly, much as this minute suggests that certain steps must still be taken in the future, because it states:

“There must be a review of capabilities such as the Political Killings Task Team.”

I should not understand that to mean the review must be undertaken. I should accept that as meaning that the review that has already been done.

20 **MINISTER MCHUNU**: Yes, and any other need for ongoing reviews taking it into consideration that the National Political Killings Task Team was still there and there must be an ongoing review. It was all encompassing.

ADV SELLO SC: Would you accept that, and I hear your explanation, but would you accept that on a simple reading of what is written it does not lend one at the understanding

that you are suggesting now. So we are not talking about reviews previously done we, are talking about reviews which must be done. On the wording as it stands now, and I do take your explanation, but would you fault me for understanding what is written here in your minute as referencing a point in time in the future.

MINISTER MCHUNU: Yes, I would say not necessarily just exclusively in future, but because in the context of discussions at that time in the meeting this would have
10 meant that we are on an ongoing assessments of our structural review.

We had not necessarily covered all the grounds in the structural setup of SAPS and therefore broadly speaking we were still in the process, but the structure had been basically adopted internally, but that did not mean that that is the end of the need to assess, to review, because there were task teams that were still there that could be reviewed. So it was work in progress in other words.

ADV SELLO SC: Yes. The other ...[intervenes].

20 **ADV BALOYI SC**: Ms Sello, before you we go to the other.

ADV SELLO SC: Yes.

ADV BALOYI SC: Minister, good morning. I am not sure I understand your explanation but let us look at this, it might help me. At this point, given your construction now, this explanation you are giving that there had been

reconsideration and review previously and it must therefore carry on, that is what you were saying. At which point was there, before this meeting, at which point was there reconsideration and a review of the capabilities of the PKTT?

If you say this was a reference to historical and into the future, at which point in the past had there been a reconsideration and review of the capabilities of the PKTT?

MINISTER MCHUNU: This was not necessarily exclusively
10 referring to PKTT, because capability within SAPS would not be confined to one team. We were talking in the context, one, of cabinet priorities for the seventh administration which among the three is developing and consolidating state capacity.

So, and then we then talk about, then we had just completed the structure ourselves with that in mind and it was then referring to what we had considered in that context of building capacity of the state as we build, as we reviewed the whole structure.

20 But it was also referring to the assessments that had taken place because in essence the 2024 assessment in the form of the Marais report and other reports before ...[intervenues].

ADV BALOYI SC: Yes.

MINISTER MCHUNU: They were assessing capacity of the

state with regard to SAPS to fight crime successfully.

ADV BALOYI SC: Yes. Minister, you are very specific in this paragraph, in your suggestion in this paragraph. You say, you specify it is clear that you are referring to other, you are including other task teams, but you specify the Political Killings Task Team. You say, “such as”.

MINISTER MCHUNU: Yes.

ADV BALOYI SC: And from that I do understand that there are, you are contemplating task teams in general but you
10 specify PKTT. My question is limited to that which you specify and it is simply this, at which point in the past before this meeting had there been a reconsideration and a review of the capabilities of the PKTT? My question is specific PKTT, at which point had there been a reconsideration and review of their capabilities?

MINISTER MCHUNU: No, there had not, there had no, there had not been ...[intervenes].

ADV BALOYI SC: Yes.

MINISTER MCHUNU: Any specified assessment of PKTT
20 as part of a capacity. Instead capacity that was reviewed, that was assessed, would be murder and robbery, would be all of that and it was always juxtaposed with the Political Killings Task Team that you have developed a capacity or a capability in the form of specialized units and then you have the Political Killings Task Team ...[intervenes].

ADV BALOYI SC: Okay.

MINISTER MCHUNU: And then you avoid that duplication.

ADV BALOYI SC: All right, can I then go on to my conclusion therefore with that explanation, that admission that there had not been a review of the PKTT in particular, here you could only have been speaking about a future review therefore.

It must follow, if there had not been a past review of the capabilities of the PKTT which you accept, which you
10 say now, this sentence here that Ms Sello was taking you through, must be a reference to a future review of the PKTT, because it has not happened before.. There can only be from the 1st of November there must be a review.

MINISTER MCHUNU: Well, in the context of reviewing capacity of SAPS to fight crime which ...[intervenes].

ADV BALOYI SC: No, Minister, sorry, I have, I do not mean to be rude, I have to stop you. My question is specific, you have said now, in the last sentence you have said there had not been a review as at the 1st of November.
20 There had not been a review of the PKTT's capabilities and reconsideration.

You have just said that and I am, what I am putting to you is therefore it must follow that in that proposal that you make, or in that statement that you make in that first line, you are speaking about the future, from the 1st of

November there must be a review. It has to be Minister.

MINISTER MCHUNU: I agree with you.

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

ADV SELLO SC: Thank you, Commissioner. Based on that concession, Minister, therefore the same answer must extend to the requirement for reconsideration, that too would be in the future. I am still at page 99, still on the first line. There are two things that should be done, a reconsideration and a review.

10 I am simply asking based on your response to Commissioner Baloy's question must I accept that a reconsideration itself of specifically the capabilities of the Political Killings Task Team firstly had not been undertaken and therefore you, because this minute reflects you as the speaker, you were suggesting that it be undertaken, there be a reconsideration. And once again, that is in the future. I am correct to understand it that way?

MINISTER MCHUNU: You are correct.

ADV SELLO SC: Okay.

20 **MINISTER MCHUNU**: I must just add one thing, that it says "such as".

ADV SELLO SC: Indeed.

MINISTER MCHUNU: Not necessarily one, yes.

ADV SELLO SC: Point fairly made, I take it.

MINISTER MCHUNU: Yes.

ADV SELLO SC: Yes, it says such as the Political Killings Task Team.

MINISTER MCHUNU: Yes.

ADV SELLO SC: And on that score we had only one Political Killings Task Team when we referenced Political Killings Task Team because even the way it is written, it is a name. It is only one task team that comes to mind. We did not, you did not infer at the time every Political Killings Task Team you. You were actually using that particular
10 task team as the example, am I correct?

MINISTER MCHUNU: Correct.

ADV SELLO SC: Thank you. So this is the 1st of November. Did that reconsideration then take, remember we are talking about the review, now I am on the point of reconsideration. Did that reconsideration take place between the 1st of November and the 31st of December, the 1st of November being the date of that minute, the 31st of December being the date of your letter. Did such a reconsideration take place and if so, what were the
20 outcomes thereof?

MINISTER MCHUNU: Not that I am aware of.

ADV SELLO SC: Oh it did not?

MINISTER MCHUNU: Not that I am aware of.

ADV SELLO SC: Okay. So staying with that paragraph, perhaps before we go there, in your statement at page 56, if

I may call that file up, the Minister's statement, and I would like to refer you to paragraph 56 of your statement, page 56, in page 56, Minister, apologies for the confusion, and at page 56 under the heading "Reasons for the December 31st 2024 directive", so we have established that the reconsideration and review of capabilities of the Political Task Team did not inform your decision of the 31st of December and we know because it had not taken place, so we go to your statement at page 56 to locate the reasons as
10 you put them forth.

And on my reading of your statement you advance five different reasons. They span page 56 to page 58 and I would like to invite us to perhaps consider each reason in turn to assist the Commission in having a better understanding of why the Political Killings Task Team was disestablished or you, Minister, instructed that it be disestablished on that particular day.

Your first is an invocation of a 2019 work study, and I am going to read the second sentence of that
20 paragraph. You state:

"The continuation of a temporary task team outside of SAPS organizational structure had become untenable both administratively and constitutionally."

You see where I am?

MINISTER MCHUNU: Yes, I see.

ADV SELLO SC: Before we deal with that work study ...[intervenes].

CHAIRPERSON: Sorry, Ms Sello, where are you reading?

ADV SELLO SC: Paragraph 167 ...[intervenes].

CHAIRPERSON: Oh, 167.

ADV SELLO SC: The second part of 167, yes.

CHAIRPERSON: Oh, I am sorry.

ADV SELLO SC: Thank you, Chair. Before we deal with
10 the work study itself, once again I think I will benefit from
your guidance, you say:

“The continuation of a temporary task
team outside of SAPS organizational
structure.”

What does that phrase mean? What do you mean
by the phrase “outside of SAPS organizational structure”?

MINISTER MCHUNU: It means what is understood inside
SAPS or internal in SAPS, what is attached as a meaning of
a team. It is, task teams are always located outside the
20 organogram *per se*, the adopted organogram, and that has
been the case since 2019, if not even before, that if you
establish a task team, you establish it not necessarily
inside the organogram, because it is for a particular
purpose at that time as it arises and it ends as the need for
that becomes obvious.

ADV SELLO SC: Okay, and you say:

“That continuation has become untenable, both administratively and constitutionally.”

We will come back to the administratively. Could you explain what you mean by the conclusion that the continuation has become untenable constitutionally? How do you invite the Commissioners to understand that phrase? Are you invoking any provision of the Constitution or
10 ...[intervenes].

MINISTER MCHUNU: No, it ...[intervenes].

ADV SELLO SC: I am trying to understand.

MINISTER MCHUNU: No, it was just in broad a reference to our constitutional mandate that SAPS must as a mandate, their mandate is to prevent, it is to investigate, it is to combat. So it was just in broad a reference that if you have, in other words, if you continue with structures that are not part of your organogram you are less likely to fulfil your mandate.

20 **ADV SELLO SC:** So in trying to test my understanding, or maybe before I do, I might benefit from a further explanation by you. So we have addressed the notion of the continuation being constitutionally untenable. I hear your answer, but then you say both administratively and constitutionally. What in this context would administratively

refer to? What would be administratively untenable?

MINISTER MCHUNU: It would, it was making reference to capacity of SAPS at any level, in this instance national level in the first place to manage a proliferation of task teams, because the more you have them, the more it becomes untenable or difficult to manage and control on the side of the National Commissioner.

ADV SELLO SC: So at this juncture did you envisage a situation, or I will put it differently, were you arguing for the
10 complete disestablishment or abolishment of the notion of task teams within SAPS? So can I interpret it that way or have I gone too far?

MINISTER MCHUNU: You are correct ...[intervenes].

ADV SELLO SC: Yes.

MINISTER MCHUNU: That by end of the year I had gone deeper in terms of assessing the effectiveness but from the perspective of sustainability when you have internal units and you sharpen them, you strengthen them as opposed to task teams, but not necessarily that you would completely
20 abolish the need, because they are dictated to by the situation on the ground.

ADV SELLO SC: Yes.

MINISTER MCHUNU: Task teams.

ADV SELLO SC: I was going to move to another aspect of that paragraph, but ...[intervenes].

ADV BALOYI SC: No, no, before you do that so that I understand the Minister's position. Minister, are you saying, in that sentence are you saying the existence of a temporary task team is not constitutionally permissible? Is that what you are saying?

MINISTER MCHUNU: Not necessarily. I was, as I say, I saying, I was referring to Constitution, I was referring to the Constitution in broad terms in relation to what I understand of the mandate of SAPS, that they are less likely with
10 dependence on task teams than when they depend on units that they cultivate, that they develop and hone over a period.

That is what it was referring to, but not to say there is anything unconstitutional about task teams, because that you cannot do away with, because it is dictated to by the need on the ground all the time. But just establish, assess and then timeframe all the time.

ADV BALOYI SC: Yes. So you did not make the decision that to disband the PKTT on the basis that it is
20 constitutionally untenable to have that task team?

MINISTER MCHUNU: No ...[intervenes].

ADV BALOYI SC: The PKTT. That is not one of your reasons for disbanding it?

MINISTER MCHUNU: Definitely it is not one of the reasons.

ADV BALOYI SC: Okay, so if we read this paragraph, if I read this sentence to be one of your reasons for disbanding the PKTT, then I am wrong. I misunderstood what this sentence means, is that what you are saying?

MINISTER MCHUNU: My understanding of that sentence is that it generally sends a message to SAPS to discourage, to discourage teams, task teams, keeping of task teams because it makes it less possible for SAPS to reach out or to get their mandates fulfilled, not to say it is
10 unconstitutional, teams are unconstitutional and so on, but if SAPS more and more depends on task teams which are temporary, firstly you have a problem of administering them, carrying them on your shoulders and then it makes you less likely to fulfil your mandate.

ADV BALOYI SC: Yes, the problem with your explanation, Minister, in that paragraph is you are specific, you are speaking about the NPKTT. You speak about the NPKTT and then you say the continuation of a temporary structure. So in the first sentence you say first:

20 “SAPS has made clear throughout 24
that NPKTT was an interim structure
whose mandate fell squarely within the
permanent remit of the murder and
robbery unit created by the 2019 work
study.”

So we know from this first part that the second part of that paragraph where you say the continuation of a temporary task team, you are referring to the NPKTT.

MINISTER MCHUNU: Yes.

ADV BALOYI SC: So my question remains, am I incorrectly understanding what you say in this last part of the paragraph? Do I misunderstand when I read it, which I did, to mean this is one of your reasons that the NPKTT that you give for disbanding the PKTT, it is that it is
10 constitutionally untenable to have the PKTT, which you describe as outside of the structure, the organisational structure, that to have it continue to exist, this temporary team, the PKTT, is constitutionally untenable.

MINISTER MCHUNU: In the context of its impact to SAPS to reach out their mandates.

ADV BALOYI SC: Okay, with that answer then it fall, it must mean even the taxi violence task team is constitutionally untenable to continue to have it, given your reasoning about the PKTT.

20 **MINISTER MCHUNU:** That is why the taxi task team was put under specialised units inside SAPS organogram.

ADV BALOYI SC: Okay, but you did not dissolve it, you did not disband it?

MINISTER MCHUNU: No, what happened with it, it was put under murder and robbery, which is under, which is under

serious and violent crimes to permanently reside within the structure which makes it better for SAPS to fulfil their mandates.

ADV BALOYI SC: Yes.

MINISTER MCHUNU: So which is different from a standalone structure like PKTT.

ADV BALOYI SC: Can I maybe make my point this way, the PKTT as at the 31st of December was not the only task team of the SAPS. You express in paragraph 167 that it is
10 constitutionally untenable to have a task team exist outside of the organisational structure. That is what you say. The principle is, it is constitutionally untenable to have task teams outside of the structure.

Maybe you are correct, maybe you are not, but the question is you dissolve only one task team when you have that concern about the constitutionality of task team. It is only one task team that you dissolve. You are happy to live with the unconstitutional existence, it makes, if ever there is such a concept.

20 You are happy to countenance the continued constitutionality problem you have about the existence of other task teams, but just not the PKTT. Make, please explain in a way that makes that, your decision to make sense.

MINISTER MCHUNU: Now historically the National

Political Killings Task Team is the only team that had been associated with being inside or outside the structure all the time from 2019, and as indicated before, it was always expressly indicated by SAPS that it would need to be integrated, it would need to be absorbed and therefore that is why it sort of features higher than any other team in the conversation, hence even here in these paragraphs.

It seems to be the only, but the principle is not necessarily confined to it alone. It applies across, but the
10 specific reference is this one, because in the conversation that had developed over time that was the one that was in reference, I mean almost all the time from 2019 ...[intervenes].

ADV BALOYI SC: Sorry ...[intervenes].

MINISTER MCHUNU: More than any other.

ADV BALOYI SC: Are you, this is my last engagement I think for now on this, have you just said that the PKTT is the only task team that the SAPS have considered to be outside of the structure, of the organisational structure?

20 **MINISTER MCHUNU:** No, I am saying the PKTT is the only task team that had consistently featured in the conversation parallel to structures simply because of one reason, its tasks were identified by SAPS as requiring absorption to a specialised unit inside and it is almost because the other teams that were originally identified, they were identified as

a problem, as a burden, as being untenable, that is why they were then dissolved, if I could talk that language, and integrated into like murder and robbery and under a, under murder and robbery and under serious and violent crimes. They were doing integration so that it could be, this task team could be managed better.

ADV BALOYI SC: Yes.

ADV SELLO SC: In a sustainable way so that you could be certain about the instruments you are using to fight
10 crime.

ADV BALOYI SC: Okay, can I just try one last time so that I understand what your answer is to my question.

MINISTER MCHUNU: Yes.

ADV BALOYI SC: Are you saying to us the PKTT, and it is a yes or no answer, I either misunderstand or understood you correctly, I am going to reframe my question, are you saying the PKTT is the only task team that the SAPS that you are referring to considered to be outside of the organisational structure? It is either yes, that is what you
20 are saying, or no, that is not what you are saying.

MINISTER MCHUNU: For my clarity, I hear you very well but if you could be kind to me to repeat your question.

ADV BALOYI SC: Okay, that is all right. You spoke in a way that made me understand you to be saying according to the SAPS discussions ...[intervenes].

MINISTER MCHUNU: Yes.

ADV BALOYI SC: The PKTT was the only task team that was considered to be outside of the organisational structure. You spoke in a way that I understood you to be saying that. So what I am asking is, is that what you are saying, that understanding of mine that I have just projected back to you.

MINISTER MCHUNU: Yes.

ADV BALOYI SC: And that is why I say it is a yes or no
10 answer, either I understood you correctly to be saying only the PKTT was considered to be outside of the structure, or no, I misheard or misunderstood you.

MINISTER MCHUNU: You misunderstood me.

ADV BALOYI SC: Yes.

MINISTER MCHUNU: And the reason for that is that National Political Killings Task Team is the only structure, the only, not structure, team that was targeted, if I could use that language ...[intervenes].

ADV BALOYI SC: I see.

20 **MINISTER MCHUNU:** For, I mean over a long time for integration. It is as if even the specialised units were established such that you would absorb, because – yes.

ADV BALOYI SC: Can I stop you there, Minister.

MINISTER MCHUNU: Okay, thank you.

ADV BALOYI SC: What I wanted to establish with you a

few questions back ...[intervenes].

MINISTER MCHUNU: Okay.

ADV BALOYI SC: Was you have other task teams in the SAPS.

MINISTER MCHUNU: Yes.

ADV BALOYI SC: Can we agree, if you are correct in this sentence where you say the continuation of a temporary task team outside of the organisational structure is untenable, both administratively and constitutionally, if you
10 are correct with that statement it holds for all task teams?

MINISTER MCHUNU: Yes, that is ...[intervenes].

ADV BALOYI SC: It must be.

MINISTER MCHUNU: That is correct.

ADV BALOYI SC: Okay, that is what I wanted to establish. So it is not just unique to the PKTT ...[intervenes].

MINISTER MCHUNU: Yes, that is correct.

ADV BALOYI SC: It also applies to the mining task team, to any other task team that the SAPS has.

20 **MINISTER MCHUNU**: That is correct ...[intervenes].

ADV BALOYI SC: Okay.

MINISTER MCHUNU: With a proviso that you would not, when there is a need to establish a task team, you would flinch from doing so. You would establish and then disestablish.

ADV BALOYI SC: Okay.

MINISTER MCHUNU: But, ja.

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

ADV KHUMALO SC: Thank you, Commissioner. If I may just follow up on that based on your response, because at some point I thought I understood, but now I am not so sure of myself. If the statement is the continuation of a temporary task team outside of SAPS organisational structure had become untenable both administratively and constitutionally, that would mean reference to the existing task teams, their continuation/existence has become untenable administratively and constitutionally. Do I, am I correct thus far?

MINISTER MCHUNU: Broadly speaking, yes.

ADV SELLO SC: Okay. So you say, of course you do attach a caveat there that it does not preclude the establishment in the future of task teams as and when needed to, you know, in response to specific challenges.

20 **MINISTER MCHUNU:** Yes.

ADV SELLO SC: So those that would be established in the future would not have the difficulty of being administratively and constitutionally untenable because they are outside the SAPS structure. I am trying to understand, granted we are talking about existing ones. If their existence and operation

outside SAPS organisational structure is what renders them constitutionally and administratively untenable, that surely must be a challenge that would afflict any other future task team, because they would forever remain outside SAPS organisational structures. Why would it be fine for the future task teams and not for the existing?

MINISTER MCHUNU: I did indicate at the beginning that, or at some point that generally when you look at mandates of SAPS and so on, you realise that it is important that
10 whatever gets done, gets done in a sustainable way, cost effective way and so on, and within necessary intended impact, therefore generally discouraging, that statement is meant to generally discourage, in other words to caution all of us that we are not going to make SAPS an organisation of temporal task teams in general, but it does not mean that even when it is necessary to establish a task team, you would, you would not establish one. But consider that it is cumbersome ...[intervenes].

ADV SELLO SC: Yes.

20 **MINISTER MCHUNU:** Consider that it diminishes your chances to obtain or to reach out for your mandates.

ADV SELLO SC: Thank you for that, Minister. And another thing once again in response to Commissioner Baloyi, with reference in particular to the PKTT I understood you to say, and my understanding might be incorrect and

please correct me, that the PKTT, the first time around you said was always identified for absorption, the second time you referenced this issue, you said was targeted for integration. Did I hear you, did I understand you correctly?

MINISTER MCHUNU: Correct.

ADV SELLO SC: Does your letter of the 31st of December achieve any of those objectives, whether it is absorption or integration?

MINISTER MCHUNU: It was meant to.

10 **ADV SELLO SC**: In retrospect do you think it does?

MINISTER MCHUNU: It does.

ADV SELLO SC: How?

MINISTER MCHUNU: In the sense that even if you used disbandment but in practice you wanted integration, if the directive was not to say dismiss all those individual members, it was to say start processes or let us engage in processes in line with what has always been intended with regard to the National Political Task Team.

20 **ADV SELLO SC**: As I understand things you did indicate that task teams are created for a specific challenge ...[intervenes].

MINISTER MCHUNU: Yes.

ADV SELLO SC: To address specific issues.

MINISTER MCHUNU: Yes.

ADV SELLO SC: And normally it is for, I will not say

specific time, because it is very difficult to determine time ...[intervenes].

MINISTER MCHUNU: Yes.

ADV SELLO SC: But it is for a limited, it is for a period.

MINISTER MCHUNU: Yes.

ADV SELLO SC: So if my understanding is correct, then the disestablishment of a task team that has delivered on its mandate can never have the effect of dismissing police officers can it, because it is established from within the ranks of the police members, so its disestablishment will not result in any police officer losing their job.

MINISTER MCHUNU: Definitely, correct.

ADV SELLO SC: So similarly here the disestablishment contemplated would not result in the PKTT members losing their jobs.

MINISTER MCHUNU: Correct.

ADV SELLO SC: So I am struggling with the notion of disestablish. Put it differently, so we first break it apart, it being the team, to absorb the team into the SAPS structures. Am I understanding it correctly?

MINISTER MCHUNU: You are understanding it correctly.

ADV SELLO SC: Okay.

ADV BALOYI SC: Ms Sello, are you moving from this paragraph?

ADV SELLO SC: I am still on the paragraph.

ADV BALOYI SC: Okay.

ADV SELLO SC: Thank you. Now that I have a better understanding of what perhaps informed your decision I still read, I read that paragraph. I am still at 167. I read that paragraph, okay, let me do it differently. You invoke, as I understand that paragraph, the 2019 work study to draw the conclusion that you do in the second part of that paragraph. Am I correct?

MINISTER MCHUNU: You are correct.

10 **ADV SELLO SC:** Let us find that work study. On my reading of your statement that should be your Annexure SM3 and SM3 should start at page 115, same file. And in Annexure SM3 this document is titled:

“Establishment of Specialized Capacities, Anti-Gang Units, Murder and Robbery Units as well as Taxi Violence and Cold Case Investigation Functions within the South African Police Service”

20 Rather a mouthful, but I had to say it all for purposes of the record. That is the document correct?

MINISTER MCHUNU: Yes, correct.

ADV SELLO SC: Same page 117 under item 2 the heading is “Purpose”. I read the following:

“The purpose of this investigation is to

determine the feasibility of establishing specialized capacities as well as to give clarity on the structural placement and functional as well as enabling post-structure requirements within the detective service would the establishment be feasible.”

Okay, there might be challenges there in the construction of the sentence, but the purpose is clearly stated there and we can fill in the gaps where we think some words are missing to try and understand and have a full appreciation of the purpose.

So the purpose of this investigation of which this report is a result was to determine the feasibility of establishing specialized capacities within detective service, in summary.

MINISTER MCHUNU: Yes.

ADV SELLO SC: Is that your ...[incomplete].

MINISTER MCHUNU: Yes.

20 **ADV SELLO SC**: Do you know what was the outcome of this study on that particular aspect, the feasibility of establishing specialized capacities within the detective service?

MINISTER MCHUNU: Yes, the, if I am not mistaken, it is just that I do not see the date but it sounds like the 2018

establishment. It talks about, it should be 2018 work study.

ADV SELLO SC: Apologies, Minister, I lost you.

MINISTER MCHUNU: I am saying I do not see the date ...[intervenes].

ADV SELLO SC: Oh, the date of this. If you go to page 155 of that SM3 ...[intervenes].

MINISTER MCHUNU: Yes.

ADV SELLO SC: It bears the signature of AK, it is Sectional Commander: Operational Organizational Design
10 Detection, Colonel AK Marais. It has got a date of 2019-06-19.

MINISTER MCHUNU: Oh, yes, yes.

ADV SELLO SC: And I take that person to be the author.

MINISTER MCHUNU: Correct.

ADV SELLO SC: Yes, 2019, yes.

MINISTER MCHUNU: Yes. So what was the question as I ...[intervenes].

ADV SELLO SC: No, the question is ...[intervenes].

MINISTER MCHUNU: What was the outcome?

20 **ADV SELLO SC:** The outcome of the, yes.

MINISTER MCHUNU: The outcome of this work study at that time was that it is indeed, it was indeed undertaken, that study and it is 2018 and it was then signed, or accepted and adopted in 2019 by the then Commissioner, Commissioner Sithole, and he signed it off into

implementation. That is why in September that year, 2019, a letter of implementation was then accepted after the work study had been taken and discussed and adopted. So this study was undertaken.

ADV SELLO SC: Okay. You reference the implementation letter and throughout your statement you suggest that they be read together. That implementation letter is what you attach as SM4 at page 179, is that correct?

MINISTER MCHUNU: Back to SM4. Yes.

10 **ADV SELLO SC:** Is that the implementation letter you just referenced?

MINISTER MCHUNU: That would be the one.

ADV SELLO SC: Okay, we will keep our finger there, we will come back. But getting back to SM3, the report ...[intervenes].

MINISTER MCHUNU: Yes.

ADV SELLO SC: I would like to refer you to page 159.

MINISTER MCHUNU: 159?

ADV SELLO SC: 159. Sorry, 154, my apologies.

20 **MINISTER MCHUNU:** Okay, I am ...[intervenes].

ADV SELLO SC: 159 is actually the ...[intervenes].

MINISTER MCHUNU: [Indistinct]... [cross-talking].

ADV SELLO SC: I do apologize for the confusion. 154.

MINISTER MCHUNU: I have it.

ADV SELLO SC: Oh, thank you. At 154 there is, under

heading “recommendations”, is a list of recommendations by Colonel Marais arising from this, the investigation he conducted. Is that how I understand the document as well?

MINISTER MCHUNU: Yes.

ADV SELLO SC: We do not have to read in detail all the recommendations. There are eight of them listed. Having considered the recommendations by Colonel Marais and the content of the report, I struggle to understand how it can lend anyone to the conclusion that the continuation of
10 temporary task team outside of SAPS organizational structure is both administratively and constitutionally untenable.

I struggle, so I request you to perhaps point me to something, be it in the recommendations or the body of the report itself, regard being had to the purpose that we looked at previously, how we arrived at the conclusion you seem to have drawn as set out in paragraph 167.

MINISTER MCHUNU: Now this, these recommendations ...[intervenes].

20 **ADV SELLO SC**: Yes.

MINISTER MCHUNU: Seem to be talking to establishment of these structures at the provincial level ...[intervenes].

ADV SELLO SC: Yes.

MINISTER MCHUNU: Which is a lesser point. The main point about this and the concept of specialized units was to

the effect that pull all the proliferated, at that time prior to the start, teams and then put them together and they came up with the concept of specialized units which would sort of integrate all the smaller ones that have been identified and you will see that it goes on to 2024 when they do another assessment and they find out that there are still a number of proliferated, or there are still many task teams that are still hanging around, they have not been integrated into specialised units.

10 So the whole concept of specialised units was meant to sharpen SAPS, make SAPS sharpened around certain identified crimes, as it were, as they were identified at that time, so that there is more capacity to deal with them.

ADV SELLO SC: Yes. I see at page 158, a few pages forward, just above the signature of the National Commissioner, General KJ Sithole, who approved this report.

MINISTER MCHUNU: Yes.

20 **ADV SELLO SC:** And unfortunately, the handwriting, and I do not mean to cast aspersions, becomes difficult to read, but I am going to try to, but I think the part I am interested in, at least I can read. General Sithole at the time says:

“A national pilot project process must
be established with different ...”

And then I struggle.

“And resources.”

MINISTER MCHUNU: SAPS projects.

ADV SELLO SC: Oh, SAPS projects and resources.

“And resources must be allocated from the national budget with clear account numbers.”

Do you see, that is General Sithole?

MINISTER MCHUNU: I see that.

10 **ADV SELLO SC**: So General Sithole said, he approves this with the comments that a national pilot project process must be established. What do you understand by those words?

MINISTER MCHUNU: Well, I understood him to have approved what had been submitted to him in terms of a proposal for specialised units. And then he talks about a pilot project process, meaning that they were not in a position to unleash these specialised units all over. They wanted to projectize it, pilot projectize it, and he was wanting to approve that so that they could maybe for a
20 couple of months see how it would work.

ADV SELLO SC: So, the implementation of this entire report on my reading of ...[intervenes].

MINISTER MCHUNU: Yes.

ADV SELLO SC: General Sithole's comments or basis for approval, is that a pilot project process must be initiated?

MINISTER MCHUNU: Yes, they said so in 2019 when they adopted the work study to say it would be implemented in a phased approach.

ADV SELLO SC: Okay. Perhaps before I move further, because I wanted to then bring in the other document, Commissioner Baloyi, you wanted to find out if I was moving from, I think, the work study.

ADV BALOYI SC: I am sorry, I have to try and remember. Still, if you go back to that paragraph in your statement,
10 Minister, that paragraph 167, and you, I think you did explain, Ms Selo asked you the question, you explained, I am not sure that I understood, so I will ask you to repeat it, please. The way you speak about this task team being administratively untenable, can you just explain again what did you mean when you say it is administratively untenable?

MINISTER MCHUNU: It meant that SAPS with a proliferation of smaller, if I could just insert that, task teams, it would stretch them or it would overstretch them. There was a concept when they, in fact, even in terms of
20 effectiveness, that is what landed them in a concept of specialised units so that they would absorb all this into bigger, into more specialised for control and management, which is the duty of the National Commissioner.

And I think they were quite in line with the qualitative meaning of managing control, because they had

in mind, if I looked at it, effectiveness and efficiency. And therefore, here, it had become untenable. They wanted to make it possible and much more easier for them to administer.

ADV BALOYI SC: Okay. To the extent that in this paragraph, you mention the PKTT in particular.

MINISTER MCHUNU: Yes.

ADV BALOYI SC: In what way had the PKTT become, had it become administratively untenable to have the PKTT?

10 And the question is direct to the PKTT, because our discussion is about your reasons for disbanding the PKTT.

MINISTER MCHUNU: Yes.

ADV BALOYI SC: So while you speak of broadly task teams ...[intervenes].

MINISTER MCHUNU: Yes, yes.

ADV BALOYI SC: Let us come to the PKTT, because that is one of the factors you took into account.

MINISTER MCHUNU: Yes.

20 **ADV BALOYI SC:** In what way had it become administratively untenable to have the PKTT exist for another day beyond the 31st of December?

MINISTER MCHUNU: When I wrote the letter, I was already in possession of what I referred to as allegations from a number of categories of people, including civil society, including, and so on, but also including people from

inside SAPS.

Now, when I wrote the memo, that is the directive, I had that in mind that possibly certain things are setting in, in SAPS via PKTT in terms of control and administration. Now, that category of complaints, if I could refer to them as such, that I was advised by the Commission to seek advice from my lawyers on, indicated to me clearly that there are certain things that we are losing in terms of control and management if you look at the complaints that I had
10 received by the time I wrote this letter.

So it refers to that, but it also refers to, alleged, the abuses of human rights by those who had written to us in various categories as I referred them to. So this is what, this refers to that.

ADV BALOYI SC: Yes. Now, all right, it is a separate discussion, those complaints.

MINISTER MCHUNU: Yes, yes.

ADV BALOYI SC: I am not asking that we get into them.

MINISTER MCHUNU: Yes.

20 **ADV BALOYI SC:** But we will have a discussion separately.

MINISTER MCHUNU: Yes.

ADV BALOYI SC: These complaints, to the extent that that is what you are referring to here ...[intervenes].

MINISTER MCHUNU: Yes.

ADV BALOYI SC: When you talk about administrative untenability of the continued existence of the PKTT, you did not discuss them with the National Commissioner, those complaints?

MINISTER MCHUNU: We discussed some of them.

ADV BALOYI SC: No, the ones that you have listed. You have given us a list ...[intervenes].

MINISTER MCHUNU: Yes.

ADV BALOYI SC: And you are referencing them now, including those names that you gave yesterday. You did not say to the National Commissioner, I have got these complaints, I want your response to them.

MINISTER MCHUNU: The ones that are here, I did. The ones that are in the envelope, I did not.

ADV BALOYI SC: Okay. All right, where I am going with it is to, you get to a point where you make a decision that those complaints are evidence of administrative untenability, whatever we mean with that concept. You say these complaints, they show that there is a problem administratively. But you do not verify those complaints with your management.

And yet, on the basis of those complaints, you conclude the continued existence of the PKTT is administratively untenable. You get them, and I am happy to confine myself to the list in that envelope as one of the

examples, that you get that list. You do not verify with your management, certainly not with the National Commissioner. You do not verify that list, so you do not know whether it is true or not.

People are making allegations. You do not know whether what they have told you, whatever it is that they tell you, you do not know how the SAPS reacts to that, how your National Commissioner reacts to that, but you conclude that those make it untenable, administratively
10 untenable, for the PKTT to continue to exist.

How is that a proper thought process that leads you to this far-reaching conclusion it is administratively untenable to continue to exist?

MINISTER MCHUNU: Again, the ones that are here, I discussed with the National Commissioner. The ones that are in the envelope, I did not and the reason why I did not, it was solely because of the agreement between me and these people when they met me in person, indicating confidentiality, but more than that, indicating safety
20 concerns.

ADV BALOYI SC: Yes, we will get to that.

MINISTER MCHUNU: Yes.

ADV BALOYI SC: I ask you not to enter into the merits because it is a topic on its own.

MINISTER MCHUNU: Yes. Yes.

ADV BALOYI SC: I am simply putting to you the difficulty that you get complaints, you do not ask your National Commissioner, is this true, is it not true, tell me what you have done about it. But you do not do that, but you get to the conclusion to use that as a reason, as one of your reasons to dissolve the PKTT, because you say it has become administratively untenable.

MINISTER MCHUNU: I did discuss with the National Commissioner the concerns raised by Mary De Haas. I did
10 discuss with the National Commissioner concerns that were raised by Patricia Mashale.

ADV BALOYI SC: The ones that Patricia Mashale raises in her Facebook.

MINISTER MCHUNU: We did discuss with the National Commissioner.

ADV BALOYI SC: Those Facebook extracts?

MINISTER MCHUNU: We did discuss that there are a number of things that, not necessarily one by one, but we did discuss that she is putting things to me and is she
20 putting things to you?

ADV BALOYI SC: Yes.

MINISTER MCHUNU: He said, yes, I am receiving this, and then we had a small discussion.

ADV BALOYI SC: And from that discussion, where the National Commissioner says, yes, I am aware of this

...[intervenes].

MINISTER MCHUNU: Yes.

ADV BALOYI SC: Because she has raised them, you decide that those complaints render the PKTT's continued existence administratively untenable.

MINISTER MCHUNU: Partially, and then the other part is the ones that I did not discuss with them, but I got to know about them, but I did not discuss with them.

ADV BALOYI SC: Yes.

10 **MINISTER MCHUNU**: But combining them. I am trying to say, it is not like I did not discuss any of the concerns or anything with the National Commissioner. I did, partially.

ADV BALOYI SC: Yes.

MINISTER MCHUNU: But the others, I did not discuss.

ADV BALOYI SC: Okay. All right, perhaps to summarise, is your position from this discussion, are you saying where you refer as a reason for dissolving the PKTT, where you say it had become administratively untenable, you are saying that because of the Mashale complaints, because of
20 Ms De Haas's complaints, because of those eight people in that envelope? You say all of that taken together is what led you to the conclusion that the continued existence of the PKTT for another day is administratively untenable?

MINISTER MCHUNU: Correct.

ADV BALOYI SC: Okay.

MINISTER MCHUNU: But you remember that there are other reasons. These are not here.

ADV BALOYI SC: Yes, you ...[intervenes].

MINISTER MCHUNU: In the ...[indistinct] [cross-talking].

ADV BALOYI SC: We will discuss your other reasons.

MINISTER MCHUNU: Yes.

ADV BALOYI SC: I am just wanting to make sure that administratively ...[intervenes].

MINISTER MCHUNU: Yes, correct.

10 **ADV BALOYI SC:** Where you refer to administratively ...[intervenes].

MINISTER MCHUNU: Correct.

ADV BALOYI SC: Those three are the factors you took into account to come to that conclusion. Thank you. Thank you, Ms Sello.

ADV SELLO SC: Thank you, Commissioner. Earlier, then, you indicated that either the outcomes of this investigation that Colonel Marais undertook, that investigation as we have the report at SM3, if I understood you correctly, you
20 say, no, you referenced an implementation letter.

MINISTER MCHUNU: Yes, correct.

ADV SELLO SC: Please explain to me the relevance of that implementation letter *viz-a-viz* this investigation report. What is the link between the two?

MINISTER MCHUNU: The link is that the implementation

letter was saying that initiative of the work study has now been completed and it must now be implemented.

ADV SELLO SC: Okay. Okay, thank you for that, Minister. And not the pilot project that General Sithole had approved, as we saw at page ...[intervenes].

MINISTER MCHUNU: Yes. The ...[intervenes].

ADV SELLO SC: Sorry.

MINISTER MCHUNU: Yes.

ADV SELLO SC: Sorry, if I may say, so the
10 implementation letter, in your understanding, directs the implementation of the outcomes and recommendations of that report in their entirety, and no longer the pilot project process that National Commissioner Sithole at the time approved, as per his comments at page 158. I am trying to understand which aspect is being approved by, which is being implemented.

Is it the pilot project process, in terms of General Sithole, 158, or is it the report in its entirety?

MINISTER MCHUNU: What was to be implemented was the
20 report in its entirety.

ADV SELLO SC: Yes, okay.

MINISTER MCHUNU: But when the National Commissioner signs, he then decides that it would take the form of a pilot at that particular time.

ADV SELLO SC: Okay. Now, the implementation letter

starts on page 179 of that same file, that SM4. Have you located it, Minister?

MINISTER MCHUNU: Yes, yes.

ADV SELLO SC: Thank you.

MINISTER MCHUNU: Yes, correct.

ADV SELLO SC: Is that the implementation letter you referenced?

MINISTER MCHUNU: Yes, correct.

ADV SELLO SC: Now just for the record, it is a two-page
10 document. It is dated at page 180, 14 November 2019, and
it seemed to have been authored by Major General, Head of
Organizational Development, NL Mzima. I am reading, you
will correct me?

MINISTER MCHUNU: Yes, yes.

ADV SELLO SC: Now, my reading of this document is that
it addresses the human resource issues within SAPS,
admittedly, in the context of the establishment of
specialised capacities. So, it confines itself purely to that.
And, secondly, I would not expect it to do, to enforce the
20 report if it is issued by Major General, Head of
Organizational Development.

I would expect the one to implement the report, or
direct that it be implemented in its entirety, would be the
Head of SAPS, and at the time would be General Sithole.

MINISTER MCHUNU: Yes, correct.

ADV SELLO SC: So, if we then accept that Major General, Head of Organizational Development, Mzima, is not the Head of SAPS, if we try and interpret what her function is, the title might assist, her in organizational development, in my thinking, I think she is responsible for Human Resources within SAPS. I may be wrong. I am trying to interpret what I see here with a little bit of guesswork. It is somebody responsible for Human Resources in SAPS. And even if I am wrong, one thing I am certain about, he or she is not the
10 National Commissioner. At least on that we are settled.

MINISTER MCHUNU: Yes, correct.

ADV SELLO SC: So, the HR leader within SAPS then issues this letter, and if we go back to 179, references the work study investigation that we have just had regard to, SM3, fully dated, and the ...[indistinct] was approved by Lieutenant-Colonel KJ Sithole on 26 June 2019. And just by, you do not have to go back there, going back to the report, I see that General Sithole appended his signature on the same date.

20 It does not speak now, our implementation letter, to the directive by General Sithole that a national pilot project process be established, a pilot project. But perhaps that is how the General, General Mzima at the time understood it. But to go further, at paragraph 4 of the same implementation letter, it reads:

“For your information and implementation with specific reference to the recommendations of the report as well as comment by Lieutenant-General Dimpane.”

That comment is to be found in the report again at page 158, and unfortunately is in manuscript, so I will try and see if I can read it and understand. At 158, above the signature of Lieutenant-General Dimpane, the following is
10 noted.

“Members already in the unit must be accommodated in the PE for the WC gang unit. Other critical basic resources were provided during the establishment of the unit. Funding to be provided to accommodate operatives by the costs.”

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

ADV SELLO SC: Yes, thank you. Thank you, Commissioner. And as a fourth point:

“For other AGU as offered in the
20 report, a phased-in approach be followed with regard to the other units.”

And that is what I understand General Mzima to be referring to when he or she refers us back to Lieutenant-General Dimpane's comments. And once again, I understand Lieutenant-General Dimpane's comments to be

confined to matters affecting members.

Once again, it is HR issues, how accommodation of those members in the PE, the Western Cape gang, so the comments are confined to the members themselves, not the functions of the units, no, nor the mandates of the units, no. So basically, how members are to be treated.

At 5, no, I am at SM4, at 5, General Mzima notes:

10 “The Provincial Heads: Organizational
Development and Strategic
Management is kindly requested to
complete SAPS 495 documents for the
placement and registration of the
separate entities mentioned in the
attached work study report. The
completed SAPS 495 documents can
be sent to maraisa@saps.gov.za for
further handling regarding the PERSAL
registrations. The report was
presented at the Board of
20 Commissioners and presented to the
SSSBC.”

Two things come up for me here. The reference to PERSAL registration once more confirms that it is about HR issues. This is the system, as I understand, that records employees of government. Is my understanding correct,

PERSAL, the PERSAL?

MINISTER MCHUNU: Yes.

ADV SELLO SC: It is confined to, that is the purpose of the PERSAL system in the government, in the public sector.

MINISTER MCHUNU: Correct.

ADV SELLO SC: So the fact that there are requirements to complete SAPS 495 documents to be handed in regarding PERSAL registration, it is human resources.

MINISTER MCHUNU: Yes.

10 **ADV SELLO SC**: Okay. Then it says:

“The report was presented to the Board of Commissioners and presented to SSSBC.”

I had to do a bit of guesswork here, but I think the BC is bargaining council. I just did not remember the first three S's, what they stand for. But it sounds like it was referred to the bargaining council. Would you know what that SSSBC stands for?

20 **MINISTER MCHUNU**: It stands for, you are correct, for the bargaining council.

ADV SELLO SC: Okay. Thank you, Minister. And we know what a bargaining council, the purpose of a bargaining council we all know. We do not need to detain ourselves. Safety and Security Sectoral Bargaining Council. Thank you. Then, overleaf at 180, item 8, no, 6:

“Job evaluations in support of the levels of the command structure should be completed as soon as possible.”

And lastly, at 8:

“It is important to note that units that are established will be evaluated for the correct determination of the post structures as the current structural approval is for an enabling establishment.”

And it continues. And that is the last point on that letter.

MINISTER MCHUNU: Yes.

ADV SELLO SC: My difficulty with your suggestion that that report, that letter constitutes an implementation letter that brought into full force all the findings in the 2019 work study. To the extent that that is what you are implying, I have a difficulty, because this letter I interpret to be speaking to practical human resource realignment that would be required and processes that would have to be followed. What is your comment to that?

MINISTER MCHUNU: My comment, just in a package, in a way to make things easier.

ADV SELLO SC: Yes.

MINISTER MCHUNU: Firstly, the work study was a

comprehensive kind of a document.

ADV SELLO SC: Yes.

MINISTER MCHUNU: Even indicating, because you are establishing specialized units, then it included the ranking, it included qualifications of people who would be required in each specialized unit and so on. Now, that is the Human Resource part. So, they were quite detailed in doing it. So, they completed the work study.

They then write and discuss and adopt the
10 implementation letter, which Commissioner Sithole agrees on and decides and then he says pilot it. Now, this letter by Mzima, which Commissioners are referring to, is now written in essence to provinces to say we are now implementing and that is why it is short and so on. And it comes in November.

ADV SELLO SC: Yes.

MINISTER MCHUNU: The work study had been adopted in September 2019. So, this one is further implementation at a provincial level. Now Dimpane comes in from the Finance
20 side to say money is being made available, but these are the conditions and so on. And then, that is, so all these components come in as a phase is entered into after September to actually implement on the ground. That is why they make reference to PE, to Western Cape and so on. But they are stating what would obtain in the final

implementation on the ground.

ADV SELLO SC: Yes. I think I am clarified with, about your position. I just want then to summarise to test that I am not misrepresenting your views. Once again, we are back at 167, because all this, this entire exercise was to try and help me understand the import of paragraph 167 and the reason that you advance.

So, I am going to test it thus. So, there was an investigation and your understanding is that there was a
10 directive that it be implemented in terms of SM4, which is what you call the implementation letter. And the effect of that was that automatically, units, no, not units, apologies, task teams would be operating outside the SAPS organisational structure and therefore, would be impermissible. Is that a fair, you know, is that a correct understanding on my part or have I lost it completely?

MINISTER MCHUNU: Not completely. With the proviso that should a need arise in a province or elsewhere, a task team can be, or will be, it will be permissible to establish
20 one for that particular purpose. But this is an overall effort to integrating things in line with the concept of specialised units.

ADV SELLO SC: Thank you, Minister. Commissioners, I want to leave this paragraph, this specific reason. Commissioner Baloyi?

ADV BALOYI SC: You are not, you are still going to be discussing this work study or are ...[intervenes].

ADV SELLO SC: I want to leave this work study. I want to move to the next, so if there are questions on this particular one.

ADV BALOYI SC: Ja, maybe let me then ask my question.

ADV SELLO SC: Yes.

ADV BALOYI SC: Minister, you, Ms Sello referred you to the recommendations at 1.54, Mr Marais' recommendations.

10 And then you have the approval of the National Commissioner who says there must be a national pilot project. And then you have General Dimpane's comment there, which suggests what should be done and the implementation letter speaks about the pilot being Western Cape, the anti-gang unit.

And then it says in that paragraph 8 of that implementation letter, it says in the second sentence, third line:

20 “The first units to be evaluated to determine the criteria, as well as ideal post-establishment, will be anti-gang units in the Western Cape and Eastern Cape, as the units have been functioning already on the approval date of the report.”

We have established in your discussion with Ms Sello that this seems to have related largely to personnel/

staffing issues. Yesterday, in your testimony, you said this work study dissolved the PKTT with effect, I asked you the question and you answered quite firmly that yes, the 2019 work study dissolved the PKTT.

And I want, apart from the fact that this work study, nowhere does it refer to dissolving on the date of this work study, it does not say anywhere that the PKTT is dissolved. But I want to put the difficulty to you that to the extent that it is a pilot project that is being approved, the
10 Commissioner says there must be a national pilot project, and then General Mzima speaks about the Western Cape as being the first one to be evaluated.

Surely you must accept that they were not dissolving the PKTT, because there is specific reference to, we will start in the Western Cape, and posts will become available, we will do evaluations as posts become available. On a reading of these documents, there is no way that justifies a narrative or a conclusion on understanding that this work study, on its terms as it is in 2019, dissolved the
20 PKTT.

MINISTER MCHUNU: You would recall that I went further to say they then realised that whereas it would have meant dissolution of the PKTT in practice, because of the phased approach of building specialised units, they realised that they were not ready to dissolve the PKTT in practice, but in

theory, that is what they meant. That is why the extension was for another six months.

ADV BALOYI SC: So, this work study, and that is what I want to establish with you, you spoke very firmly, in 2019, this work study dissolved the PKTT. What I am putting to you is, in this work study, in the following approvals from the National Commissioner, in the implementation letter, there is nowhere that they speak of disbanding the PKTT as at the date of the work study. The PKTT ...[intervenes].

10 **MINISTER MCHUNU:** Yes.

ADV BALOYI SC: Yes, I am simply putting that.

MINISTER MCHUNU: Yes.

ADV BALOYI SC: Yes. All right, thank you. Thank you, Ms Sello.

ADV KHUMALO SC: Minister, since your appointment in July 2024 until 31st of December 2024, did you get the opportunity to have Mr Marais, Colonel Marais, presenting his work studies to you, both the 2019 and the 2024?

MINISTER MCHUNU: No.

20 **ADV KHUMALO SC:** No. So, it is you who is interpreting the two documents, you are doing that on your own, He did not give you a briefing on those two documents.

MINISTER MCHUNU: Yes.

ADV KHUMALO SC: I am going to put to you, Minister, that you are misinterpreting what Colonel Marais said in

both his work studies, and you are incorrectly using those work studies to justify your decision to disband the PKTT, because nowhere in any of those work studies did Colonel Marais say the PKTT must be disbanded. What is your answer?

MINISTER MCHUNU: My answer is that in the conceptualisation of specialised units, it was expressly said, expressly said that the proliferation or the existence of a number of task teams is not ideal, in other words, it is
10 not an ideal situation within SAPS, let us establish specialised units. And when they established specialised units right from 2019, right in 2024, even in their assessments, they then established one of those units at a level called serious and violent crimes.

It is in the structure from 2019, especially in 2020. I showed you the structure. And in that or under that serious and violent crimes, you have what they call dissection. Dissection is called murder and robbery. And under that murder and robbery, as mandates thereof, they
20 put sub-units. One of the SAPS-units that they put there is political killings, and, of course, police killings, which we identified clearly yesterday.

So it is expressed, not interpreted. It is expressed in black and white throughout 2019 and 2024. It is written down and I did indicate that, I had a chat with former

Commissioner Sithole on the matters who indicated similar views when we had a chat on these matters.

ADV KHUMALO SC: So if PKTT is a unit within the murder and robbery unit, it is a structure within. How does that square up with this disbandment, because surely then all that means is that it will exist, but it will form part of the murder and robbery unit. So it will be a team within the murder and robbery unit. How does that square up with this disbandment?

10 **MINISTER MCHUNU:** It square ups in the sense that it will cease to exist in the form that it is existing now. You would take the model, you would take some of the personnel, you would take some of the experience into the new specialized units. But it tells you that they cannot coexist. You cannot have murder and robbery and then you have, on your right-hand side, you have PKTT.

Mind you, in the new setup, when we come in, we discover, if I could use that word, that there are four provinces that are a problem in the whole country. It is not
20 one where PKTT is based in, which is KZN. Your problem, in terms of the views of the new administration, is that you are preventing investment in the country. They say South Africa is ugly because of a high rate of murders, specific, and people do not feel, they are not made to feel safe.

Now you cannot then take that to mean in KZN.

You mean in the main, you mean in the whole country, but in the main, in the four provinces. Then what it means is that PKTT needs to be part now of the newly established, which is futuristic, which is not temporal, which is sustainable and budgeted for. You need to put it in the structure that is now, has been processed all the time. That is where these two things fit in.

They cannot coexist, that is number one. And you are looking at sustainability, you are removing the temporal
10 nature. But you are not firing people, you are not, at some point I said to myself, maybe I should not have used the word disband, I should have used integration or absorption. But that was with retrospect, because maybe it would have been understood better than what is happening. But that is exactly what it meant.

ADV KHUMALO SC: Yes, I am going to suggest to you that that does not square up with the thrust of your evidence, which is that the PKTT is set up by the IMC, the Inter-Ministerial Committee, and therefore it can only be
20 disbanded by a Minister or by that committee.

Now, if you have studies that only go to a National Commissioner and his subordinates, and they adopt the recommendations in those studies, the suggestion, if that is your suggestion, that the adoption of those recommendations can override an IMC decision that there

must exist a PKTT, that does not make sense to me, because if IMC says there must be a PKTT because the president has said so, and it must continue to exist, what is the relevance of a study that is approved by a National Commissioner and his subordinates? Because on your version, the Minister establishes the PKTT and only the Minister can disband it.

MINISTER MCHUNU: No, I did yesterday indicate, and I am still indicating that the works that - no, no, no, the
10 National Political Killings Task Team was meant to exist for six months. It is clearly indicated and written down, hence, the assessment in December to say, do we do away with it or it continues to exist?

They decide, that is the IMC, it must continue to exist based on the submissions and all of that, I suppose, of the Steering Committee. Then, in January, they then say, okay, it must exist, but for the next six months, not permanent. Not permanent. They say another six months. Then it is extended and funded.

20 And then, after six months, this is now, they now say the extension must now take a year, because if we assess the establishment of specialised units, especially murder and robbery, which would absorb PKTT, it is not yet that time. Then they extend it.

That is why another assessment comes in 2021,

2022. It is because these things were parallel. You assess, you conclude. It is still required. You then give six months, not more than six months, not more than a year, even when they extended the period. So, always, always, and I am not interpreting, I am actually reading and taking advantage of my chat with the former Commissioner Sithole.

But also, in reference to the meetings in November, one of which was quoted here, 1 November, where we were in consonant with the National Commissioner that, yes,
10 PKTT was never meant to be permanent. It was meant as a temporal structure and so on. So, these things come together as a package. There has been never any doubt since 2019 ...[intervenes].

ADV KHUMALO SC: Minister, sorry to interrupt you. I do not want you to repeat what you have already said. I just wanted you to answer my question, because I want to give Advocate Sello her time back. We will deal with the IMC much later. Thank you.

ADV BALOYI SC: Maybe just briefly, Ms Sello.

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

ADV BALOYI SC: Minister, can we accept - Minister, I am here.

MINISTER MCHUNU: Yes, I am here.

ADV BALOYI SC: Okay. Can we ...[intervenes].

ADV SELLO SC: It is, Commissioner Baloyi would like to

address a question to you.

ADV BALOYI SC: I am up here.

MINISTER MCHUNU: Sorry, I ...[intervenes].

ADV BALOYI SC: No, that is okay. No, that is all right. Please, you do not need to apologise. It is all right. You speak of the PKTT as being time-bound. There is no debate about it was established for a six-month period and it kept getting extended. You can accept, because that is what the documents say and that is what all the other witnesses have
10 said. That is how it started and it kept - so, there is no controversy there.

But I am concerned that you seem to speak of it as if it is different from how the other task teams were constituted. My impression, and please correct me if I am wrong, is that all task teams have a defined period, either in terms of time or meeting their objectives, after which then they come to an end.

There is nothing exceptional about the PKTT. Am I wrong in thinking all task teams, the 10 that we have been
20 told exist, they are for specific projects, mandate, with a time period or they get dissolved at the end when the objective has been met? That is not unique to the PKTT.

MINISTER MCHUNU: That applies to the PKTT, the principles. You are correct.

ADV BALOYI SC: And all other task teams.

MINISTER MCHUNU: You are correct.

ADV BALOYI SC: Okay, thank you. Thank you, Ms Sello.

ADV SELLO SC: Thank you, Commissioner. Just to touch on one aspect. I think it was in response to Commissioner Baloyi's question, where you gave a response, which I understood thus, that upon the approval of SM3, being the report of 2019, and the implementation letter, SM4, in November 2019, the validity of the existence of task teams ceased to exist.

10 So, that, it is, it is those two documents that bring to an end the Political Killings Task Team, because such task teams were, what they investigate and work on now falls under the robbery unit. Is my understanding correct there?

MINISTER MCHUNU: Your understanding is correct, but it is, just needs to be qualified with one thing ...[intervenes].

ADV SELLO SC: Please.

MINISTER MCHUNU: That it, there would be phases. They even said, anti-gang unit is, at that time, the only one
20 that exists in the Western Cape, and therefore it must be implemented, I would say, immediately, because it was in existence. They realised they were talking about something that is already there.

ADV SELLO SC: Yes.

MINISTER MCHUNU: And therefore, roll it out,

operationalise it. But the other, there are still informative stages and so, let us extend PKTT and continue. So, that was exactly how they looked at it.

ADV SELLO SC: And I, when you were, yesterday morning, when you were still putting your own version across to the Commissioners, from your page 11, paragraph 35, you actually quote from SM3, and SM3 being this very report we are discussing, and I understood you to do so, to demonstrate that political killings are the same as all other
10 killings, and as of the date of the report, they now resort under murder and robbery unit. Did I understand you correctly? Okay, I will try again.

If you have regard to page 11, from your paragraph 34, you speak of General Sithole approving the work study, and then you speak to the murder and robbery units mandate, including serial murders, police killings, political murders, murders of elderly persons and attacks on farms and smallholding. I am reading from your paragraph 34.

MINISTER MCHUNU: That is correct.

20 **ADV SELLO SC:** And I think in your oral testimony, in support of what you have in paragraph 35 now, which is a quotation from the work study itself, your explanation was, seeing as political killings result in killings, and that the murder and robbery unit has got, has now assumed the mandate to deal with those crimes, that could put paid to

any justification for the existence of the Political Killings Task Team. You said a killing is a killing, if I understood, murder is murder. Did I understand you correctly?

MINISTER MCHUNU: You understood me correctly.

ADV SELLO SC: Okay. And your, the quotation you provided from 5.4.2 of the report is set out there and it appears at page 126 of SM3. In fact, what you did not reflect in your paragraph was the correct number, which is 5.4.2.1. The main heading at 5.4.2 at page 126, SM3, the
10 main heading reads at 5.4.2:

“Mandate, murder and robbery”

You see where I am reading?

MINISTER MCHUNU: Yes, I see, Commissioners.

ADV SELLO SC: And then below what you have quoted at page 12, comes out of 5.4.2.1, and you did, I think it was in response to Commissioner Khumalo's question, specifically point out that political murders and attempted murders are part of murder and robbery.

MINISTER MCHUNU: Yes.

20 **ADV SELLO SC**: It was in that context I see that you were saying a killing is a killing.

MINISTER MCHUNU: Yes.

ADV SELLO SC: Now, based on the responses that you have provided this morning to the various questions, would it be logical of all to accept that in the country, for as long

as there is a killing, that automatically resorts under murder and robbery unit. Should we so conclude?

MINISTER MCHUNU: Correct.

ADV SELLO SC: Correct. And it does not need a task team to be established. It is a killing. We know where the mandate resides.

MINISTER MCHUNU: That is correct, except when, according to all of us, or National Commissioner realises that there is something exceptional or remarkable in a particular area for a particular reason. There would then be
10 creation or establishment of a task team for that particular period or something that is happening there, a flare up and so on. But generally ...[intervenes].

ADV SELLO SC: Yes.

MINISTER MCHUNU: All murders would fall under this.

ADV SELLO SC: Yes, unless the National Commissioner, you said, and all of us, including us in the room, who falls under the rubric of all of us

MINISTER MCHUNU: In SAPS.

20 **ADV SELLO SC**: In SAPS?

MINISTER MCHUNU: Yes.

ADV SELLO SC: In SAPS, okay. So, if it is in SAPS, and you have made reference to National Commissioner, then it is unless, unless the National Commissioner thinks otherwise and finds a need to establish a task team. So

SAPS, that police service structure, okay. Sorry, Minister, you nod. I forgot that the microphone does not record a nod or a shake of the head.

MINISTER MCHUNU: Yes, I – yes, yes. Yes, agreed.

CHAIRPERSON: Also, Minister, please just leave your microphones on, please. Thank you.

MINISTER MCHUNU: Thank you.

ADV SELLO SC: So, the work study, the implementation plan, prohibits establishment, and I use it in inverts, of task
10 teams unless the National Commissioner has good reason to establish a task team where killings occur. It is a very inelegant kind of summary, but I am trying to understand that. Are you saying anything, are you saying that or anything close to that?

MINISTER MCHUNU: Yes, I am saying something close to that it would be a discussion to say that there is a bubble or there is something unusual happening in a particular area, and it requires this kind of remedy.

ADV SELLO SC: A discussion between who? Who is
20 discussing in respect of that bubble? Where is that discussion held?

MINISTER MCHUNU: What we have, we have regular meetings, or there are regular meetings at least once a week between the Minister and the National Commissioner, but there are also other meetings that get organised, not

necessarily falling within what would be an adopted schedule, but there are also meetings which I had said would be quarterly of Minesco, that is Ministry and the top management. Those are the meetings that I am referring to where things would be discussed on a regular basis.

ADV SELLO SC: But you said the National Commissioner will decide, so perhaps just to test. The establishment or the decision to establish or not to establish a task team, that is the sole preserve of the National Commissioner. It
10 is for the National Commissioner to decide that.

MINISTER MCHUNU: The National Commissioner has power to establish within his constitutionally allocated mandate to do so, much as the provincial one has also that kind of mandate.

ADV SELLO SC: Okay, so you call it a constitutional power, a constitutional mandate, and it is not surprising, it is that constitutional mandate that will override the effect of the Marais report that says no more task teams, but because the National Commissioner retains this
20 constitutional power, he can still establish.

MINISTER MCHUNU: Yes, because that report or outcomes of the report of the work study, do not, those outcomes do not necessarily override the constitutional mandate, and do not even exclude possibility that there will be this kind of reaction by management of police and even

ministry all combined when a situation so demands.

ADV SELLO SC: Yes, and therefore the establishment of a task team by the National Commissioner in those circumstances will not draw us back to the crisis you had on the 31st of December with the Political Killings Task Team in that it was operating outside the SAPS organisational structure and that had become both administratively and constitutionally untenable. At least we will not have that situation.

10 **MINISTER MCHUNU:** No.

ADV SELLO SC: So I would, there is a bundle next to you. It is marked exhibit bundle.

ADV BALOYI SC: Ms Sello, there is 1 of 2 and 2 of 2.

ADV SELLO SC: Oh, indeed. Indeed. Apologies for the confusion. 2 of 2.

ADV BALOYI SC: 2 of 2.

ADV SELLO SC: Sorry, before you leave there, Minister. Minister, I hope you have not closed our Marais report at SM3 at page 126. That remains open.

20 **MINISTER MCHUNU:** It is still open.

ADV SELLO SC: Thank you. So, we know from the Marais report that the mandate of murder and robbery as it reads, and I am reading from the document, including taxi violence. So, all killings, political, I do not know what other murders are there. I do not want to say normal murders.

There is no such notion. Attempted murder, killings arising from taxi violence, all that now sits within murder and robbery unit. And that was the line of march from the day of approval of this report.

MINISTER MCHUNU: Yes.

ADV SELLO SC: I have called for the exhibit file. If you could go to Exhibit CJC55.13, it is quite a mouthful, and page 371. She will help find the right flag for you. 371 is an information note. If we go further to page 373 and 374,
10 those are the signature pages, with National Commissioner appending a signature at 374, and approving this document from 9 December 2024 to the 28th of February 2025, correct? You see where I am reading?

MINISTER MCHUNU: Correct, correct.

ADV SELLO SC: Now, if I invite you to go back to 371, the heading of this document is called an information note, and I think we have seen a few of those. It is:

20 “A request for funding, Eastern Cape
 report on taxi violence and extortion
 related murders.”

Do you - I am reading the top of the document. It is numbered and with headings, and under item 1, “purpose”, it reads:

 “The purpose of this document is to
 present information to the reader

regarding the tasking by the Minister of Police on murder-related taxi violence and extortion in East London/Butterworth.”

Do you see that?

MINISTER MCHUNU: I see, that is correct.

ADV SELLO SC: So, I understand from a reading of that paragraph that the Minister of Police, and I accept that that is yourself, Minister.

10 **MINISTER MCHUNU**: Correct.

ADV SELLO SC: You called for and tasked, and I will use that term, guardedly I will put it in invert, I am not suggesting that you may, you have, I accept that you have the power to task the National Commissioner to establish a task team, but I am taking it from the document, but you tasked the National Commissioner to establish a task team to deal with murder-related taxi violence and extortion in East London and Butterworth. Is that correct?

MINISTER MCHUNU: That is correct.

20 **ADV SELLO SC**: And you so tasked him?

MINISTER MCHUNU: That is correct.

ADV SELLO SC: Why did not you trust the murder and robbery unit, which in terms of page 126 stipulates that that includes taxi violence, why did not you instruct that it be dealt by that unit, because we know that was the line of

march from 2019.

MINISTER MCHUNU: It falls within what I explained yesterday. What, it is correctly written there, us, the National Commissioner who in turn tasked Major General Zulu. Major General Zulu is in charge of a number of combat units within SAPS.

It is not task teams. It is not, it is not the units in the form of taxi violence or serious and – he, she is in charge of combat units like task force, like national
10 intervention unit, TRT and so on. So this, the kind of situation that arose there, we discussed it with the National Commissioner.

They were going to go there to reinforce via combat capacity, reinforce the murder and robbery with their taxi sub-unit in the Eastern Cape, because it had elements that required an extra kind of capacity that would come in the form of combat units. So that, she was not going to establish a team, a task team, she was merely going to reinforce what is on the ground, but via something different,
20 which is a combat unit.

That is what I was talking to yesterday saying, we decided in the new structure that there should be a separate division of a number of combat units so that they could assist specialised units and uniform police on the ground.

ADV SELLO SC: Okay, I would like to then draw attention to page 372 of the same document, overleaf and at 2.5 it reads:

“In order for the SAPS to have a breakthrough and successful operations and convictions to combat mentioned crimes, a team consisting of ten members led by Major General Zulu is formed ...”

10 And then they are listed there. How different is what is set out at 2.5, except presumably for size, how different is that from a task team in the form of the PKTT?

MINISTER MCHUNU: Now this, the principles are the same, in a way. A problem has been identified in the Eastern Cape, extra or reinforcement is required. It comes in that form. They go there, they do the work. It is specific and time bound, and at the end of that period, they then pull out.

20 Now, in the same as PKTT was established, it was established for six months, deal with political killings, and then you are timebound after six months, and after time, once murder and robbery has been fully established in KZN, you will be integrated. In a way, the principles are the same.

ADV SELLO SC: But this particular task team then is not

impacted by the prohibition imposed by the Marais report. It is the same as the Political Killings Task Team. The same month that the Political Killings Task Team is dissolved, on the 31st of December 2024, it is the same month that you task the National Commissioner to establish, and as, in your words you just said, an exactly identical task team for the purposes of this taxi violence and extortion murders in the Eastern Cape. And I am not suggesting it should not have been established. I am just
10 trying to contrast and understand your reasoning.

If your reasoning to task teams, and particularly the PKTT, in December 2024, stands, I do not see how it can coexist with a thinking in the same month to do the direct opposite, which is establish another task team that is no longer afflicted by the challenges or, yes, the challenges of the PKTT.

I am trying to reconcile myself with your approach, and I am trying to fit in the Marais report, and the fact that it was binding, all of which would have been issues relevant
20 to both the dissolution of the PKTT and the establishment of this task team that you called for. I do not know if you are able to assist.

MINISTER MCHUNU: No, I am able to.

ADV SELLO SC: Thank you.

MINISTER MCHUNU: Thank you, Commissioners. The

National Political Killings Task Team gets established because there is a problem that has just cropped up in KZN and is identified, and it gets established. Let us leave out for now by who and so on. Go there, you are established six months, and then after six months, six months, and so on. In the Eastern Cape, there is a particular problem that gets identified last year. You go and deal with this particular problem.

10 You must have heard me saying, in a way, in both provinces, you have murder and robbery, but the met and robbery, under whom there is a taxi unit in the Eastern Cape, is seen to be sort of overcome by the nature of the problem, practically, requiring reinforcement and then these ones go there to do so, otherwise, they are reinforcing.

In the case of PKTT, they are not reinforcing KZN, I mean murder and robbery, they are deemed to be, because they are not established in the same way as this one, they are, they are now parallel to murder and robbery, because they are there. This is now 7 years. This is now 7 years
20 and they are, in a way, I would say, the ones that the Marais report referred to, not this.

I hope we are together. The Marais report finds a proliferation of sort of permanent task teams and they say, do not have permanent task teams, do not have many of them. Reduce, integrate, make specialized units.

Now, as an example, that specialized unit does exist in KZN. So, they must do the work that the National Political Killings Task Team does in KZN. But in case there is something that requires reinforcement, you will then send, in this case, if there is something that overcomes murder and robbery in KZN, but overcomes also PKTT, you will then have to form or establish this to go and reinforce the two. That is why this talk of double parking PKTT, on one hand, 7 years now, murder and robbery, which is now
10 there. There is that difference.

ADV SELLO SC: Okay.

ADV BALOYI SC: Can I ...[intervenes].

ADV SELLO SC: Yes, Commissioner.

ADV BALOYI SC: Yes. Minister, this information note, if you look at paragraph 2.4, it records the problem, in the information note, still at page 371, that you were looking at with Advocate Sello now.

MINISTER MCHUNU: Oh, I see.

ADV BALOYI SC: Yes.

20 **MINISTER MCHUNU:** Thanks, I have it.

ADV BALOYI SC: 2.4, it reads:

“The division Visible Policing and Operations currently does not have funds to run the operation.”

And then a decision was that an application should

be submitted to move funds from another environment. But then turn to page 2.5 and see what, in fact, gets to be done.

And then it says:

“In order for the SAPS to have a breakthrough and successful operations and convictions to combat mentioned crimes, a team consisting of 10 members led by Major General Zulu is formed.”

10 So there is a team formed. And then in 4.1.1, it says:

“The team led by Major General Zulu be deployed to East London and Butterworth for the combating of taxi violence.”

So there is a team which has been given the function to go and combat taxi violence, right? That includes murders. That is what I understand this to mean. That is the job of this team, is to go and combat taxi
20 violence. I have a difficulty that from your evidence yesterday, you spoke about a false hierarchy. You said murder is murder. To create a task team that focuses on murder in a particular sector is a false hierarchy.

Why is this not falling squarely into that which you define as a false hierarchy? These are matters that murder

and robbery, not visible policing, murder and robbery, should be investigating according to your approach to this, right? Murder and robbery should be dealing with these matters.

You do not say to the National Commissioner, get murder and robbery to deal with these issues. You instead constitute a team to deal with them. What happened to your concern about the false hierarchy of some murders are more important than others that require particular attention?

10 Can you just reconcile ...[intervenes].

MINISTER MCHUNU: Yes.

ADV BALOYI SC: That concern of yours with you constituting a team in December 2024?

MINISTER MCHUNU: Now firstly, if I could be allowed just to extend your reading to 4.1, which says the deployment is from December the 9th, 2024 to February.

ADV BALOYI SC: Yes, I accept that it is time bound, yes.

MINISTER MCHUNU: Yes, that is number one. Number two, how do I reconcile? This is a team to go and work
20 with, or reinforce murder and robbery in Eastern Cape. But they are going there to reinforce. Why then, how do I reconcile the hierarchy and so on. They are not there to deal with particular societal categorisation in the form of what I would call like in the form of KZN, in which I am saying in 2018 there was nothing wrong, because they were

targeted, if I could use that, counsellors at local government level and therefore, it was a specific category.

Here, you are just going there to deal with violence in the same way that happened in KZN in 2018, but slightly different in nature. It is just violence killing drivers, taxi owners, whoever in the Eastern Cape at that time. So go and reinforce murder and robbery, combat this problem between those months, and then you come back.

ADV BALOYI SC: Why do you say this information note
10 says go reinforce murder and robbery? I mean, I see in 2.4 it refers to visible policing and operations struggling. Is visible operations in murder and robbery?

MINISTER MCHUNU: Yes.

ADV BALOYI SC: Is it in murder and robbery?

MINISTER MCHUNU: No, this - what is happening at the moment, or before the adoption of the new structure, is that visible policing was, is a branch, if I could call it that, and then Major General Zulu is under visible policing and therefore, they were saying visible policing does not have
20 funds to do this.

ADV BALOYI SC: Yes.

MINISTER MCHUNU: And therefore, if there is a team for that period, get it from outside. This is what it meant.

ADV BALOYI SC: Yes, what I am asking, Minister, sorry, what I am asking, you say to us that this team was

constituted to go and reinforce murder and robbery, so they were not going to do their own work as a stand-alone team in the way that the PKTT was doing.

MINISTER MCHUNU: Yes.

ADV BALOYI SC: You distinguished them in that way.

MINISTER MCHUNU: Yes.

ADV BALOYI SC: What I am asking is what in this information note says they were going there to reinforce, not to be a stand-alone team, but to basically work with and
10 within murder and robbery. What is it in this information note says that, tells us that?

MINISTER MCHUNU: Well, it may not necessarily be here, but it actually was there ...[intervenes].

ADV BALOYI SC: Okay, so, on a reading, on a reading of this information note, on a reading of these two pages of the information note, there is nothing that says this new task team that you have tasked the National Commissioner in December 24 to form, there is nothing in this document that tells us they are not a stand-alone team, they are going
20 there to reinforce and be part of the murder and robbery team in that area. There is nothing in this document that tells us that.

MINISTER MCHUNU: I would agree with you that in terms of drafting lacks precision.

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

you, Ms Sello.

ADV SELLO SC: Thank you, Commissioner Baloyi. Minister, perhaps I should take this moment to clarify that I, and I do not think anyone in this room, is against the establishment of the task team, this particular task team in the Eastern Cape.

CHAIRPERSON: Ms Sello, may we take the adjournment now and resume at 11.15?

ADV SELLO SC: Thank you, Chair.

10 **CHAIRPERSON:** Let us adjourn.

ADV SELLO SC: Thank you.

INQUIRY ADJOURNS

INQUIRY RESUMES

CHAIRPERSON: Yes, Ms Sello.

EXAMINATION BY ADV SELLO SC (CONTINUES): Thank you Chair. Minister we were still on the information note in exhibit at page 371 file 2 of 2 of the exhibit file. Do you still have that in front of you?

MINISTER MCHUNU: Correct.

20 **ADV SELLO SC:** Thanks.

CHAIRPERSON: That is 371. Thank you.

ADV SELLO SC: 371, Chair, thank you. That is where it starts. I want us to go further on. You recall that we noted that this task team was established as page 372 tells us 4.1.2. The deployment is from 9th of December 2024 to the

28th of February 2025 at the bottom of 372.

MINISTER MCHUNU: Correct.

ADV SELLO SC: Item 4.1.2.

MINISTER MCHUNU: Correct.

ADV SELLO SC: If we go forward to page 378, 379. At page 379 that is another information note that starts at 378. This particular information note if you go to page 380 is dated February 26, 2025. And that you recall that in the previous document we read the lifespan of this task team
10 was until the 28th of February 2025. So, the information note starting at 378 tells us at 380 that the lifespan tells us that this document was created two days before that task team was due to be dissolved. Do you note that?

MINISTER MCHUNU: Yes.

ADV SELLO SC: And I want specifically to refer you then to page 379. On that same document item 3.3. It says:

20 “The current team consists of two detectives, three information collectors, four combat members and one support.”

At item 4 there are recommendations as of February 2025.

And it reads:

“This office recommends the following:

[4.1.1] The current team to be beefed up in parentheses total of 19

members to cover Butterworth, Ngcobo, Cofimvaba, Mthatah and Tsolo. The team will be placed in Butterworth.

[4.1.2] Additional members required as follows. Two information collectors, two detectives, four NIU operators.”

So, its original lifespan was for three months effectively.

10 And at the end of those three months clearly from this second information note, its lifespan was extended once again. And not only extended, but the team was also beefed up. And by adding members from other different units into this team, this specific team. Do you accept that?

MINISTER MCHUNU: Yes. Correct.

ADV SELLO SC: And it is safe to assume that that decision was taken because this team was due to the efficacy of this team. Would that be a fair conclusion?

MINISTER MCHUNU: Yes.

20 **ADV SELLO SC**: Before we broke for tea, I was anxious to make one thing clear with you. That I and I do not think anyone within the Commission or reading these documents would question the wisdom of establishing that testing. And that wisdom is demonstrated by the documents themselves. In a period of three months since the establishment of this

task team, as page 371 tells us, that when the team under the leadership of Maj-Gen Zulu, I would say, got onto the ground to work and deliver on their mandate, at item 2.2, General Zulu, it states the following:

10 “Maj-Gen Zulu interviewed the families and survivors and was able to draw 20 dockets related to murders and extortion. She discovered that little to nothing was done on the dockets. The first docket she worked on, she was able to arrest the suspect linked with more than 10 murders and extortion. The suspects were arrested at the Mall of Africa in Midrand.”

At 2.3, it notes:

20 “There is currently a breakthrough on other dockets but need further investigation and linkages. Maj-Gen Zulu believes that she can end taxi violence and extortion in the two affected areas through arresting with convictions of the taxi bosses linked to the mentioned crimes.”

See where I am reading, Minister?

MINISTER MCHUNU: Yes.

ADV SELLO SC: At 378, when the lifespan of this task team was extended, page 378, and broadened beyond Butterworth to include Komani, Mthatha, Cofimvaba and others listed at 2.3. The following is noted, and I read at 2.4:

“Survivors and victims’ started to come out and provided information on the case and trust was built. 99 percent of dockets were never investigated.”

10 Do you see that?

MINISTER MCHUNU: Yes.

ADV SELLO SC: And we must accept that that happens in an environment where there is a murder and robbery unit.

MINISTER MCHUNU: Yes.

ADV SELLO SC: And that demonstrates, I would say, the efficacy of this particular task, the notion of a task team and this one in particular.

MINISTER MCHUNU: Yes.

20 **ADV SELLO SC:** And it is for that reason I put to you that it cannot be in any SAPS operation that the establishment of a task team, the notion of establishing a task team, can be rejected in favour of an organogram. It cannot be. Do you have a comment to that?

MINISTER MCHUNU: Not at all. You would recall, Commissioners, that the two do not - are not mutually

exclusive. The idea of specialised units in the organogram and continued monitoring of developments on the ground, the result of which may demand that you do something over and above what organogram specialised units are doing, is not mutually exclusive. It can happen.

You now have specialised units, but you need reinforcement because of the extent of the upheaval or the problem in a particular area. Then you reinforce. And I did say what General Zulu was, Maj-Gen Zulu was leading. It
10 would be a combination of people from NIU, from TRT, and they go there or any other combat unit and then they go and work there and so on.

So, it is not mutually exclusive. The difference between that and what we are talking about in PKTT is that they are not in KZN to reinforce, to reinforce murder and robbery units. They are there as a silo, kind of semi-permanent, if I could use that. In principle, there is nothing wrong with them having been established dealing with what they were dealing with.

20 But what is at stake now is that does NP Kitt unit get extended beyond seven years while you now have murder and robbery whose capacity you may not necessarily be using in its entirety and then leading to coexistence. They are not there to reinforce and then go back, reinforce. They are kind of there sitting parallel with murder and

robbery. That is the difference.

ADV SELLO SC: May I go back to the question Commissioner Baloyi asked you? And it is because you persisted in the notion that they were there to reinforce murder and robbery.

MINISTER MCHUNU: Yes.

ADV SELLO SC: From the two information notes, one, the first being at page 371 that we referred to, and the next that we have just gone through of February 2025 starting at 378,
10 when I read both documents, I do not come away with a conclusion that this task team was intended to reinforce anything. So, I would like your guidance with reference to these documents.

MINISTER MCHUNU: Yes.

ADV SELLO SC: From where I can derive such an understanding.

ADV BALOYI SC: Maybe before you answer, Minister, I also have regard at page 378, that information note, have regard to paragraph 2.2, which says:

20 “Dockets were collected from provincial serious and violent crime unit, and the team conducted further investigations.”

So have regard to that when you want to tell why this is different from the way the PKTT operates.

MINISTER MCHUNU: Firstly, the precise question was we

do not read reinforcement here. And I did concede to Commissioner Baloyi that it is a question of precision in terms of writing from where I sit, more than any other thing. They could have added precision. No, they could have added that element of being precise that it is reinforcement.

ADV SELLO SC: Okay.

MINISTER MCHUNU: But it comes in this particular form. But the understanding should be that they were going there to reinforce. They were not going there to be siloed. They
10 were going there to reinforce. That is why they look at the dockets, they find what they find, because they are meant to reinforce. So where are you? What are you struggling with? We are here for a few months.

So let us work together and see how far. And that is one. And then on the other hand, PKTT was established exactly to do more or less this is an example of what we are envisaging. And on the side of PKTT, it was established for six months and then leave once a murder robbery exists there. And then it took time. And they are there now. And
20 we are not implementing.

And by the way, I should say, PKTT are not guilty for that. It is us at management level who have created the situation that is there. They are doing what police are telling them to do. So, an impression should not be that they are wrong, because they are being allowed by

management to do what they are doing. But I am just explaining what should be as opposed to what the case is.

ADV BALOYI SC: Minister, that paragraph 2.2 in 378 tells us that Mag-Gen Zulu's team conducted investigations. There is a list there. So, they became a self-contained team. So, she says, we collected dockets. And then the team conducted further investigations. They applied for Section 205. They got post-mortem reports, photo albums for crime scenes. They did that. They took witness
10 statements. They traced suspects. They applied for J50s. They did firearm inspections.

So, they were not there to let murder and robbery or serious and violent crime to do their work while they are back up. They took the dockets, and they conducted the investigations. We have understood. That is exactly what the PKTT does. They got the dockets, and they did exactly the same stuff. So that is the one thing. The second thing is, the PKTT was originally established for a period, kept getting extended, but exactly the same here.

20 It was first established in December 2024, and this, which Adv Sello is discussing with you, requests and grants an extension for a further period. So that task team's setup for a fixed period gets extension does not seem to be the anomaly here. It is not an anomaly. That is unique to the PKTT. Your own task team of 2024, December, in fact,

conducts investigations in exactly the same way the PKTT was doing, and then it requests an extension, and it gets it. The difference you are seeking to draw is not apparent to me. In fact, there is no difference.

MINISTER MCHUNU: Commissioners, I would say from where I sit, there is a difference. We are talking about seven years of consistent extensions. Well, with what I spoke about post-2022.

ADV BALOYI SC: The difference you are drawing is the
10 one that has been in existence for seven years, not how they operate.

MINISTER MCHUNU: I am still coming to that.

ADV BALOYI SC: Okay.

MINISTER MCHUNU: Seven years. And that site, it is three months of extension. The principle is the same, but practically, it is different. They get there, they found out that there are serious and violent crimes within which there is murder and robbery, within which there is taxing. But their level of performance, their level of performance is as
20 stated there.

They take over their dockets. They find that there is this. They then pick up things, and they start working in accordance with what is expected of police. In other words, if they were working the way, I mean, up to the level they were, they would have found all these things have not been

done. But there was precisely a complaint there because they were not performing well. I know the practical problems that were there.

ADV BALOYI SC: But that is exactly how the PKTT came to be formed. There had been a task team, which is KZN based ...[intervenes]

MINISTER MCHUNU: Correct ...[intervenes]

ADV BALOYI SC: Of the province, which was responsible for investigating these matters.

10 **MINISTER MCHUNU:** Correct.

ADV BALOYI SC: And when the President intervened, it is because the work that was being done by whoever was dealing with matters there was not effective, and it was thought, let us form a task team. The PKTT was formed, but you responded exactly the same way in December to a problem in a different area. There is no difference in how they came about. There was policing happening in both jurisdictions, KZN and Eastern Cape here. Policing was happening.

20 Then there is a realisation that it is not effective. The solution in KZN was the President formed an IMC, and that IMC resulted in a task team being formed. In this case of the Eastern Cape, you became aware of the failures of policing, and then you formed a task team. And that task team does investigations, takes the dockets, did

investigations in the same way as the PKTT. So, the foundation is exactly the same.

MINISTER MCHUNU: Correct.

ADV BALOYI SC: Yes.

MINISTER MCHUNU: The principles are the same. But I am saying there is a difference here, seven years. The difference, again, is that there has not been an action or existence of PKTT in line with the stats that I was showing, which show that political killings have gone down, but we
10 are maintaining, and so on. There does not seem to be strong assessments that are in consonant with this, to allow the development of murder and robbery, whether for the worst or for the good.

But we hold a view, a strong view, that says that if you want to deal with violence in South Africa, especially in the four provinces, have something that is stable, that is sustainable. Do not have a team, a task team on a temporary basis, because they are from where they come from, from a station and from elsewhere, whereas these
20 ones are from units that exist, combat units. It is simple taking them from where they are. You take them different from people that you take from a station. So, there are those kinds of differences, but the principles, I agree.

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

ADV SELLO SC: Thank you. Thank you, Commissioner. So, then, your challenge with PKTT was the period for which it had been in existence. Seven years, you deemed too long.

MINISTER MCHUNU: In part. In part.

ADV SELLO SC: Yes, in part.

MINISTER MCHUNU: Yes.

ADV SELLO SC: I will accept that. Commissioner, are you aware of a team, a task team, called Operation Lock?

10 **CHAIRPERSON:** Ms Sello, you just called the Minister Commissioner.

ADV SELLO SC: Minister, I apologise. I have dealt with too many Commissioners from EMPD. Please accept my apologies. Thank you. I wanted to establish, Minister, whether you are aware of a task team called Operation Lockdown/Thunder in Cape Town. Are you aware of that task team?

MINISTER MCHUNU: I am aware.

20 **ADV SELLO SC:** Are you aware of a task team called Manguzi Cross Border in KZN?

MINISTER MCHUNU: I am aware.

ADV SELLO SC: Are you aware that both, as with the task team, have been in existence for seven years? And they continue to be in existence?

MINISTER MCHUNU: Yes, I am aware. But not exactly in

that way. I am aware of, for instance, the existence of Manguzi and from time to time they get withdrawn, as I heard a few months ago. But I am aware of their existence.

ADV SELLO SC: Why does their long-term existence not be cause for concern for you, such that you issue a disbandment letter for those task teams similar to the PKTT one of the 31st of December 2024? I trust that there is a reason.

MINISTER MCHUNU: They are of concern. They are of
10 concern. In the first place, well, there is a slight difference.

ADV SELLO SC: Yes.

MINISTER MCHUNU: Lockdown is a kind of an operation, again, working in the same kind of principle. Let us say, for convenience, it is a task team and so on. It is of concern. Let me indicate what the concern is about. And we were about to land on them to show that there is a concern, not because I am now facing a Commission, but because of the concerns that were continuously, or grave concerns, not just concerns, getting in Cape Town, in the Western Cape,
20 about a violent situation there, and indicating gaps, huge gaps, if you look at their existence on one hand, and levels of violence in that. It could be concluded that they have not performed up to the level that is required.

And I discussed this with the National Commissioner on a number of occasions. At one point, we

had a discussion on the phone for one hour. And I said to, I requested the National Commissioner to deploy intelligence in Cape Town to check why there is consistent, seemingly growing violence in that, despite what efforts have been made there, and so on.

So, I am aware the concern is there. On the question of Manguzi, there is the same concern, that at one point, when there is a flare-up, Minister would go there, and then they would seemingly work for a while. And I know
10 that recently, maybe three or so months ago, I received reports from the ground that they had been withdrawn and activities, criminal activities, went up in that particular area. So, there is a concern. We have not really been as effective as we would need to be in terms of the demands of the people, expectations of the people of Manguzi. So, both of them are of concern. But you could not do everything at the same time.

ADV SELLO SC: Why not? It impacts different places around the country. It is not like if you disestablished the
20 operation lockdown in the Western Cape, that would further prejudice KZN. I do not understand why they could not be disestablished at the same time. Because they are in two different regions, in two different provinces.

MINISTER MCHUNU: Well, what got us to attend to PKTT is different from what we are talking about.

ADV SELLO SC: Yes.

MINISTER MCHUNU: PKTT gets in in the form of us looking at organisational structures through orientation as we came, and we become aware of that, and how it should have been dealt with in terms of the work study and all of that. While in the Western Cape one, it is in accordance with what I regard as reinforcement of specialised units that are getting beefed up and so on.

It is not to say there is no concern and so on. So,
10 the PKTT issues are different from these in the sense that this one flows from the organisational structure studies to say we have this kind of a team. The intention was this and this and this, and that would have been determined by existence of newly established specialised units, which is not what applies in the Western Cape. And the concerns in the Western Cape are not structural, historically structural. It is just performance based purely. So, there are those differences.

ADV SELLO SC: Yes, thank you, Minister. I hope you
20 have your statement close by.

MINISTER MCHUNU: Correct.

ADV SELLO SC: Yes, and I would like to refer you to page 60 of your statement. You touched on this I think yesterday morning.

MINISTER MCHUNU: Yes.

ADV SELLO SC: And I would like to refer you to paragraph 180. And that is where you quote the report of General Masemola of the 22nd of January 2025.

MINISTER MCHUNU: 180.

ADV SELLO SC: 180, paragraph 180 at page 60.

MINISTER MCHUNU: Oh yes, I have it.

ADV SELLO SC: And I think you read part of that into the record.

MINISTER MCHUNU: Yes, correct.

10 **ADV SELLO SC:** That quotation starts with General Masemola. I think it was in response to a parliamentary question?

MINISTER MCHUNU: No, it was taken from the preliminary report.

ADV SELLO SC: Yes, thank you for the correction. And the first sentence reads:

“The task team has undeniably achieved and far exceeded the purpose for which it was established.”

20 I will stop there. Do you agree or you disagree with that statement?

MINISTER MCHUNU: I agree with the statement. And I am cautious in doing so because of what the Chair or the Commission said yesterday in another context.

ADV SELLO SC: Okay.

MINISTER MCHUNU: Was that you go and disestablish via your directive. But you did not know at that time that on the 22nd you would receive a report that was like this. And I accepted that. But I knew that internally I did have this thing that when I wrote the directive, yes, I did not have this report. I considered that. But I did say that I am from KZN. I am in the environment.

And that PKTT is in, and SAPS are in in relation to KZN. I am aware of certain things. One of that is that
10 political killings have since gone down, particularly from 2023 in KZN. And it was in that part. So it is in that context that I am saying I agree with that statement that by and large they have achieved violence in relation to political killings has gone down. And PKTT or NPKTT has been a factor among other factors as I would have indicated. But I agree with the statement.

ADV SELLO SC: Okay. Thank you. Before I get to my next point, and it is because you have done this a few times, I think all the witnesses that have appeared before
20 the Commission as an abbreviation called the task team PKTT, I note in your statement and you just corrected yourself once again, you add an N before the PKTT. And I think yesterday in engagement with the Chair, you explained that it is a national whether Political Killings Task Team. Where does the N come from? Regardless of where

it was established or by whose instruction? Is there a document perhaps I can turn to where I will see it referred to as the NPKTT? Or is it only in your lexicon?

MINISTER MCHUNU: There are documents, not a document.

ADV SELLO SC: Okay.

MINISTER MCHUNU: If you read page 61 of the same report that we are in, that concludes the national Commission, paragraph 182, it says:

10 “What is evident from the disbandment
 report...”

Or is it me who is writing NPKTT? Roman figure 5 up there in the conclusion. On the same page 61. National Commission says the current capacity of the national testing. This is the document that you are talking about. There are various documents. There is a memorandum which was written a month after I took leave. I suppose in August. Written by Provincial Commissioners Mkhwanazi. And before that, there is another document which had been
20 written by Lt-Gen Khumalo. Both of them referred to this team as national task team.

ADV SELLO SC: Yes.

MINISTER MCHUNU: So, it is actually, in essence, a National Political Killing Task Team. But you know people get shortcuts to PKTT. But it is interchangeably used. But

it is not me who introduced the N.

ADV SELLO SC: Okay, I do not know if you heard the evidence of General Mkhwanazi and I think General Masemola. I speak under correction. Whether he specifically dealt with this point. And beyond that, I think it was General Dimpane. But that was in a different context. It was at the Ad hoc. But General Mkhwanazi made the point that the PKTT was one of 11 task teams that are funded from the national budget. And he indicated there
10 are other task teams. But these 11 are national. And that is how I understood them to draw the distinction between the 11 and all other task teams in the country. So, it is not the only national task team. It is one of 11. Is that your understanding as well?

MINISTER MCHUNU: Correct.

ADV SELLO SC: So, the addition of the N to that acronym is just simply to indicate that it is one of the 11. Not that it does not speak to who established it and therefore who can disestablish it. The reference to it being national is not in
20 that context.

MINISTER MCHUNU: Not necessarily. But in a way, it is so. Because the budget, it indicates that the budget confirms, in other words, that the budget comes from there. And the leadership of the National Political Task Team, like in other national task teams, comes from national.

ADV SELLO SC: The leadership comes from national office, I do not understand, please assist.

MINISTER MCHUNU: Well, of the NPKTT. The head of the NPKTT is based at the national headquarters of police.

ADV SELLO SC: But that is a recent appointment, I think two years ago. And he had been the head of NPKTT all along, actually since its inception in 2018.

MINISTER MCHUNU: Yes, it confirms what I am saying, that the head of NPKTT has always been a national figure
10 or person.

ADV SELLO SC: Is that factually correct, Minister?

MINISTER MCHUNU: Factually correct. When it was established, it was the deputy National Commissioner who was the head of NPKTT. And after that, it was Deputy National Commissioner Detectives. And after that, when Khumalo got appointed, he was appointed from national. And he is national.

ADV SELLO SC: We flag that. We will come back to that point. From the documents I have considered, my
20 understanding is that is not a correct factual position that you are advancing. We shall come back to it, and I will seek to have you persuade me that that is the case. And I shall attempt to do the same in return.

MINISTER MCHUNU: I will do the same.

ADV SELLO SC: Thank you.

MINISTER MCHUNU: Thank you.

ADV SELLO SC: For the moment, I would like you to turn your attention to I am in file two of two of the exhibits. And I need to draw your attention to CJC55.6, EXHIBIT CJC55.6.

MINISTER MCHUNU: 55.6.

ADV SELLO SC: Page 50, start at page 50.

MINISTER MCHUNU: Thank you, I have it.

ADV SELLO SC: At page 50, it is a briefing to the
10 President of South Africa. Investigation and prosecution of political related cases. It is dated the 16th of March 2024.

MINISTER MCHUNU: I have got that.

ADV SELLO SC: And you Minister assumed office on?

MINISTER MCHUNU: July.

ADV SELLO SC: July 2024. So, this was about three months before you took office.

MINISTER MCHUNU: Correct.

ADV SELLO SC: Now, if you look at page 51, it sets out a summary of what the PKTT has done over the years. What
20 it has achieved. I think that has been sufficiently ventilated. We do not have to deal in the detail. You are familiar with the content of page 51, all those statistics?

MINISTER MCHUNU: Correct.

ADV SELLO SC: You are familiar with them?

MINISTER MCHUNU: Correct.

ADV SELLO SC: And most importantly, at page 52, is a map of KZN depicting the hotspot regions on politically related cases. And as you would know, what we have at page 52 was the situation as of 2018 when the PKTT started its work. Do you agree with that?

MINISTER MCHUNU: Correct.

ADV SELLO SC: And overleaf then at 53, is the situation in KZN regarding politically motivated cases. And one sees a marked improvement. Whereas there were maybe more
10 than about 15 hotspots by 2024 when a briefing is given to the President on the 16th of March. This is the state of KZN, where the majority of them are identified as stabilised regions.

MINISTER MCHUNU: Correct.

ADV SELLO SC: One is highlighted as becoming stable.

MINISTER MCHUNU: Correct.

ADV SELLO SC: And if you go through that document, it deals with, it provides the graphs to demonstrate the progress that was being achieved year on year. Until 2024,
20 when they now were down to two. Against, let us say, 2018, where they had reached 58 in that year. Do you interpret the graph the same way I do?

MINISTER MCHUNU: 58 cases.

ADV SELLO SC: And against 2018, if you look at just below the graph, there is a legend there. Blue indicates

politically related cases. Red denotes murder other than politically related murder. So, if we look against 2018, you see that, at least on this page, 2018, I think it had about reached, the crisis had reached its boiling point. Because 58 politically motivated murders were recorded.

And the last entry there of four and two, respectively, green and blue, denotes that by 2024, four had been registered. And I point, I say this speaks to the previous slide that demonstrates progress achieved over
10 the seven-year period. You do not have - you do not take issue with that graph, do you?

MINISTER MCHUNU: No, no issue. Except to say, you seem to be reading those figures as murders, whereas there are cases in the top squares. Murders are only below.

ADV SELLO SC: I have understood this to be politically related cases. So, murders, cases of murders which are defined as politically related. Am I misreading the graph?

MINISTER MCHUNU: Well, I know that when they write cases, they, sometimes they distinguish, maybe here they
20 do not distinguish between murder, it is cases, murder or attempted murder.

ADV SELLO SC: Oh, in that context?

MINISTER MCHUNU: In that context.

ADV SELLO SC: So, I ...[intervenes]

CHAIRPERSON: Minister, please, please make that point

with reference to the graph for me to follow.

MINISTER MCHUNU: I thought that when, in the squares below, when they say total cases 2011 to 2015, it is 11 cases, all of those cases were murder cases. And when you go to 2016, there were 49 cases, 32 of which were actually murders. And then it goes on like that. This is what I was checking, whether or not, that is my interpretation.

ADV KHUMALO SC: Adv Sello, I think where the Minister
10 was, your reference to 2018 figures, you had said 58 murders. And the Minister's point was that his reading of that graph is that there were 58 politically related cases, but 14 murders.

ADV SELLO SC: Of which the 14 were murders?

ADV KHUMALO SC: Yes.

ADV SELLO SC: [Indistinct]...

ADV KHUMALO SC: So, in other words, it was not 58 murders.

ADV SELLO SC: Okay, I will reflect that, because there
20 are quite a number of documents here, and I will come back to the issue to demonstrate, or at least to seek to demonstrate that my interpretation of it is correct. And if it is wrong, I will readily concede. Thank you, thank you, Minister. The Minister pointed it out to me. I was suggesting that during the adjournment, I will re-look at the

documents that I have here to test that understanding. And if I am wrongly reading the graph, I will readily concede. But for the moment, then, I ask us to turn to page 55. And page 55 is important because it puts in bullet point issues concerning motives for political killings. And bullet point one states:

10 “Prior and after any local government elections, murder reported – no, prior and after any local elections, murder reported were mainly as a result of fighting over councillorship positions, where candidate councillors were eliminated.”

The second bullet point speaks to:

 “Infighting within branches and municipalities over positions between newly appointed councillors and old councillors.”

The third bullet point highlights:

20 “The problem with elimination of war and PR councillor of a municipality with the aim of decreasing numbers to be able to win over the municipality.”

And it goes. And let us look at the fourth bullet point:

 “Conflict between local municipality

officials and traditional leadership over
land disputes and corruption.”

And, as I said, the list goes. Now, going back to General Masemola’s conclusion as you quoted in your statement, that the task team has exceeded the purpose for which it was established, I interpret that to mean that the issues listed in this page 55 that give rise to high incidents of politically motivated murders are successfully managed and under control. Is that your understanding as well?

10 **MINISTER MCHUNU**: Correct.

ADV SELLO SC: And not that they have been eliminated.

MINISTER MCHUNU: Correct.

ADV SELLO SC: So, if the task team has been this successful, why disband it in circumstances where if one of the main contributors are the elections, why disband it where almost every three years we are either having national elections or local elections? So, elections play a significant role in what spikes up politically related killings in KZN. Would it be wise to disband completely or to retain
20 a force to ensure no further flare-ups?

MINISTER MCHUNU: That question, Commissioners, takes me directly to what the intention was, as opposed to a strong word, disband. It is integration, it is a reconfiguration of PKTT, drafting, I think. The National Commissioner, just to make an example with an unrelated

topic, when he was making submissions, even from the 22nd, he speaks about the National Political Killings Task Team being absorbed into serious and violent crimes.

So, if you look at it practically, the actual intention, I mean, all the time, it has been you transform, you absorb, because you have established a specialised task or you have established a specialised unit. Take what you have been doing in the PKTT, absorb it here, you are not throwing it away, you are not firing people. So, that
10 question is answered by practically what would happen. Practically what would happen is less of disbandment than actual absorption. That is the actual, real issue that we were dealing with.

ADV SELLO SC: But would you accept, though, that even on that scenario, the focus on political killings would then be lost? The same focus that the Butterworth taxi killings has implemented to produce the magnificent results that we speak of. Once the focus is removed from that particular problem, then there is a risk of flare-up. Or you would not
20 accept that necessarily.

MINISTER MCHUNU: Let us separate the issues. The flare-up may or may not be there, but assuming, I mean, looking at the trends, flare-up may be there. But if you have structured yourself such that you are able to contain those flare-ups, because it is not given automatically that

all murder and robbery units throughout the country where they have been established, except with Northern Cape, they are as weak as we found these units in the Eastern Cape.

And there was a reason for that when we did more studies. But coming back to the topic, in KZN, you have serious and violent crimes, and under that, you have murder and robbery. And I have not received a report that they are in the same weak state as just like those in the Eastern
10 Cape. I have an example myself of, no, it is a wrong example, it is in the Eastern Cape once more.

I do not have a report that suggests that murder and robbery and the killings team under murder and robbery is as weak as the taxi sub in the Eastern Cape is. Because I do not have a report that says so, I assume that we have a fully-fledged, maybe still to be developed to higher levels of strength in KZN. Especially if you were to say, okay, we agree, we integrate what we have in PKTT and what we have in murder and robbery and its subunits.

20 I do not think that we could be speaking about a loss, any loss. I do not think we should be speaking about anything that would cause alarm, even in the community out there. And therefore, that would be, that is my understanding and that would be my response to you.

ADV BALOYI SC: Minister ...[intervenes]

ADV SELLO SC: Yes, Commissioner.

ADV BALOYI SC: Minister, on the back of that, when you made the decision to disband the PKTT, which you say you decided on the 29th, finally, that you are going to disband the unit, what did you know at that point about the strength of the murder and robbery units, not just in KZN, because remember this is a national task team, as you tell us, so it may be based in KZN, but it is a national team. What did you know about the strength of the murder and robbery
10 units across the country at that time?

MINISTER MCHUNU: I knew that, with the exception of Northern Cape, they had been established and that they were functional. We had not yet focused on what exactly in detail in Limpopo or in KZN or in Gauteng, but they were at different levels.

ADV BALOYI SC: Yes.

MINISTER MCHUNU: What I know is that there was the only concern that, or there was the only, I would say, issue that we need to beef up, we need to strengthen via a
20 number of things, training, equipping. Myself, I was even talking about what we ended up doing in the structure itself, a new division, separate division from what is combined in VISPOL.

So, that even those specialised units, you back them up, especially in the four provinces, because even by

that time, December, I thought I had come to quite a satisfactory level of understanding the trends of violent crimes, especially in the four provinces. So, I may not have known in detail, but I knew they exist in terms of reports that were presented.

ADV BALOYI SC: Yes, you knew they existed, you disband on the basis that the work that the PKTT was doing can be done by murder and robbery units, that is the basis on which you disband.

10 **MINISTER MCHUNU:** Yes.

ADV BALOYI SC: But you do not know anything about the strengths of those units in the country, so your decision to disband could possibly have the consequence that, in fact, the units that have been established cannot do this work, because at that point, they do not have the capability yet, they have not recruited the people, they do not have the right trained people. How is that a considered decision that ensures that investigations, prosecutions of political killings or political murders continue across the country after your
20 decision on the 31st, from the 1st of January, actually?

MINISTER MCHUNU: Based on the reports, especially when we reviewed the structure with officials confirming that they exist, and it was actually written down, notwithstanding the fact that they were not necessarily individually examined, but based on those presentations,

and based on the absence which would have been made to say we do have, but it is weak or something, which was done in the case of Northern Cape, to say it does not exist, and based on my visits as well to provinces, including, I mean, all provinces except for Free State and North West and Northern Cape, I would say I was fairly aware that they were there, and this was to be reinforced after the, by information that I got.

ADV BALOYI SC: Yes, I do not have a difficulty with a
10 part of your evidence where you say you were told they do exist. I am talking about their effectiveness and capability and maybe let me do it by way of example. By the time you disbanded, you made the decision on the 29th of December to disband the PKTT. Had you had a discussion or a report from, and I use KZN randomly.

I could be using Free State, so you can substitute. Had you had a report from KZN about the capabilities of their murder and robbery unit, their strength, their capability, and a general ability to deal with political
20 killings? And when I say KZN, I am asking the same question about Limpopo, Gauteng, Mpumalanga. Had you received any of those reports about their ability from the provinces themselves?

MINISTER MCHUNU: Now, I would say initially when we were doing the review of the structure, we did receive a

report of their existence. Now, we are talking beyond that. Now, we went to provinces, including KZN, including Limpopo, including Gauteng. We did find out and saw people that they are in murder and robbery. We did receive those additional reports, but I do want to say it was not necessarily to say we are in KZN today to examine just one unit.

That is support services, for instance, or VISPOL. It was not in that particular fashion. I was satisfied with the
10 report of existence and what I had received, or we had received when we visited those particular provinces. But I do want to add, not necessarily with a view to wanting to exonerate myself from that scrutiny by saying that even despite the fact that we had not gone into detail about what was happening.

You remember that we argued yesterday that the letter of disbandment still called for a preliminary report and indeed when that report came, it did say, even though it had not come when we reported it came later on the 22nd, it
20 says the National Political Killing Task Team in KZN would be absorbed into serious and violent crimes in KZN, which was evidence that it is known to exist. It may be at that strength or at another strength.

ADV BALOYI SC: Maybe let me conclude it because I am trying to understand what your answer is to my question. I

am going to ask it differently.

MINISTER MCHUNU: Yes.

ADV BALOYI SC: Is there a record in the SAPS or in the ministry which shows whether it is a minute of a meeting or a report which shows that before you made the decision on the 29th of December, you were provided with information by the provinces about their readiness, which led to your decision that they are ready and able to take over that murder and robbery in those provinces, is ready and able to
10 deal with the work that the Political Killing Task Team was doing?

I am asking that kind of simple question that do we have verifiable evidence that you were provided with that information and you had that information when you made your decision that it is not necessary to have the PKTT because our murder and robbery units across the country are sufficiently capacitated at that stage to take over this important function?

MINISTER MCHUNU: There is the Marais report of March
20 2024 and over and above that, when we were reviewing the structure, we did get presentations. I may not be precise in terms of the level of detail on units, especially murder and robbery, in all provinces, but I know that there was confirmation, as I have said, of their existence and no concern was raised at the time that they presented. There

was a feeling that there were presentations that said we do not have ...[intervenes]

ADV BALOYI SC: Minister, I do not quarrel with their existence, and it is not my question. My question is not whether you satisfied yourself that they existed. It is not that. It is a completely different question. It is you satisfied yourself because of information given to you that those units across the provinces are in a position to carry on the work that was being done by the PKTT. That is what
10 I am asking, but you have referred to the Marais report, so I will leave it to Ms Sello to talk us through the Marais report and point us to where it says that. Thank you.

MINISTER MCHUNU: And also, to when we are reviewing the structure.

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

ADV SELLO SC: Thank you, Commissioner. Minister, as you were engaging with Commissioner Baloyi, I went back to check on the graph. Remember the graph we had put up and the correction you made. That is CJC55.6 at page 54.
20 I just wanted to confirm to you that I have checked the further documents, and your interpretation is correct. I consider misinterpreted.

MINISTER MCHUNU: Thank you.

ADV SELLO SC: So that explanation you gave I think is more fully articulated at page 51 of that annexure, just to

place it on record. And in particular then for precision at bullet point five. That effectively is a narrative on that graph ...[intervenes]

MINISTER MCHUNU: Yes.

ADV SELLO SC: And it supports your interpretation. Thank you.

MINISTER MCHUNU: Okay.

ADV SELLO SC: Just to follow up on the point Commissioner Baloyi just engaged you on, I do not know if
10 you are aware that General Motsepe appeared before the Commission and she has submitted a statement.

MINISTER MCHUNU: I am aware.

ADV SELLO SC: General Motsepe as I understand is the component head of serious and violent crimes, of which murder and robbery is a part. Is my understanding correct?

MINISTER MCHUNU: It is correct.

ADV SELLO SC: At paragraph 20 of her statement, she noted that although the murder and robbery structure was in place, the units were not properly capacitated. That is her
20 testimony. In fact, the very engagement you just heard with Commissioner Baloyi, Commissioner Baloyi had with General Motsepe. And during her testimony on the 17th of November 2025, Commissioner Baloyi asks of General Motsepe, General:

“When General Sibiya tells you about

the organisational structure that is there and the PKTT must now cease to operate and fall under murder and robbery, you conclude in that reference to paragraph 20 by saying all that was required for the murder and robbery units to be properly capacitated, but the structure was already ...[intervenes]”

10 **CHAIRPERSON**: Ms Sello, does the Minister have this?

ADV SELLO SC: No, I am just reading. It is just a little excerpt from the transcript.

CHAIRPERSON: All right.

ADV SELLO SC: The first reference I made was to paragraph 20 of General Motsepe's statement, where she says the structure was there, but there was no capacity. And she confirms that here in the hearing through her engagement with Commissioner Baloyi. So, according to the component head responsible for murder and robbery, at
20 the time of disbandment, that unit murder and robbery did not have the capacity. The structure was in place, but there was no capacity. Hearing what you do now, do you think that disbanding the PKTT in circumstances where political killings could flare up ahead of the 2026 local elections was a wise decision?

MINISTER MCHUNU: Commissioners, in the context that - I will come exactly to your question, but I just want to say first a preamble. In the context of what would practically happen when you disband or when you reconfigure PKTT, it would mean in practise integrating what is there currently. You would take what is there in PKTT, what is there or not there in murder and robbery, because going together with the establishment of specialist units was to ensure that SAPSs greater capacity that is sustainable.

10 So, there is nothing preventing me from saying, yes, General Motsepe, component head, may have said that, but if in the process of integrating, you are not going to throw people, and they become unemployed and all of that. You are going to integrate them. I have no doubt that this would result into the required capacity once integrated.

ADV KHUMALO SC: Minister, how do you arrive at that conclusion? Because you did not know how the integration would take place. So, how can you say if the unit is disbanded or if the team is disbanded, then I know that it
20 would result in the murder and robbery unit being properly capacitated. How do you arrive at that conclusion?

MINISTER MCHUNU: I arrived at that conclusion because in the reports and in the assessments, including implementation assessments, latest 2024, that is exactly what they were saying. That when we fully establish

serious and violent crimes, that is why they even wrote qualification levels of people who must be recruited or whatever in the murder and robbery.

Everything was there. Payment, equipment, and all of those things. So, reading that report, I know police knew what it would take to establish, and they had it written down and assessed twice. And I did say earlier, there was a letter, implementation letter in 2024, but which unfortunately the National Commissioner did not sign for a
10 year, up until this year.

He only signed in 2025, saying it must be expedited. It means that the implementation letter that was signed by all other officials, all other officers, except for the National Commissioner in 2024, they were satisfied that the specialised units have reached a point where they could, in their criteria, be functional. That is why they signed them for implementation, not establishment. And then they forwarded that to the Office of the National Commissioner, who then for a year did not sign. So, that is how you would
20 have established that, or I established that.

ADV KHUMALO SC: Go ahead.

ADV BALOYI SC: So, the implementation contemplates that there would be recruitments, for example, of people who meet certain criteria, right? To be in the murder and robbery unit, you have to meet certain criteria. You do not

have there is no information before you when you make the decision on the 29th that everyone that is in the PKTT meets that criteria. You did not have that information, right?

MINISTER MCHUNU: In the PKTT?

ADV BALOYI SC: Yes. What I am trying to clear is you say there would be integration, reintegration, no one is going to lose their job.

MINISTER MCHUNU: Yes.

ADV BALOYI SC: And the impression it creates, Minister,
10 and I do not know if that is the impression you are seeking to create, the impression it creates is that after you made your decision and instructed from the 1st of January, everyone who was in the PKTT will neatly be slotted into the murder and robbery unit, so that skill and experience would not be lost. That is the impression that your evidence is giving. Is that what you intend, when you say they would be integrated and nobody would lose their jobs? Is that the impression you are seeking to create?

MINISTER MCHUNU: That is correct.

20 **ADV BALOYI SC**: But that cannot be correct for two reasons. You do not know the qualifications of the people who are in the PKTT, whether they meet the requirements, the implementation requirements, as of the 1st of January. You have absolutely no idea about that. So, you cannot say to us, you knew that the people in the PKTT would all be

integrated into the murder and robbery. You could not say that, because you know nothing about their qualifications.

MINISTER MCHUNU: But I know that there is a report signed by all officials up to Deputy National Commissioner in 2024, signed for implementation. I know that.

ADV BALOYI SC: Okay.

MINISTER MCHUNU: And there is nothing that makes me doubt that all of these officials would have signed something that they were not satisfied is at the level that is
10 required in terms of the prescripts of the work started before. But two, when National Commissioner signs in June 2025 now, so it is after my letter, he simply says it must be expedited.

It does not say there must be any other thing. He says implementation must be expedited, which when I read that, I assumed that he knew what he was doing, meaning that what had been signed in 2024 would be something that exists, it would be based on something that to their satisfaction up to Deputy National Commissioner.

20 **ADV BALOYI SC**: So, what we know is what the National Commissioner approves includes that expedite the recruitments capacitating these units. That is part of it, right? We know that is what he is signing for. My point is, when you disband with immediate effect on the 1st of January, and please do not focus on immediate for now, it

is a separate conversation altogether.

MINISTER MCHUNU: Okay.

ADV BALOYI SC: When you say disband, you say people would be integrated, reintegrated into the murder and robbery unit. The simple point I am making is, or I am seeking to establish with you, is that as of the date of your instruction, you do not know Minister sitting there at that time as you sign this letter and you send it off. You do not know whether your PKTT people will be integratable into the
10 murder and robbery units in their different provinces. You do not know that.

MINISTER MCHUNU: No, I know it, Commissioner.

ADV BALOYI SC: Okay.

MINISTER MCHUNU: Because it was made abundantly clear during orientation what would need to happen.

ADV BALOYI SC: Okay, we can leave it at that. That is your answer. Can I put to you that while General Sibiya seemed to have understood things differently, because he gave an instruction that everybody must just go back to
20 their old stations. Everyone of PK, that is what he said. His instruction is, so you seem to have had a different idea that people will be seamlessly integrated into the murder and robbery unit, but your divisional, your Deputy National Commissioner for detectives, I think that is what he is, his instruction is everyone who was in the PKTT go home, go

back to your stations.

That is not to integrate them into the murder and robbery units in their provinces. So, it seems you and General Sibiyi had different ideas about this. And for me that is part of the problem that naturally follows from a failure to speak to your managers about your intention and how you see it playing out. That here is my thinking about it. You just gave an instruction you let them execute. Well, Sibiyi does what he thinks is best. He calls for dockets
10 and then he says to people, go back to your stations. So, the murder and robbery units in the provinces do not benefit from your decision on the basis of Sibiyi's instruction.

MINISTER MCHUNU: Now, their understanding that is written down black and white, including after the effect, was that they would be re-recruited, if I could use that, into serious and violent crimes, including in documents on the 5th and 6th. So, this is now from the National Commissioner, not from Sibiyi. What Sibiyi subsequently says could loosely be interpreted as to say, if you were
20 from Limpopo and you are in PKTT in KZN, you would go back to your province, but to murder and robbery.

ADV BALOYI SC: Minister, no, we cannot do that. Please do not do that. Sibiyi's letter does not do that. It does not. It says, go back to your station. That is, it. Please accept that is what it says. Let us not try and reconstruct it. He

may come back. He will come and testify. Maybe he will tell us what his intention was, but you cannot.

MINISTER MCHUNU: Yes.

ADV BALOYI SC: You cannot interpret it to suit your evidence now. It is just wrong to do that.

MINISTER MCHUNU: I understand, but my primary reliance is on the reports that we received, as I say, which indicate that members of PKTT would be absorbed into serious and violent crimes.

10 **ADV BALOYI SC**: Thank you, Minister. Thank you. Ms Sello, I think I took you very far from the question.

ADV SELLO SC: No, no, no, it is still within the theme. It is quite okay. Thank you, Commissioner. Perhaps just to close on this topic. You are aware, we have been talking about the IMC. On our record, we do not have to go there. We have eight minutes of the IMC meetings, which is the totality of the number of meetings the IMC had, with the first being on the 21st of May 2018, and the last on the 5th of September 2023. I assume that you know that fact.

20 **MINISTER MCHUNU**: Yes, correct.

ADV SELLO SC: And I assume you know what the IMC discussed at each of those eight meetings. Is it a fair assumption to make?

MINISTER MCHUNU: Correct.

ADV SELLO SC: And therefore, you will remember that at

the meeting of the 21st of May 2018, which is the meeting after the President has established the IMC, that the Premier of KwaZulu-Natal led the discussion about the problem in KZN, and that a presentation was made to the newly formed IMC. It was duly assisted in that regard by Maj-Gen Chiliza. Now, I do not intend to go too deep into this meeting just to refresh your memory, because you said you are aware of the minutes and their content.

MINISTER MCHUNU: Yes.

10 **ADV SELLO SC:** No, they are not on record. They are not part of the bundle yet. But the only issue here, and the Minister has assured me, if the Minister had not seen them, then I would have stopped this question. But the Minister has assured me that he has seen the minutes and he knows. And in that presentation, it is stated that - it is stated to the IMC that a task team was established in 2011 to find the causes of political killings. You are aware?

MINISTER MCHUNU: Yes, I am aware.

20 **ADV SELLO SC:** And I highlight that because I think earlier in your testimony you had said this IMC established the political task team. So, that contention has got to be wrong. Because on its constitution, this IMC was told of an existing Political Killings Task Team that had been established since 2011.

MINISTER MCHUNU: What I know is that there was a task

team that was established in 2011. There was another that was established in 2014. There was another that was established in 2016, if I am not mistaken, which then, on the basis of which then the PKTT took over. I know that.

ADV SELLO SC: I will accept that except I am going by the minutes that you are very familiar with of the IMC. And I just wanted to highlight that at its first sitting, after the President had constituted the IMC, during a presentation by the Premier and the General Chiliza, I hope I am not
10 mispronouncing it. The IMC is informed of an existing political killings task team established in 2011. That is what they say in 2018. So, the minute does not reflect any other.

MINISTER MCHUNU: Any other. I accept that.

ADV SELLO SC: Thank you. So, then, do you accept that any belief that the 2018 IMC established the current PKTT is incorrect?

MINISTER MCHUNU: No, it is correct.

ADV SELLO SC: How?

20 **MINISTER MCHUNU:** It is correct because it is the IMC in 2018 that took the decision to establish a mechanism in line with the instruction of the President, a mechanism to contain the situation. And, yes, that is my statement. It is correct.

ADV SELLO SC: And that is why I refer you to that minute.

Because if you read that minute, together with the minute, and now you are forcing me to go and compile a pack of these minutes, perhaps. With the minute of the 3rd of August 2018, of the same IMC, you understand that the Political Killings Task Team established in 2011 was what was operative at the time. And that is what the IMC was engaging with. It is only in August when new engagements were heard that a debate about the effectiveness of this team as was constituted, how effective that team was.

10 And it was accepted it is not, it requires a reconstitution, and that was from the SAPS perspective. And SAPS went and reconstituted its already existing 2011 team together with a strategy and presented to the IMC in September. And the IMC approved the strategy. In none of those minutes, I suggest to you, is there a claim that the IMC established any task team? You are not willing to accept that for the moment?

MINISTER MCHUNU: Not willing because they were specifically asked or requested or instructed to establish a
20 mechanism. But I cannot deny that in the process of doing that, implementing that, they discovered, they discovered that there had been various teams established before, as I indicate the years. But they were not as effective as the situation required them to do in 2018.

And on the basis of the discussion, they then

established. But it was no longer the same. And that one, that one, sorry. That one that had been established in 2016 had been established, I think, by the Commissioner of Police at that particular time. So, they assessed, I am not denying that there was something that was there. All I am saying is that by 2018, in whatever format existed, it was no longer, or it was not seen to be containing or equal to the challenge that was there.

ADV SELLO SC: Yes.

10 **MINISTER MCHUNU:** Hence, then, the establishment of a new outfit.

ADV SELLO SC: I am staying with the same minute. The very first minute of IMC of the 21st of May 2018. And in that minute, decisions are reflected under the heading decisions. The meeting resolved that:

[1] The task team coordinate its work and minimise working in isolation of each other.

Because that was one of the problems that was identified with the 2011 task team:

20 “And the task team should develop an investigation and prosecuting strategy that will mitigate all the risk factors associated with investigating, investigation and prosecution.”

So, the task team is being instructed here and being given

responsibilities and in particular to go develop that strategy. And that minute reflects the task team receiving that instruction to be the existing 2011 task team. Unless, well, that is the minute that informs me so, Minister, I can only cope by what the minute tells me. Will you - and you still maintain your position. I will not persist if you do.

MINISTER MCHUNU: Yes, I would maintain the position that there was a task team that was established in 2016. Not just 2011.

10 **ADV SELLO SC**: Okay.

MINISTER MCHUNU: And if the minutes do not reflect that, like you, I would be willing to correct myself. But so far, I am maintaining that there was a task team established in 2011. There was another, I think, 2014 and then 2016. But 2016 there was.

ADV SELLO SC: And what happened in 2018 when IMC was formed? Did they establish a fourth task team?

MINISTER MCHUNU: What they did was to merely inform those who were in that task team to say there is now a new
20 instruction, a new initiative. We are now doing 1, 2, 3. And that is what happened. They were not like told you are now formally gone home and so on.

ADV SELLO SC: Yes.

MINISTER MCHUNU: But they were told, look, there is now an instruction to establish a new set up. And it is

going to be done like this and this. Those were invited were invited. Those were not invited were not invited.

ADV SELLO SC: At some point in your response, I thought we actually were closer than we started. Because I understood you to mean that the 2016 task team is the one that was in place that then the IMC instructed to develop a new strategy. Did I understand you correctly? Or are you suggesting that the IMC established its own task team? That is where I think we are missing each other.

10 **MINISTER MCHUNU:** It established what I would say its own but building from what they found there in 2016. Maybe in more detail. In whatever form that they saw fit and they did it. But there was recognition that there is something that was there. But it does not meet the expectations and does not have the capacity or is not positioned to deal with the challenge.

ADV SELLO SC: I will then provide the full minutes and then I will leave it to the Commissioners to test as to which is the correct interpretation of the minutes. Is it yours as
20 you have articulated or mine as I have placed on record. The Commissioners will decide in the fullness of time. I want now to turn your attention to exhibit file 2.2.

MINISTER MCHUNU: What page?

ADV SELLO SC: In particular I want us to start at CJC55.8 starting at page 74.

CHAIRPERSON: Page?

ADV SELLO SC: Page 74. From page 74, Minister, presentations to the interministerial committee. Sorry. The first being on the 3rd of August 2018 as appears at page 74. They are quite extensive and unfortunately, they are not individually marked. But if you go to page 120, once again it is a briefing for 2018. 30 September 2018 my apologies.

MINISTER MCHUNU: Page 120?

ADV SELLO SC: Page 120.

10 **MINISTER MCHUNU:** Yes.

ADV SELLO SC: If you go to page 142, it is for the 28th of March 2019.

MINISTER MCHUNU: Yes.

ADV SELLO SC: And once again at 161, it is for the 30th of July 2019.

MINISTER MCHUNU: Yes.

ADV SELLO SC: At 176, it is for 2nd of June 2021.

MINISTER MCHUNU: Yes.

ADV SELLO SC: And 196 is 2nd of February 2022.

20 **MINISTER MCHUNU:** Yes.

ADV SELLO SC: And the last one is page 211, 6th September 2023.

MINISTER MCHUNU: Yes.

ADV SELLO SC: There are very detailed briefing presentations with statistics and everything that I would

suggest the IMC needs to be kept abreast of to enable the IMC to take appropriate decisions. Would you agree with me in that regard?

MINISTER MCHUNU: Yes.

ADV SELLO SC: We do not have to consider the content because if you have not, I apologise, but I think you assured the Commissioners that you are familiar with the content of all these briefing documents.

MINISTER MCHUNU: Yes.

10 **ADV SELLO SC**: I want instead then to refer you to – if you could just give me a second to find my place.

MINISTER MCHUNU: Yes.

ADV SELLO SC: The last minute which was of the 6th of September 2023. It is right here. Yes, and that is EXHIBIT CJC55.5. And it starts at page 24 of the same file. Have you located it, Minister?

MINISTER MCHUNU: I am trying to locate it.

ADV SELLO SC: CJC55.5 and it starts at page 24.

MINISTER MCHUNU: Oh, there, page 24. I have that.

20 **ADV SELLO SC**: And this should be headed in your file as minutes of the JCPS Inter-Ministerial Committee Political Killings in KZN. It is dated 5th of September 2023. And I do not have to go through the detail as well. It was the meeting discussed in detail the issues around the political killings in KZN. I want specifically, because of time, to ask

you to turn to page 49 of that document.

No, let us start at 48, please. And this, at this meeting of September 2023, which happened to be the last meeting before the 2024 elections, at 48 is a summary of various remarks by members of the IMC. And as of September 2023, as far as the PKTT is concerned, I want to draw your attention specifically to bullet point three. At that time, the committee, as Minister Cele expressed, appreciated the importance of dedicated courts for political-
10 related cases.

So, as of September 2023, the thinking was to take it a notch further, actually dedicate courts for these kinds of problems. The next bullet point, bullet point four, records Deputy Minister Mathale indicated that he agrees with recommendations of task team and the team should be enhanced. Do you see that?

MINISTER MCHUNU: I see that, correct.

ADV SELLO SC: I understand Deputy Minister Mathale is also your current Deputy Minister.

20 **MINISTER MCHUNU**: Correct.

ADV SELLO SC: The next bullet point notes that:

“Minister Cele indicated that the task team is involved in the investigation of Fort University, I take it Fort Hare University, and eight arrests were

made.”

And if I then jump to bullet point, the second bullet point from the bottom, Minister Lamola commended the task team about their good work, and he indicated that the progress is indeed visible. Then it deals with other issues regarding Kwa Gogo. I think it was the prison, if I am not sure, but we can skip that. But now I want to draw attention to page 49. And specifically, resolutions. The last bullet point reflects or notes the following:

10 “The task team cannot be dissolved. It
 must continue.”

That is the decision of the IMC in September 2023. You take office in July 2024. And in December 2024, you take the decision that it must be disestablished, technically dissolved. Please explain to the Commissioners what objective or scientific information you had to support that decision in circumstances where a year earlier, your own colleagues, after seven years of engagement with this process, had come to the point where they specifically take
20 as a resolution that the task team cannot be dissolved, and it must continue. What changed between September 23 and December 24?

MINISTER MCHUNU: Commissioners, I have indicated a number of those changes. One, in 2023, 2024 and then later on, up to where we are, there was a marked decrease

in political murders in KZN, starting from 2023. Where you registered an estimate, I think we have the same figure here, of about 11 by 2023. And then going down to seven. And then I think in March this year, it was one.

There could have been another additional. So that is the first reason. Starting from 2023, 2024. But the second one, I did indicate you are now in a position to implement that work study and processes that followed. And now reinforced by the review of the organogram, which
10 is the exercise that we went into in 2024. And endorsed and even added new features to fight crime. I mean, murders.

But we are now doing it with another perspective to say the problem in South Africa is murders. It is not, yes, you could categorise murders into political. But the call, the general call and the general outcry in South Africa is murders. It does not categorise whether of old people or young people, whether something that is distinct in the national call is murders of women and children.

20 But generally, the call in the administration when we come in, it says reduce murders in South Africa. It does not say reduce political killings. It says murders. So, we have to listen to that. It says the murders are the face of crime in South Africa. In other words, you have crime, all categories of crime. But the face, the face that attracts

everybody in the world and makes everybody fear for their lives is murders.

The rate of murder in South Africa. Which is reflected by figures year on year. And at some point, I think 2023, reaching 27 000. If not 27 800, something like that. And in KZN alone, reaching at some point 6 000 per annum. But getting down to 5 000, the last figure that we have. So that is the forecast shifted. Not to say exclusively but inclusively.

10 Inclusive of the figure that PKTT does not deal with. And that is the murder of people. Which happens to be way higher than those that PKTT is dealing with. Now, we could not respond to that. We had to respond to that to say, so the call for SAPS Minister is to deal with murder in South Africa. Hence, the meeting that we called, I think on the 21st, in Kievits Kroon in Pretoria, just to deal with murders, just to deal with firearms, especially illegal ones.

And just to deal with drugs. And I may as well add that that meeting was followed only in June, followed up in
20 June. But in relation to drugs and firearms. So, there is that shift of emphasis in the new administration. Which does not necessarily look down upon the resolution. But it says integrate. It says recognise that there are these people that fall outside political killings.

So that the national clamour, the national focus

should now be on murders, all of them. Especially in the four provinces. Because figures were instructing, were demanding that kind of attention. So, I did indicate that. And even added that you could walk among people as Minister of Police. But when you are alone, you reach home, you know that what you should be dealing with is the outcry in the country of murders in the country. Including murders in KZN. Rather than just those that are political. So, I can go on and on. For which you needed a budget.

10 And then were to want to scrap here and there. Just to fulfil this mandate. To meet this demand. It is a huge demand.

ADV SELLO SC: Yes.

MINISTER MCHUNU: Yes.

ADV SELLO SC: Chair, if I may just encroach on the Commissioner's lunch hour for two minutes. So, I can just close this topic. Thank you. You raised a number of points, Minister. And amongst them, and I think it is a point you have consistently raised at various points. And you
20 always make reference to the seventh administration. Why do you seek to draw that distinction?

MINISTER MCHUNU: It is because ...[intervenes]

ADV SELLO SC: In brief.

MINISTER MCHUNU: Okay. Each and every administration would have what they would refer to as their

top priorities or priorities.

ADV SELLO SC: Okay. So, it follows the sixth administration, which was under the leadership of President Ramaphosa.

MINISTER MCHUNU: Yes.

ADV SELLO SC: As well as the seventh.

MINISTER MCHUNU: Correct.

ADV SELLO SC: Am I to then understand from your response that when President Ramaphosa called for a
10 targeted response to political killings in KZN, he was either not aware of the high murder rate in South Africa in general, or he was wrong in his approach. Where do I land?

MINISTER MCHUNU: He was correct in his approach. Because there was a consistent flare up of this category of murders. And in his view, and by large, in the view of people in KZN, something needed to be done at that time about this category of murders or assassinations. So, he was correct. But he was aware of murders generally in
20 South Africa and in KZN, murders outside. He was aware.

ADV SELLO SC: Now, he established this IMC for that purpose.

MINISTER MCHUNU: Yes.

ADV SELLO SC: Which is chaired by the Minister of Police.

MINISTER MCHUNU: Yes.

ADV SELLO SC: You come into office you automatically become its Chair. Did you call for the IMC to engage the IMC on what you consider the changed circumstances? And therefore, to go back to the President and say, the steps we have taken, we are going to suggest being wound down. Did you take that approach?

MINISTER MCHUNU: No.

ADV SELLO SC: Why not?

10 **MINISTER MCHUNU:** We have said, in the year, let me just call it the year, 2024, 2025, the IMC on political killings does not reflect. And therefore, we were, for instance, appointed as co-Chair. I was appointed as co-Chair of the JCPS instead. So, there was no IMC to go to, to talk about that matter that you are referring to.

ADV SELLO SC: And lastly, what had this established, if I can use that term, the IMC?

MINISTER MCHUNU: Well, it simply was not ...[intervenes]

ADV SELLO SC: Sorry, can I just conclude?

20 **MINISTER MCHUNU:** Okay.

ADV SELLO SC: Because in my understanding, when it was constituted, it identified not the incumbents of the various offices.

MINISTER MCHUNU: Yes.

ADV SELLO SC: But it was the Minister of Police, the

Minister of Justice, and it listed the Ministers.

MINISTER MCHUNU: Yes.

ADV SELLO SC: And I interpreted that to mean, it shall be those Ministers, meaning whoever occupies that office at that time becomes part. Now, you are suggesting that at some point, that structure of Ministers was disestablished. When was that? And by what?

MINISTER MCHUNU: What I am saying – no, first, my understanding is that if you look at the list of IMCs over
10 years, others would simply not be there, would not reflect in the Gazette. Not because there was a meeting that was called to say, you are being disestablished. It would simply not be there, either by cabinet or by the President. Now, in 2024, as of February this year, there was not any political killings - I mean, IMC on political killings, where all other IMCs for the same period are reflecting. And therefore, we would discuss issues of security in JCPS, as we did on volume court and other matters.

ADV SELLO SC: Thank you, Minister. We will use the
20 lunch hour to try and understand and ...[intervenes]

CHAIRPERSON: No, let us carry on. We had decided that we would take a 45-minute lunch, and we meant to adjourn at 1 until quarter to. Now, let us go on to quarter past.

ADV SELLO SC: Till quarter past?

CHAIRPERSON: Yes.

ADV SELLO SC: Let us see how much time I have. Seven minutes? Okay.

ADV BALOYI SC: You want to carry on this topic?

ADV SELLO SC: I was just saying, I need to perhaps consider the Minister references a Gazette regarding IMCs. So, just to try and locate that Gazette. And as soon as we are wiser, we will pick up that topic again.

ADV BALOYI SC: Can I understand the last part, Minister, of what you said about the Gazette and other IMCs being
10 there and others not being? Are you – what does it mean? Are you saying there is a Gazette that was published, which has all the IMCs, and in there, we will not find this IMC? Is that what you are saying?

MINISTER MCHUNU: Precisely what I am saying is that, whether Gazette or not Gazette, the list that I have, that I have brought to the Commission, reflects a number of IMCs, in line with what has happened in the other years. But in that list of February this year, the IMC on political killings does not reflect.

20 **ADV BALOYI SC:** Okay. What, according to you, should have happened for this IMC to have continued existence beyond 24? Are you saying the President was required to do a new act and reconstitute? Is that what you are saying? And let me tell you why I am asking. It is because, so far, my understanding has been that you, as the new

Minister, would have continued from where these left off and convened a meeting, because the IMC is not individuals, it is the office, so at any one time, it does not matter who is the Minister in office.

So now you are the new Minister, you are the one that was supposed to convene it, then it would come into life, have its own meeting, continue, actually, from where they left off in 23. That is how I have always understood the evidence before us. Are you saying that, in fact, it is
10 the President's fault that you have not done anything as an IMC because he is not reconstituted you?

MINISTER MCHUNU: I am not saying so. I am simply saying, if you take the list of IMCs as of February 2025, the IMC on political killings does not reflect where other IMCs reflect. That is my statement. I am not blaming anyone.

ADV BALOYI SC: Okay, the list that you are referring to, that you say you have, is it of this year? Did you say it is February this year?

MINISTER MCHUNU: Yes.

20 **ADV BALOYI SC:** Okay, there surely must be a list of last year, of the IMCs. It could not have been a vacuum.

MINISTER MCHUNU: 2024.

ADV BALOYI SC: Yes, and what does that say?

MINISTER MCHUNU: There are two years when it appears. I think it appears 22, 23, 23, 24. If not, yes, I think there

are those two that appear, but 24, 25, it does not appear as of February this year.

ADV BALOYI SC: So, you have 24, 25, or you have 23? That list is for which period?

MINISTER MCHUNU: This one would be 24, 25.

ADV BALOYI SC: And there must be a 23, 24?

MINISTER MCHUNU: There must be.

ADV BALOYI SC: That would have a list of the IMCs?

MINISTER MCHUNU: There must be. I think in my bundle
10 I did have a list of IMCs and years against them.

ADV BALOYI SC: Okay, maybe then to come back, let me rather leave that and come back to the question that I wanted to ask. I understood your evidence yesterday about your philosophy, there should not be any hierarchy, false hierarchy. You said there is a false hierarchy. Some murders seem to be treated more importantly than others. And murder is murder, that is your language, and they should all come under murder and robbery units.

MINISTER MCHUNU: Correct.

20 **ADV BALOYI SC:** That is correct, my understanding.

MINISTER MCHUNU: Correct.

ADV BALOYI SC: That is your evidence. And when you were discussing the statistics over time last year, yesterday rather, as you were talking through the statistics, I did ask you what is the purpose of that exercise, because I wanted

to understand what importance are you attaching to the stats that show murder over time, over a number of years. Now, if your philosophy, and I am prepared to accept, Minister, that as a new executive member, Minister of Police, you are entitled to bring to bear in the cabinet a completely different philosophy.

So, I do accept that if you differ with what your colleagues have done over time in itself, there is nothing wrong with that. But I have two issues about it. The one is
10 you hold a different view murder is murder. It must mean that you do not agree with the original idea that distinguished political murders from other murders. It must be. When the President decided and you may not be the only one, maybe he was wrong, let me say that, to make that distinction, but it must mean that you do not agree with the original idea because according to you, murder is murder. It is a fair proposition to make to you.

MINISTER MCHUNU: Not exactly. I will state why.

ADV BALOYI SC: Yes.

20 **MINISTER MCHUNU:** In 2018, there was a recognisable flare-up or pattern, let me call it pattern, of murders or assassinations of local government-based politicians in KZN. It became a pattern, discernible, clear. It led to an outcry that something needed to be done, and the President went down, and he did that something. I agree with that.

Now, fast forward.

SAPS recognise that there is need to deal with certain categories of crime on a specialised basis, on a focused, sustainable basis, but it at the same time needs to be integrated instead of loose teams, each on their own, uncoordinated. Then they establish what they call serious and violent crimes under which they establish murder and robbery under which they then establish a number of these but coordinated under one component and under one
10 section. One of them is political killings.

So, it is not a matter to say while it is true what the Commissioner is saying that I strongly believe that murder should be treated as murder and murder is murder. There should not be murders of elite treated this way, murders of what you could call normal or ordinary people. Let us treat murder as murder in terms of investigations and other matters.

But that does not mean that police should not establish and develop expertise on something that they
20 know. That is why you have various sub teams but organised in larger or bigger I would say units in the form of sections, in the form of components and so on. It is done that way. So, cater for them but in a different setup that you can sustain even in your organogram.

ADV BALOYI SC: Okay.

MINISTER MCHUNU: That is the difference.

ADV BALOYI SC: Two things from that, from what you are saying now.

MINISTER MCHUNU: Yes.

ADV BALOYI SC: You have no difficulty or philosophical problem with having a unit that looks at political killings, as long as, according to you, that unit is not a stand-alone, it falls under murder and robbery. So, it is where it is housed, that you have an issue with. Not that there is a
10 team whose focus, whose only focus, is political killings.

MINISTER MCHUNU: Not at all, because if you integrate them in that particular way, you budget for them properly, each and every year, because ...[intervenes]

ADV BALOYI SC: No, no, do not go there.

MINISTER MCHUNU: Yes, I do not have ...[intervenes]

ADV BALOYI SC: You do not have a difficulty.

MINISTER MCHUNU: Yes.

ADV BALOYI SC: Your difficulty in this case is the PKTT does not fall, today, does not fall within the murder and
20 robbery unit, rather, the team that is focussing on political killings does not fall within murder and robbery.

MINISTER MCHUNU: Correct, it is a silo.

ADV BALOYI SC: Yes, that is your difficulty with it.

MINISTER MCHUNU: Correct.

ADV BALOYI SC: That being the case, I am told it is

quarter past. Can I ask my question? You do not have to answer it, and then we can take it up when you come back. My question is that being the case, why could you not discuss that with the National Commissioner, instead of making the decision the way you did? Why did not you have a conversation with the National Commissioner that I want political killings to now be conducted under murder and robbery, make the necessary changes? Why could not that be done? You can answer when we come back. The Chair
10 is shutting me down. He is shutting both of us down.

MINISTER MCHUNU: Okay.

CHAIRPERSON: Let us adjourn and resume at 2 pm.

ADV SELLO SC: Thank you, Chair.

INQUIRY ADJOURNS

INQUIRY RESUMES

CHAIRPERSON: Yes, Ms Sello.

ADV SELLO SC: Yes, thank you, Chair. Minister, before we broke for lunch you had highlighted the issue about whether an IMC is listed in the, I think originally you said
20 Gazette but you then gave the proper name, and I intend to quickly cover that. I understand the document is called Official Guide to South Africa and then it is produced on an annual basis and in that document, then amongst others, IMCs would be listed. And you raised this to point out that in the 24/25, it was not listed. And I do not know if you

took it so far as to then suggest that it had ceased to exist.

Was that the intention?

MINISTER MCHUNU: Yes.

ADV SELLO SC: Are you aware – as we know, the PKTT IMC, the President constituted in 2018. That is beyond debate.

MINISTER MCHUNU: Yes.

ADV SELLO SC: All right. And you are aware that in the 18/19 Official Guide, this document I referenced, that this particular IMC was not listed.

MINISTER MCHUNU: Correct.

ADV SELLO SC: And it continued to do its job and report to the President in the normal course.

MINISTER MCHUNU: Correct.

ADV SELLO SC: And in 2019/2020, it was not listed yet again.

MINISTER MCHUNU: Correct.

ADV SELLO SC: And it continued to function and report to the President.

20 **MINISTER MCHUNU**: Correct.

ADV SELLO SC: And so, similarly, in 2020/2021 and in 2021/2022, it was not part of that listing that you drew attention to.

MINISTER MCHUNU: Correct.

ADV SELLO SC: Nonetheless, it continued to exist. It

engaged in KZN on political killings and it reported to the President.

MINISTER MCHUNU: Correct.

ADV SELLO SC: And based on those reports that the President received, he in turn reported to the nation as to what is happening regarding political killings in KwaZulu-Natal.

MINISTER MCHUNU: Correct.

ADV SELLO SC: The only years it appeared in that
10 document were 2022/2023 and 2023/2024.

MINISTER MCHUNU: Correct.

ADV SELLO SC: I do not know if we have one for 2024/2025. The point I seek to make to you is whether or not an IMC exists, that is on the one part, or continues to exist, it cannot be determined by whether or not it is listed in that document. Would you accept that proposition?

MINISTER MCHUNU: I would qualify that, that whether it exists, it is listed or not listed. You would, as I said, I got a letter appointing me to as co-chair of the JCPS. So you do
20 get that kind of conversation, which I did not get on this. It was on those basis, I mean additional thing to qualify what you are saying.

ADV SELLO SC: Also, it is no longer whether or not it appears on that list. That is not the determining factor now.

MINISTER MCHUNU: No, I am saying over and above what

you are saying, there is something that indicates that where you are and so on, where you are not.

ADV SELLO SC: Okay, in the interest of time, perhaps I will just note that your response is noted, and I will move on. Lastly, you relied on the second work study, and this is the 2024 work study, and that is your SM5, File 2 of 2 exhibits, SM5.

CHAIRPERSON: I have just been told that – sorry.

ADV SELLO SC: SM5, it should start at page 181.

10 Commissioners, I am at File 2 of 2 of the exhibits, and I just referred the Minister to SM5, which is an annexure to his statement. And SM5, Minister, you will see is titled Evaluation of the Implementation of Approved Work Study Investigations for the Establishment and Review of Resources for Specialised Investigation Capacities Detective Services. Do you see?

MINISTER MCHUNU: Correct.

ADV SELLO SC: Okay. Now, I want to draw your attention to page 201, and I think yesterday morning, or was it at
20 your previous appearance on Tuesday, I think it was Tuesday, Commissioner Khumalo drew your attention to this document and specifically to the recommendations that started from page 200. Do you see that? They start at 200.

MINISTER MCHUNU: Correct.

ADV SELLO SC: And in particular, to clause or paragraph

8.10 at page 201, and it reads:

“Current task teams must be subjected to an impact analysis by Organisational Development and Strategic Management in the province to ensure the feasibility of the existing teams.”

My question is, when was that exercise undertaken in respect of the PKTT?

MINISTER MCHUNU: Well, I would not know before I
10 arrived.

ADV SELLO SC: Okay.

MINISTER MCHUNU: It could be. It could have been done. I did not check.

ADV SELLO SC: Can I pose my question differently?

MINISTER MCHUNU: Yes.

ADV SELLO SC: Did you satisfy yourself that that exercise had been undertaken in respect of the PKTT before you directed that it be disestablished?

MINISTER MCHUNU: No, I did not. But I did say I relied
20 on reports that were presented to us, among which was the document that was signed by all officers and brought or submitted to the Office of the National Commissioner, which he did not sign up until this year. He will decide this year.

ADV SELLO SC: Which document is that? Apologies, Minister.

MINISTER MCHUNU: On the ...[intervenes].

ADV SELLO SC: Is it on record as far as you are aware?
Have you tendered it as part of your annexures?

MINISTER MCHUNU: It is ...[intervenes].

ADV SELLO SC: I think Commissioner Khumalo is about to
come to our assistance. Thank you.

MINISTER MCHUNU: Okay. But it is a document of
specialised It is Marais report.

ADV KHUMALO SC: This is the same document we are
10 dealing with.

MINISTER MCHUNU: Yes.

ADV KHUMALO SC: So the signatures you are looking for
are on pages 211, 210, 212, 207.

MINISTER MCHUNU: Yes.

ADV KHUMALO SC: And 205, but it is the same document.

MINISTER MCHUNU: And 204.

ADV KHUMALO SC: So the signature page of the report is
on page 202. What then follows are the comments and
recommendations.

20 **MINISTER MCHUNU:** Yes. Yes, this one is the latest,
2025.

ADV SELLO SC: Yes, and ...[intervenes].

MINISTER MCHUNU: The 2024 that I am talking about,
that I looked at, was the one that was signed in 2024.

ADV SELLO SC: Yes.

MINISTER MCHUNU: Yes.

ADV SELLO SC: And that is your SM5, is that not so? And that is what Commissioner Khumalo referred to and is the same document I was reading from. Your SM5, just to orientate ourselves, starts at page 181 and runs up to – the document itself up to 212 and then it has got another document attached to it headed Supplementary Input Financial Implications, starting at 213. The signatures I think that you were referring to, or I understood you to be, unless I misunderstood, start from page 202 with a signature of Colonel Marais on 6 March 2024 at page 202.

MINISTER MCHUNU: Yes, it is that one.

ADV SELLO SC: And it goes to page 211. No, 212, with the last one being General Masemola who appends his signature on the 5th of June 2020.

MINISTER MCHUNU: Yes, that is the document.

ADV SELLO SC: I think I see your issue. You recall I directed you to page 202?

MINISTER MCHUNU: Yes.

ADV SELLO SC: The first signature is that of Colonel Marais and that is a 2024 signature.

MINISTER MCHUNU: Correct.

ADV SELLO SC: And everybody else thereafter also appends their signature in 2024 up until page 210.

MINISTER MCHUNU: Correct.

ADV SELLO SC: And with General Sibiya signing on the 16th of September 2024.

MINISTER MCHUNU: Correct.

ADV SELLO SC: Okay. Now, at 211, General Dimpene signs but on the 3rd of March 2025.

MINISTER MCHUNU: Correct.

ADV SELLO SC: And overleaf at 212, General Masemola signs on the 5th of June 2025.

MINISTER MCHUNU: Correct.

10 **ADV SELLO SC:** Okay So, you are – with reference to what I read out, I had asked whether the recommendation that the current task teams to be subjected to an impact analysis to ensure feasibility as contained here.

MINISTER MCHUNU: Yes.

ADV SELLO SC: What is your response? That it was not a requirement at the time?

MINISTER MCHUNU: No, I understood myself to be responding to your question by saying this is the document that I relied on, if I could use that word.

20 **ADV SELLO SC:** Yes.

MINISTER MCHUNU: And to say that all these signatures would be indicating approval of the assessment by Marais.

ADV SELLO SC: Yes.

MINISTER MCHUNU: Yes.

ADV SELLO SC: And would they indicate approval of the

recommendation set out therein?

MINISTER MCHUNU: I take it that everything that is said in the report.

ADV SELLO SC: Okay I think where Commissioner Khumalo was trying to assist us was where you referenced a document in 2025 but, in effect, there is not one. It is just that General Masemola signed in 2025. It is the same document.

MINISTER MCHUNU: There is not one?

10 **ADV SELLO SC:** There is not another document.

MINISTER MCHUNU: Yes. It is this that I was saying. It was in the National Commissioner's Office ...[indistinct].

ADV SELLO SC: And, in fact, at your paragraph 168, you do invoke this report when you advance your second reason for disbandment.

MINISTER MCHUNU: Yes.

ADV SELLO SC: You base it on this report.

MINISTER MCHUNU: Yes.

20 **ADV SELLO SC:** Hence, I go to the recommendations and say they stipulate that there is an exercise that must be undertaken to ensure the feasibility or to determine the feasibility. And what I was checking with you was, did it take place? And I think your response, if I am not misquoting you, was you are not aware, it could very well have happened already by the time you assumed office. My

second question was then, did you satisfy yourself that it indeed had been undertaken? Because this becomes a central document to support your reason number two. Did you satisfy yourself?

MINISTER MCHUNU: No, not to that extent, because this is work that gets done under the National Commissioner, processing that and doing so. You will not find a Minister going to Western Cape to check whether the component on such and such is at the level. You will get it at high level,
10 and this is what I got at high level, that there has been an assessment and it was signed off, meaning that they accepted, all those who signed, accepted whatever was recommended, including things that needed to be done shortly thereafter or at whatever other point. So with this, you say these people, when they signed, they were indicating readiness and you have no reason to doubt because you do not have any other evidence that makes you doubt the officials.

ADV SELLO SC: Thank you, Minister. I note your
20 response. I would like us to move to the other aspect, which is central to your letter of disbandment. I think you had very briefly touched on it in your engagement this morning with Commissioner Baloyi. And this, I think you termed them human rights abuses.

MINISTER MCHUNU: Yes.

ADV SELLO SC: The reports that you had received of human rights.

MINISTER MCHUNU: Yes.

ADV SELLO SC: And you deal with that from page 26.

MINISTER MCHUNU: Yes, correct.

ADV SELLO SC: At paragraph 73, you list a number of complaints and the persons that complained and you summarise, basically, the essence of the complaint. And these are some of the complaints that informed you that the
10 best course to take was to disband.

MINISTER MCHUNU: Correct.

ADV SELLO SC: Now, I look at – and I think yesterday you did indicate that they are more HR in nature. Did I understand you correctly?

MINISTER MCHUNU: I said HR and.

ADV SELLO SC: Yes.

ADV SELLO SC: And other practices that are not – there is something that I qualified ...[intervenes].

ADV SELLO SC: Okay.

20 **MINISTER MCHUNU:** Further qualification.

ADV SELLO SC: I accept that. Thank you. But I see all of these persons listed here in 73 are police officers.

MINISTER MCHUNU: Yes, on the list.

ADV SELLO SC: Now, insofar as HR matters are concerned, I would expect SAPS to have a grievance

procedure or process with all its appeal stages.

MINISTER MCHUNU: Yes.

ADV SELLO SC: And at no stage would the Minister be involved. It is internal within the SAPS organisation. Would I be correct in my assessment?

MINISTER MCHUNU: I do indicate, and I did indicate yesterday, case by case, for instance, with regard to number one, that it went beyond National Commissioner directly to me in terms of the grievance and I referred it
10 back. In fact, we had a discussion with National Commissioner on that and we ended up allocating it to Deputy Minister Mathale, who dealt with it, and until it was finalised, as is indicated there. So there are those instances where things like grievances or complaints would involve us, I must say that. Well, not by way of of escalating a complaint or a grievance, I would say so. So this is one of them, and the others that follow.

ADV SELLO SC: My concern is this, Minister, I think it is only appropriate I share it with you. SAPS is a very large
20 organisation.

MINISTER MCHUNU: Yes.

ADV SELLO SC: I think the workforce is well over 20 000. It is a significant organisation and one would expect in an organisation like that that there will be systems and processes to deal with issues, some of which may, in fact,

be reflected in regulations.

MINISTER MCHUNU: Yes.

ADV SELLO SC: And they dictate how members should engage with grievances or issues they require address.

MINISTER MCHUNU: Yes.

ADV SELLO SC: And the only way the system will operate and function and serve the organisation is if everybody adheres to a determined process.

MINISTER MCHUNU: Yes.

10 **ADV SELLO SC:** And looking at the ranks, lieutenant-general, major-general, lieutenant-general, above these people there is still the National Commissioner who is the General. The part I struggle with is where the Minister gets involved in a matter involving a major-general within SAPS on HR matters where that problem has not run its course through the organisational systems. How do you justify the Minister's involvement?

MINISTER MCHUNU: Those matters would have run, as I know, they did run their course at the end of the course, as
20 prescribed, as you describe it. Then the person wants to make an appeal or is not satisfied with that course having run its course, and then it comes to us. So, we do not invite it. You do not say anyone with a grievance, come to me.

They come to you. You then go to the National

Commissioner. You say, there is this thing that I am coming across, as we did. What is this? And he explains and says, we dealt with this matter, but this person was not satisfied. You call the person. You say, your matter was dealt with, you are still not satisfied, what is the problem? That is when I then asked Deputy Minister Mathale to work with the National Commissioner and other officials to resolve the matter, and it was resolved. They just changed some of the issues, whatever they were. I cannot remember
10 in detail, but it had to do with somebody who was transferring from SAPS to the National Assembly with some conditions that they were not agreeing to. So it happened, and it does happen.

And then each of those, we dealt with them in that way. And as you see, others, like I did indicate, that others say, no, I make an appointment, an appointment. Okay, what is it? No, I have got such and such a grievance, but my matter is in court. I do not want your assistance. I was just making you aware. So people come. You do not know
20 what they want to come for. They tell you. You then channel whatever grievance.

Not because you invite yourself or you just get into matters. It is because you want to satisfy the other person and you want to do a collective effort to the best of your ability, all of you. Because at the end of the day, if you do

not do those things properly, of course, you are going to be confronted by a question in Parliament and you are going to be confronted by a question, what did you do? Thank you.

ADV KHUMALO SC: Minister, the complaints in paragraph 73, 73.1 to 73.8, are they against the PKTT?

MINISTER MCHUNU: No. I did indicate that from SAPS, others, Human Rights, and I did say others from PKTT in the paragraphs that are relevant. And I then categorised them into two. Possibly these ones are SAPS, SAPS
10 Intelligence, but there are others that are from PKTT. Maybe not in this list, but in the other list where the Commission advised me to take counsel from counsel. In there, there are those who come from PKTT.

ADV KHUMALO SC: Thank you.

ADV SELLO SC: Thank you. Commissioner Baloyi.

ADV BALOYI SC: Minister, under this heading, human rights concerns, you start in paragraph 71, and that is how I would like us to look at the context in which we must look at your paragraph 73, what it is you are seeking to convey or
20 to do. In paragraph 71 you say you received, your office received a series of complaints and reports from civil society actors. You have named them in your statement. You say whistleblowers, maybe in their nature they are not to be disclosed. You said SAPS members, Parliament, and members of the public. You say you received complaints.

And then you say these reports, and this is the important part for me, you say:

“These reports raise concerns about the human rights abuses by members of the NPKTT, governance failures, affecting the various temporary and ad-hoc task teams, including but not limited to the NPKTT.”

So let us limit it to the NPKTT because you have mentioned
10 them specifically. So you say these complaints that you have received from those different categories of people, they implicated the NPKTT. And remember that we are in this inquiry because of the decision to disband the NPKTT, and we are looking at why, why that would have been done. Having given that summary of the people that gave you, that came to you with reports and complaints about the PKTT, you then say in paragraph 72:

20 “The complaints from various complainants varied in content and emphasis, but they shared common themes. Unmonitored task team operations resulting in grave human rights abuses.”

Now, we know later on that you rely on Ms de Haas' complaints because you have referred to her about human

rights abuses. In fact, I think yesterday when you testified, you said one of the things that have been reported to you is members of the PKTT wearing balaclavas when they go and do operations. That is part of your concerns about them. Then you say, again:

“Unclear reporting lines, allegations of overreach, duplication of functions, and significant strain on SAPS resources.”

And you have said what your concerns are about the financial implications of having PKTT. Now, from 73, you then set out - from 73, 74, and 77, you then discuss the complaints that you have. The first 73, it is, you say, for the benefit of the Commission, the complaints are listed, and you give us a list of employees and what the issues in some cases were. They look typically, all of 73, they look typically like employee relations issues, HR issues.

MINISTER MCHUNU: Yes, correct.

ADV BALOYI SC: I have a question. I made a note for myself to ask you, are these PKTT issues?

20 **MINISTER MCHUNU**: No.

ADV BALOYI SC: They are not. Okay. So we can discount all of 73 that you have got. It has nothing to do with PKTT, and it could not have been part of your reasons for dissolving the PKTT.

MINISTER MCHUNU: Correct.

ADV BALOYI SC: They were not. Okay, but what you have not explained to us is what are the issues relating to PKTT about unclear reporting lines? What are the allegations of overreach against the PKTT? You have spoken to us about duplication of functions, and I think there you refer to what the Murder and Robbery Unit can do, which is being done by the PKTT, so maybe I do have an idea there. And then your strain of SAPS resources, you are talking about the financial implications, but the rest of it

10 you have not.

So I have struggled in reading this, and so far you have not explained to us why or how these factors you list here would have been – except for financial strain and duplication of functions, you have not said to us how it is that these were factors that you would have validly taken into account in the decision to disband the PKTT.

MINISTER MCHUNU: There is a – I am trying to find in my own submission. There is a last sentence there that say other people ...[intervenes].

20 **ADV SELLO SC:** Apologies. I might be able to assist you. What are you looking for in your statement?

ADV BALOYI SC: 73.8, I think it is, Minister, on page 27. I think that is what you are looking for.

MINISTER MCHUNU: Page 27?

ADV BALOYI SC: Ja. Paragraph 73.8 of your statement.

The very paragraph that we have been looking at. And then subparagraph 73.8. I think that is what you are looking for.

MINISTER MCHUNU: Ja. Yes. There is then 73.8.

ADV BALOYI SC: Yes.

ADV SELLO SC: 73.8 says:

“And other names to be submitted to
the Commissioners for confidentiality.”

ADV BALOYI SC: Okay.

MINISTER MCHUNU: Those have something to do with
10 PKTT, but I could not write here for confidentiality.

ADV BALOYI SC: I accept and I know how we resolved it
yesterday, your list.

MINISTER MCHUNU: Yes.

ADV BALOYI SC: But you have not told us what is it about
those names. First, what is it about those names that
contributed, if they do, to your decision to disband the
PKTT? You have not said it. You handed up the list
yesterday, and then it was handed back to you to say your
counsel, maybe you should speak to your counsel to advise
20 you how to handle that list. But as we sit now with your
statement, and you are sitting there, we do not – at least let
me say me, let me speak in the singular, I do not know what
those eight names have to do with your decision to disband
the PKTT, if they do at all. That is one.

Two, because I do not know what the issues are

about the eight, I am not in a position to say whether you validly or correctly took them into account in your decision to disband the PKTT, if that is in fact what happened.

MINISTER MCHUNU: It is covered, they are covered, that category, in paragraph 71 in the main, where we say these reports raise concerns about human rights abuses by members of the NPKTT, governance failures, and so on. They are covered there, in that paragraph. I did not write anything separate for them because this paragraph covers
10 all the categories, including Ms Becker and all of that in just one paragraph. But the details are not here.

ADV BALOYI SC: Ja, I guess I am trying to see how 73.8 is of any use to us if we do not know what in fact it is about these individual complaints, those in 73.8.

MINISTER MCHUNU: Yes.

ADV BALOYI SC: If the Commission does not know what it is that they complain about to you and that you could have validly taken into account in your decision, until you tell us the nature. I think it does not help to say they fall under
20 70.1 or 70.2, 72 rather, 71 and 72, if we do not have details of it.

And I want to remind you that you have just conceded, for example, to Ms Sello, and to me you have accepted that 73 is typically employee relations matters, right, that have nothing to do with the Minister ordinarily.

And I need to – I have nothing right now, looking at your statement and having listened to you, there is nothing that tells us that those eight people in that list, it is not exactly the same issues of employee relations. Because if it is employee relations issues, then they must be irrelevant to your decision to disband the PKTT, we must look somewhere else for an explanation.

MINISTER MCHUNU: It is for that reason, Commissioners, that I thought I would be able to appeal favourably to the
10 Commission to listen to those people. Then I submitted the names, eight names, so that the Commission can know and determine whether my assessment was actually correct as to be part of what would have influenced me to write the directive.

Now, the Commission advised me to revert to my lawyers for advice, which I accepted. Now, we have not processed that so that I know what my lawyers are advising me to do so that you can know, as the Commission, what is it that is – I could not write that because if I wrote that, that
20 would mean that I would be breaching confidentiality that these people contacted me and made reports based on confidentiality arising from their security. So that is the issue that I have. That is the explanation that I can give.

ADV BALOYI SC: Maybe then lastly about that, can we then agree that until that list and the detail of the issues

that they have raised with you and the dates when they raised it, until all of that is properly placed before the Commission, we do not have any relevant evidence about complaints of SAPS members on which you relied to make the decision to disband the PKTT? I am not sure if I am articulate enough that you understood what I am saying.

MINISTER MCHUNU: You are articulate, I have understood. I will take advice. I will then test again whether the Commission does accept that, and I will
10 proceed on those basis as advised.

ADV BALOYI SC: Thank you, Minister. Thank you, Ms Sello. Minister, if you are able to answer, the eight that you have, the list that you have, when would those people have raised those issues? When did they raise those issues with you?

MINISTER MCHUNU: They exactly fall in the category of 71, where I say during the latter part or half of 2024. That is after we got appointed, shortly after.

ADV BALOYI SC: So all of them is before your decision?

20 **MINISTER MCHUNU**: Yes.

ADV BALOYI SC: Before the 29th of December?

MINISTER MCHUNU: Yes. They called others, went up to an extent of requesting private meetings or confidential meetings, and I did hold such meetings with them.

ADV BALOYI SC: Thank you. Thank you, Minister.

ADV KHUMALO SC: Minister, in your disbandment letter, do you mention these complaints and these human rights violations? Do you say in your disbandment letter, I have decided that the PKTT should be disestablished because I have received complaints, some of which include allegations of human rights abuses?

MINISTER MCHUNU: No, in the letter, I did not include details. I think on all three directives that I issued, except
10 maybe in a very high level kind of thing. But when I wrote this, I did not particularly indicate any detail. It was just high level and I was relying that ...[intervenes].

ADV KHUMALO SC: No, even at a high level, surely you can say I have serious concerns about human rights violations being perpetrated by the PKTT. I no longer think this group should exist because of that reason.

MINISTER MCHUNU: Yes, I could, but I did not. Because if I could go further, when I received all of this, I think in January or just before the end of the year, somewhere
20 there, I had a discussion with the Special Advisor Advocate Pikoli to say, look, there are matters here of a security nature, very sensitive. In order to deal with them – no, I said I am not in a position to go to the National Commissioner to report these matters or to any other official. They have been raised with me on a confidential

basis based on security. I think that we may need to consider a Ministerial Inquiry.

That is how I put it when we are discussing with Advocate Pikoli in confidence. We went up to the extent of coining some names of such people. There is the gravity, the extent of gravity of those complaints in that category of eight people. But we got overtaken by events. We did not get to that particular stage, but it was such that these are not matters that you can just call an official and say, sit
10 here, sit here, repeat what you told me. They are not that simple.

In the first place, a person comes to you in confidence and then say to you, look, I am afraid. I have fears for my life, but I trust you. I am going to share with you one, two, three. Then you start. At the end, you go back to what they would have said. You believe that, yes, I do not think it would have been advisable for you to do otherwise. You keep this statement ...[intervenes].

ADV KHUMALO SC: Minister, I think you have answered.

20 **MINISTER MCHUNU:** Okay.

ADV KHUMALO SC: Otherwise, we will take the whole day.

MINISTER MCHUNU: Thank you.

ADV KHUMALO SC: We will not get to the end of what we want to get to.

MINISTER MCHUNU: True.

ADV BALOYI SC: Sorry, Ms Sello.

ADV SELLO SC: Yes, Commissioner.

ADV BALOYI SC: Can I just check this? Minister, those eight people that come to you confidentially, they give you their complaints.

MINISTER MCHUNU: Yes.

ADV BALOYI SC: What did you do with those complaints? And I am not asking you to – I note that you say you spoke
10 to Mr Pikoli.

MINISTER MCHUNU: Yes.

ADV BALOYI SC: Other than that, about these eight and their allegations, those allegations in particular or complaints, what did you do about them?

MINISTER MCHUNU: As I say, well, I know of one case possibly of one of them who wrote to the National Commissioner as well, but I do not know whether – I did not enquire whether National Commissioner responded or not responded. But what did I do?

20 **ADV BALOYI SC:** Yes.

MINISTER MCHUNU: I discussed with Advocate Pikoli. We resolved that a possible option is an inquiry because if these things are true, they are quite grave matters, not just of HR, but there are issues of security and there are alleged murders in that as well.

ADV BALOYI SC: Okay. You said to Advocate Pikoli if these matters are true, right, they are serious. That means you did not verify them. You thought about a Ministerial investigation, but you did not verify them, the truthfulness of those allegations or complaints.

MINISTER MCHUNU: I did not beyond what they told me and beyond what they then subsequently deposed in their affidavits.

ADV BALOYI SC: Now, you did not verify them and yet
10 you took those complaints into account as if they are fact in making the decision to disband the PKTT. I have a difficulty with that, that you did not – you have this organisation or this task team which has been endorsed by your predecessors, which has done work. I think you said in the morning to Ms Sello, you do not disagree with the National Commissioner says they have done beautiful work, great work. I think you read an in ...[indistinct] on your statement. You said you do not disagree.

You get complaints from eight people. Maybe they
20 are serious, we do not know. I am prepared to accept you saying they are of grave seriousness, the allegations. But you do not verify them and yet you rely on them to make a decision to disband the team. I see a problem there about how you got to that decision, that this is a fact I am going to take into account.

MINISTER MCHUNU: Commissioner, I had no reason, even without verification, to doubt that. But I accept that there would need to be a platform that verifies, but they were serious enough. They were serious enough. And I am honest with the Commissioner. Serious enough, detailed enough, with anecdotes to convince me that indeed they are serious and they need to be processed in a particular way.

ADV BALOYI SC: I am prepared to accept on your word that it is serious allegations that were made. I am prepared
10 to accept that. What I am unable to accept or to understand is that even before you verify the truthfulness of those very serious allegations and that in fact they implicate the task team as a team, not individuals in the team, even before you have done that verification for yourself, you take them into account towards your decision to dissolve the team. I do have a difficulty with that.

MINISTER MCHUNU: Well, I would accept that as Commissioner you may have a difficulty. But from where I sit, listening to these people showing me anecdotes and
20 taking me through that and making references to incidents, in some cases that they were able to verify, like whatever case number where they apply, I took – they caused me to really feel that it would be irresponsible of me not to take them serious.

And I do admit here that they did influence me,

rightly or wrongly, as the Commissioner says, to accept them, that I would be able to take that risk. And in some of my statements to the lawyers, I did write that it was a risky exercise. There are, I mean, just outside the actual instances where you receive a verbal report from somebody, but it is strong enough for you to proceed in a particular way. And it was on those bases that I took them seriously, their numbers, their names, not necessarily writing everything in terms of notes, and searched for a particular
10 platform.

I can simply say, or go on to say, I could not engage National Commissioner on these matters for a reason. That it was, I considered it quite beyond that in terms of how it would affect human and people under him to do that. So I preferred not to go on at all with them. I mean, I just wanted to make sure that they are with me. I do not take any chance about them because National Commissioner is a human being. He could find himself relating it to another official who might have been affected
20 by what they are saying, at least in terms of allegations and then the whole thing gets contaminated in that particular way.

ADV BALOYI SC: All right, I have a difficulty, a separate difficulty with that last part. But let me ask out of your paragraph 71, the civil society actors that you refer to as

your sources of complaints, is that a reference to Mary de Haas?

MINISTER MCHUNU: Mary de Haas.

ADV BALOYI SC: Okay, that is the civil society actors you refer to. We have established the SAPS members. And then Parliament, you said from Parliament.

MINISTER MCHUNU: Yes.

ADV BALOYI SC: What is that? What are you referring to?

10 **MINISTER MCHUNU**: Well, just to exhaust that list, and Mashale and Ms Becker, who publicised a lot of – made a lot of allegations there and continue to what you are looking for, to say – let me check.

ADV BALOYI SC: You do not discuss any members of Parliament or anything coming out of Parliament.

MINISTER MCHUNU: There is a member of Parliament who wrote to us in the Ministry, and his matter was then processed in a particular way. I was referring to that, a member of Parliament.

20 **ADV BALOYI SC**: Adams, I think we have had the name Adams here.

MINISTER MCHUNU: Yes.

ADV BALOYI SC: Where you say Parliament, you actually mean a member of Parliament?

MINISTER MCHUNU: A member of Parliament.

ADV SELLO SC: Not Parliament itself.

MINISTER MCHUNU: No, no, no.

ADV BALOYI SC: Because the way you have said it here, you said:

“I received a series of complaints from Parliament.”

MINISTER MCHUNU: It is a typo. It meant a member.

ADV BALOYI SC: So it should have been a member of Parliament

10 **MINISTER MCHUNU:** Yes.

ADV BALOYI SC: And that would be Mr Adams?

MINISTER MCHUNU: Accepted.

ADV BALOYI SC: Okay, so you took that into account as well.

MINISTER MCHUNU: Accepted.

ADV BALOYI SC: What he got to say.

MINISTER MCHUNU: Yes.

ADV BALOYI SC: Okay, and then members of the public, you have mentioned Ms Mashale, and I think Ms Becker.

20 **MINISTER MCHUNU:** Ms Becker.

ADV BALOYI SC: That is what you are referring to?

MINISTER MCHUNU: Yes.

ADV BALOYI SC: Okay, all right. Thank you, Minister. Thank you, Ms Sello.

ADV SELLO SC: Thank you, Commissioner Baloyi. Having

then addressed the complaints from people you listed, paragraph 73, all of whom are members of the service, let us now turn to what I think you term as members of civil society. I am looking in particular from paragraph 74, after your listing of the various police members. You start with Ms Mary de Haas, and then at paragraph 74, overleaf from paragraph 77, you then deal with Ms Patricia Mashale.

MINISTER MCHUNU: Correct.

ADV SELLO SC: Without engaging necessarily with the
10 content of Ms Mashale's complaint, because I see that you rely on what she published on Facebook, but basically on Facebook, I think it is Ms de Haas who also relies on press releases. Did you have opportunity, just on that, to engage with Ms Mashale about the content of her Facebook postings on these issues?

MINISTER MCHUNU: Both Ms de Haas, in fact all three of them, Ms de Haas, Mashale, Burger, I did not meet any one of them. I took what I was reading. In some cases, like in the case of de Haas, she wrote to me ...[intervenes].

20 **ADV SELLO SC**: Apologies, Minister, can we confine ourselves to de Haas now? I want to split them. I want to first deal with Ms Mashale, and thereafter we will go to de Haas.

MINISTER MCHUNU: Yes, I picked up ...[intervenes].

ADV SELLO SC: My question relates to whether you,

because you have quoted her postings on Facebook.

MINISTER MCHUNU: Yes.

ADV SELLO SC: And I want to know if you engaged with her on ...[intervenes].

MINISTER MCHUNU: No.

ADV SELLO SC: Did you otherwise test the veracity of the claims she makes in those Facebook postings?

MINISTER MCHUNU: Not necessarily, except at one point when she made claims about people somewhere in
10 Mpumalanga, there being camps and so on. When we went to investigate, indeed we found the camps, but we did not tell her that we were going there to verify or to do whatever. I am just saying that we did receive that allegation about existence of camps in Mpumalanga, and subsequent to that, SAPS made and other security units found that there were, in fact, camps there.

ADV SELLO SC: So, it is on the basis of that, then you decided that the claims she makes in Facebook about SAPS no longer require verification, and you accept them at face
20 value. Is that your position?

MINISTER MCHUNU: Well, you are using the word accept. What I did was to read.

ADV SELLO SC: Yes.

MINISTER MCHUNU: And having read, because I did not speak to her to say, well – in fact, I did speak to National

Commissioner for Mashale, and he did confirm that, yes, they are also, or he is also receiving a number of whatever she writes, sometimes directly to him, or he would find just allegations in one way or the other. So, I got to know that what I may be receiving, he has also been receiving and we had a description of her in the light conversation. So, then that is how they are here.

ADV SELLO SC: Yes, and I have no difficulty in accepting that General Masemola would potentially have received the
10 same messages. They are not directed to him. They were published by Ms Mashale on Facebook. I have no difficulty in accepting that he would, one way or the other, have received them, whether directly or indirectly.

I am not aware of General Masemola having taken drastic steps, insofar as the organisation of SAPS is concerned, in respect – as on the basis of those Facebook allegations. But you have, because you, Minister, you cite those Facebook claims that she makes, which you do not verify, which you state you had a conversation with General
20 Masemola about, only to establish that they have come to General Masemola's attention.

You do not indicate that you direct, if you can, or you could, or request General Masemola to investigate those claims. You do none of that. So, the truthfulness or otherwise of those claims remain unknown, but they are

sufficiently waiting for you to base a decision to disestablish the PKTT in December 2024. Is that a fair summation?

MINISTER MCHUNU: That would be a summation. But I think you are using quite lighter words than whatever is written, whether Facebook or elsewhere, would affect the image of SAPS, warranting your attention to do something about them. And therefore, you rely on what you see to say to what extent and so on. And in this particular case, I had
10 a conversation with General Masemola and he confirmed that there is something like this.

I am indicating here what has come to our environment, which I, I mean, came back as I wrote the letter that at some point I came across something like this and something like that, and then I then indicated that. Not measuring my reliability or whatever extent of influence in me writing the directive.

ADV SELLO SC: I understand your answer to mean that the claims advanced by Ms Mashale in large part affect the
20 image of SAPS. Did I understand you correctly?

MINISTER MCHUNU: Yes.

ADV SELLO SC: Okay. And you consider that serious enough and therefore you accepted those allegations and acted in the manner you subsequently did?

MINISTER MCHUNU: Yes.

ADV SELLO SC: Okay. Now, at paragraph 77 of your statement, page 28, you state at the last line of that paragraph:

“I learned that Ms Mashale is a former
police officer.”

Based on the time you have spent with the Police Service, I hope you can help me here. I understand that the people who work within SAPS are either employed in terms of the SAPS Act, and those would be the police officers, and
10 anyone else who is not is employed in terms of the Public Service Act. And that is a distinction between the two bodies of people that work for SAPS. Is that a correct understanding?

MINISTER MCHUNU: Correct.

ADV SELLO SC: Okay. Now, I see here you call Ms Mashale a former police officer. I would like to refer you to Exhibit Bundle 2 of 2, 2 of 2, Annexure CJC55.12. And 55.12 starts at page 351. And if you have located that annexure, please turn to page 364.

20 **MINISTER MCHUNU:** I have it.

ADV SELLO SC: Perhaps you might be familiar with that document. It is titled SAP96. And I think when we were considering – no, I do not remember it is general – the implementation letter, you recall where the head of HR was talking about the necessity to complete documents and

updating the PERSAL system. You recall that conversation we had? I understood that there to have been a reference to SAP96. If you do not recall, I will understand.

MINISTER MCHUNU: Ja, I will not be sure, ja.

ADV SELLO SC: Then 364 is SAP96, as we understand it. Every single employee within SAPS has got this document and it must be maintained at all times at SAPS. It records every detail about the employee. And one of the most important details is, I am going to count lines to try and
10 direct you, line 10 and the first part of this document. The extreme left reads appointment act and against that, it reads PSA 1994. Do you see that?

MINISTER MCHUNU: Yes.

ADV SELLO SC: And that is the Public Service Act.

MINISTER MCHUNU: Yes.

ADV SELLO SC: The next line reads job description and against that, it states admin clerk. Do you see that?

MINISTER MCHUNU: Yes, I see that. And we are informed that based on those two only from her SAP96, she
20 cannot be classified as a police officer. How did you determine that she was one or she was ever one?

MINISTER MCHUNU: Well, I would say that that was merely colloquial.

ADV SELLO SC: Apologies, I missed that. You say that was a mere?

MINISTER MCHUNU: I would say that that was the use of the word in a colloquial sense.

ADV SELLO SC: Okay. I get you. I accept that, thank you. Now turning ...[intervenes].

ADV BALOYI SC: Which one is the use of the word colloquial, that she is a police officer or an admin clerk? Minister, you say the use of the word was colloquial. My question is, which use? Because you have referred to her as a police officer and the form refers to her as an admin
10 officer. Admin clerk.

MINISTER MCHUNU: Yes.

ADV BALOYI SC: So there are two different descriptions of her and you say one of them is colloquial. So I am asking, which one is colloquial of the two?

MINISTER MCHUNU: I am saying this word, police officer, was used in that context.

ADV BALOYI SC: Okay. All right, I understand. Thank you.

ADV SELLO SC: Are you aware of – you do know that Ms
20 Mashale, yes you do, because you call her a former. So that implies that she is no longer with the SAPS.

MINISTER MCHUNU: Yes.

ADV SELLO SC: Are you aware of the circumstances under which her employment with the SAPS ceased?

MINISTER MCHUNU: Am I aware?

ADV SELLO SC: Yes. Are you aware of the circumstances in which ...[intervenes].

MINISTER MCHUNU: Yes, yes. I am aware.

ADV SELLO SC: And what are those?

MINISTER MCHUNU: I am aware.

ADV SELLO SC: Could you briefly summarise what those were to your understanding?

MINISTER MCHUNU: She was dismissed, as indicated there, from SAPS.

10 **ADV SELLO SC:** I would like to draw attention to page 356 of the same file. It is still the same annexure, CJC55.12.

MINISTER MCHUNU: What page?

ADV SELLO SC: 356.

MINISTER MCHUNU: 356. Yes?

ADV SELLO SC: Page 356 is a letter dated the 11th of February 2022, signed by Brigadier District Commissioner Xhariep, ME Makubo, and it is addressed to the Provincial Commissioner of Free State, which, as I understand from SAP96, that is where Ms Mashale was based. Do you see
20 that?

MINISTER MCHUNU: Yes.

ADV SELLO SC: This document informs and others attached to it. It is not necessary to go through all of them, but I think this one in 356 sufficiently summarises the issues:

“An expeditious hearing had been convened against Ms Mashale, to which she was invited for a hearing on the 26th of January 2022.”

I am reading the first paragraph. The second paragraph reads:

10 “During the expeditious hearing, the employee and her representative decided to walk out without presenting their side of the story after being given an opportunity to do so.”

And the third:

20 “The hearing was therefore accordingly indefinitely postponed for 10 days, as provided for in Regulation 9(7). However, since then, till to date, that is the date of the letter, the employee has not reconvened or made any contact with the delegated official to indicate her intention to revive the sitting of the hearing. And for conclusion, it is hereby therefore officially recorded that the employee failed to reconvene the hearing and by operation of law, she is dismissed from the service.”

Do you see that?

MINISTER MCHUNU: Yes.

ADV SELLO SC: Were you aware of those circumstances?

MINISTER MCHUNU: Yes.

ADV SELLO SC: Do you have any comment as to the propriety of her conduct in that regard?

MINISTER MCHUNU: Not only a comment. When I received a series of – or when I came across a series of things that she writes about the SAPS, I asked the –
10 because she was writing more on Crime Intelligence at some point, and I asked the IGI just to do a check about her and all of that. That is how I got to know some of the things about her.

ADV SELLO SC: And now, I wanted to find out, now that you have learned some things about her, when did you learn them?

MINISTER MCHUNU: When did I?

ADV SELLO SC: When did you learn those, whatever it is, about her?

20 **MINISTER MCHUNU**: That was during that period that is indicated after we got appointed.

ADV SELLO SC: Okay.

MINISTER MCHUNU: Yes.

ADV SELLO SC: And even then, that did not create a concern for you and demanded of you to subject her

allegations in Facebook of the magnitude that they are to some serious interrogation. That was still not enough for you.

MINISTER MCHUNU: I would plead with Commissioners that your voice be raised a little bit.

ADV SELLO SC: I apologise.

MINISTER MCHUNU: I have lost use of this. I think there must be a problem with the battery or something.

ADV SELLO SC: No, I think we should stand down.

10 **MINISTER MCHUNU**: So, I am doing with my hearing aids.

ADV SELLO SC: No, no, no. No, Minister, we will stand down and we will seek to resolve the problem.

CHAIRPERSON: We will come back as soon as we have been advised to.

ADV SELLO SC: Thank you, Chair.

INQUIRY ADJOURNS

INQUIRY RESUMES

ADV SELLO SC: Thank you, Chair. Mr Mchunu, I will try that question again. Is it better now?

20 **MINISTER MCHUNU**: [Indistinct].

ADV SELLO SC: It is good? Okay, I am happy. Thank you. You had indicated that after you were appointed, you had caused for, for lack of a better term, I will call it investigations into this lady, Mashale, and you received whatever reports you did. And if I understood you correctly,

they were not particularly favourable. Now, this is before the disbandment.

MINISTER MCHUNU: Yes.

ADV SELLO SC: So my question was, which is where we broke, having received such reports about her, from an investigation initiated by you, when you are then furnished with the allegations she makes only on Facebook against an entity you are politically responsible for, why do you take her allegations at face value and not interrogate them, or
10 cause at least for the issues raised therein to be properly investigated before you act upon them?

MINISTER MCHUNU: What happened after I received the report, it was with advice, and I did exactly that, that I should avoid speaking to her, and I had not spoken to her when I received the advice, and I kept it that way. I have never spoken to her. What I do is when I see something that she would have written, I just read and leave it like that. I have never – so I am not relying on this. I am just indicating it as something in the environment, not
20 necessarily to say, yes, why did you rely on this? That is why I said reliance is quite heavy-loaded for what actually is represented here.

Here, I am just throwing things that came into, simply because the report also said in some cases, yes, she would say something that is reliable, but in most of the

cases, no. So I do not put any weight to the extent that it would have been taken to influence me to disband, and most of the time she writes about Crime Intelligence more than NPKTT.

ADV SELLO SC: So you place these issues before the Commission under a specific heading, Human Rights Concerns Emanating from the Public, and under that heading, you include Ms Mashale's Facebook claims. You state in your paragraph 71, these being reports from civil
10 society actors, whistleblowers, SAPS members, Parliament, you clarified the issue of Parliament with Commissioner Baloyi, and members of the public. You say:

“These raised concerns about human rights abuses by members of the NPKTT, governance failures affecting various temporary and ad hoc task teams, including but not limited to the NPKTT. They formed part of the broader pattern of structural issues
20 with SAPS that required Ministerial attention.”

So based on what I read, my understanding is Ms Mashale's Facebook postings, notwithstanding what you subsequently learned of her based on your investigations, they required and received your attention as the Minister, the Ministerial

attention. Is that so?

MINISTER MCHUNU: You would recall that Commissioner Baloyi asked me some questions in relation to categories, and I said the names of people ...[intervenes].

ADV SELLO SC: Yes, at paragraph 73.

MINISTER MCHUNU: The list.

ADV SELLO SC: Yes.

MINISTER MCHUNU: Are people in SAPS and we engaged with them openly and all of that. And she asked the question specific, are these people part of those who
10 complained about PKTT? And I said no. Now, those that complained about PKTT, who would be associated with that statement that you have just made, are those that are in the envelope. She is out of them. She has nothing to do with those.

ADV SELLO SC: Okay.

MINISTER MCHUNU: I was merely at a high level indicating what came into the environment, but there is no decision because all the decisions that we took in relation
20 to complaints brought to us were from people who are indicated here.

ADV SELLO SC: Yes.

MINISTER MCHUNU: Clearly.

ADV SELLO SC: Yes.

MINISTER MCHUNU: And we did, ja, we did follow them.

ADV SELLO SC: So then we must accept that when you speak of human rights concerns emanating from the public, that does not extend to the claims made by Ms Mashale in her Facebook postings, which postings you have shared with the Commission? She does not fall in that category of those who advance concerns regarding human rights abuse.

MINISTER MCHUNU: She calls herself a whistleblower.

ADV SELLO SC: Okay. I will put it differently. What value do you ask the Commission to attach to Ms Mashale's
10 Facebook posts? Considering that you have confirmed that you did not test the veracity of the claims she advances, so what value are you asking the Commission to place on that?

MINISTER MCHUNU: I am not asking the Commission to put or not to put any value of whatever weight. I am merely saying this is one of the things that came into my environment during that particular period.

ADV SELLO SC: Yes.

MINISTER MCHUNU: But I had a qualification for it based on the advice that I got from IGI who did not say she is
20 absolutely untrustworthy or whatever. He just advised that, well, most of the time this is the case. Some of the things she says are true, some of them are not true, and all of that. And I avoided talking to her directly and so on. This is just environmental, not the Commission's, the Commissioners. If there were to be a privilege of advice,

as you request, I would say that this is an environmental issue. And when I discussed with the National Commissioner, we described it as an environmental issue.

ADV SELLO SC: And it can be environmental in the manner, I guess, we all understand. It is a SAPS environmental issue. I should not think trees and streams, when you say environmental, you know, I do not want us to talk past one another.

MINISTER MCHUNU: Okay.

10 **ADV SELLO SC**: Except the challenges here, Minister, the caution you applied to her material following the IGI investigation, you overlooked in your statement to disclose to the Commissioners to say, so that they know that they are being given this information, but there is a caution that do not rely on that because the author of those claims is, I will not say questionable, I do not know what the report was, but you did not attach any caution, at least for the benefit of the Commissioners. Why did not you?

MINISTER MCHUNU: Correct. That was oversight.

20 **ADV SELLO SC**: Okay.

MINISTER MCHUNU: My apologies.

ADV SELLO SC: Then, as I said, in your statement, you start with Ms Mary de Haas ...[intervenes].

ADV BALOYI SC: Sorry, may I? Minister, still about Ms Mashale, I am concerned that you now disavow your

reliance on her as one of the factors or people you took into account in your decision to disband the PKTT. And here is why I have that concern. In paragraph 71, which we looked at, you released her. You said she is a member of the public, I do not have a difficulty with that, who made complaints about the NPKTT. But then when you go to 77, paragraph 77, the heading is Patricia Mashale. You say there:

10 “On or about 18 September, I was appointed. My attention was brought to posts on social media by a whistleblower.”

I do not have a difficulty with you referring to her as a whistleblower, Ms Mashale. And then here is what you say. You say:

 “Ms Mashale made serious allegations against General Masemola, Lt-Gen Khumalo, and the NPKTT.”

20 So, you say she has made allegations about the NPKTT. You have given us a list of posts, of Facebook posts, that were made for her. I have read them more than once. Nowhere do they refer to the PKTT, her posts. Not a single one of them. They refer to General Khumalo. They refer to other people. They refer to Crime Intelligence. Nowhere is there a reference of the PKTT. So, it is not correct that you

say she made allegations about the PKTT, and I think you do need to correct that.

MINISTER MCHUNU: Point taken, Commissioner.

ADV BALOYI SC: Yes. So, there were no allegations from her about the PKTT.

MINISTER MCHUNU: Correct.

ADV BALOYI SC: Yes. So, you could not have correctly or validly taken her posts into account in your decision to disband the PKTT.

10 **MINISTER MCHUNU**: Not at all.

ADV BALOYI SC: Okay.

MINISTER MCHUNU: Not at all.

ADV BALOYI SC: Thank you. And you do confirm, just for completeness, you do confirm we will not go into the posts. I know they are in a bundle here, and there were quite a number of them that I looked at. But just the summary of her posts, from paragraph 78 of your statement up to up to 86, none of – in fact, 86 is your conclusion. Up to 85, none of those annexures make a reference to the PKTT. You
20 confirm that. So, from what you have done is from ...[intervenes].

MINISTER MCHUNU: 85.

ADV BALOYI SC: Yes. Up to 85, you have got annexure. At 85, it is now SM13. None of those annexures make any reference whatsoever to the PKTT.

MINISTER MCHUNU: Yes. That is why, Commissioner, I said any complaint about PKTT comes from the envelope, not from the list, neither is it from ...[intervenes].

ADV BALOYI SC: Ms Mashale.

MINISTER MCHUNU: These other categories here.

ADV SELLO SC: Okay.

MINISTER MCHUNU: Including Ms de Haas.

ADV SELLO SC: Okay. So, when you say at 86.4:

10 “Concerns that certain task team
 structures were susceptible...”

Remember, maybe, let me start at 86 at the top. The top of 86, it says, that sentence says:

 “The disclosures made by Ms Mashale,
 expose the following structural issues.”

And then you list them. And then in 86.4, you say:

 “It exposes concerns that certain task
 team structures were susceptible to
 manipulation or abuse.”

20 Ms Mashale does not speak of any task teams that are
being abused or manipulated, but more specifically, the
NPKTT.

MINISTER MCHUNU: Correct.

ADV BALOYI SC: All right. Thank you. Thank you, Ms Sello.

ADV SELLO SC: Thank you, Commissioner. Let us then

turn to Ms de Haas' allegations that you cite under that heading. You deal with Ms de Haas from paragraph 74, and you state at page 27 of your statement:

“I also noted complaints from Ms Mary de Haas, an academic and longstanding observer of policing oversight issues in KwaZulu-Natal. These complaints are attached hereto and marked SM8.”

10 SM8 is your annexure and it will be in File 2 of your statement. Yes, File 2. SM8 starts at – have you located it?

MINISTER MCHUNU: Yes, I have it.

ADV SELLO SC: Okay. It starts at page 265. You see that?

MINISTER MCHUNU: Yes.

ADV SELLO SC: So, let us then look at your SM8. On my reading, it is actually made up of multiple documents, and I would like to that we will not deal with all of them, but I note
20 from SM8 that at 274, Ms de Haas, on the 31st of October 2024, wrote a letter specifically to you, the Honourable Minister of Police, Mr Senzo Mchunu, and this appears to have been dispatched per email. Are you at 274?

MINISTER MCHUNU: Yes.

ADV SELLO SC: Just for the record, you confirm – well, I

take it you confirm receiving this document because you are the one providing it to the Commission.

MINISTER MCHUNU: Yes.

ADV SELLO SC: Thank you. And this letter is quite a lengthy one, but I just want to highlight some aspects. And it starts under Item 1:

“This letter and its three appendices is to request that, for reasons I set out fully below, you take urgent and appropriate action to deal with the abuses and gross
10 wastage of personnel and financial resources by the irregularly constituted Political Task Team. Do you see that?

MINISTER MCHUNU: Yes.

ADV SELLO SC: I continue:

“In this regard, I request you:

1.1. instruct the National
Commissioner SAPS to immediately
disband the irregularly constituted,
unnecessary, and wasteful Political
20 Killings Task Team and send its
investigators back to the detective
units established provincially and
nationally in terms of the SAPS
Legislation. The National
Commissioner must immediately stop

the deployment of General Khumalo, who heads CIS, to this task team, which he did not have the qualifications and experience to command in the first place. Why was he allowed to occupy both positions, for neither of which he has qualifications at the same time?”

I will pause there for a moment. Did you respond to Ms de Haas' letter?

10 **MINISTER MCHUNU**: Possibly we did by acknowledging correspondence as we normally do, but I did not substantively respond.

ADV SELLO SC: Okay. And is it fair to assume that in that letter, one of the first things you raised with Ms de Haas is that she errs when she considers the Political Killings Task Team to be irregularly constituted because you know differently? Did you bring that to her attention?

MINISTER MCHUNU: As I say, I did not respond to her substantively.

20 **ADV SELLO SC**: Okay.

MINISTER MCHUNU: Ja.

ADV SELLO SC: Perhaps let us start here. Do you recall what issues you could potentially have raised in your response? You cannot, off the top of your head?

MINISTER MCHUNU: I did not respond substantively to

her.

ADV SELLO SC: Okay, how did you respond then? I get it is not substantively. I am trying to understand ...[intervenes].

MINISTER MCHUNU: It would just be acknowledgement of receipt of what she wrote, but not substantively.

ADV SELLO SC: So in your response to her, you did not engage with the content of her letter?

MINISTER MCHUNU: No, not at all.

10 **ADV SELLO SC**: Why not?

MINISTER MCHUNU: Well, I felt that it was sufficient to acknowledge that I received the letter, but without necessarily substantive follow-up on the matters.

ADV SELLO SC: So, then it has got to be that you took the content of her communication, this letter, seriously. It required no further engagement with Ms de Haas on, nor verification. Because we know from your statement that those are some of the PKTT issues and challenges that you had in mind when you decided to disband. So, you took on
20 board what Ms de Haas told you. Regarding the PKTT in this instance, she goes broader, of course, in that letter, against various senior personnel within SAPS. But let us confine ourselves to PKTT. You accepted her allegations as she advances against PKTT and they informed your decision to disband, amongst others.

MINISTER MCHUNU: No, not to that extent.

ADV SELLO SC: Okay, to which?

MINISTER MCHUNU: I just read what she was saying and we acknowledged the receipt. Not to say that it would have played any role to whatever extent when I wrote the letter.

ADV SELLO SC: So, this letter too does not reflect the human rights abuse concerns that you enumerate under that heading in your statement?

MINISTER MCHUNU: I indicate that in my statement,
10 insofar as she indicated those things to me as part of what I received. Not to say it would have been the only factor that I saw this and then it influenced me. It is just something that I acknowledged. But it is, I must say that I am aware, other than from her, of what I indicate here. And part of it is in the allegations made by the eight people. So, it was merely to indicate, but I know that there are other people outside this. In fact, it could be more than two in the eight who had specific cases that could be interpreted as of human rights abuse.

20 **ADV KHUMALO SC**: I am a little confused, Minister. Did you take this letter into account when you made your decision on 31 December 2024?

MINISTER MCHUNU: Not necessarily the letter, but I took what I had picked up in the process into consideration. I heard that, I heard that, but without necessarily attaching a

weight that could be interpreted as having influenced you to do – to write the allegation. There are structural issues, there are budget issues and other issues that were more weighty than this. This I threw in as part of the environment.

ADV KHUMALO SC: So, the similarity between the language used in this letter and your disbandment letter, purely coincidental?

MINISTER MCHUNU: Purely coincidental. I did not
10 memorise anything.

ADV KHUMALO SC: You did not have it with you when you wrote your disbandment letter?

MINISTER MCHUNU: No, no, no. In fact, most of the letters, and I suppose this is one of the letters, the way we do it in the office, PAs would present a letter, there is a letter here, Minister, it comes from so and so and so and so. Summarise the content, the complaint is about one, two, three, write acknowledgement and file the letter. And I did not have it at all.

20 **ADV SELLO SC**: Thank you, Commissioner. You say before your engagement with Commissioner Khumalo, your response to my question was that this was not the only factor, correct? The contents of this letter?

MINISTER MCHUNU: Yes.

ADV SELLO SC: Is it correct to say that it was one of the

factors?

MINISTER MCHUNU: It would be correct to say it was one of the factors in a sense that I am putting it, because the factors, when you do something, you do not weigh them the same ...[intervenes].

ADV SELLO SC: Yes, but ...[intervenes].

MINISTER MCHUNU: But even if they are all factors, yes.

ADV SELLO SC: Okay. Now, that is important to know because she raises a number of issues, so I will just
10 perhaps go through a few to see which played a role in this decision. But before I do so, I would like to invite your comment to her paragraph 1.2. And remember, she said, in this regard, I request you to, we dealt with the first subpoint at 1.1. Now I am at 1.2, still at page 274. And she says:

20 “Prioritise the establishment of a judicial oversight body to investigate the dockets taken by the task team, including, but not exclusively, the three matters I provide details of in their annexure. Since there is a great deal of other information about grossly irregular conduct of this task team, the investigative mandate of such a body must be wider than these three cases.”

Then she says:

“There is a great deal more information about the suspicious and criminal actions of this task team.”

I do not have to go beyond that. My first question to you is, did you understand what judicial oversight body Ms de Haas was calling for?

MINISTER MCHUNU: Not to the extent that I engaged her on it, just on reading what she was saying.

ADV SELLO SC: But just from the reading here, were you
10 able to appreciate what she is talking about or what she is asking of you to do?

MINISTER MCHUNU: I thought, I think I understood judicial, where you appoint a judge to investigate.

ADV SELLO SC: You would not have, if it is a judicial enquiry, I speak under correction perhaps, but I always understood that to be the preserve of the President. Is that what she had in mind?

MINISTER MCHUNU: Exactly, because any judicial inquiry is appointed by the President.

20 **ADV SELLO SC**: Yes.

MINISTER MCHUNU: I just saw that and understood it in that particular context.

ADV SELLO SC: So her request to you that you establish one, it does not make sense. She does not understand how the law works and how the systems work, right? Would it

be fair to say so?

MINISTER MCHUNU: It would be fair.

ADV SELLO SC: Ja, okay.

MINISTER MCHUNU: It would be fair.

ADV SELLO SC: I think the most important part of that subparagraph is the claims she makes, and she says:

10 “There is a great deal of information
 about the grossly irregular conduct of
 this task team. The investigative
 mandate of such a body must be wider
 than the three cases.”

So she specifically says there is a lot of other information regarding the grossly irregular conduct of the PKTT. Do you see where I am? Because this is the PKTT she is talking about here. And for avoidance of doubt that it is the PKTT, her subject line in the letter reads as follows:

20 “A call for the immediate disbandment
 of the SAPS Political Killings Team
 under the command of General
 Khumalo and the urgent establishment
 of a judicial oversight body to
 investigate task team operations and
 cases and related matters.”

So we know this is the PKTT she is talking about. And she alleges that it is guilty of a great deal of grossly irregular

conduct. Did that concern you?

MINISTER MCHUNU: Well, on eyesight, as you read, you do get concerns.

ADV SELLO SC: Yes.

MINISTER MCHUNU: But you read and the extent of allegations, wide nature and the way she writes, it is just too many things all at the same time. You get the impression that she is all over.

ADV SELLO SC: Yes.

10 **MINISTER MCHUNU**: And you end up with that kind of taste in your mind.

ADV SELLO SC: Yes. And it is quite a long letter and she covers various topics.

MINISTER MCHUNU: Yes.

ADV SELLO SC: And I think I appreciate your challenge. But matters such as what I have read would surely strike you once there are allegations of gross irregularities by an officially established task team of SAPS, is a matter that really would be of concern. I would expect it to be to you.

20 Would it?

MINISTER MCHUNU: I am saying insofar as you read, you come across.

ADV SELLO SC: Yes.

MINISTER MCHUNU: It sounds like that.

ADV SELLO SC: Yes.

MINISTER MCHUNU: But you go on and read, you go on and read, you finish. You have that kind of mixed feeling up until possibly you get to an incident that there could be a concrete reference that could be there or referenced.

ADV SELLO SC: Okay.

MINISTER MCHUNU: And then you would be able to raise your level. But it is not like you want not to read what she has written. You want to read. She is quite, especially those of us who come from KZN, we recognised her as a
10 person of substance and sound mind for quite a long time.

ADV SELLO SC: Yes.

MINISTER MCHUNU: And very helpful during the dark days of the apartheid era and struggle for liberation era. So from that background, you do not cut off and say, I no longer ...[intervenes].

ADV SELLO SC: Yes.

MINISTER MCHUNU: But you, you know, but your extent of attention to detail actually follows the pattern of writing, if I could describe it as such.

20 **ADV SELLO SC**: If then I can just test my understanding. To use your words, she is all over. So you say you start reading as you go on. It is half a book. Are you suggesting that whilst it may have struck you being on the first page that there are allegations of gross irregular conduct by PKTT members.

MINISTER MCHUNU: Yes.

ADV SELLO SC: As you read on, by the time you reach the end of the document, you question yourself seriously about the validity of the claims advanced. Is that?

MINISTER MCHUNU: You do have those questions raised, especially despite the fact that she also wrote to Parliament and raised more or less similar issues. I mean to the Portfolio Committee.

ADV SELLO SC: Yes.

10 **MINISTER MCHUNU:** But you do have that, but you are not saying you do not recognise.

ADV SELLO SC: Indeed.

MINISTER MCHUNU: You have not read anything. You do not leave with that impression that I have read nothing. You say there is something that she is saying, but you leave it at that.

ADV SELLO SC: So then based on that explanation you gave, we should not expect you to have acted on that claim and investigate this grossly irregular conduct. Because as
20 you say, she goes on and on and on until you basically question yourself whether there is substance to her allegations.

MINISTER MCHUNU: Ja, because unless they refer to specifics.

ADV SELLO SC: Yes.

MINISTER MCHUNU: If she says there is more information, there is more information, you can hardly – unless you really are dedicated to check what those things are.

ADV SELLO SC: Okay. I will skip 275. She deals with other issues there under two and three. I will go to four. And at 276, she starts with General Khumalo. She says the background of General Khumalo is of relevance. It is rather late in the day for us to engage with the detail of what she
10 sets out in there. Except perhaps to point out that in relation to this issue regarding General Khumalo, she states:

“In 2018, former disgraced SAPS National Commissioner Cele, who himself is implicated in at least two serious criminal cases which have been opened, had been appointed Minister of Police. He is believed to have arranged a placement for Khumalo,
20 whom he probably knew from the 1970s in the KZN, in the Political Killings Team.”

Then she speaks of Khumalo being the head of PKTT, makes quite a couple of many allegations. But the important thing is at the bottom of 276, she concludes that:

“At the end of 2022, Khumalo was appointed by Cele to head SAPS Crime Intelligence, having no training or experience in that field either. So he currently occupies both positions. Recent media reports refer to serious allegations against him by other CIS General, or by another CIS General (who is alleging that attempts to dismiss him are malicious). In matters relating to Khumalo, I have made reports to Parliament from 2021.”

Are you aware, or did you engage Parliament at any level and in any form about these matters that Ms de Haas had brought to the attention of Parliament regarding General Khumalo? Did you make enquiries or try to find out?

MINISTER MCHUNU: No.

ADV SELLO SC: This is General Khumalo, head of Crime Intelligence. That is a very senior post. You were not inclined to even enquire?

MINISTER MCHUNU: No, I did not.

ADV SELLO SC: Okay.

MINISTER MCHUNU: I would not say I was not inclined, but I did not.

ADV SELLO SC: Okay. I find it quite odd, because if we

go back to paragraph 73 where you list all these HR issues by various lieutenant-generals and major-generals, you engage with the issues and you even appoint the Deputy Minister to resolve the issue. Now, these are lower-ranking officials within SAPS, and here you are confronted with allegations against a senior member, no less than the head of Crime Intelligence SAPS, and you are told that Parliament has been made aware of these issues, but you do not engage with those ones.

10 **MINISTER MCHUNU**: Not really. I did not engage Parliament.

ADV SELLO SC: Then at 6, at 277, she is got cases there she refers to. She says:

“You will note that in the three cases detailed in their annexures, there are other common themes, all linked in one way or another to political interference by former Police Minister Cele.”

And based on what she had said above, the political
20 interference would be interference within the SAPS environment. Did you understand it the same?

MINISTER MCHUNU: Yes.

ADV SELLO SC: Now, if you have a former minister interfering politically in that environment, was it not incumbent upon you to do something? And if the question

is, what do you do? I would say the first would be to engage the President. You did not think to have a discussion with the President. More so, as the three of you, the President, yourself, and as I understand Minister Cele are from the same political party. So even if you do not do it through the channel, official channels of the Executive, that you can do it within the political sphere, within the same political party, that you have concerns that the former Minister is interfering in SAPS affairs. You did not do that.

10 **MINISTER MCHUNU**: No, I did not.

ADV SELLO SC: Okay. Now, it goes on in that vein, but seeing as I think your response will be you did not act upon any of her allegations, you did not make further enquiries, but these claims advanced by her are some of the issues you took into consideration in disbanding the team. That is why you placed them before the Commission. Is that a fair conclusion?

MINISTER MCHUNU: Less of particular claims, more of what you see as it is that she wrote, and I am saying to the
20 Commission, she wrote.

ADV SELLO SC: Yes.

MINISTER MCHUNU: And this is what she wrote.

ADV SELLO SC: Now, you did not investigate any of her claims in circumstances where you have the absolute resources to do so. What, Minister, are you asking the

Commission to do with the contents of that letter and those claims? I dare say the Commission has got far less resources than your office would have to investigate these claims. What are you asking the Commission to do?

MINISTER MCHUNU: Well, I am asking the Commission to see what I saw, and then the Commission will decide.

ADV SELLO SC: But you would like the Commission, having seen what you saw, to then understand that what you did not take, these issues into consideration in
10 disbanding the task team.

MINISTER MCHUNU: That I did not take?

ADV SELLO SC: That you did not or you did take them into consideration. Where do we land?

MINISTER MCHUNU: Not in the sense of all these matters that are indicated here, but in the sense of her having raised some issues.

ADV SELLO SC: Yes.

MINISTER MCHUNU: I said one of the people who wrote to me is this one. This is what she wrote. But without
20 necessarily picking up a specific issue and saying whatever I would have said in writing. In writing the directives, I was just focused on the issues that are raised.

ADV SELLO SC: Yes, I hear your answer. I am somewhat struggling to understand it, but the fault is mine. I have had a long day, so I do not lay that at your doorstep. As long as

the Commissioners understand, that is the most important.
Thank you, thank you.

ADV BALOYI SC: Can I just understand that last part, Minister, what you have said there? In the context of this conversation that you exchanged that you have been having with Ms Sello, are you saying you did take into account the issues raised by Ms de Haas as contained in the documents that you have placed before us in your decision? Is it part of what you took into account or you did not?

10 **MINISTER MCHUNU:** I did not, in the sense of issues, picking up this issue that she is raising, that issue, and then say these issues are two or three of the issues and I am now accepting them as part of factors. In the context of her writing about various issues as a violence monitor, I just said, what did Mary say or what is she saying? She is saying what she is saying here, what she said in the Portfolio Committee and I am making it available to the Commission and nothing beyond.

ADV BALOYI SC: Okay. So if we are listing the factors
20 that you took into account, if we create a table of the factors you took into account, should we exclude the Mary de Haas submissions to you? We should say, no, the Minister did not take anything that Mary de Haas said to him in his decision to disband the PKTT? I am asking the question in that way to try and understand what you did with

these submissions from Ms de Haas.

MINISTER MCHUNU: Exactly that, because I did not go through them as I sat down to write, to say I am picking up this, if I remember at all. I do not recall recalling what is contained here. It was merely to say people who ever said something to me made allegations of whatever nature, of whatever extent, validity, these are the ones who I read about or I came across. So I would say by and large the Commission will apply their mind. I applied my mind, not to
10 get into detail, not to pick up anything. Because as I say, not to go to the President about them, not to go to Parliament about them. So the Commission would make up their mind.

ADV BALOYI SC: Well, we are not making up our mind, to use your language, in a vacuum. We get the documents, we read them, we make up our minds about them. We are not doing that.

MINISTER MCHUNU: Okay.

ADV BALOYI SC: We look at your decision. Remember
20 the terms of reference require us to also look at whether any member of the Executive abetted, aided, is complicit in the infiltration.

MINISTER MCHUNU: Yes.

ADV BALOYI SC: I know it is not the exact wording, but you know what I am talking about, right?

MINISTER MCHUNU: Yes.

ADV BALOYI SC: There is that term of reference. So when we look at de Haas' documents that you have placed before us and what you say in the statement about her, we look at it for the purpose of determining if it influenced your decision in any way. That is our only interest, is did Ms de Haas have anything to do with the decision of the Minister? That is why Commissioner Khumalo asks you, is it a coincidence that your letter looks like hers?

10 It is because we are looking at, you have given us this document from Ms de Haas, do you give them to us because you say, here, look at that, those 100 pages. That is part of what I took into account. That is one possibility why you placed them before us. Or we say, well, we have listened to the Minister. He has told us that Mary de Haas is completely irrelevant to his decision to disband the PKTT. I am trying to get that kind of clarity for myself. Is she completely irrelevant?

MINISTER MCHUNU: Specifically, she is not relevant on
20 these matters, but human rights issues are relevant.

ADV BALOYI SC: Ja. Minister, let us take it slow. My question, Ms de Haas writes to you with a whole lot of demands and telling you what must happen and then she gives you, either she gives you or you got hold of these documents. And we are interested in the period before you

made your decision, not what she went and said in Parliament.

MINISTER MCHUNU: Yes.

ADV BALOYI SC: We are interested to see what role did she play in your decision, in your decision-making, right?

MINISTER MCHUNU: Yes.

ADV BALOYI SC: And so I ask the question with that context or that background.

MINISTER MCHUNU: Okay.

10 **ADV BALOYI SC**: Is she – what she gave to you, her letter to you and anything else that she has said, whether directly to you or publicly, before the 29th of December before you made the decision, was any of it relevant in your making the decision to disband the PKTT?

MINISTER MCHUNU: No.

ADV BALOYI SC: No. All right, thank you. Thank you, Ms Sello. Thank you, Minister.

ADV SELLO SC: Thank you, Commissioner. If we can turn then to, we are still staying with SM8, but now we are at
20 page 265. And here I am just highlighting one or two things because as with the claims of Ms de Haas, they relate to criminal and irregular conduct by a member of SAPS, except she raises them insofar as they relate to the PKTT. Okay? So now we turn to this document at 265.

This is an official complaint registration form for the

Portfolio Committee on Police in Parliament. You brought it to the Commission and I raise it with you, because if you turn to page 267, there is a specific question there that appears in the form, it appears like a pro forma question:

“Where have you taken your complaint before approaching Parliament?”

And the response Ms de Haas fills in is:

10 “It was sent to the Minister of Police on the same day as it was sent to Parliament.”

You see where I am reading? The second box at page 267, just above the box is a question:

“Where have you taken your complaint before approaching Parliament?”

And her response is the typed, it is typed in the box below that, and the first line is:

“It was sent to the Minister of Police on the same day as it was sent to Parliament.”

20 You see that?

MINISTER MCHUNU: Well, yes, I see that middle box.

ADV SELLO SC: Yes.

MINISTER MCHUNU: Yes, I am trying to read it.

ADV SELLO SC: So, I say why I am bringing this to your attention is it would appear that these issues that are set

out in this document to Parliament, as Ms de Haas claims, were also brought to your attention.

MINISTER MCHUNU: Yes.

ADV SELLO SC: Is she correct in that regard?

MINISTER MCHUNU: To say?

ADV SELLO SC: She says:

“It was sent to the Minister of Police on the same day it was sent to Parliament.”

10 **MINISTER MCHUNU**: Probably, although I do not have both dates.

ADV SELLO SC: This would look like a retyped version because the original that is signed by Ms de Haas, that is at page 268, and I think it is dated for – yes, it is signed by her, 4 November 2024. So it would appear that somebody – it is not the most legible, so it appears like somebody rewrote it or – because this version is unsigned, but it is exactly the same. So we assume this is the one that you received probably on or after the 4th of November 2024.

20 **MINISTER MCHUNU**: Yes.

ADV SELLO SC: Okay. Now, once again, she repeats:

“Call for the disbandment of the irregularly constituted Political Task Team headed by General Khumalo and calls for an urgent need for an

oversight body and audit of task team
funding.”

Now, one of the reasons, I think, or as part of the reasons you advance for the disbandment of the PKTT was a cost issue you raised in your statement, just in summary?

MINISTER MCHUNU: That is correct.

ADV SELLO SC: Okay. Now, this document at page 265 states – okay, under the statement of complaint, there is a box split in two. The upper portion is a smaller box than
10 the bottom one. Do you see that?

MINISTER MCHUNU: Yes, I ...[intervenes].

ADV SELLO SC: I want to draw attention to the bigger box now, the second one, where she starts with the words, please see attached letter. Do you see what I am reading?

MINISTER MCHUNU: Where she says what?

ADV SELLO SC: Please see attached letter and three annexures for full details.

MINISTER MCHUNU: [No reply].

CHAIRPERSON: Minister ...[intervenes].

20 **MINISTER MCHUNU**: 265?

ADV SELLO SC: 265.

CHAIRPERSON: Yes, there is the heading, Minister, Statement of Complaint.

MINISTER MCHUNU: Official Complaint.

CHAIRPERSON: The Statement of Complaint. There is a

heading like that. Do you see that?

MINISTER MCHUNU: Yes, in the middle.

CHAIRPERSON: Roughly halfway.

MINISTER MCHUNU: Yes, I see that.

CHAIRPERSON: Then there is the smaller box with three lines. You see that?

MINISTER MCHUNU: I see that.

CHAIRPERSON: Then I call the next one ...[intervenes].

MINISTER MCHUNU: I see.

10 **CHAIRPERSON**: Please see attached.

MINISTER MCHUNU: Yes, I see that now.

ADV SELLO SC: I am indebted, Chair. Thank you. It says:

20 “Please see attached letter and three annexures for full details. I need to add that since sending an advance copy to the Committee Secretary and to the Minister of Police on Friday, 1 November, allegations made by other police members about excessive expenditure by members of this team have apparently been confirmed by a report I received over the weekend that the Provincial Commissioner of SAPS, General Mkhwanazi, approved funds

for accommodation at the luxury Umhlanga Rocks Hotel Oyster Box, an upmarket bed and breakfast establishments in the same Umhlanga Rocks area. And that, as a consequence, there is insufficient money for petrol for some police vehicles.”

I will stop there. Now, this talks to money issues. And the
10 last I checked on Oyster Box, exceptionally irregular use of funds, SAPS funds, particularly when she says she has a report of this kind of expenditure by General Mkhwanazi with the result that there is insufficient money for petrol for some police vehicles. That would definitely affect the proper functioning of the police, if this is correct. Would you agree?

MINISTER MCHUNU: Yes, I would agree.

ADV SELLO SC: And that would be a matter that would be of some concern to you?

20 **MINISTER MCHUNU**: Yes, correct.

ADV SELLO SC: Having received this, because this claim is slightly different from the claim set out in the letter of the 10th of October. So it is a further claim. Did you investigate or cause for an investigation to be undertaken?

MINISTER MCHUNU: No.

ADV SELLO SC: May I ask why not?

MINISTER MCHUNU: In the same context that you would receive a lot of stuff about a lot of issues quite frequently, such that you deem it enough to read if you come across such, but you do not necessarily do an investigation.

ADV SELLO SC: Okay.

MINISTER MCHUNU: You see it as an allegation made by Ms de Haas, but you do not get it up to that level of investigation.

10 **ADV SELLO SC:** And if I then return to page 266?

MINISTER MCHUNU: 260?

ADV SELLO SC: 266.

MINISTER MCHUNU: Okay.

ADV SELLO SC: Overleaf.

MINISTER MCHUNU: Yes.

ADV SELLO SC: Then beyond the midway of the page, there are two boxes. The second box, under the question:

“What do you want the Portfolio
Committee on Police to do?”

20 Then she states under 1 and 2 what she was asking of the Portfolio Committee. I would like us to look at Item 2 in her response because in a way, she starts the second sentence, third line, under Item 2. That reads:

“There must be an audit of funds
allocated to this team for quite apart

from its gross abuses of suspects and others, the fact that it has achieved virtually nothing in terms of solving well-known politically linked cases in the six years it has operated confirms that it is a complete waste of taxpayers' money and raises serious questions about its real agenda being politically driven.”

10 Do you see what I am reading?

MINISTER MCHUNU: Yes, I see.

ADV SELLO SC: Two questions here. She speaks of gross abuse of suspects and others by this team. Is that your understanding, since becoming the Minister, that this team is guilty of gross abuse of suspects and others?

MINISTER MCHUNU: I am aware that she made that ...[intervenes].

ADV SELLO SC: Are you aware of the claim that she makes?

20 **MINISTER MCHUNU**: Yes.

ADV SELLO SC: Okay. Now, do you know the PKTT to be involved in gross abuses of suspects and others, you, Minister, personally?

MINISTER MCHUNU: No, I do not have.

ADV SELLO SC: When you receive this document, and I

will assume that it is a serious matter if it were ever to be held to be true, once again, you did not seek to enquire into the correctness of the claim or even, you know, investigate, at least with General Masemola about the issue, this particular issue raised. You did not do that?

MINISTER MCHUNU: No.

ADV SELLO SC: Why not?

MINISTER MCHUNU: It is in the same context that I raised before.

10 **ADV SELLO SC**: Okay.

MINISTER MCHUNU: You read, you keep, but you do not necessarily follow up.

ADV SELLO SC: This particular point is relevant because in the course of your testimony yesterday, you referenced the case of Mr Qashana Mchunu. Do you recall?

MINISTER MCHUNU: Yes.

ADV SELLO SC: And you commented that, which happened in 2018, and actually which was the trigger for the President's eventual decision to establish an IMC, you
20 recall that?

MINISTER MCHUNU: Yes.

ADV SELLO SC: And you allege that nothing had been done in that case since then. You still stand by that statement?

MINISTER MCHUNU: Not that nothing has been done.

ADV SELLO SC: Okay.

MINISTER MCHUNU: What I specifically said is that I am not aware of anybody who has been convicted.

ADV SELLO SC: Okay.

MINISTER MCHUNU: However, I am aware of four people who have been charged for conspiracy to murder.

ADV SELLO SC: Okay.

MINISTER MCHUNU: And one person charged for murder.

ADV SELLO SC: Okay.

10 **MINISTER MCHUNU:** Those are the people that I am aware of.

ADV SELLO SC: And those would be, to your understanding, the hitmen, the supervisor, coordinator/middlemen, and the ward councillor who was a part of the plot for that murder. Are you aware those are the people who are arrested?

MINISTER MCHUNU: Yes, I know that there were seven people who were arrested originally, two are out, and then five are remaining.

20 **ADV SELLO SC:** Okay.

MINISTER MCHUNU: And they are as I described them.

ADV SELLO SC: Okay. And are you aware that after their arrest, the matter was set down for trial for the 26th of March 2024 and that the accused were initially denied bail, but were subsequently granted bail of R10 000 each by the

High Court. Are you aware of those facts?

MINISTER MCHUNU: Yes, how I am aware of this, I am aware through family just updating me from a distance.

ADV SELLO SC: Yes.

MINISTER MCHUNU: Ja.

ADV SELLO SC: Now, if you are aware of all those facts and you appreciate that they have appeared in court, they have been charged, the matter has been set down for trial, in fact, they appeared for trial at 26 March 2024, is it
10 appropriate to blame the PKTT regarding the delay in conclusion of the trials and possible convictions?

MINISTER MCHUNU: I am not blaming them.

ADV SELLO SC: Okay, I misunderstood yesterday.

MINISTER MCHUNU: Yes.

ADV SELLO SC: I do apologise.

MINISTER MCHUNU: Okay.

ADV SELLO SC: I think just one last issue, and this is an issue you raise at your reason number three for your decision to disband the PKTT and you state, third:

20 “SAPS budgetary and organisational obligations, including National Treasury instruction...”

And you list them ...[intervenes].

ADV BALOYI SC: Sorry, Ms Sello, are you done with the – you are not going to speak to the Ms Burger complaint?

You are done with that topic?

ADV SELLO SC: You can proceed.

ADV BALOYI SC: Okay, maybe before you go to the budget then. Minister, earlier we confirmed, or you confirmed that where you said Parliament in paragraph 71, you meant Mr Adams.

MINISTER MCHUNU: Yes.

ADV BALOYI SC: Okay. What was the complaint that Mr Adams raised with you?

10 **MINISTER MCHUNU:** He was complaining about him opening a case, first in the Western Cape and second in Gauteng, and there being no follow-up. And it is a matter we took to the National Commissioner who responded, and we then conveyed the response as such.

ADV BALOYI SC: Yes.

MINISTER MCHUNU: I got to understand that there was another complaint to the Chief of Staff, who then took that complaint to IDAC.

20 **ADV BALOYI SC:** Okay. And that complaint, we have heard about it in the Commission that it has also played out publicly.

MINISTER MCHUNU: Yes.

ADV BALOYI SC: I just want to confirm that it is the complaint against General Khumalo, and I think other people as well, to do with the appointment of somebody to

the SAPS.

MINISTER MCHUNU: If I am not mistaken, yes.

ADV BALOYI SC: Yes, that is my understanding. So then that kind of complaint, how could you have taken it into account, or how could it be a factor in your decision to disband, as one of the matters that occupied you in your disbandment decision? Because on the face of it, it has nothing to do with the PKTT.

MINISTER MCHUNU: Well, I do indicate in the first
10 paragraph, as I did, that there are matters that came as complaints, like the ones that are from the people that I listed, which had nothing to do with – so my listing of that does not mean that all those categories of people who made complaints necessarily became a factor.

ADV BALOYI SC: Okay. So Mr Adams, his complaint to you is completely irrelevant to your decision to disband the PKTT?

MINISTER MCHUNU: It is different, yes. It is something else.

20 **ADV BALOYI SC**: Okay, so to the extent that we understood it as part of the concerns that you took into account, we are wrong. We should not. That is not what you were conveying?

MINISTER MCHUNU: Not on there, yes.

ADV BALOYI SC: Okay. And the Fort Hare, because you

do discuss in your statement, just so that after you have left the witness stand we must not say we did not hear how you explained this. If you go to your statement, and I think I am trying to find where it starts. I am told it is at page 32 of your statement.

MINISTER MCHUNU: Yes, I am on it.

ADV BALOYI SC: It starts at paragraph 87. You make mention there of a News 24 article about two attorneys who were arrested, and then you say the report says it is by the
10 National, the NKPTT. Firstly to note, this was before your appointment as a Minister, this arrest?

MINISTER MCHUNU: Yes.

ADV BALOYI SC: Okay. That was in March 2024, right?

MINISTER MCHUNU: Yes.

ADV BALOYI SC: Now, you refer to the News 24, and you refer to a Daily Maverick report in May 2024, which reported on this. Is this one of the things you took into account?

MINISTER MCHUNU: It is one of the things that I read.

ADV BALOYI SC: Ja. You did not take that into account
20 in your decision? It did not inform your decision?

MINISTER MCHUNU: Look, it is one of the things I read and I became aware, but I did not say I am going to put it as a factor because I did not speak to Mr Bradley. I merely looked at it and said, in the category of some complaints about human rights, there is this that has been flagged, this

that has been flagged.

ADV BALOYI SC: Okay. So, we should accept that it is not a factor that you took into account?

MINISTER MCHUNU: Yes.

ADV BALOYI SC: Okay.

MINISTER MCHUNU: I indicate somewhere as well that there is a claim or an indication that she has applied to come to the Commission herself, and therefore, I leave it at that.

10 **ADV BALOYI SC:** Okay. All right. Now, I am just confirming that because it appears under your heading about human rights abuses by the NKPTT, as you refer to it, and I just wanted to be sure that is this one of those cases of abuse that you did not verify that you took into account, but you say you did not take into account.

MINISTER MCHUNU: Yes.

ADV BALOYI SC: It did not inform your decision. Thank you, Ms Sello.

20 **ADV SELLO SC:** Thank you, Commissioner Baloyi. I had asked us to go to page 57 of your statement, Minister.

MINISTER MCHUNU: Page?

ADV SELLO SC: 57, 5-7, and there I just want to add paragraph 170, 170. You deal with a third reason, and you highlight SAPS budgetary and organisational obligations.

MINISTER MCHUNU: Yes.

ADV SELLO SC: And as we have come to learn, General Dimpane is responsible for that side of things, for SAPS, correct?

MINISTER MCHUNU: Yes.

ADV SELLO SC: Is that your understanding as well?

MINISTER MCHUNU: Yes.

ADV SELLO SC: And General Dimpane, I am sure you are well aware, made a statement to the Ad Hoc Committee and appeared before the Ad Hoc Committee.

10 **MINISTER MCHUNU:** Yes.

ADV SELLO SC: She, however, has not appeared before this Commission yet.

MINISTER MCHUNU: Yes.

ADV SELLO SC: And you have a file, EXHIBIT 1 of 2. Yes, 1 of 2, Annexure CJC54.5, and that would start at page 163. Yes, yes, Exhibit File 1 at page 163. I do not think we have ever called up this particular file, so it is most likely still to be in your box.

ADV BALOYI SC: And you said page?

20 **ADV SELLO SC:** Page 163.

MINISTER MCHUNU: I have the bundle.

ADV SELLO SC: As you will note, Minister, from that document, it is the statement General Dimpane submitted to the Ad Hoc Committee. She has since formally communicated with this Commission to our secretary on the

4th of December 2025 that she submits the same statement to this Commission, and it should be treated as a statement for the Commission. Do you understand?

MINISTER MCHUNU: Yes.

ADV SELLO SC: Thank you. Now, on this one, I would like us to start at page 178. We are dealing with a cost issue. And if you are at 178, at her paragraph 15, she speaks of these various deployments, interventions, task teams and operations, and states that these have been
10 coordinated and managed by SAPS over multiple financial years. You do not quibble with that claim, do you?

MINISTER MCHUNU: I am aware of that.

ADV SELLO SC: Yes. And if you go overleaf, she then sets out a table. She has titled it Table B, and she recalls expenditures per task team over the respective periods of existence. And you will note that because now we are having a conversation about funding and budget, the most expensive is the illicit mining, only CARA funding, at 1.1 billion over a three-year period, 2023/2024 up to 2025/2026,
20 and that is up to the 30th of September 2025. Now, my question is, based on what you have testified to thus far and the budgetary constraints and the concerns you have, would it be fair to assume that you have expressed your concerns regarding the expenditure pattern of that particular task team, or not?

MINISTER MCHUNU: Illicit mining?

ADV SELLO SC: Yes, illicit mining. The first on the table, yes.

MINISTER MCHUNU: And at some point, we did discuss expenditure with the National Commissioner, but it was in the context when we needed to take part in getting the illegal miners from underground at a particular point in December/January, that we did not have money to do that.

ADV SELLO SC: And I note that in the financial year
10 2025/2026, and that normally starts on the 1st of April of any year, yes.

MINISTER MCHUNU: Yes.

ADV SELLO SC: By the 30th of September, 294 million had been expended towards that task team, contrasting that with the Political Task Team, which stands at 16 million. So I need to understand, if you are able to help me, why you would have such serious cost concerns when it comes to the PKTT, to a point that you order that it must be disestablished, when its expenditure in the first six months
20 is 16 million, but a later established task team has already expended 294 million in the same period of six months, and whatever concern you may have on that is not enough for you to act upon it. Why would that be?

MINISTER MCHUNU: Well, contexts are different. In the first place, they indicate that the source of money is CARA,

not the actual budget allocated by Treasury to us.

ADV SELLO SC: But it is still public funds, if I understand this, or is it private funds?

MINISTER MCHUNU: CARA, it comes from public.

ADV SELLO SC: Yes.

MINISTER MCHUNU: From money that gets collected and so on.

ADV SELLO SC: Yes.

MINISTER MCHUNU: But I am merely making a difference
10 that it comes from CARA, not from the budget. But two, as I
did indicate that we would have loved that 16 million that
you are referring to is expenditure associated with Murder
and Robbery in whatever subunit, instead of a standalone
team like PKTT. Not necessarily from the point of view that
they are wasting it, I have not done that kind of exercise.
But from the point of view of saying once you have a team,
once you mainstream them into Murder and Robbery, you do
not have the responsibility of scrapping from other
programmes to fund them.

20 **ADV SELLO SC:** Yes.

MINISTER MCHUNU: Leaving gaps where that money
comes from, whether it is from Detectives or it is from
Operations. You keep the money for what it is designed for
in terms of programming. But here, this is money that
comes from CARA. I do see that it is quite a huge

expenditure, but I am saying that is the difference.

ADV SELLO SC: Yes.

MINISTER MCHUNU: That is how it arises.

ADV SELLO SC: Would you accept that in life, we generally apply the principle of value for money. So however expensive an item or exercise may be deemed to be, from a subjective perspective, affordability or whether or not the expenditure should be incurred is always considered in the context of the value derived from that expenditure. Am I making sense?

MINISTER MCHUNU: Yes, you are.

ADV SELLO SC: Are you suggesting therefore that that 16 million expended on the PKTT to date did not derive any value and therefore ought to have been diverted to the Murder and Robbery Squad?

MINISTER MCHUNU: Not at all.

ADV SELLO SC: Okay.

MINISTER MCHUNU: It is in the context of an exercise that has been done over time called establishment of specialised units. That is streamlining how SAPS should work.

ADV SELLO SC: Yes.

MINISTER MCHUNU: And then among those, you have Murder and Robbery, but at the same time you have PKTT. It arises only in that particular context to say you would

have this amount budgeted for in terms of the appropriate programme and spent accordingly, Specialised Unit, Murder and Robbery, Serious and so on. And you do not have any other expenditure outside that. If you have, you are increasing and building capacity internally in a sustainable way rather than spending on an ad hoc committee, in other words, on an ad hoc team, on a temporal team.

ADV SELLO SC: Yes.

MINISTER MCHUNU: That is the context in which we
10 differentiate.

ADV SELLO SC: But then in that context as well, it would have benefited, I would think, your thinking to engage with General Dimpane, who is the head of finance in SAPS, and have engagements with her about these budgetary issues and budgetary constraints, and how in her view she would consider would be an appropriate use of SAPS budget. I say you would have benefited significantly from such an engagement before you take the decision. Would you agree?

20 **MINISTER MCHUNU:** We did engage.

ADV SELLO SC: Ys.

MINISTER MCHUNU: She did brief us about finances generally.

ADV SELLO SC: Okay.

MINISTER MCHUNU: She did tell us that there has been a

reduction in, increase in nominal terms but reduction in real terms.

ADV SELLO SC: Yes.

MINISTER MCHUNU: And it did arise when we are talking about priorities of the Ministry, that there is no money to do this, there is no money to do that, including building of police stations. So it did in various manners, in a variety of meetings. So I know that we have a budget that does not meet the obligations of SAPS.

10 **ADV SELLO SC:** And did that engagement extend to specifically the budget for the PKTT, to your recollection?

MINISTER MCHUNU: No.

ADV SELLO SC: It did not?

MINISTER MCHUNU: No, we did not deal with the budget for each unit. Remember there are other units. We did ...[intervenes].

ADV SELLO SC: I was more interested in the PKTT only.

MINISTER MCHUNU: Okay. No, we did not.

ADV SELLO SC: And you are correct because General
20 Dimpane at her paragraph 20 of the statement, page 181, that annexure that is open before you, does confirm that, and she states:

“I have never spoken to the Minister about the PKTT budget. All discussions concerning the allocation

of funds to PKTT are solely between me and the National Commissioner.”

So she would be correct in that regard.

MINISTER MCHUNU: She would be correct, although I would consider her statement quite, the end part of it, quite interesting to say public expenditure in the department is a matter between the two of them. But I am not debating that, I am just citing something interesting. There is something that I lost ...[intervenes].

10 **ADV KHUMALO SC**: Yes, I wanted ...[intervenes].

MINISTER MCHUNU: I wanted to say to you ...[intervenes].

ADV KHUMALO SC: Just a moment, just a moment.

MINISTER MCHUNU: Yes.

ADV KHUMALO SC: To be fair to her, that is not what she is saying. All she is saying there is that all discussions concerning the allocation of funds to PKTT are solely between me and the National Commissioner. She is not suggesting that if you have concerns, you cannot raise
20 them.

MINISTER MCHUNU: Yes. Just lost something, it is the matter of expenditure of PKTT. It comes in the sense that you have an alternative structure that you should be using for the same purpose that PKTT is using. That is what the Commission needs to note when we discuss this. On illicit

mining, for instance, as an example, you do not have an alternative. You just have to do what you have to do. If there were an alternative, you simply would have done that.

That is why at some point, I think this year, we held a meeting called Optimisation of the Budget of SAPS. It was an effort, a detailed effort to encourage SAPS management, CFO in particular, to lead that effort of optimising the budget. So where you have alternatives, both of them costly, you see whether you should not
10 integrate them so that you get the better out of all of them, but ...[intervenes].

ADV BALOYI SC: But, Minister, your task team, the new task team, Taxi Violence of 2024, undermines that consideration because you do have an alternative. You do have a Murder and Robbery division in the Eastern Cape. They were not effective. What you did not do, you did not put in resources to Murder and Robbery to enhance their ability to do this. You, in fact, formed a new team, and they took funds that were not budgeted for. So the financial
20 concern you raise about PKTT is equally valid for your Eastern Cape Taxi Violence Task Team that you created in December.

MINISTER MCHUNU: Yes. It is for that reason that even though we say task teams can and can or may be established as and when the need arises, but do not adopt

that as the way in which SAPS need to work, need to do their job. Do not factor it in and allow it like that, because it is wasteful. That example is an example of what is not desirable.

ADV BALOYI SC: But you created a task team anyway, so it seems you are not consistent in your reasoning about your budgetary concerns, about the structural implications of having a task team. There is inconsistency in it, because the one you dissolve, you disband in December. Among the
10 reasons you give to us here is we need to use our resources better, our budget better. And no one can argue against that, that every day, even in our personal lives, we need to use our budgets better.

No one can argue with that. But it is the inconsistency in your justification for disbanding the PKTT as applies to the PKTT, but the same considerations do not seem to apply to a task team that you form in the same month. And I am speaking both budgetary concerns that you have raised and the organisational structure operating
20 outside of the organisational structure. Please make me understand why it is justifiable, those reasons you give in respect of the PKTT when you disband it in December, and the same considerations do not apply, because they do not. Otherwise, you would not have set up that task.

If you had considered them consistently, you would

not have set up that task team, because Murder and Robbery in the Eastern Cape can do this, and there is a budget for Murder and Robbery to deal with that kind of stuff. You would have found other ways of enhancing that capability.

But no, you created a structure outside of the normal organisational structure. You got money drawn from other sources that should be used for other purposes that were budgeted for. You pull it out for a specific task team.

10 Please make me understand why this inconsistent treatment of task teams that both deal with murder.

MINISTER MCHUNU: It is not inconsistency. It is not. I have endeavoured to explain that PKTT is a sitting task team, if I could use that word, to qualify seven years in office. What alternative do you have? Specialised unit. Which one? Murder and Robbery. There is not an instance in KZN where Murder and Robbery would have been found to be weak and dysfunctional, where you would then have intervened. That one in the Eastern Cape ...[intervenes].

20 **ADV BALOYI SC**: No, but you ...[intervenes].

MINISTER MCHUNU: Is an intervention ...[intervenes].

ADV BALOYI SC: No, Minister, you cannot say that, because much earlier in our discussion you admitted that you never received a report about the capabilities of Murder and Robbery in KZN, so we settled that. Or at least I

thought we settled that, that when you made the decision, and because on the basis that Murder and Robbery should deal with those political cases ...[intervenes].

MINISTER MCHUNU: Yes, I remember.

ADV BALOYI SC: Yes, you said I did not have a report. And Ms Sello, in fact, referred you to an affidavit of General Motsepe where she says, well, the capabilities had not yet been established.

MINISTER MCHUNU: We did not end up like that,
10 Commissioner. I ended up my statement by saying I rely on the submission. I relied at that time, when I wrote this directive, on the reports, the Marais reports which had signatures up to Deputy National Commissioner approving implementation, not establishment. Whatever it was based on, it was them who made an assessment and agreed and signed and submitted to National Commissioner. Now, I sit here, and I get that I rely on them and I say, it means all is well. These are senior officials. I have nothing to doubt.

But in the case of Eastern Cape, when this problem
20 erupts, it struck us as a situation requiring intervention in the form of a team led by General Zulu. When she gets there, she then discovers when she now wants to intervene and empower these people and she discovers what she discovered that we went through. And then she writes that report to say this is what – they are not a sitting, a seven-

year sitting intervention. They are not an IMC built or established. They are based on what has just erupted. They are sent there. They sit three months. They deal with that particular problem. They ask for another three months. They deal with that particular problem.

I agreed with you, Commissioner, that the principles are the same, but the situation, the actual situation that we are arguing about are not the same, not at all. But in the Eastern Cape, I agree with you. We have
10 the alternative. It was an alternative. It is a specialised unit that would stop even an intervention, short as it would be, even if it is extended. But it is one of those things that you would regard as a weakness in the department that require addressing rather than as a practice that must recur and be accepted as a norm in terms of how SAPS should function, because it is wasteful.

Now, when General Motsepe says that, she is at the same time saying we are not performing well as a head of this particular. In other words, I am not performing well.
20 That is why I still have this and this. And higher up, higher up, up to me, I now know that quite a number of officers have not been able to establish this as intended long ago as 2019.

So there are those differences. On the side of specialised units, we want to build permanency, if there is

English like that. We want to build sustainability. And ideally, that would function without the need for interventions of whatever nature.

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

ADV SELLO SC: Thank you, Commissioner. And staying with General Dimpane's statement, please turn to page 182 and I am just going to read part of paragraph 25 and then I am going to invite you to comment. And at 25, General
10 Dimpane states as follows:

“I have heard it stated that as the CFO, I also advocated for the disbandment or deactivation of the team before the Minister made his decision to disband the team.”

Do you see what I am reading, Minister?

MINISTER MCHUNU: I see it.

ADV SELLO SC: Overleaf then:

20 “However, these comments have been taken out of context. I drew attention to the fact that the team had been in existence for five years and given the ongoing need as well as to ensure proper planning, budgeting, accountability and proper resource

allocation, it might be necessary to prepare a work study to establish a permanent structure. I stated that as the component head, OD must be: “tasked to urgently conduct a work study investigation for the establishment of a permanent structure in KZN.” Rather than advocating the disbandment of PKTT, I advocated that

10 a study be conducted to determine whether it should be made a permanent structure.”

And I will stop there. Now, this is General Dimpane who penned in that note, in the information note, explaining what she meant with her comments and pointing out that you took her words out of context as if she was advocating for the disestablishment of the task team. So do you agree? What is your comment to what she stated in her affidavit?

MINISTER MCHUNU: It is not stated what exactly I said.

20 It is just a commentary that the Minister made his decision to disband the team. I also advocated for the disbandment. I do not know whether she is taking me verbatim on this matter, I doubt. But to the effect that she wrote like this, let us suppose that it is correct what she says on page 183, we agree with her. How she interprets that and so on, for

whatever purpose, she was making a sound statement about expenditure and I would say it was in broad reference to that. Not to say particularly, specifically, she wrote somewhere that must be disbanded. She was talking from a particular perspective. I agree with that. It is not a big issue.

ADV SELLO SC: So perhaps just to clarify, the position is, because I think that comment you made before the ad hoc committee and with reference to notes she, General
10 Dimpane, had made regarding the budgeting for PKTT in the period, I think it was up to March 2024.

MINISTER MCHUNU: Yes.

ADV SELLO SC: And so you accept that whatever she wrote in the comments there cannot be construed as support for the disbandment of the PKTT. Whatever wording she used, that is not how you understood it and that is not how you think a reader should understand her words. Is that your position?

MINISTER MCHUNU: Let me first say that I do not have
20 what I have. She does not refer to what I said exactly. Let me pass that ...[intervenes].

ADV SELLO SC: Sorry, apologies, Minister. I was asking a different question. You did make that point. My next question now is whether your position is that you did not understand any of her notes on that document to suggest

that she supports the disbandment of the PKTT. That is all.

MINISTER MCHUNU: No. I would not say she supports because she was – I suppose that she was never requested to support or not to support. What she was given was to consider the budget or consider the request as was put, and then she made certain comments.

ADV SELLO SC: Yes.

MINISTER MCHUNU: Whatever comments she made. Then I make reference to those comments that she made.

10 Not necessarily to say she supports or she does not support.

ADV SELLO SC: Okay.

MINISTER MCHUNU: Just taking those comments as they were to say these are the comments that she, and I consider them to be sound, those comments. But not from an endorsement of, as an endorsement of – because we did not – we were not talking about her and what she would have written or not written. We were talking about the state of finances and what has come in the environment. That
20 was the reference.

ADV SELLO SC: Commissioner Khumalo would like to...

ADV KHUMALO SC: Minister, when did you first learn of Lt-Gen Dimpane's comment?

MINISTER MCHUNU: General Dimpane's comments were quite early. They came in 2024. I think it was at the – in

about March. Later in the year, I became aware of this.

ADV KHUMALO SC: So this document, you became aware of it before you made your decision on 31 December 2023?

MINISTER MCHUNU: Yes. It was before the 31st.

ADV SELLO SC: Thank you for that response, Minister. Commissioner Baloyi?

ADV BALOYI SC: Are you leaving this?

ADV SELLO SC: All right.

ADV BALOYI SC: Maybe one last thing to do with the
10 budget concerns. In your paragraph 31, and you spoke to this yesterday, you say no further extensions were sought. This is extension for the PKTT's mandate:

“As a result, the PKTT continued operating without the required assessment and renewal for more than two years.”

And then you say:

“I am advised that this rendered the expenditure on the PKTT irregular
20 under the PFMA.”

You see what I am reading, Minister?

MINISTER MCHUNU: Yes.

ADV BALOYI SC: And then you repeat it slightly differently in paragraph 170. And this time, you repeat it as one of your reasons. You say temporary, you see 170?

MINISTER MCHUNU: Yes.

ADV BALOYI SC: Okay. You say third:

10 “SAPS budgetary and organisational obligations, including those Treasury instructions and guidelines require that operational functions be located within approved, properly formed, funded cost centres. Temporary teams outside the approved structure cannot be sustained, and their continuation exposes SAPS to irregular expenditure. The PKTT had not been formally extended since July 2022, rendered continued expenditure irregular under the PFMA.”

You say that.

MINISTER MCHUNU: Yes.

ADV BALOYI SC: You started off saying you were advised.

20 **MINISTER MCHUNU:** Yes.

ADV BALOYI SC: Now, General Dimphe says you have never discussed, or she is never discussed with you, the expenditure of the PKTT.

MINISTER MCHUNU: Yes.

ADV BALOYI SC: The budget. She says that.

MINISTER MCHUNU: Yes.

ADV BALOYI SC: Who would have advised you that expenditure of the PKTT is irregular under the PFMA?

MINISTER MCHUNU: I was advised by my lawyers. I did indicate that yesterday.

ADV BALOYI SC: Okay.

MINISTER MCHUNU: I simply put a situation as I understood it, and the discussion, yes.

ADV BALOYI SC: I want to be careful not to get into any
10 conversations that you have had with your lawyers.

MINISTER MCHUNU: Okay.

ADV BALOYI SC: You mean your present lawyers?

MINISTER MCHUNU: Yes.

ADV BALOYI SC: But you see, you cite it as a reason for disbanding, so this is something you must have had by the 29th. That you have had conversations with your present lawyers, I should not get into it. I am not allowed to get into it.

MINISTER MCHUNU: That is fine.

20 **ADV BALOYI SC:** I am discussing it as a third reason for your decision, because it appears under the heading reasons for my directive, and you say third. It is the expenditure is irregular, so hence my question to you that at the 29th of December, who would have told you this if the CFO tells Parliament that she has not discussed matters of

the PKTT budget with you? Who else in SAPS, as of the 29th of December, told you it is irregular expenditure?

MINISTER MCHUNU: No. Before the 29th, I was not focused on irregular or regular from the point of view of SAPS or PKTT, but I was aware that by the 29th – no, by the 29th, 30th and 31st, that for quite a number of years, SAPS incurs irregular expenditure, whether it comes from PKTT expenditure or from any.

But what I was aware of, I was aware that before I
10 wrote that PKTT is a temporal team. It derives its budget, I was aware of that, from National. Now, where in National? From various programmes, and I was aware that Treasury is discouraging that and encouraging us to discourage it in our departments to do that kind of allocation because it constitutes irregular. In some cases, unauthorised. I was aware of that.

But whether it is to the extent that I wrote it here, I wrote it when I joined that sentence that no, it is when we are talking that this is the reason. This is the additional
20 thing that I could add, but I was aware of irregularity.

ADV BALOYI SC: So you did not find out for the first time with your current legal representatives, it was not the first time you realised this expenditure is irregular?

MINISTER MCHUNU: No, no, no.

ADV BALOYI SC: It was not?

MINISTER MCHUNU: No, no, no.

ADV BALOYI SC: Okay. Then why do you say in your statement, I am advised, and I want to complete it with from what you are saying now, I am advised by my lawyers that the expenditure is irregular, if in fact you knew that on the 29th of December?

MINISTER MCHUNU: Well, I could have coined it differently ...[intervenes].

ADV BALOYI SC: No, Minister, it is not coining. No. No, 10 Minister, let me, maybe I am being unfair to you, I will put to you what I want to suggest, that you either knew already at that time, already, and so you did not need your lawyers to, your current legal representatives to tell you that. And I do not know why you would add it in the statement, or alternatively, it had nothing – the decision, you had no knowledge, it was not a factor, the regularity or irregularity of that expenditure.

It was not a factor at 29 December, it is something that you constructed after you have sent out the letter to 20 say, by the way, one of the problems, now I know on the 1st or 2nd, 3rd of January, actually one of the problems is that, or one of the justifications is that it is an irregular expenditure, so that on this alternative, which is my proposal of what I think is happening here, is that it is a later fabrication. After you have made the decision, you

then decided to take this on as another reason why you disbanded the PKTT. Do you want to comment on that?

MINISTER MCHUNU: Yes, there is no way I was not aware, because we had had discussions even at Cabinet up to a level where we were instructed, if I could use that word, that we should optimise our budgets, we should avoid irregular expenditures, we should spend money, encourage our officials to spend money for what they are allocated for. And long before I think I even knew that there would be
10 allocations that would be made, we held a meeting to optimise. So I was quite aware earlier, that is why I am saying that does not affect the fact that I was fully aware.

ADV BALOYI SC: Is there – maybe finally, is there anywhere before the 29th of December that you saw General Dimpane express concern that this expenditure of the PKTT is irregular? Is there anywhere that you see where she recorded that?

MINISTER MCHUNU: No. I have never seen anything from her ...[intervenes].

20 **ADV BALOYI SC**: Okay, you have not. Yes, we have not either.

MINISTER MCHUNU: But what I have seen is just irregular expenditure in SAPS recurring over years, but not to say from PKTT.

ADV BALOYI SC: All right, thank you. Thank you,

Minister.

ADV KHUMALO SC: Let me just follow up on that.

CHAIRPERSON: Let us adjourn and resume at 17:15.

INQUIRY ADJOURNS

INQUIRY RESUMES

ADV SELLO SC: Thank you, Chair. Mr Mchunu, I would like, unless the Commissioners have any questions, I would like to move off this topic now. Commissioner Khumalo?

ADV KHUMALO SC: Good afternoon, Minister.

10 **MINISTER MCHUNU:** Good afternoon.

ADV KHUMALO SC: In paragraph 31 of your statement, you say no further extensions were granted after 2022, and then you say that is one of the reasons why you believe that expenditure on the PKTT is irregular. Please turn to SM7 on page 258. It is your annexure bundle. Page 258. On page 258.

MINISTER MCHUNU: Page 258. This is not this one. I thought it was that one. SM7. Page 258.

ADV KHUMALO SC: Do you have it, Minister?

20 **MINISTER MCHUNU:** Yes, I have it. Thank you.

ADV KHUMALO SC: It is that information note that has Lt-Gen Dimpanes' notes on page 260. Can you just go to 260 and confirm that the notes you are relying on, bottom of the page?

MINISTER MCHUNU: Yes.

ADV KHUMALO SC: Yes. Now let us go back to 258.

MINISTER MCHUNU: Yes.

ADV KHUMALO SC: Paragraph 5.

MINISTER MCHUNU: Yes.

ADV KHUMALO SC: Do you see that it says the decision has been taken to extend the period of the PKTT and the appointment of Lt-Gen SD Khumalo as the project manager for the financial year 2024/2025? Do you see that?

MINISTER MCHUNU: Yes.

10 **ADV KHUMALO SC:** So why do you still insist that there was no extension?

MINISTER MCHUNU: I am saying there is extension. What is not here is extensions in the manner that were done in prior years, before 2021/2022, where there would be a report, an extensive report, and then followed by a request for funding. There would be two documents.

ADV KHUMALO SC: But why does it have to be like that? Why is this not good enough for the purposes of granting the extension?

20 **MINISTER MCHUNU:** In terms of government projects throughout, projects are run like that. You have a period, a specific period. When that runs its course, the project leader goes back, makes a report and motivation, and then attaches a request based on the substance, which ...[indistinct].

ADV KHUMALO SC: So why do you say it was not done in this case? Why do you assume that the project leader has not made the request for extension and the request for the money that we see in that document?

MINISTER MCHUNU: I did not see it.

ADV KHUMALO SC: But just because you did not see it does not mean it does not exist.

MINISTER MCHUNU: Commissioner can help if it exists.

ADV KHUMALO SC: No. Have you asked for it?

10 **MINISTER MCHUNU:** Yes, I did.

ADV KHUMALO SC: And what were you told?

MINISTER MCHUNU: Well, I did not succeed in getting it, just like the Minister of 20 ...[intervenes].

ADV KHUMALO SC: Yes, but then you cannot make an assumption that there was no request for an extension and no extension was granted, because that is what you say in your statement. You say the reason you believe that the expenditure is irregular is because the term of the task team was not extended.

20 **MINISTER MCHUNU:** Yes.

ADV KHUMALO SC: No, no, but the document clearly says that a decision has been taken to extend the period of the task team.

MINISTER MCHUNU: And then I am saying there is not a report in the manner that there had been reports prior to

2021/2022. I have not been able to find it.

ADV KHUMALO SC: Maybe if you had asked for a briefing, you would have got that report, Minister. Let us move on then. As Minister of Police, you would have received the annual report for the SAPS, correct?

MINISTER MCHUNU: Correct.

ADV KHUMALO SC: In 2024?

MINISTER MCHUNU: Correct.

ADV KHUMALO SC: And the one that I have seen is dated
10 28 August 2024 and it is presented to you by the Accounting Officer, General Masemola, and it is addressed to you. Are you familiar with the annual report for SAPS?

MINISTER MCHUNU: I know I am familiar with them, but I do not have a recollection of what you are saying now.

ADV KHUMALO SC: Yes. Maybe let me assist you, because it is a public document.

MINISTER MCHUNU: Yes.

ADV KHUMALO SC: It is dated 28 August 2024 and it is 400 pages long.

20 **MINISTER MCHUNU:** Okay.

ADV KHUMALO SC: And after page 302, it contains the annual financial statements for SAPS for the year ending 31 March 2024.

MINISTER MCHUNU: Okay.

ADV KHUMALO SC: And there is a report of the Auditor

General, which forms part of that annual report presented to you.

MINISTER MCHUNU: Yes.

ADV KHUMALO SC: In the context of the question, in the light of the question asked by Commissioner Baloyi about whether you became aware of irregular expenditure related to the PKTT, in that annual report that was presented to you, was the PKTT expenditure flagged as irregular expenditure?

10 **MINISTER MCHUNU**: No, I do not think so, because I do not think they go to those details to say this particular task team has overspent or spent irregularly. They just deal with the books of the department and say there is irregular expenditure, and I think they do it in all departments, unless they were asked specifically to audit PKTT, which I do not think is the case in that report.

ADV KHUMALO SC: So it was not flagged as an irregular expense?

20 **MINISTER MCHUNU**: What would have been flagged is just irregular expenditure, not in relation to PKTT.

ADV KHUMALO SC: So there is no reference to PKTT and irregular expenditure?

MINISTER MCHUNU: My recollection of what I have seen, it goes like that, yes.

ADV KHUMALO SC: Now, if anybody had said to you that

expenditure by the PKTT is irregular, would you not have to go to the auditors and the CFO and verify with them whether that is so?

MINISTER MCHUNU: Not necessarily, because when I assumed office, I started working not to come to the Commission. I was just working, so this just comes because of problems. So when you work, even when you collect documents, as I said, I made efforts to intensify my understanding. It was not because one day you will come
10 to the Commission and so on. So I did not see the reason to go to CFO at that time because there was no specific problem that had arisen.

ADV KHUMALO SC: And finally, Minister, just to confirm, the irregular expenditure issue was not one of the reasons you took into account when you drafted the letter on 31 December 2024?

MINISTER MCHUNU: It basically was allocation, the way we allocate money for various reasons to various programmes. That was what was uppermost, as opposed to
20 getting worried about money that is spent by the Task Force or TRT or whatever. To a point where one of the things we discussed a little bit more was personnel expenditure vis-à-vis other expenditures after personnel expenditure. And we rated it very high and said something needs to be done, because one day we will not be able to buy cars and so on

if personnel expenditure climbs to beyond 81%, if I am not mistaken, as it was. So that is our discussion. Thank you.

ADV BALOYI SC: Minister, that document, I am doing a follow-up on my follow-up, it is your document. I just want us to confirm that, in fact, it is as defective, because it is the basis on which you say the expenditure is irregular in terms of the PFMA, and you list in your paragraph 112 of the statement, you indicate what are the defects or the shortcomings. You compare for previous periods, you say
10 the formal requests, that is for the past.

MINISTER MCHUNU: Yes.

ADV BALOYI SC: Are specific in detail in their purpose, background, operational approach, composition relating to the task team in question, and estimated expenditure is reflected. And then to demonstrate that statement, you refer to SM17 as past, right? You say SM17 is the previous requests, and then you say you compare it with SM18. You say SM18 is different, it is the one that lacks detail. And how you say it in paragraph 112, you say:

20 “On the other hand, the latter requests,
requests for financial ...[indistinct]
without a concurrent request for
extension submitted ...[indistinct] 2022
are simply requests for financial
authority without the required in-depth

analysis justifying the requested
finances.”

Now, if you look at the document you were discussing with Commissioner Khumalo, it is exactly SM18, it is the same document as SM18, and that is for the period 2024/2025. In paragraph 1, it sets the background to the formation of this task team, which you say the old ones, the pre-2022 ones had, but it tells us what is the background. The escalation of political killings resulted in this.

10 And then paragraph 2, it tells us about the approach, which is part of your complaint because you say the older ones for the past periods, they told us what the operational approach is. But this request for 2024/2025 tells us that it is a multidisciplinary team consisting and it lists everybody in the team. And then in paragraph 3, it tells the strategy. It says this is the strategy implemented, analysis led, and prosecution driven, organised crime investigation approach.

20 So it explains. So it seems to me that answers your operational approach. So it is not lacking in that regard. And then 4, you say the old ones contain information about the composition relating to the task team in question. If you flip over, you can see, yes, this one does not say. It does not say who composes the team. But it tells us – it does not give who composes the team, but

you have got a point there so far as I can see.

Actually, yes, I missed that. It tells us at paragraph 8 that this team will be composed of 180 SAPS members per month for 12 months. It tells who composes the team. And then the last point that you mentioned about the old ones, which was contained in the old ones, is estimated expenditure is reflected in those requests. So you have listed what you say is different and good about the old ones.

10 Then you go on to say the new ones, the 22 old ones, it does not have that kind of information. You say, in fact, maybe to be fair to you, let me tell exactly what it is you say so that you can explain if I am reading it wrong. You say:

“On the other hand, the later requests are simply requests for financial authority without the required in-depth analysis justifying the requested finances.”

20 What do you say is missing from this 2024/2025 request, which was present in the previous ones and is not here, and therefore it renders this irregular? And irregular as defined in the Public Finance Management Act, because that is what you have relied on.

MINISTER MCHUNU: Yes.

ADV BALOYI SC: You said it offends the Public Finance Management Act. Yes.

MINISTER MCHUNU: Yes. The first part, so that I do not know whether I indicate here, is the fact that the money to PKTT comes from a programme not necessarily allocated for PKTT. It is a programme from which you take money, like operational centre and so on. That is the first worry.

The second one is that one that you are talking about, which would have been details as you outlined. I do
10 not have currently the documents that you are reading from, especially the second one.

ADV BALOYI SC: Sorry, Minister, what are we looking for?

MINISTER MCHUNU: Beyond 2022. I do not have that.

ADV BALOYI SC: The one that, the authorisation 2024 to 2025?

MINISTER MCHUNU: Yes.

ADV BALOYI SC: Okay. That is what you are looking at with Commissioner Khumalo. It is your SM7.

MINISTER MCHUNU: SM7.

20 **ADV BALOYI SC:** SM7?

MINISTER MCHUNU: Yes.

ADV BALOYI SC: Page 258.

MINISTER MCHUNU: No, I see that. Well, I see what you are talking about now.

ADV BALOYI SC: Yes.

MINISTER MCHUNU: What perhaps I say in the paragraph, I think in my statement I am talking about the extent of detail, if I am not mistaken.

ADV BALOYI SC: Yes, you say it lacks the required depth analysis justifying the requested finances. That is how you put it in the statement.

MINISTER MCHUNU: Yes. There would be things that I found, although I do not list them necessarily.

ADV BALOYI SC: Yes.

10 **MINISTER MCHUNU**: There would be some issues. I think it was the extent of detail.

ADV BALOYI SC: Okay.

MINISTER MCHUNU: All of the paragraphs.

ADV BALOYI SC: Okay.

MINISTER MCHUNU: More than what is there and not here.

ADV BALOYI SC: All right. Thank you, Minister. Thank you. Ms Sello, it is back to you.

20 **ADV SELLO SC**: Thank you, Commissioner. Minister, I had suggested we move to a final point. No, not a final point really. Before I do so, I guess I am going to have to plead for a level of brevity. And I say so because I have made a commitment to the Commissioners and to your legal team that I am going to take only six minutes. So, I request to the extent that it is possible, you assist me if you are

able to, for me to keep my promise. The issue I just want to touch on is fifth reason at page 58 of your statement.

MINISTER MCHUNU: I have it.

ADV SELLO SC: And there you say the directive. Now, you are talking about that letter of the 31st of December, accorded with your constitutional authority in terms of section 206(1) and 207(2). Before we get there, please refer to SM20, that is the disbandment letter, in particular at page 476.

10 **MINISTER MCHUNU**: I have the letter. Yes, I have the letter.

ADV SELLO SC: You have set up three directives. You set up three directives in this letter. I want to deal with the first, the filling of posts in the Intelligence Division, and the directive in that regard is as follows:

20 “All processes to fill vacant posts in the division should be halted immediately. This applies to all posts in provinces, including those of provincial heads of Intelligence that are currently vacant. It also applies to all posts currently vacant at head office. This should be the position until substantive discussions between the Minister and the National

Commissioner take place sometime
early this year.”

My question in regard to that particular directive is, does this not speak to matters of capacitating recruitment, personnel deployment within SAPS at this particular point? Does it not speak to those issues? Whether Crime Intelligence or any other division, we are now in the arena of recruitment into the service and capacitating the service. Would you agree with me?

10 **MINISTER MCHUNU**: But we are not dealing with it. It is just a directive to say, hold, and then we will have a discussion.

ADV SELLO SC: Yes, but I say that directive relates to those issues. Recruitment issues can capacitate in the service.

MINISTER MCHUNU: Yes.

ADV SELLO SC: In that regard, do you as a Minister not consider that to constitute an overreach, is that not interference in the affairs of SAPS, and in particular, the
20 power of the National Commissioner to determine issues of capacitation of the service?

MINISTER MCHUNU: No, I was not necessarily dealing with capacitating. I was raising a global issue. And maybe let me elaborate. The issue here was the concern that I had on the core mandates of Crime Intelligence. And we

wanted to discuss these matters before we adopt the new strategic plan with the National Commissioner so that we say, as you start processes of recruitment yourself and all of that, please, let us be sensitive to positioning or correct positioning of Crime Intelligence with regard to core business.

And we had those discussions via the strategic plan and we completed that, and I do not consider that as interference, especially in a situation where you wanted to
10 share concerns of a broader nature in line with your powers to direct to powers to engage the National Commissioner on issues of concern. So it was not to say, let us recruit this way, let us establish ...[indistinct] this way. It was a global issue, which we discussed earlier.

I spelled out what my concerns were because I felt that we were staying a little bit out of core mandates, so that when they recruit and they start going on, we are sensitised on those matters.

ADV SELLO SC: Thank you, Minister. I understand that
20 you, as a Minister of Police, you would have concerns, and even with perhaps the functioning of the Crime Intelligence Division. My difficulty is where, notwithstanding any concerns you may have, you direct that you freeze all posts in that division. That is the part I consider to be interference, regardless of any concerns you may have had,

and you were well within your power to raise your concerns with the National Commissioner. Why must you freeze the post? Did you consider the impact on the functioning of SAPS on that score alone, let alone my argument that you did not even have the power to issue such a directive? Do you maintain you did?

MINISTER MCHUNU: No. On time, we are on the 31st, and I am contemplating that we will have discussions at the beginning of the year on something that we broadly needed
10 to correct a discussion with the Crime Intelligence, which I considered within my authority. The reason for this, in part, when you go to account in the Standing Committee on Crime Intelligence, you get asked specific questions on Crime Intelligence, and you find it difficult to engage on matters and account when you do not know anything. You are just sitting there, even when you have a feeling that there is something that is not good. I do not consider that as interference.

ADV SELLO SC: Yes. So the solution to that problem you
20 have articulated is to freeze all posts in Crime Intelligence.

MINISTER MCHUNU: It is ...[intervenes].

ADV SELLO SC: The fact that you do not understand how Crime Intelligence works, the solution to that problem is to freeze posts.

MINISTER MCHUNU: The solution is to have a meeting

with the National Commissioner ...[intervenes].

ADV SELLO SC: Indeed.

MINISTER MCHUNU: So that when they start recruiting at the beginning of the year, you have passed that kind of meeting. You are one in terms of how things should go forward.

ADV SELLO SC: So is it your invocation of sections 206(1) and 207(2) of the Constitution, am I reading your 172 correctly, that in so directing that all posts in Crime
10 Intelligence be frozen, you contend that you derive the power to do so from those two sections of the Constitution. Am I reading your section correct?

MINISTER MCHUNU: Correct.

ADV SELLO SC: And if the Commissioners were to find that neither section grants you such powers, will you accept that in the absence of legal authority, then you interfered with the powers of the National Commissioner? Would you be willing to – would you accept that? And I say in the event that the Commission were to find that neither 206(1)
20 nor 207(2) grant you such a power.

MINISTER MCHUNU: You would naturally have made a determination as a Commission, and I said I would cooperate with the Commission.

ADV SELLO SC: The reading of either section, particularly 207(2), does not, at least for me, lead to a conclusion that

that section grants you that power. I will see if I can project it on the screen, and perhaps you may help me to read it to find out what in section 207 gives you the power to interfere with the recruitment and capacitating of the service. Are you able to assist me? Because I have read it, re-read it, and I must maintain my struggle. So perhaps I may potentially be misreading the section.

MINISTER MCHUNU: 207(2)?

ADV SELLO SC: Yes.

10 **MINISTER MCHUNU:** That I read says:

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

ADV SELLO SC: Yes.

MINISTER MCHUNU: When I presented that section yesterday, I did say the content, that section does not
20 prescribe the content except when it comes to interests of provinces. Now, when you see something in policing that is sitting badly or shaping badly, you use that directive, 207, the one that you were ...[intervenes].

ADV SELLO SC: 207(2), yes.

MINISTER MCHUNU: Subsection 2. You use that to

correct what you believe is not correct using that particular section because there is nothing that says you must not engage the National Commissioner to correct something which he will then operationalise. There is nothing that says so. So I was acting in the belief that that section can be interpreted to that effect.

And I got advice from a special advisor that it is a matter that we can engage National Commissioner. We are not saying National Commissioner, we are going to sit in the
10 panel, we are going to write a message, we are not going to write adverts on operationalising empowerment of or capacitating. It was a broad issue of saying, are you operating within your mandates as Crime Intelligence? So that when you employ staff and so on, you comply with those mandates as we discussed them, which we did.

ADV SELLO SC: So from your answer, I draw two conclusions. Firstly, that it was a question as to whether or not Crime Intelligence is operating within its mandate. Is that what I should understand from that letter?

20 **MINISTER MCHUNU:** Yes, especially core mandates, which is collection, analysing or analysis and then distribution of information to relevant end users.

ADV SELLO SC: And then I struggle with linking recruitment to a failure to comply with core mandate. What does recruitment have to do with that particular concern?

MINISTER MCHUNU: It would say when you make assessments as you recruit people, you are conscious and sensitive to your core mandates, that indeed we have to, whatever recruitment we do, it must be in relation. That talks to a number of things without going into detail.

ADV SELLO SC: Okay. Assuming you are correct, what about the exercise of the core mandate of Crime Intelligence did you have concern about?

MINISTER MCHUNU: One of them was to say we have
10 identified when we engaged with Crime Intelligence, we said one of them, one of the areas of concern is that Ministry has identified a number of priorities flowing from the national priorities and we listed them. Part of what we listed was our concern and prioritisation of murder, firearms, drugs and so on.

And we said we do not have a feel that Crime Intelligence is assisting police at a level that it is required to deal with these particular problems, especially in relation to particular areas in the country, in the four provinces that
20 I called high murder rates.

ADV SELLO SC: Yes.

MINISTER MCHUNU: So we wanted to get Intelligence at a high level to be seen to be active so that we are able to be precise in dealing with high murder zones in different provinces. They should be active and assist us. And

indeed at some point I held a meeting with National Commissioner to say the Western Cape is a high murder zone, the Cape Flats, can you send Intelligence so that you are able to assist your deployments and then they go there and so on?

Later when I met incidentally Lieutenant Khumalo, he said they had not discussed the matter with National Commissioner. That was some time two or three weeks later. That was the discoordination that I was concerned
10 about.

ADV SELLO SC: Okay. I note your answer. Did I understand you earlier, as part of the first answer you gave, that insofar as recruitment and capacitating of the service by way of, for example, Crime Intelligence Division, that you as the Minister have got concurrent responsibility and power as the National Commissioner? Did I understand you correctly?

MINISTER MCHUNU: No.

ADV SELLO SC: You do not have the same powers as the
20 Commissioner has in that respect?

MINISTER MCHUNU: No, I do not think you understand me correctly.

ADV SELLO SC: Okay.

MINISTER MCHUNU: I am saying we were playing oversight. Maybe I should use that word. We were playing

oversight on the matter, not exercising power. Two concurrently.

ADV SELLO SC: Okay.

MINISTER MCHUNU: Yes.

ADV SELLO SC: Now, lastly, are you able to shed light on what is the current status? Are all posts in Crime Intelligence still frozen or has the situation changed? And if so, when and how did it change?

MINISTER MCHUNU: At some point, we went to the Joint
10 Standing Committee on Crime Intelligence. I do not remember. I do not remember what time it was, what month it was.

ADV SELLO SC: I accept that.

MINISTER MCHUNU: Sometime earlier. We had a discussion as we left, as we were leaving, with National Commissioner to say, National Commissioner said we take it that we can now start filling up posts. And I said, I take it that you can go ahead because we had several meetings in date and dealing with this matter that I was concerned with
20 National Commissioner and with the head of Crime Intelligence.

ADV SELLO SC: Okay. I have a last question for you. Before you issued this directive.

MINISTER MCHUNU: This particular one?

ADV SELLO SC: This very particular one, your SM20, your

letter of the 31st of October, did you confer with the President December 31st, December 2024? Sorry. Thank you, Commissioner. Did you have opportunity to confer with the President in particular about Directive 3 regarding the disestablishment of the PKTT? Did you bring to the President's attention your thinking and your intention insofar as PKTT, or the continued existence of PKTT is concerned?

MINISTER MCHUNU: Not before, but it was only after.

10 **ADV SELLO SC**: How long after the 31st of December did you have that engagement?

MINISTER MCHUNU: I think it must have been the 23rd, if not the 13th, one of the two dates.

ADV SELLO SC: Of?

MINISTER MCHUNU: Of January.

ADV SELLO SC: Of January?

MINISTER MCHUNU: Yes.

ADV SELLO SC: I am going to tread very carefully here because I do not think it is my place to enquire about your
20 conversations with your President, but are you able to share with the Commission what reasons you advanced to the President for your decisions and what the President's response thereto was? Are you in a position to? And like I say, I asked that question very guardedly.

MINISTER MCHUNU: You want me to answer?

ADV SELLO SC: Yes, please ...[indistinct].

MINISTER MCHUNU: Okay. When we had the meeting, whether the 13th or the 23rd, I was not going there to make a presentation. So, we held a brief discussion. It was just to give a short briefing to the President of what has happened and to brief him that there is this particular development that has happened and that I had wished that to – I had wished that I had had an opportunity to consult, to discuss with him this particular decision before. I am only coming
10 now. And then I did indicate what it is all about, but it was not in the form of a presentation like I am doing now. It was just to indicate in particular that decision and then cite a few things and we left it off like that.

ADV SELLO SC: And did the President respond in any manner to what you informed him of? And if so, what did he say in his response or what was his response?

MINISTER MCHUNU: Well, the President noted what I just said and I left.

ADV SELLO SC: Just simply noted. Chair and
20 Commissioners, okay, my part. Thank you.

ADV BALOYI SC: All right. Minister, I should have asked earlier when Ms Sello was discussing with you the reasons that you have given at page 56. And maybe let us start at 168 and I just want to get clarity about what you are saying there.

You give as your fourth reason:

“The internal disputes between HRM and Crime Intelligence regarding the model for the Murder and Robbery Unit.”

Is this which you are describing here specific to the PKTT or was it a general problem about Crime Intelligence and HRM? I think it is Human Resource Management.

MINISTER MCHUNU: I take it that it may have arisen as a particular problem between the two units, but I do not think it would have been confined only.

ADV BALOYI SC: Ja.

MINISTER MCHUNU: Because I know that at some point we discussed some issues between HRM and DPCI.

ADV BALOYI SC: Yes.

MINISTER MCHUNU: So it would be elsewhere as well.

ADV BALOYI SC: Okay. So it was not. In fact, you do say towards the end of that paragraph, still at 171, in the last two lines, there is a sentence that says:

20 “The National Commissioner's briefing demonstrated alignment within SAPS leadership on the path forward and confirmed that interim structures, including the NPKTT, were to be migrated.”

So it looks like you were talking about a problem generally.

MINISTER MCHUNU: Definitely.

ADV BALOYI SC: Not NPKTT necessarily.

MINISTER MCHUNU: Yes, it would be.

ADV BALOYI SC: Okay. Thank you very much, Minister.

MINISTER MCHUNU: But not exclusive.

ADV BALOYI SC: Yes. No, that is what I meant, that you are not saying it is exclusive to the PKTT. Thank you.

ADV KHUMALO SC: For the last time, Minister, do you
10 still have page 258 of SM7?

MINISTER MCHUNU: 258?

ADV KHUMALO SC: Are you there?

MINISTER MCHUNU: 258?

ADV KHUMALO SC: Yes.

MINISTER MCHUNU: Yes.

ADV KHUMALO SC: Just look at bullet point one on page
259. 258 is where the note starts. So on 259, bullet one.

MINISTER MCHUNU: Bullet one?

ADV KHUMALO SC: Yes. When you took your decision on
20 31 December 2024, were you aware that the mandate of the
PKTT had been extended to deal with cases involving the
killings of traditional leaders?

MINISTER MCHUNU: When I wrote the...

ADV KHUMALO SC: The disbandment letter.

MINISTER MCHUNU: Yes, we were aware.

ADV KHUMALO SC: Were you aware?

MINISTER MCHUNU: Yes.

ADV KHUMALO SC: Now, how did you think they were going to fulfil that mandate if they were already disbanded?

MINISTER MCHUNU: How did I?

ADV KHUMALO SC: How did you think or expect that they would fulfil that mandate if you wanted them disbanded?

MINISTER MCHUNU: It would be through Murder and Robbery.

10 **ADV KHUMALO SC:** But Murder and Robbery already existed when the mandate was extended to include the killings of traditional leaders.

MINISTER MCHUNU: That is exactly the concern that was identified in the Marais report, and it is part of the list that you are reading, possible double-packing on matters. Because there is no reason why Murder and Robbery would not deal with murders associated with traditional leadership. There is no reason.

20 **ADV KHUMALO SC:** So, if National Commissioner and his subordinates determined that it should be the PKTT that deals with the killings of traditional leaders, you say you can overrule them and decide that it must be dealt with by Murder and Robbery?

MINISTER MCHUNU: You know why and through what? You will go to Mpumalanga, there is no PKTT there. And if

traditional leaders have a problem, you would not say Murder and Robbery must not deal with it. They would deal with it, which is what we would want to see in the country, Murder and Robbery dealing with all murders in a sustainable way. And this is what we were driving things towards, to make sure that whatever scheme that gets developed, gets maintained, is sustained, it is honed and sharpened all the time, as opposed to having a team on a temporal basis.

10 **ADV KHUMALO SC:** I do not think you are correct when you say if you go to Mpumalanga there is no PKTT. Because if you go to File 2 of 2, your exhibits bundle, on page 253, that briefing to the last IMC meeting and the briefing note that Minister Cele at the time prepared, he says:

20 “The work of the task team extends beyond KZN borders. Its work has also been exemplary in the investigation and ultimate breakthrough of murders in the Fote Hare the Eastern Cape, where eight people have been arrested and are before the courts.”

Next paragraph:

“The task team is also assisting in investigations in the Limpopo and

Mpumalanga provinces.”

And as we know, in December 2024, 10 of those members were then sent to Gauteng to assist the GCIS Ops. So they were operating in five provinces, not the KZN. Were you aware of that?

MINISTER MCHUNU: Well, I was not aware of Mpumalanga. I was just making an example. I ...[intervenes].

ADV KHUMALO SC: No, I thought you said they are not in
10 Mpumalanga. That is why I was correcting you.

MINISTER MCHUNU: I was making an example that if Amakosi died there and there is no PKTT, you would expect that Murder and Robbery would deal with those matters in the context that we are discussing.

ADV KHUMALO SC: I have just shown you that they assisted in those provinces. So what do you say now?

MINISTER MCHUNU: Now I want to say I acknowledge what you are saying that they went there to assist. It could be any number, but I am insisting that the ideal position is
20 not to do that. The ideal situation is for capacity to be built in Mpumalanga, capacity to be built in Limpopo, and so on, and they deal with the murders. And that is the structure that we have.

ADV KHUMALO SC: And the reason they came to assist in Gauteng was precisely because the resources in Gauteng

did not have the same capacity that PKTT had. That is why some of the PKTT members were seconded to the teams in Gauteng to assist in the investigation of certain murders.

MINISTER MCHUNU: Now, we seem to be talking a little bit parallel. This is not to say when there is an issue or there was an issue that they identified, you could not take PKTT to go and assist just like you take TRT or you take National Intervention. This is not to say so. If those happened, it does not necessarily mean that – it may mean
10 that it was a project in and out or for the time being.

I am not sure whether the examples you are making in relation to Limpopo and Mpumalanga means that there is PKTT in the form that it is in KZN. And I suspect that you are talking about taking members in KZN to go and assist or reinforce, which you could have done even with any other combative unit. So, that existence is not the same as you are talking ...[INTERVENES].

ADV KHUMALO SC: And lastly, Minister, sorry to interrupt you. Are you finished? I interrupted you. Are you
20 finished?

MINISTER MCHUNU: Yes, I am done.

ADV KHUMALO SC: Sorry.

MINISTER MCHUNU: I am done.

ADV KHUMALO SC: Sorry about that. Lastly, is there anything in the Marais report that says once you have

established the Murder and Robbery Unit, you cannot establish task teams or the task teams that already exist cannot continue to exist?

MINISTER MCHUNU: The whole concept of establishing specialised units right from the beginning was to build capacity. In other words, was to bring capability within SAPS. And in writing, it is indicated in a number of instances that once you have Murder and Robbery, even in the documents, the 22nd of January, that was preliminary
10 report, National Commissioner indicates exactly that, that it will be absorbed. It will be absorbed. So, it is in the concept and it has been the understanding over time that you only have them parallel.

But even when you have those specialised units, if a problem that is seen to be above any existing capacity of specialised units, you would necessarily deploy combative units that you pick up from anywhere.

ADV KHUMALO SC: So, a task team can operate side by side with the Murder and Robbery Unit?

20 **MINISTER MCHUNU**: In the form that we are talking about in the Eastern Cape, reinforcing, not really sitting there for a period like you are relying on a temporal structure as SAPS for an extended period. Then we call the reinforce and then come back. That is the understanding. That is the operational understanding from where I sit, that we wish

to get to that level of working. Have something that is stable and consistent, consistently being built as a capacity. But then you can, from time to time, when the need arises.

ADV KHUMALO SC: Thank you.

ADV BALOYI SC: Minister, if I could just follow up on that? I understand your answer to the question whether the Marais report says task teams cannot exist. I understand you, in summary, to say no, the Marais report does not say
10 task teams cannot exist. Am I understanding it correctly?

MINISTER MCHUNU: It says so.

ADV BALOYI SC: Okay. Well, it is a very long report, so I am not going to challenge you to point us to where it says that. I will read it for myself and see that. But if you could just look at your SM5, it is the Marais report of 2024, which is signed on the 18th of March 2024. But we now know that, in fact, there is an extension of the term on the 1st of April 2024, but I want you to go to 201, SM5. And so what you have got there, you have a long list of recommendations
20 from section head, from Brigadier Maraiss. Oh, it is not Marais. Colonel. Colonel. Colonel. Yes. You have got a long list of recommendations starting at page 200. And then when you turn to page 201, where it concerns task teams, you see at paragraph 8.9 it says:

“No task team be established without

written and approved documentation from the Provincial Commissioner indicating the start date and estimated end date, as well as dates for impact analysis on a quarterly basis to measure the feasibility of continuation of such teams.”

So in his recommendations it sounds like he does contemplate that task teams will be created. And then when
10 you go to 8.10, and that is the important one for me, he says:

“Current task teams be subjected to an impact analysis by the Organisational Development and Strategic Management in the province to ensure the feasibility of the existing teams.”

So from that 10, and I have not read this report. I did not come upon any part in his recommendations that says a task team, names a task team that must be dissolved. But I
20 find 8.10 where he says there must be an analysis of the current teams to ensure the feasibility of their continuing existence. You must have seen that 8.10 by the time you made your decision.

MINISTER MCHUNU: Well, not specifically.

ADV BALOYI SC: You knew by the time you made your

decision that you knew then, because you have seen the report, or you have heard about the report presented to you, you must have known that in this report Marais says that there must be an impact analysis of current teams.

MINISTER MCHUNU: Provincial task teams.

ADV BALOYI SC: No. No, that paragraph that I have just read, yes, of provincial.

MINISTER MCHUNU: Yes.

ADV BALOYI SC: Okay, but he does not say anything
10 about the national teams.

MINISTER MCHUNU: Yes.

ADV BALOYI SC: He does not say they must be dissolved. This is not – what I am establishing with you is this is not a report that we will read and find Marais anywhere saying current national task teams must be dissolved. He says we must do integration. We must have Murder and Robbery under which Political Killings will fall. We know he says that. But nowhere in this report does it say it must be dissolved, or any task team for that matter. Nowhere in this
20 report does Marais say task teams that are existing, national task teams that are existing must be dissolved. He does not say that.

MINISTER MCHUNU: No, I do not know what Commissioner is...

ADV BALOYI SC: You and I, well I have read the report.

MINISTER MCHUNU: Yes.

ADV BALOYI SC: You have been briefed on the report. I accept if you say you have not read it.

MINISTER MCHUNU: Yes.

ADV BALOYI SC: But having read it because I had to sit here today, that is the only reason I read it.

MINISTER MCHUNU: Yes.

ADV BALOYI SC: I did not come upon a recommendation from Mr Marais that current task teams or anyone of the
10 current task teams should be dissolved. I did not come upon that.

MINISTER MCHUNU: Yes.

ADV SELLO SC: You agree there is nothing like that?

MINISTER MCHUNU: I agree.

ADV SELLO SC: All right. Thank you, Minister. Thank you. That was my final – thank you.

ADV SELLO SC: Thank you.

CHAIRPERSON: Yes. Ms Sello?

ADV SELLO SC: I do not know if Chair will allow me just
20 one question arising from the questions by the Commissioners, and it is a very short question. It centres around the very 8.10 paragraph, Minister, that Commissioner Baloyi referred you to at page 201, and I understood you to say you interpreted that paragraph to speak to provincial task teams. Did I understand you

6.4.5.1, and your 6.4.5.1 would be at page 191 of the same file. Thank you. And 6.4.5.1 reads, it first makes a comment and then it draws a list of task teams:

“The task teams that are not monitored run rampant for years without determining or accounting for the gap left where the members were taken from, mostly at station level.”

So that is the first comment made. Then it lists the task
10 teams found operating in provinces and lists a whole number of them. And I think it was Commissioner Khumalo who had this conversation with you as regards that list and pointed out that PKTT is not one of them.

MINISTER MCHUNU: No, it is not one of ...[intervenes].

ADV SELLO SC: These task teams. So ...[intervenes].

ADV KHUMALO SC: Sorry, Advocate Sello, it is the other way around. PKTT is one of the task teams.

ADV SELLO SC: Well, PKTT is Political Murder Team, is one of them ...[intervenes].

20 **ADV KHUMALO SC**: [Indistinct]... five from the bottom.

ADV SELLO SC: Yes. Thank you, Commissioner. For the sixth task team from the bottom of that list ...[intervenes].

MINISTER MCHUNU: Yes, it is.

ADV SELLO SC: Yes, it is there. So as we know that Political Murders Team, of which PKTT is one, operates

beyond KZN as we speak. It is in the Eastern Cape, it is in Limpopo, it is in Mpumalanga. So therefore, I would say what paragraph 8.10 requires, that impact analysis is the impact the withdrawal of that team from all the areas it operates in would have on the specific province. Although we know that it was first established in KZN. What would your comment to that be?

MINISTER MCHUNU: I think the explanatory paragraph to all of the bullets that come. Firstly, ...[indistinct], I do not
10 agree with that interpretation. It says the task teams, he is making his task to do an assessment and that implementation, I think it is an implementation letter, this one. I just ...[intervenes].

ADV SELLO SC: Are you looking for 8.10?

MINISTER MCHUNU: No, I am looking for the heading because we just got to 191 without knowing what is the heading of the whole document.

ADV SELLO SC: Okay.

MINISTER MCHUNU: Whether it is the implementation. So
20 it is evaluation of the implementation of approved work study.

ADV SELLO SC: Yes.

MINISTER MCHUNU: Which was approved in 2019. It is now what year?

ADV SELLO SC: This is 2024.

MINISTER MCHUNU: 2024.

ADV SELLO SC: Yes.

MINISTER MCHUNU: Then he makes these comments in that context that I am asked to evaluate and how far we are with the implementation as agreed. And so part of what he says is that the task teams that are not monitored run rampant for years without determining or accounting for the gap left where the members were taken from, mostly station level. Task teams found operating in provinces are as follows.

10

It refers to all of those that they are in silos all over and they are not monitored and that is not a desirable situation. The desirable situation is the implementation of the work study as adopted. Now it is being evaluated and they still find that there is still this situation obtaining. In other words, what is there is what is not desirable, not what is desirable. It is a finding.

ADV SELLO SC: Just to make sure I understand, are you suggesting that the list of all the task teams there are task teams that Colonel Marais found are not monitored, they run rampant over the years without determining, they do not account for the gap left and you say that is the list of task team that fits that bill?

20

MINISTER MCHUNU: Exactly. If you read the third bullet from above to clarify the point, it says:

“Essential infrastructure task teams.”

Once again, essential infrastructure forms part of the mandate of Organised Crime in terms of the newly and desired specialised task teams. It says:

“And have similarities with other focus areas of ferocious and non-ferocious matters, extortion teams. Detectives assisting with investigation of these crimes should be within Organised.”

10 So at that time, they were saying these teams that are not brought under the specialised teams and they are on their own and they are many. And this is what they are referring to that it is not a desirable situation, all that list. And that paragraph, that bullet clearly indicates that you may even have them double-parked. You have essential infrastructure, which is actually called, there is another task team called Ferocious and Non-Ferrous Matters Extortion Team.

20 So you have all these teams now, they want to put them together under Murder and Robbery or under Organised Crime and so on. This is what was happening there, to report that we have not made – we have to make progress towards bringing them under specialised teams. This is what my understanding of this, when I read it now.

ADV SELLO SC: Can I just take issue with your

understanding and I will explain why? It cannot be that the task teams listed there are task team that fits the bill that precedes their listing or the description, which is task teams not monitored, running rampant for years, no accountability. It cannot be because one of the task teams that we know are operating is the Illicit Mining Task Team, the most expensive that has cost the nation thus far 1.1 billion. And it was in existence at the time this Marais report was issued.

10 And on your reasoning, that task team would fall under the last bullet point, which is Illegal Mining Task Teams. So are you suggesting that the illicit mining, currently Illicit Mining Task Team is not monitored, is running rampant, has been doing so for years, and is not accountable? Is that your suggestion?

MINISTER MCHUNU: This report says so at that time and wants to bring it in specialised units as they were conceived in 2019. That would be my understanding ...[intervenes].

ADV SELLO SC: And in the following year, it was
20 financed, the same task team that you so described, for 738 million. And this year it has been budgeted for 294 million. Total of 1.1 billion. Surely, Minister, then we have got bigger problems than we accept if we can have such task teams that cost the State that amount of money, and nobody calls them out.

MINISTER MCHUNU: If you, to illustrate my point, on my side of correctness, without undermining your side, look at first, second, third, fourth – ja, first, second, third, and fourth bullet from below.

ADV SELLO SC: From below.

MINISTER MCHUNU: When you talk about ...[indistinct] team concentrating on illicit mining. You see that?

ADV SELLO SC: I see that, yes.

MINISTER MCHUNU: Then you see at the end, the last
10 bullet, Illegal Mining Task Teams.

MINISTER MCHUNU: Yes, I see that.

ADV SELLO SC: So this is what is found according to the report, which is not desirable. They want to put it together in a way that depicts the concept of specialised task teams in 2019. This is one example. Because clearly there in those bullets, you are talking about different teams but doing the same thing, which illustrates an undesirable situation.

ADV SELLO SC: Thank you, Minister. I will not take it any
20 further.

ADV BALOYI SC: Can I, Minister? Minister?

MINISTER MCHUNU: Yes.

ADV BALOYI SC: I thought what Ms Sello was seeking to demonstrate to you was that paragraph 8.10 that you and I discussed earlier, in fact, applies 8.10, you find it at 201.

We looked at earlier.

MINISTER MCHUNU: 201, yes, yes.

ADV BALOYI SC: Ja. It says:

“Current task teams be subjected to impact analysis in the province to ensure the feasibility of the existing teams.”

I thought what Ms Sello was seeking to demonstrate to you is that the task teams referred to in paragraph 8.10, the
10 current task teams referred to are the task teams in 6.4.5.1 at page 191, the ones that you have just described.

MINISTER MCHUNU: Yes.

ADV BALOYI SC: Those are the task teams she was referring to.

MINISTER MCHUNU: Yes.

ADV BALOYI SC: She was trying to show you that. And they are all national task teams as far as we have understood.

MINISTER MCHUNU: No. They are provincial in eight
20 ...[intervenes].

ADV BALOYI SC: No, the Political Murders Team is not provincial, Minister. It is a national team. You have told us that. You call it the national, the Political Killings Task Team. Narcotics task team. You have got that. You have got the Anti-Gang Task Team. You can correct us, or me, if

anyone, if they are provincial because you know better than I do. But you have got the Cash-In-Transit and ATM Bombing Task Teams. So you have got national teams. At least we know the Political Killings Task Team is a national task team.

MINISTER MCHUNU: Which may not necessarily be the same as Political Murders Team.

ADV BALOYI SC: Do you know of another team other than that deals with political killings? Do you know? Because
10 we have only heard in this Commission about the PKTT.

MINISTER MCHUNU: Which is a national.

ADV BALOYI SC: Yes.

MINISTER MCHUNU: Yes.

ADV BALOYI SC: Do you know that there is another team which is the Political Killings Team? Political Murders Team, that is the word used here.

MINISTER MCHUNU: I know them in the form that they were now redesigned as subunits, which we said, in terms of the specialised teams, you have Serious and Violent
20 Crimes. And then as a component, below that there is a section called Murder and Robbery. Below that, there are subunits. One of those subunits is called Political Murders Team.

ADV BALOYI SC: Okay.

MINISTER MCHUNU: It is at provincial level.

ADV BALOYI SC: Yes.

MINISTER MCHUNU: It is at national level in one form or the other, but it is a subunit.

ADV BALOYI SC: Okay.

MINISTER MCHUNU: So I suppose that when they established them or called for their establishment. Now in 2024, Marais goes there to establish the extent of implementation of all of them.

ADV BALOYI SC: Yes.

10 **MINISTER MCHUNU:** So he finds that they are there in one form or the other, but they are seeking improvement. That would be my reading of what is happening here.

ADV BALOYI SC: So are you saying that Marais, when he discusses political, when he discusses task teams, he does not speak about the Political Killings Task Team? Is that what you are saying? The national one? If you say from this explanation, you have just ...[intervenes].

MINISTER MCHUNU: [Indistinct].

20 **ADV BALOYI SC:** Yes, so you are saying in this list, maybe let us take a step back. The list says task team that are not monitored, run rampant for years without determining or accounting for the gap left. Then full stop. Then it says task team found operating in provinces.

MINISTER MCHUNU: Yes.

ADV BALOYI SC: As follows, they operate in provinces,

not established. He speaks about task teams operating in provinces.

MINISTER MCHUNU: Yes, we are one there.

ADV BALOYI SC: Now we know from you and everyone else that has testified before us that the Political Killings Task Team operates in provinces. We know that. It operates in KZN. You have just agreed with Ms Sello that it operate, or you have accepted when she says Mpumalanga and she says Limpopo and she says Gauteng. That is a
10 team operating in provinces. No?

MINISTER MCHUNU: Not in this context, Commissioner. The one that ...[intervenes].

ADV BALOYI SC: But Minister, if you say not, allow me to interrupt you.

MINISTER MCHUNU: Okay.

ADV BALOYI SC: If you say not in this context, then you must then say or accept that Mr Marais did not say anything about the PKTT because his list, according to you – I am prepared, I was prepared to accept that he does say
20 something about the PKTT. He has included it. He has just called it Political Murders Team, but he is speaking about that team too. I was prepared to accept that. But now you are saying where he discusses task teams that are running rampant because somehow you read that first paragraph to be, he is saying all these listed teams are running rampant

and are not monitored. If you say that on that construction, then this list does not include the PKTT and the PKTT is not accused of running rampant and unmonitored because according to you, it is not in this list.

MINISTER MCHUNU: No, Marais was not sent to assess the PKTT. So the PKTT is not part of the list.

ADV BALOYI SC: Okay, all right.

MINISTER MCHUNU: Yes.

ADV BALOYI SC: Thank you, Minister.

10 **MINISTER MCHUNU**: Yes.

ADV BALOYI SC: Thank you.

ADV SELLO SC: Thank you, Chair. I have concluded. That was the testimony of Minister Mchunu at this stage of the inquiry. Thank you.

CHAIRPERSON: Thank you, Ms Sello. Mr Ngcukaitobi, may I invite you to come over, please?

ADV NGCUKAITOBI SC: Thank you, Chair. Chair, I know there are pressures of time, but I wonder if I can have 15 minutes to consult.

20 **CHAIRPERSON**: Not from my side anymore.

ADV NGCUKAITOBI SC: Not anymore. Could I have 30 minutes then?

CHAIRPERSON: Yes. Yes, what you originally asked for, you may have.

ADV NGCUKAITOBI SC: Thank you, Judge. So if we may

adjourn for 30 minutes.

CHAIRPERSON: We will come back when it is indicated to us.

ADV NGCUKAITOBI SC: Indeed.

CHAIRPERSON: Thank you. Thank you.

INQUIRY ADJOURNS

INQUIRY RESUMES

CHAIRPERSON: Mr Ngcukaitobi, is it still the promised 45 minutes?

10 **ADV NGCUKAITOBI SC:** Yes, I have said maximum 45 minutes.

CHAIRPERSON: Thank you.

ADV NGCUKAITOBI SC: But I am not sure if that view is shared across the table. Thank you, Chair, and thank you for the opportunity to consult. Hopefully, the consultation will make things more crisp and clearer. Minister, could I just start with something that many people would be concerned with legitimately, which is really this, that you were in this department for six months, and many people
20 would say that is too short to study a complex organisation like SAPS and to take such radical decisions. How do you defend yourself against that accusation?

MINISTER MCHUNU: Well, firstly, it is to say that I was not Minister for the first time. I was not Minister in a big department for the first time. I was from Water, and I dealt

with quite a number of complex issues there, including merging waterboards and other matters, huge amounts of money, resuscitating the Lesotho Highlands Water Project, which was quite a complex project.

So although I was six months, or five months to be precise, I quickly acclimatised myself and familiarised myself, and to testimony, as testimony to that, we took all the periods, as I indicated in my statement, from the time we got appointed up to the end of the year, just orientation, 10 although we then included discussions and decisions in the process. But it was quite an intensive kind of orientation.

ADV NGCUKAITOBI SC: Yes, and your statement says that you were particularly concerned about the rate of murders in South Africa. Is that correct?

MINISTER MCHUNU: That is correct.

ADV NGCUKAITOBI SC: And how did you think South Africa should fight against murder in particular?

MINISTER MCHUNU: What I thought at the end, or in the course of time, we should do, in the main, we should work 20 on specialised units, not only because they had been conceptualised before I came and so on, but in my own assessment, I felt that you need specialised units who would then be able to focus on specialised fields, especially in the detection or in the detectives' area.

And when you do so, in other words, it amounted to

saying the work that had been done up to then needs to be intensified, it needs to be strengthened. And when you do so, make sure that you build from home, in other words, you build this capacity in each province, especially in the light of priority number three, which is building capacity of the state.

It would not mean going back to the days of Brixton, which was concentration of talent and every other thing, resources, only in Johannesburg. So when there is
10 murder elsewhere, you then take people, they fly, they drive and so on. Build it from home, build it in each and every province.

The concept that we have been discussing that is in our statement is key in doing this in South Africa. Of course, you will then say visible policing, ensuring prevention, and then investigation of both mandates of SAPS, core mandates of SAPS, you will be effective when you do it through specialised units.

That, of course, you will build over time with focus
20 and not break and build and break and break and then rely on task teams and all of that. Build these units. And to me, that is what I stand for. That is what I got convinced and I stand by that even now, including then this new division that we spoke about, which will then enhance the combative capacity of SAPS.

ADV NGCUKAITOBI SC: Yes. Now, this vision of building specialised permanent units instead of temporary task teams, was that just your own view or was it shared within the SAPS?

MINISTER MCHUNU: I found it in SAPS having been shared, having been workshopped, having been implemented at different levels, both at national and provincial level, and there are documents to that effect, we have been discussing them. But when I saw the extent of
10 murders and got worried about them, first I said, when we release stats in South Africa, I will say even though there may be a decrease, but I would insist that it is at a high level, because it was a high level.

If we have 27,000 people getting murdered in South Africa every year and the other year there are 26,000, that is still high, even if it has decreased, but it is high, it is decreasing at a high level. And therefore, that is the first, it is decreasing at a low level.

ADV NGCUKAITOBI SC: It can be decreasing at a high
20 level.

MINISTER MCHUNU: No, it is decreasing still at a high level.

ADV NGCUKAITOBI SC: All right.

MINISTER MCHUNU: And I could see that ...[intervenes].

ADV NGCUKAITOBI SC: I mean, it is not decreasing fast

enough.

MINISTER MCHUNU: Yes.

ADV NGCUKAITOBI SC: Can you just move on. You have also said this idea was also embedded within this SAPS. Is it correct that that view would be found, this idea of moving towards permanent specialised units instead of *ad hoc* task teams, would be found in the following documents, the 2019 work study, dated 26 June 2019, the implementation letter, dated 14 November 2019, the Marais report dated 6 March 10 2014, and the organisational structure of the SAPS, of 2025 to 2029. Those four documents embed this idea of moving towards specialised units instead of temporary *ad hoc* task teams, is that correct?

MINISTER MCHUNU: Except that the Marais report is 2024, not 2014.

ADV NGCUKAITOBI SC: Not 2024, 6 March 2024.

MINISTER MCHUNU: Yes.

ADV NGCUKAITOBI SC: Did I say 2014?

MINISTER MCHUNU: Yes.

20 **ADV NGCUKAITOBI SC:** I apologise.

MINISTER MCHUNU: It is quite embedded in all those documents and in conversations and I did say I had a conversation, by chance, with former Commissioner Sithole.

ADV NGCUKAITOBI SC: Yes.

MINISTER MCHUNU: And according to him, he was

emphatic on specialised units and including cold case units.

ADV NGCUKAITOBI SC: Ja.

MINISTER MCHUNU: And he said PKTT does cold cases, in any case, by and large.

ADV NGCUKAITOBI SC: Yes.

MINISTER MCHUNU: That was the conversation that we had. So it is embedded in documents, in workshops, in resolutions, in implementation efforts.

ADV NGCUKAITOBI SC: Yes, it is also shared by top
10 management.

MINISTER MCHUNU: It is shared by top management, and we embraced it, even when we reviewed the structure after we came, the structure that will be up to 2029.

ADV NGCUKAITOBI SC: Yes. Now, let us introduce another concept. Can it coexist with a task team?

MINISTER MCHUNU: It basically, basically, if all these specialised units are as effective as they should be, and there is no reason, and there is no reason why we should not be able to do so if we are seriously implementing. The
20 lack of implementation here and there is just lapses, human lapses in the department, not because there is something impossible.

Now, having said so, I want to say that we believe in them and in terms of coexisting, it is only when there is an overwhelming kind of development somewhere that the

existing capacity there where this thing happens, that you would need a task team so that you reinforce in one way or the other what is there beyond capacity of specialised teams and so on. But ordinarily, once you put in effort two years or so, you, you will be, I mean you will be running with full capacity.

ADV NGCUKAITOBI SC: Thank you. Now, the other criticism is this. I am not saying the Commissioners are critical, do not misunderstand me. But I am saying the
10 criticism that has arisen from various quarters is the following. You did not give enough time for your idea, which is a good idea, to percolate within the organisation and you did not speak to enough people so that they can understand and adjust themselves.

So even if you have got a good idea, which is I want a permanent structure, which is a specialised unit, and I want to dissolve a temporary structure, the way to do that also matters. You have to follow a certain process, give people time, give people notice. Can you just explain how
20 you react to that criticism?

MINISTER MCHUNU: I would ...[intervenes].

ADV NGCUKAITOBI SC: And they say that you announced it on the 31st, you expected it to be implemented there and then.

MINISTER MCHUNU: The letter of directives.

ADV NGCUKAITOBI SC: Yes, yes, yes.

MINISTER MCHUNU: Yes. I would say first, that letter, in terms of its spirit, it embraces whatever would be dictated to by a reasonable time required for the implementation of the letter in line with the administrative meaning of immediately.

And even in terms of the letter, the drafting itself, it included a preliminary report at some other date and then a Minesco in, at some other date. That was indicative enough
10 from where I sit that it would be a matter that I would be open to engagement in terms of reasonability of time required as we engage in implementing the directive.

ADV NGCUKAITOBI SC: All right, I will come back to that issue of being open to change. But just prior to the letter being issued on the 31st, your statement says there were three meetings, a meeting on the 1st of November, meeting on the 21st of November, meeting on the 22nd of November. As I understand, none of those meetings resolved on a dissolution *per se*.

20 **MINISTER MCHUNU:** No, they – none of them, or yes, none of them resolved or discussed dissolution and agreed on it.

ADV NGCUKAITOBI SC: Yes.

MINISTER MCHUNU: But what they did, they discussed tilting towards that in terms of review. I made a statement

there and the National Commissioner made a statement indicating the temporal nature of PKTT in no ambiguous terms. He was clear and we were clear and we were synthesising that.

ADV NGCUKAITOBI SC: Yes, thank you. Now, we will come back then to the statement you made about being open to persuasion. When I study your letter of the 31st of December, I do not get there the language that even though I am giving this directive, I am still open to altering my
10 mind. How do you explain that?

MINISTER MCHUNU: I explain that by saying that practical experience indicates that whenever an executive authority gives a directive in a meeting or in any other situation, there would be a response from officials. They would always express themselves in terms of feasibility, including time framing. They would always indicate what they would want to see as feasible and they would, you would comply because you know you are not the one who is implementing.

So while there was nothing expressed in the letter
20 to that effect of openness, but practice does point to that being the culture in government to do so, but then there were also those indications of meetings that I have alluded to, that they showed that there we would be engaging as it would be.

ADV NGCUKAITOBI SC: All right. So your point is that

although you issued that letter in apparently peremptory terms, you were always open to persuasion if good reason was put forward?

MINISTER MCHUNU: Definitely.

ADV NGCUKAITOBI SC: Yes. Now let us move on then.

MINISTER MCHUNU: Correct.

ADV NGCUKAITOBI SC: From the 31st of December 2024, what happened next in January 2025?

MINISTER MCHUNU: Well, there are a number of things
10 that happened. I would start from the 3rd.

ADV NGCUKAITOBI SC: 3rd of January?

MINISTER MCHUNU: Of January.

ADV NGCUKAITOBI SC: What happened then?

MINISTER MCHUNU: The National Commissioner did instruct Lethoko, Brigadier or Colonel Lethoko, to write letters to Deputy National Commissioners to make them aware of the letter, the letter of the directive, and to inform them, which I took as operationalising, as it were, the directive.

20 **ADV NGCUKAITOBI SC**: Yes.

MINISTER MCHUNU: And it later did become clear that that instruction was to say the office of the National Commissioner must begin the process of operationalising the directives. That is the 3rd. Parallel to that ...[intervenes].

ADV NGCUKAITOBI SC: If he did not want to, let us assume the National Commissioner's view was this is outside of your power as the Minister, you did not consult, the task team is a good thing, what should he have done?

MINISTER MCHUNU: Firstly, I would say that there is a guide called a guide to all DG's, including the National Commissioner, in terms of what to do when you receive an unlawful instruction. There is that guide. It exists. They are all familiar with it. So he could have used that and
10 made reference to that.

But in practice, using that, or even outside that, just from him as a person, he clearly would have responded to the very directive that I wrote, to say I receive your directive of 31st December. I am responding. I feel this way and that way and that way. That did not happen. Instead, as I put it, the 3rd was operationalising the directive.

ADV NGCUKAITOBI SC: All right. Thank you. And then after the 3rd?

20 **MINISTER MCHUNU:** On the 3rd as well ...[intervenes].

ADV NGCUKAITOBI SC: Yes.

MINISTER MCHUNU: Apart from what was happening in the office of the National Commissioner and his Deputy National Commissioners, I was in touch with the Chief of Staff, my Chief of Staff.

ADV NGCUKAITOBI SC: Who is the Chief of Staff?

MINISTER MCHUNU: The Chief of Staff is Cedric Nkabinde.

ADV NGCUKAITOBI SC: Thank you.

MINISTER MCHUNU: Now, he informed me on the 3rd, he informed me on the 4th and on the 5th that firstly, on the 3rd that he was interacting, he was in a conversation with General Mkhwanazi, the PC, that is, Provincial Commissioner of KwaZulu-Natal. And he made me aware in
10 the course of time, because he phoned me more than once, to say I am receiving calls from the Provincial Commissioner and he said ...[vernacular] he is angry with the letter.

ADV NGCUKAITOBI SC: Who is angry now?

MINISTER MCHUNU: It is Provincial Commissioner Mkhwanazi. He said he is angry picking it up from their conversation. And I said, why is he angry? He says about PKTT disbandment, as per your letter. Your letter apparently leaked and he picked it up and he phoned me
20 and we had a conversation more than once.

But he was emphasising the anger to him and saying, I think in one of the calls, I said to him, but why is he angry, because I wrote the letter to the National Commissioner, not to the Provincial Commissioner. And he said, well, it does not pick it up or understand, to a point

where, because of his emphasis on the anger of the Provincial Commissioner, I ended up saying, look, those statements coming out as they do, if it is true, you must consider recording the Provincial Commissioner for posterity.

And he later informed me that, well, he has taken a decision that should another call come, he would record that, which he started doing, I think, on the 4th or on the 5th. Now, one of the things that he told me to illustrate the
10 anger, he said, the Provincial Commissioner of KwaZulu-Natal, as they were talking, said to him, if Minister does not withdraw this letter, there is going to be a fight back.

Now, we did discuss what possibly could that mean. Well, he said, well, that illustrates the anger. That is how we concluded that he was so angry that he made that. And then, later on, I think, the 4th or the 5th, he also informed me that PC said, if the Minister does not, because all the time he was phoning Cedric Nkabinde to say, have you spoken to the Minister, have you spoken to the
20 Minister, have you met him.

And he said, he also said, if the Minister is clean, then he should proceed with the letter, stating back from his days as Premier, because we are going to investigate him if he does not withdraw this letter. Those are things that came from Cedric Nkabinde.

ADV NGCUKAITOBI SC: Are you clean?

MINISTER MCHUNU: I am clean.

ADV NGCUKAITOBI SC: Now, in January, we are now in the 5th of January. Anything else that happened in January 2025?

MINISTER MCHUNU: In January 2025, there are two things that happened.

ADV NGCUKAITOBI SC: Yes.

MINISTER MCHUNU: I think around the 20th, I met the
10 National Commissioner and we had a chat verbally. We spoke a little about the leak of the letter of directives and he said he is concerned about the leak, and what then is in social media about it, our affairs leaking in the manner that it did. I shared the concern. And he said, well, look, in future, he believes that we must avoid letters of this nature, and I agreed with him, but it was based on the leak, not on the content and substance of the letter.

ADV NGCUKAITOBI SC: Yes. You said there were two things. You are talking about the 20th of January.

20 **MINISTER MCHUNU:** Yes, the second was that I would not be receiving the preliminary report. It was around the 20th, but the report is almost ready and all of that. He made a firm undertaking that in just a few days, which then happened, and the report was, in fact, he wanted to bring it on the 20th and we were in Cape Town and he was informed

accordingly and then he brought it on the 22nd.

ADV NGCUKAITOBI SC: Yes. On both of those occasions, 20th of January, 22nd of January, he is still in total agreement with the decision?

MINISTER MCHUNU: Especially on the 22nd, because there, it was not a letter, it was not a letter, it was a report, a preliminary report with a number of things, background of PKTT, objective, progress, achievements. There were quite a number and indicating that there would need to be
10 meetings with relevant stakeholders. It was quite an elaborate report.

ADV NGCUKAITOBI SC: All right, but he is still in agreement?

MINISTER MCHUNU: It was in agreement. There was nowhere where it was objecting partially or in full. It was in agreement.

ADV NGCUKAITOBI SC: You told the Chairperson of this Commission that you spoke to the President on the 23rd of January, 2025.

20 **MINISTER MCHUNU:** Yes, correct.

ADV NGCUKAITOBI SC: As to brief him about the dissolution.

MINISTER MCHUNU: Correct.

ADV NGCUKAITOBI SC: And he too did not countermand you and he is your boss, he could have said I want it back.

MINISTER MCHUNU: The date was either the 13th or the 23rd and it is correct that I briefed the President and I, it was not a presentation in a document, it was just a briefing that since this development and I would have loved that I would and should have briefed him before I took the resolution, but I just in passing indicated that well, the task team was, although it was his initiative but it was pieced at ministerial level, not a presidential task team as it were, but I was saying that just in passing to, I was mitigating the fact
10 that I had already done this even though I wanted to do it beforehand.

ADV NGCUKAITOBI SC: Yes, but the point is ...[intervenes].

MINISTER MCHUNU: [Indistinct]... [cross-talking] noted.

ADV NGCUKAITOBI SC: You were transparent to him. If he wanted the task team, he could have told you no, I do not agree with your decision.

MINISTER MCHUNU: Correct.

ADV NGCUKAITOBI SC: Especially because the task team
20 came about in the first place upon his initiative.

MINISTER MCHUNU: Correct.

ADV NGCUKAITOBI SC: Yes. Now then, we move from the 23rd of January. You briefed Parliament on the 5th of March together with the SAPS leadership.

MINISTER MCHUNU: Correct.

ADV NGCUKAITOBI SC: Yes. And even in that meeting in Parliament all of the leaders of the SAPS agreed with your decision, is that correct?

MINISTER MCHUNU: It is correct. The presentation was actually practically led by them. They made the presentation.

ADV NGCUKAITOBI SC: Yes. And no one among the members of Parliament objected to the dissolution?

MINISTER MCHUNU: In fact, if anything, they agreed with
10 it.

ADV NGCUKAITOBI SC: Yes. And then there was subsequently a meeting after the 5th of March which was on the 6th of March when you returned from Parliament.

MINISTER MCHUNU: Yes, correct.

ADV NGCUKAITOBI SC: Yes, between who and who?

MINISTER MCHUNU: That meeting was in Cape Town in the provincial headquarters of SAPS. On my side it was myself, Deputy Ministers and staff and then on the side of the National Commissioner it was him and Deputy National
20 Commissioners. I remember that there was Deputy National Commissioner Mosikili, Deputy National Commissioner Sibiya, Acting Deputy National Commissioner Nkhuaa.

ADV NGCUKAITOBI SC: Yes.

MINISTER MCHUNU: There could be one or two - oh, there was Lieutenant Khumalo, General Khumalo,

Lieutenant General Khumalo, and Lieutenant General Senthumule.

ADV NGCUKAITOBI SC: Yes. And even in that meeting no one in the SAPS objected?

MINISTER MCHUNU: No one objected.

ADV NGCUKAITOBI SC: Yes. And there was a report on the 27th of March 2025.

MINISTER MCHUNU: Correct.

ADV NGCUKAITOBI SC: And that was a progress report
10 by General Masemole?

MINISTER MCHUNU: Correct.

ADV NGCUKAITOBI SC: Yes. And even that report was still consistent with the dissolution?

MINISTER MCHUNU: It was still consistent with the dissolution. A little hitch there was that whereas on the 6th of March we had agreed that no additional cases would be added on PKTT, there was now an additional case. We then said well, that matter we have to discuss with the National Commissioner and there was no cancellation of the decision
20 that had been taken on the 6th. There was no reversal. It was merely to note what had happened and they continued.

ADV NGCUKAITOBI SC: Yes. But I mean throughout this period, I mean we have referred now to seven meetings, including a meeting with the President and a meeting with Parliament, a meeting with Parliament, it was always open

for anyone who did not like what you had done to say you must change course and you would have changed course?

MINISTER MCHUNU: I definitely would have changed course.

ADV NGCUKAITOBI SC: Yes, now when is the first time then that there is an explicit public denunciation of the decision?

MINISTER MCHUNU: From the National Commissioner?

ADV NGCUKAITOBI SC: From anyone?

10 **MINISTER MCHUNU:** Well, as I indicated firstly that it was firstly from General Mkhwanazi ...[intervenes].

ADV NGCUKAITOBI SC: That is not explicit because they are having a conversation ...[intervenes].

MINISTER MCHUNU: Yes.

ADV NGCUKAITOBI SC: And you are being told to by your Chief of Staff.

MINISTER MCHUNU: Not directly, yes. The first one is the 6th of July where I got it very clear that there is a view contrary to ...[intervenes].

20 **ADV NGCUKAITOBI SC:** What happened on the 6th of July.

MINISTER MCHUNU: We saw a press briefing by Provisional Commissioner General Mkhwanazi making statements around the dissolution and other related aspects.

ADV NGCUKAITOBI SC: Yes. Now, the statement that he made, General Mkhwanazi, in that meeting, I have looked at, well, Ms Lengani looked at it and told me what it says. But it says that you and Mr Mogotsi are receiving financial assistance from Mr Matlala who is an alleged criminal. He made that explicit statement.

MINISTER MCHUNU: Correct.

ADV NGCUKAITOBI SC: I mean, is that true or false?

MINISTER MCHUNU: It is false.

10 **ADV NGCUKAITOBI SC:** Yes.

MINISTER MCHUNU: It is false. There is no money that I have received, ever received from Brown Mogotsi or he has received ...[intervenes].

ADV NGCUKAITOBI SC: No, from Matlala, not from Mogotsi.

MINISTER MCHUNU: Oh, from Matlala?

ADV NGCUKAITOBI SC: Yes, what General Mkhwanazi said is that you and Mr Mogotsi are receiving money from Mr Matlala who is an alleged criminal.

20 **MINISTER MCHUNU:** Oh, it is false.

ADV NGCUKAITOBI SC: Yes.

MINISTER MCHUNU: It is false.

ADV NGCUKAITOBI SC: Yes.

MINISTER MCHUNU: I am not part of that. If Mr Mogotsi has ever received any money from Mr Matlala that would

mean that it was him and him alone receiving whatever he would have received. Myself, I have never asked for any money from Mr Matlala. I have never met him. I have never spoken to him on the phone. I have never asked for anything from him. I have never received anything from him.

ADV NGCUKAITOBI SC: Yes. And what he then sought to do, General Mkhwanazi, he sought to locate the dissolution of the PKTT in this context of a Minister receiving money
10 from a criminal, or an alleged criminal.

MINISTER MCHUNU: I believe that, yes, I am aware of that.

ADV NGCUKAITOBI SC: Yes.

MINISTER MCHUNU: It is a narrative which I would say was choreographed somewhere, but it never found its way to reality, and there is no evidence that that is the case, because I say even if somehow it, they located to the incidents of the 6th where there was a raid in Matlala's home and all of that, I knew nothing about the raid, the
20 intended raid. I never got any briefing that there was going to be a raid in Matlala's home and offices and so on.

I never received any presentation or report after such a raid and therefore to link these two things and the dissolution and me and a person that I had never met and what, and the happenings in his home or whatever, was

totally false.

ADV NGCUKAITOBI SC: Yes. Now, not only did he say that in that press conference, even before this Commission at paragraph 187 of his statement, this is what General Mkhwanazi says. He says:

10 “Minister Mchunu, through his associates with Brown Mogotsi, and as corroborated by his Chief of Staff, Mr Nkabinde, maintained associations that have confirmed links with the underworld.”

So he says you have links with the underworld, and he did that to justify the criticism he had of the dissolution.

MINISTER MCHUNU: That statement is entirely false. One, I am no associate to Brown Mogotsi.

ADV NGCUKAITOBI SC: Forget about Brown Mogotsi. Let us just talk about the links with the underworld. That is really the critical statement.

20 **MINISTER MCHUNU:** I have no links and I have never had any link with the so-called underworld in whatever manner.

ADV NGCUKAITOBI SC: Yes. And the link that he draws between the dissolution of the task team and this connection, a large connection with the underworld?

MINISTER MCHUNU: Is false.

ADV NGCUKAITOBI SC: Yes.

MINISTER MCHUNU: No, it is false.

ADV NGCUKAITOBI SC: Thank you very much. Now you have explained what you are trying to achieve and you have explained that it was widely accepted within the SAPS. There was the question of the comparison with the task team in the Eastern Cape responsible for combating taxi violence. And I was left not sure of if I fully understood your answer. Maybe you could just, for the last time, explain to the Commissioners what you say about this
10 comparison. Is it a fair comparison, an unfair comparison?

MINISTER MCHUNU: I would say it is a comparison that is fair at the level of principles, in other words, SAPS accepting the existence and the use of task teams, but it is qualified in terms of the work started, in terms of our vision, and in terms of what has been adopted and so on that generally, as a general rule, you will have a specialised task team, but then there will be exceptions to that when the need arises, either because of a situation that is beyond such capacity in that particular area and then you would
20 have a task team.

Or, in the case of Eastern Cape, but which transpired later, that even the specialised team, or the specialised units that we had there in the form of murder and robbery, was not as effective as it would, but that was found or established later. But the principle was, the actual

initiative was to say, we are seeing taxi violence and related violence growing and growing.

Similarly, there is, the capacity that we have in the Eastern Cape is below what it would take to deal with what we are seeing, hence, sending a number of people under Major General Zulu, after the discussion with the National Commissioner.

So, the difference is that a situation arose in the Eastern Cape around taxi violence, you will then say, Major
10 General Zulu must go there within this time frame, with this budget at hand, and that is what they do. Then they find that they have to extend time, they extend time, they deal with this particular problem.

The difference with, between that and MPPK, that is National Political Killings Task Team, is that whereas it is a task team, but its length of period, which I am saying, is no longer in keeping with what it was established for in 2018, if you look at figures, and if you look at incidents, and even if you look at the 22nd January report of the National
20 Commissioner, even though it comes after I had issued the letter of - but it confirms, because the National Commissioner does say it has fulfilled the mandate for which it was established for, and he even says beyond any doubt, which means that even though I issued the directive, subsequently it was confirmed.

Now, you are then saying you have PKTT coexisting with the specialised unit in whatever capacity, but it was not envisaged that you would have a co-existence of a national team coexisting with that particular capacity. That is not what was envisaged, which is now happening, hence, and in any case, PKTT was never envisaged as a permanent. It was always ...[intervenes].

ADV NGCUKAITOBI SC: [Vernacular]...

MINISTER MCHUNU: Yes.

10 **ADV NGCUKAITOBI SC**: [Vernacular]...

MINISTER MCHUNU: Yes.

ADV NGCUKAITOBI SC: Unless you still want to add something.

MINISTER MCHUNU: No.

ADV NGCUKAITOBI SC: Okay, thank you. I just want to come to the topic of the powers, and it is an issue that the Chairperson raised, that basically, as I understand the question that was asked, is it does not matter how a structure like the PKTT comes into existence, the power to
20 dissolve it rests exclusively with the National Commissioner.

Now, the reason I ask you this is because I am not asking you to give a legal answer, but to give a practical answer in terms of, at the time you took the decision, what precautionary measures did you take to make sure that it

was legally sound?

MINISTER MCHUNU: I had a consultation with Advocate Vusi Pikoli, who happens to be my special advisor.

ADV NGCUKAITOBI SC: Yes.

MINISTER MCHUNU: And he responded, and he has since made his response or opinion available to the legal team.

ADV NGCUKAITOBI SC: Yes, it has been filed. As I understand, it has been filed with the Commission, but you do not have to go through it, but the only answer is, as a
10 responsible Minister, you took precautionary measures to ensure that your decision was legally sound.

MINISTER MCHUNU: I did.

ADV NGCUKAITOBI SC: Yes.

MINISTER MCHUNU: That is correct.

ADV NGCUKAITOBI SC: Now, there are a couple of small points that I just want to take you through them to make sure that you can clarify. There was a reference to the work study, and it seems that there was a bit of confusion about page 200 and 201. So, if you go to that work study,
20 no, I think it is the Marais report, yes, it is the Marais report, and particularly, if you turn over the page to 201, the references in paragraph 8.1 and 8.10, the first reference at page 201, have you got it, Minister?

MINISTER MCHUNU: I am trying to get it.

ADV NGCUKAITOBI SC: Just go to 201. Ja, it should be

in the bundle of your annexures.

MINISTER MCHUNU: Page 201?

ADV NGCUKAITOBI SC: 201, yes.

MINISTER MCHUNU: Yes, I think this is the one. Is it this one, because this one is 7. I think it is this one. Or in this bundle?

ADV NGCUKAITOBI SC: Ja, in your, it is one of the bundles to your statement.

MINISTER MCHUNU: Ja, ja. 201, yes.

10 **ADV NGCUKAITOBI SC:** Yes, if you go to paragraph 8.9 ...[intervenes].

MINISTER MCHUNU: Yes.

ADV NGCUKAITOBI SC: There was some confusion here about what this paragraph is about, and you seem to have a particular view that was not shared by the Evidence Leader. It says:

20 “No task teams be established without written and approved documentation from the Provincial Commissioner, indicating the start date and estimated end date, as well as dates for impact analysis on a quarterly basis.”

MINISTER MCHUNU: Yes, that is what the statement says.

ADV NGCUKAITOBI SC: -:

“On a quarterly basis to measure the

feasibility of continuation for SAPS
teams.”

So what is being referred to here, I personally cannot work out what this sentence is about.

MINISTER MCHUNU: What I have since established in terms of, in an effort to clarify this is that this, as I indicated earlier, it applies to provincial, or it applies to teams that are operating in the province, which, unlike what we did when we were talking with the Commissioner Baloyi,
10 it was a question of existence and operating.

ADV NGCUKAITOBI SC: You know, I think that is a different issue that I am going to come to that issue.

MINISTER MCHUNU: Okay.

ADV NGCUKAITOBI SC: You are talking about a different document. So this refers to a task team being established without an approval of the Provincial Commissioner. That is what I do not understand. Is this ...[intervenes].

MINISTER MCHUNU: Oh, yes.

ADV NGCUKAITOBI SC: Ja, what is this talking about?

20 **MINISTER MCHUNU:** No, it is talking about what they were doing because they had decided that, look, let us stop the proliferation of loose teams, task teams that are not accountable, and so on. They then say in order to control that, in order to minimize that ...[intervenes].

ADV NGCUKAITOBI SC: Yes.

MINISTER MCHUNU: No task teams be established without written and approval, approved documentation from the Provincial Commissioner.

ADV NGCUKAITOBI SC: Yes.

MINISTER MCHUNU: It means that, at the provincial level, the Provincial Commissioner must know what task team is being established also. Say, in a district, it cannot be established without the Provincial Commissioner signing, and so on, indicating the start and estimated date as all.

10 So it points to provincial task teams because it talks to the Provincial Commissioner and all of this.

ADV NGCUKAITOBI SC: But it is about new task teams that will be established in the future.

MINISTER MCHUNU: That they must, if they get established at all, it cannot be without.

ADV NGCUKAITOBI SC: Yes. And then 8.10 also was the subject of some confusion. It says:

20 “Current task teams be subjected to an impact analysis by organisational development and strategic management in the province to ensure the feasibility of the existing teams.”

So what is this talking about? I mean, would this apply to the PKTT?

MINISTER MCHUNU: Now, that is what I was thinking that

you were referring to earlier, and said earlier we got entangled in the, in our conversation and got confused.

ADV NGCUKAITOBI SC: I understand, but is this about, would this apply to the PKTT?

MINISTER MCHUNU: It would apply to the provinces, to the province, in the sense that it talks about current task teams.

ADV NGCUKAITOBI SC: Yes.

MINISTER MCHUNU: Now, among the teams that currently
10 existed at the time of the analysis, the PKTT was one of those that were operational in the province. So it talks about current operating task teams, just to ...[intervenes].

ADV NGCUKAITOBI SC: Minister, I think you are talking about a different paragraph, which is 6.4.1. Ja, I think you are talking about 6.4.5.1. I am still going to go to that at page 191.

MINISTER MCHUNU: Yes.

ADV NGCUKAITOBI SC: But what I am asking about 8.9 and 8.10, they both refer to the Provincial Commissioner or
20 the organizational development and strategic management in the province.

MINISTER MCHUNU: In the province.

ADV NGCUKAITOBI SC: Now, on the one, first blush, it creates the impression that this is talking about provincial task teams.

MINISTER MCHUNU: Yes, it does.

ADV NGCUKAITOBI SC: I understand, but is that correct? That is what I am trying to clarify.

MINISTER MCHUNU: What it refers to is it talks to all task teams existing in the province.

ADV NGCUKAITOBI SC: Okay, that is fine. If you then go to 6.4.5.1 at page 191, which was also the subject, I think, of lack of clarity. Have you got that page 191?

MINISTER MCHUNU: Yes.

10 **ADV NGCUKAITOBI SC:** Now I mean, I appreciate that you did not write this, and you were not even there at the time it was written. Where is Commissioner Marais at the moment, is he still within the SAPS?

MINISTER MCHUNU: He is still within SAPS.

ADV NGCUKAITOBI SC: All right. Well, maybe he can give an affidavit explaining what he was talking about. It says:

20 “The task teams that are not monitored run rampant for years without determining or accounting for the gap left where the members were taken from, mostly at station level. Task teams found operating in the provinces are as follows.”

So that is what you wanted to explain. Just explain

that because the reason you have to explain is because the answer you gave to Commissioner Baloyi is not consistent with the answer in your statement at paragraph 41.

MINISTER MCHUNU: Yes.

ADV NGCUKAITOBI SC: And it is possible that it is too late in the day, that it is caused by confusion, and that is why it is necessary, because Commissioner Baloyi asked a specific question ...[intervenes].

MINISTER MCHUNU: Yes.

10 **ADV NGCUKAITOBI SC:** And then you gave an answer that differs from the statement.

MINISTER MCHUNU: Yes. The difference is operating in the province as follows. Operating. I think in that situation what I missed was confusing existence and operating. So it says there operating in the province, which would be inclusive of PKTT in this instance. And that is what, and so that bullet 1, 2, 3, 4, 5, 6 from bottom would include PKTT, because it is operating in the province.

20 **ADV NGCUKAITOBI SC:** Yes. I mean the other confusion that came up from the answer you gave earlier was you sought to distinguish Political Murders Team from the Political Killings Task Team when your statement actually treats those two as the same thing.

MINISTER MCHUNU: Correct.

ADV NGCUKAITOBI SC: But which one is correct?

MINISTER MCHUNU: It is, you mean murder and robbery?

ADV NGCUKAITOBI SC: No, no, no. If you look there from the bottom ...[intervenes].

MINISTER MCHUNU: Yes.

ADV NGCUKAITOBI SC: 1, 2, 3, 4, 5, 6, the phrasing there is political murders team.

MINISTER MCHUNU: Oh, yes.

ADV NGCUKAITOBI SC: So when you were asked by Commissioner Baloyi ...[intervenes].

10 **MINISTER MCHUNU:** Yes.

ADV NGCUKAITOBI SC: You said no, no, no, Political Murders Team is not the same thing as the Political Killings Task Team.

MINISTER MCHUNU: No, I should straighten that because at that time I thought it would refer to things in case of KZN like 2011, like ...[intervenes].

ADV NGCUKAITOBI SC: No, no, I do not need an explanation.

MINISTER MCHUNU: Ja.

20 **ADV NGCUKAITOBI SC:** What ...[intervenes].

MINISTER MCHUNU: It is the same.

ADV NGCUKAITOBI SC: It is the same. Yes, so the two answers you gave to Commissioner Baloyi are wrong answers. This paragraph 6.5 6.4.51 includes the PKTT, that is number one.

MINISTER MCHUNU: It does, yes.

ADV NGCUKAITOBI SC: Yes, and then number two, the phrase Political Murders Team is the same as the PKTT.

MINISTER MCHUNU: It is the same.

ADV NGCUKAITOBI SC: All right, thank you very much

MINISTER MCHUNU: It is the same. I can correct that.

ADV NGCUKAITOBI SC: Yes.

MINISTER MCHUNU: Yes.

ADV NGCUKAITOBI SC: Then there is also a problem with
10 some of the evidence you gave on human rights abuses.
When it comes to the human rights topic I was not sure
what you mean. Let me explain why. The one time you
said you took into account human rights abuses flowing
from the statements of Mary De Haas and Ms Mashale.

Then on the other you said you did not take them
into account in that context. Now I could not understand
what do you mean, because on the one side those
statements are mutually in conflict with one another and
they do not appear to be reconcilable. Can you just
20 explain, I mean this confusion away, because you are now
going to leave the Commissioners and I do not want them to
be left not knowing what you are saying. They may
disagree but they must at least know what you are saying.

MINISTER MCHUNU: We talked about this for quite some
time. I did say, one. I became aware of whatever was sent

to me in this case by Mary De Haas. I confirmed that I did receive, even though I did not respond substantively. So I was ...[intervenues].

ADV NGCUKAITOBI SC: No, that is not where the problem is.

MINISTER MCHUNU: Yes.

ADV NGCUKAITOBI SC: The problem is whether you took them into account in your decision making and it is not about the weight that you gave them.

10 **MINISTER MCHUNU:** Yes, I took them, a straightforward answer is that I did take them into consideration ...[intervenues].

ADV NGCUKAITOBI SC: Yes.

MINISTER MCHUNU: Not minding the weight that we ended up speaking about.

ADV NGCUKAITOBI SC: Yes, because your statement says that you did take them into account.

MINISTER MCHUNU: Yes.

20 **ADV NGCUKAITOBI SC:** Yes. Now there was also something said about the, about Miss Mashale. I want to just take you to page 359, because the point that was made was that she does not talk about the PKTT. So if I can take you to, starting at page 359. So if you recall the context, you were saying ...[intervenues].

MINISTER MCHUNU: Yes.

ADV NGCUKAITOBI SC: Ms Mashale raised allegations of human rights violations by the PKTT on her Facebook post which you, I mean there was a debate, did you take them into account or not. But then the comment that came was that Ms Mashale did not speak about violations of human rights by the PKTT, okay. Now if you look at 359, the third paragraph which starts with Khumalo. Can you read that?

MINISTER MCHUNU: -:

“Khumalo has been doing exactly what Richard
10 Mdluli did. He captured crime intelligence by appointing friends and family in strategic positions. Two of his brothers are working at the Political Task Team victimising and harassing hardworking members because of their brother in charge.”

ADV NGCUKAITOBI SC: Because their brother are in charge.

MINISTER MCHUNU: Oh, their brothers, their brother are in charge.

ADV NGCUKAITOBI SC: Yes.

20 **MINISTER MCHUNU:** Yes.

ADV NGCUKAITOBI SC: Now to victimise and to harass people, is that a violation of human rights?

MINISTER MCHUNU: It is.

ADV NGCUKAITOBI SC: If you then go to page 368, which is another statement by Masahel, by Ms Mashale, have you

got that?

MINISTER MCHUNU: Yes, I have got it.

ADV NGCUKAITOBI SC: And it is dated the 14th of November 2024.

MINISTER MCHUNU: Correct.

ADV NGCUKAITOBI SC: And what does it say?

MINISTER MCHUNU: It says:

10 “How the political task team abused their powers and on instruction of Bheki Cele arrested two forensic investigators who were investigating the corruption at Forte Hare University.”

ADV NGCUKAITOBI SC: Yes, and then it continues.

MINISTER MCHUNU: -:

“Even the National Intervention Unit was part of the Hollywood style arrest and the forensic investigators still do not know why they were arrested.”

20 **ADV NGCUKAITOBI SC:** Yes, and then the last paragraph, the one that starts with the link, this is the link, yes.

MINISTER MCHUNU: -:

“This is the link to a letter Professor Mary De Haas wrote to Parliament and the Minister regarding the resources

that were misused to affect the arrest.”

I am sure to effect the arrest.

ADV NGCUKAITOBI SC: Now, that reference in the first paragraph to the political task team and Forte University, what reference is that about?

MINISTER MCHUNU: That paragraph is in relation to the activities of the Political Killings Task Team in Forte Hare in investigating the alleged criminality.

ADV NGCUKAITOBI SC: Yes. And then your statement
10 then specifically refers to the human rights abuses at Forte Hare.

MINISTER MCHUNU: Yes, correct.

ADV NGCUKAITOBI SC: In relation to the task team.

MINISTER MCHUNU: Correct.

ADV NGCUKAITOBI SC: Yes, and specifically references, is it Professor Burger or Ms Burger?

MINISTER MCHUNU: Ms Burger.

ADV NGCUKAITOBI SC: Now, at the time you wrote, you were relying on media reports of what she was saying. Is
20 that correct?

MINISTER MCHUNU: Correct.

ADV NGCUKAITOBI SC: I mean, sorry, at the time you issued the instruction.

MINISTER MCHUNU: Correct.

ADV NGCUKAITOBI SC: Yes. But she has subsequently

filed a statement under oath. Is that correct?

MINISTER MCHUNU: That is correct.

ADV NGCUKAITOBI SC: Which is annexed to your bundle as SM16.

MINISTER MCHUNU: Correct.

ADV NGCUKAITOBI SC: Yes. I mean, I do not want to make you to read this, but she actually makes a harrowing account of what happened to her in the hands of the PKTT at page 404, 405, 406.

10 **MINISTER MCHUNU**: Yes, I did make reference yesterday to that.

ADV NGCUKAITOBI SC: Yes. I mean, if you look at 405, what she says happened to her, she says:

20 “I was handcuffed and placed in a police jet with members of the PKTT, the National Intervention Unit, and my co-director Conrad, who was foot-shackled. We arrived in Bisho and observed several members of the police and PKTT taking videos and TikTok videos in front of the police jet while we waited, handcuffed and foot-shackled on the runway for the funfair to end. We drove in convoy to Mdantsane Police Station where

Conrad would be kept on the basis that there was not enough space for both of us in East London, which is where I went instead. “

Paragraph 55:

“I went to the toilet to relieve myself, and the toilet would not flush. Members of the NIU and PKTT took turns to lift the toilet seat and ridicule me. I sobbed as I had no reason for being there, arrested, detained, and humiliated.”

And then it goes on and on. I do not want to read all of them. The allegations get worse and worse. But what do you say as the Minister responsible for police when you hear allegations like this?

MINISTER MCHUNU: Well, as I said, I am very concerned, and I will always be very concerned, because not only is it bad imaging of South African police, but it actually is in contravention of a number of press groups in terms of the conduct of police.

ADV NGCUKAITOBI SC: Yes. Then in this section, the last category you mentioned is paragraph 73.8 of your statement. You do not need to go to it, but I just want to ask you, you said you wanted to talk to us so that we can

advise you on how to handle those people who want to speak confidentially.

MINISTER MCHUNU: Yes.

ADV NGCUKAITOBI SC: Just give us a sense, because that was one of the questions that were asked by Commissioner Baloyi to say, look, I do not know what you are talking about, and it is very difficult to make sense of it, because it is very cryptic, and you know, just give us a sense of the broad nature of what these eight people are
10 saying.

MINISTER MCHUNU: The broad nature of what these people are alleging, they are pointing to activities, or let me say, actions of the National Political Killings Team that could be termed as unlawful in broad terms, and then they point to different ...[intervenes].

ADV NGCUKAITOBI SC: But what do they say the task team is doing?

MINISTER MCHUNU: Well, it is various activities per person and they could be construed, I wrote in one of the
20 submissions when we were talking to our lawyers, that they could be construed to some of the activities to, activities that defeat the ends of justice and also criminal activities in nature. That is what I could briefly add on what you asked me to do.

ADV NGCUKAITOBI SC: No, that is fine, that is enough.

But why do they not want to be known that they are making these allegations?

MINISTER MCHUNU: They, each one of them, as I met them, when I met them, emphasised their personal safety and their fears on personal safety. Some of them actually got physically manhandled as they alleged in their statements at different points by PKTT as they alleged and therefore, they have firsthand experience of what happened to them. And some of them alleged that they know how
10 PKTT's, they know of certain practices within PKTT that could be construed in the manner that I construed earlier.

ADV NGCUKAITOBI SC: Yes, thank you. Now I want to come, I think it was a question asked by Commissioner Khumalo, and which again, I think, left a little bit of confusion, certainly in my mind. I want to just draw the comparison between SM18 and SM17. Here, I will depend on my junior, because she has done this work.

MINISTER MCHUNU: Yes.

ADV NGCUKAITOBI SC: Now, I think the question that was
20 asked is, what was lacking. Yes, so what was lacking in SM18 that you would find in SM17 for you to say SM18 was defective.

MINISTER MCHUNU: Yes, I am now able to make a direct reference, because Commissioner Baloyi was actually direct in finding a synergy in both. But I did, and I remember, say

that it is in terms of the extent of detail. If you look at page 4 to 8, just the papers and background, it is quite elaborate, which, if you look at, this is, oh, what is this? If you look at 17, yes, “purpose”, 1, “background”, that it is all in one page. But if you go to, is it the next page, 128 and 129, and you read, what is this? If you compare, I am saying post 2022, they were elaborate, quite more - even though the purpose is found in both, background is found in both. But post, before 2021, 2022, they were quite elaborate.

10 If you look at SM17, first page, second page, third page, and even the finances there, two pages and all of that.

ADV NGCUKAITOBI SC: Yes, and I mean on the finances, it is not just the pages, it is also the qualitative assessment of the information.

MINISTER MCHUNU: Yes, to say what for, what for. It is not ...[intervenes].

ADV NGCUKAITOBI SC: A breakdown of the costing.

MINISTER MCHUNU: It is not globalized.

20 **ADV NGCUKAITOBI SC:** Precisely.

MINISTER MCHUNU: I need some assistance for post 2022, post 2022 assessments.

ADV NGCUKAITOBI SC: Go to page 455.

MINISTER MCHUNU: 455?

ADV NGCUKAITOBI SC: Yes, that information note.

MINISTER MCHUNU: If you look at the information note, specifically, on SM18, page 455, the request for financial, it is upfront. That is your starting point, request for financial authority for 24/25. And of course, in our conversation with Commissioner Khumalo, we did not necessarily refer to this one, but it is there and that is what I had picked up and I was referring to. Right from page 1, request for financial authority, there is no assessment, there is no report. Even on page 2 is further request for financial authority, 23/24.

10 And it is all just one page. Is it one page? 150. Yes, 151, 152. So it is quite scanty. It just goes to finances, financial requests.

This is what I wrote in the statement and I was referring to as a difference and saying that it is a mix of illegitimacy in terms of allocating funds without a proper motivation as it happened before 2021, 2022.

ADV NGCUKAITOBI SC: Yes, thank you very much. Now, there was a question towards the end by the evidence leader on the filling of post, that when you instructed a

20 freeze in Crime Intelligence, you were exceeding your scope. Now, you may or may not have been mistaken in making that decision, but you are a politician, there are legal advisors inside. What steps did you take to make sure that you were acting within your authority?

MINISTER MCHUNU: I subjected, as I indicated, the whole

of the draft letter of directives.

ADV NGCUKAITOBI SC: Yes.

MINISTER MCHUNU: And I sent the draft to Pikoli who said, he made comments.

ADV NGCUKAITOBI SC: Yes.

MINISTER MCHUNU: He made changes where he felt changes needed to be made and as per the submission. And based on that, I did consult and I got satisfied that I was within and, but in my own view, sometimes the
10 boundary between the two is narrow. But it was a directive, I believed that to be part of my directive, because it was broad. It was not operational.

ADV NGCUKAITOBI SC: Yes. No, what I observed when that debate was taking place is that as a Minister of Police, you operate both under the Public Service Act and under the SAPS Act and under the Public Service Act, it is your job to employ people.

MINISTER MCHUNU: Even though I ...[intervenes].

ADV NGCUKAITOBI SC: Yes, it is.

20 **MINISTER MCHUNU:** It is, even though I do not, you know ...[intervenes].

ADV NGCUKAITOBI SC: You mean you do not feel like you employ people. People just get employed.

MINISTER MCHUNU: Yes.

ADV NGCUKAITOBI SC: All right, thank you. The last

question is, Commissioner Baloyi helped us again by asking about the terms of reference. The term of reference that introduces you is item 4, which says that:

“The Commission must investigate the role of any member of the national executive responsible for the criminal justice system.”

That would be you.

MINISTER MCHUNU: Yes, correct.

10 **ADV NGCUKAITOBI SC**: -:

“Whether they were complicit, aided and abetted or participated in the acts listed in paragraphs 1 to 3 above.”

Now the acts in paragraph 1 to 3 above include whether criminal syndicates, including but not limited to drug cartels, have infiltrated or exerted undue influence over a number of government departments. So I want to ask you whether or not as the member of the executive responsible for police, you were complicit in the infiltration
20 of the SAPS by criminal syndicates?

MINISTER MCHUNU: Not at all.

ADV NGCUKAITOBI SC: Did you aid or abet the infiltration of criminal syndicates to the SAPS?

MINISTER MCHUNU: Not at all. Not at any point.

ADV NGCUKAITOBI SC: Did you participate in the

infiltration of the SAPS by criminal syndicates?

MINISTER MCHUNU: Not at all.

ADV NGCUKAITOBI SC: Yes. There is something here that says “or did so by omission”. I am not sure what that means. Or maybe it means if there is something you should have done, but you did not do, but you should have known that you should have done it. Can you think of anything of the sort? No such allegation has been made, but can you think on your own?

10 **MINISTER MCHUNU**: All I can recall are two things. At one point, National Commissioner and Lieutenant General Khumalo briefed me that they were at an advanced stage with the investigation of Lieutenant General Sibiya and also at an advanced stage in terms of investigating General, Major General Khan. It was quite a confidential briefing, very short to that point and I said if they are involved in activities, in unlawful activities, you have my support. I was unequivocal there. I said you have my support.

20 This was verbal. It was not on the phone and if anything, if the Minister becomes aware via a report like that, if you are complicit, I suppose, you would say not now, a delay, you will say, but please, you would say I was unequivocal, and I said you have my support, go ahead. Not because they were asking for a go ahead, they were just briefing me, but I reinforced them by saying go ahead

and therefore, I denied very emphatically that I could have been found at any level, even before I became Minister of Police, to be complicit on criminal activity at any stage.

ADV NGCUKAITOBI SC: Yes. There is another Minister responsible for law and - for police that is referenced in your statement. The first one is at paragraph 194. Mr Bheki Cele's statement in Parliament that Mr Matlala informed him of a meeting between Mr Mogotsi, Mr Matlala and me is a lie. What do you say about that?

10 **MINISTER MCHUNU:** I mean exactly what I said, because he said he held a meeting with Matlala at Beverly Hills.

ADV NGCUKAITOBI SC: Yes.

MINISTER MCHUNU: I am not contesting that. And then he says Mr Matlala informed him that he had been in a meeting with me and together with Mogotsi. Now, whether he told him that or did not tell him that, the lie is in the information that suggests that I ever had a meeting with Mr Matlala, whether with Mr Mogotsi or alone. Such an assertion is a lie. It never happened and I know very well
20 that it has never happened.

ADV NGCUKAITOBI SC: And then Bheki Cele, Mr Bheki Cele, features again in your statement at paragraph 206 where you are now talking about cancelling a tender that was awarded to a company whose shareholder is Mr Matlala. Do you remember that?

MINISTER MCHUNU: I remember that.

ADV NGCUKAITOBI SC: Now, in paragraph 206 ...[intervenes].

ADV SELLO SC: Chair, Chair, I apologize. Mr Ngcukaitobi, I beg your forgiveness. I have bit my tongue for a long time and on particularly this point that Mr Ngcukaitobi is “re-examining” the witness. None of that evidence has been led before this Commission. The issues that he has spent a significant time speaking to are matters
10 that are to be dealt in the second leg of the inquiry. So I struggle to understand, Chair, how the issues that he is engaged with can possibly even fall under the category of re-examination. Any reader of the transcript will see that none of the testimony in regard to that has been led. Thank you, Chair. I request the Commissioner's guidance. Thank you.

CHAIRPERSON: Mr Ngcukaitobi, I was given to understand that the evidence leaders and the Minister's legal representatives had reached an agreement that what
20 would be addressed at this stage would be the disbandment only. I do not quite see, unless you submit otherwise, how paragraph 206 relates to the disbandment.

ADV NGCUKAITOBI SC: Mr Chairman, I will do what the Commission wishes, but it is impossible to separate disbandment from its reasons. The primary reason for the

accusation that the disbandment was illegal was that it was motivated by an ulterior motive. It is grossly unfair that the Minister is here, this is his first opportunity here, that he does not tell the Commission and the nation that he is innocent of corruption.

CHAIRPERSON: How much, how long do you think ...[intervenes].

ADV NGCUKAITOBI SC: No, this is the last question.

CHAIRPERSON: You are still going to be?

10 **ADV NGCUKAITOBI SC**: No, no, this is the, 206 is the last question.

CHAIRPERSON: Yes, just – Mr Ngcukaitobi, for two reasons, I will disallow the question.

ADV NGCUKAITOBI SC: And then I have no ...[intervenes].

CHAIRPERSON: Thank you.

ADV NGCUKAITOBI SC: Mr Chairman, I promise you, you do not need to give any reason.

CHAIRPERSON: Any reason. Thank you then.

20 **ADV NGCUKAITOBI SC**: If the order is to disallow it, I have no further questions.

CHAIRPERSON: Thank you, thank you.

ADV SELLO SC: Thank you, Chair. Perhaps on that point, it is the right place to start.

CHAIRPERSON: With what ...[intervenes].

ADV SELLO SC: At the point, Mr Ngcukaitobi's last point,

the re-examination issue.

CHAIRPERSON: Yes, yes.

ADV SELLO SC: And just to highlight that as the Chair pointed out, there was an agreement.

CHAIRPERSON: May I find out to what end you are addressing, seeing that I have already disallowed the question and Mr Ngcukaitobi did not even ...[intervenes].

MINISTER MCHUNU: No, I am starting ...[intervenes].

CHAIRPERSON: My reasons for it.

10 **ADV SELLO SC:** I am starting at the question and I am making my way back.

CHAIRPERSON: Yes.

ADV SELLO SC: Because his reference to paragraph 208 was not the start of having strayed way beyond re-examination, but it was the end and I would like to put my point across. The moment Mr Ngcukaitobi's re-examination went beyond the establishment and disestablishment of the PKTT, he went beyond the parameters of the agreement reached.

20 The issues that he raised, there was references to Mr Matlala, the relationship with Mr Matlala, with Mr Mogotsi, with the contract, I take it there is a 360 million SAPS contract. All those matters appear from page 64 of the Minister's statement under the heading "Allegations of improper motives".

And that is precisely where the deal that we struck because of time pressures, we drew the line. Under that heading, it is allegations, alleged association with Mr Vusimusi Cat Matlala, knowledge of the 6 December 2024 operation, knowledge or involvement in December 24 arrest of Mr Katiso Molefe, the 360 million SAPS tender, improper relationship with Mr Brown Mogotsi, Zama-Zama issues and - it is a whole list of them, half of which Mr Ngcukaitobi has touched on in re-examination, but none of which will be
10 found in the transcript in the evidence when it was led by Mr Ngcukaitobi.

I had to put that on record. And like I said, Chair, I bit my tongue, I resisted. I did not want to disrupt Mr Ngcukaitobi's flow. And I must say, at some point, I was a tad desperate, hoping that the Commissioners would come to my rescue. But, so what has happened is a topsy-turvy process, permitting Minister Mchunu to be re-examined on evidence firstly that was not led.

He has got those, his responses to those
20 allegations in the statement. He has not been taken through them. He has not been confronted with any evidence that could be contradicting the position he assumes in his statement. None of that has happened.

So now, on record, and in public, he has had the opportunity to clear his name in circumstances where the

evidence leaders have not fully articulated properly what the concerns about those issues are. It is exceptionally topsy-turvy. But it is all water under the bridge because it has happened.

But I understood, and we prepared on the basis that at the second session of the inquiry, which will be in 2026, we pick up the engagement with Minister Mchunu precisely from the allegations of improper motives and we engage with that.

10 Chair, there is no resolution to my challenge, but it was necessary that I place it on record. Thank you.

CHAIRPERSON: Thank you. Thank you for raising that. Perhaps you should have raised it much earlier, and we too should have stopped Mr Ngcukaitobi much earlier. So we are all at fault.

ADV SELLO SC: Thank you, Chair.

CHAIRPERSON: Thank you. Thank you.

ADV SELLO SC: I take it that that was my way of comment.

20 **CHAIRPERSON**: Yes.

ADV SELLO SC: I would like to engage with some of the issues that Mr Ngcukaitobi dealt with, with the Minister.

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

ADV SELLO SC: Yes, in re-examination.

CHAIRPERSON: Re-examination after re-examination?

ADV SELLO SC: Well, he calls it a re-examination. I am entitled to test.

CHAIRPERSON: The matters that you say ought not to have been raised ...[intervenes].

ADV SELLO SC: No, no, no, no, the matter ...[intervenes].

CHAIRPERSON: Those that properly fall under re-examination ...[intervenes].

ADV SELLO SC: That will properly fall, yes. Yes.

CHAIRPERSON: Does that happen ordinarily?

10 **ADV SELLO SC:** We call it a re-examination. If you were to, you have cross-examined a witness put forward by the evidence leaders or the Commission, the evidence leaders would have been entitled to re-examine on those issues. It is just that in this process, we call it a re-examination in circumstances where I led the witness. I did not cross-examine the witness, but yet we call it a re-examination. So it is a misnomer in truth and I suggest that we should not be hung up on words and titles.

CHAIRPERSON: May we take an adjournment, please?

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

INQUIRY ADJOURNS

INQUIRY RESUMES

CHAIRPERSON: Ms Sello.

ADV SELLO SC: Chair.

CHAIRPERSON: Regulation, not rule, regulation 8(4)(b)

does give you the entitlement after re-examination by the legal representative of a witness to put questions to the witness.

ADV SELLO SC: Thank you, Chair.

CHAIRPERSON: But it is very late in the day. How long do you think you will be?

ADV SELLO SC: No, no, no, I ...[intervenes].

CHAIRPERSON: How many issues are you going to address?

10 **ADV SELLO SC:** If I count them, they will ...[intervenes].

CHAIRPERSON: One and then two, how long do you think you will be?

ADV SELLO SC: If I count them, they will sound many, but they are very quick. It is a, the point about whether or not there was any objection to his directive to shut down the PKTT. That is the only issue, the meeting is held from January. There is, the other issue is the Ms Mashale and Ms Burger issues and it is just, there, just with reference to a specific annexure that Mr Ngcukaitobi brought to the
20 Minister's attention, just to point out a minor issue there.

Then beyond that, it is, I have dealt with the issue about, issues yet to be heard by this Commission and on which evidence would be led, so I have disposed of that and it will just be a comment literally on the point regarding terms of reference. And in fact, I think that point on terms

of reference would not exactly be directed to the Minister, because if I understood Mr Ngcukaitobi correctly, it was not a question he posed to him, but a comment. I think he invited him to make, to give a response.

On second thoughts, if I may, Chair, it is late in the day and I am exhausted, maybe I will do it the same way. I will also deal with the terms of reference in the same manner that Mr Ngcukaitobi did and I will put forward my own proposition and invite him for a comment and that will
10 be it. I am done.

CHAIRPERSON: Thank you.

ADV SELLO SC: Thank you, Chair.

CHAIRPERSON: Please start.

RE-EXAMINATION BY ADV SELLO SC: Minister, if I may start with your disbandment letter and that is your SM20, you remember. SM20 is in your file 2 and I want to refer you to page 477. 477. Oh, he pulled it out. Apologies, Commissioners. I think the Minister did not reinsert SM20. Commissioner Baloyi is. Minister Mchunu ...[intervenes].

20 **MINISTER MCHUNU**: Yes.

ADV SELLO SC: Commissioner Baloyi has just come to our rescue so graciously. Just to confirm, the document handed to you is the disestablishment letter that you issued on the 31st of December 2024, correct?

MINISTER MCHUNU: Correct.

ADV SELLO SC: I then would like to refer you to page 477 of that letter, 477 of that letter, page 477.

MINISTER MCHUNU: Yes, correct.

ADV SELLO SC: Yes, which is the second page. And to refer you to the last paragraph on that page before you sign, you anticipated in terms of that paragraph that a preliminary report will be submitted by the 20th of January 2025. Correct?

MINISTER MCHUNU: Correct.

10 **ADV SELLO SC:** And a final and closing report by the end of January.

MINISTER MCHUNU: Correct.

ADV SELLO SC: That final, a final and closing report can only be filed once the disestablishment is complete and you anticipated it to end by the end of January 2025. Do you have a comment to that?

MINISTER MCHUNU: Not exactly. What it says is that you will give a preliminary report ...[intervenes].

ADV SELLO SC: Yes.

20 **MINISTER MCHUNU:** On the 20th or whatever. And then you will then, there will then be a meeting of Minesco where ...[intervenes].

ADV SELLO SC: Apologies, Minister, that is not in the letter. I am confining myself to what is in the letter.

MINISTER MCHUNU: Pardon?

ADV SELLO SC: I say I am confining myself to what is in the letter.

MINISTER MCHUNU: My observation ...[intervenes].

ADV NGCUKAITOBI SC: Chair, the witness needs his ...[intervenes].

ADV SELLO SC: Ja, I think ...[intervenes].

ADV NGCUKAITOBI SC: His earpiece.

ADV SELLO SC: Jeremy.

MINISTER MCHUNU: Ja, we are running short of
10 ...[indistinct].

ADV SELLO SC: Oh.

MINISTER MCHUNU: But I am fine. I have this, it is just that you need to raise your voice a bit.

ADV SELLO SC: I will. I will.

MINISTER MCHUNU: Yes.

ADV SELLO SC: I hope it does not come across as if I am shouting at you.

CHAIRPERSON: Secretary, please locate Mr Michaels.

MINISTER MCHUNU: Ja, thank you. It looks clear. It
20 sounds clear.

ADV SELLO SC: I should also remember not to shout now. Thank you. Is this comfortable?

MINISTER MCHUNU: Yes, I am very comfortable. Thank you. Thank you, Commissioners.

ADV SELLO SC: I had drawn your attention to page 477

and we are dealing with the last paragraph and I would like us to confine ourselves to the wording of that document.

MINISTER MCHUNU: Yes.

ADV SELLO SC: And I pointed out that in terms of that letter, a preliminary report, in this regard being the disestablishment of the task team, was to be submitted to the Minister by the 20th of January 2025, correct?

MINISTER MCHUNU: Correct.

ADV SELLO SC: Thereafter, the final and closing report
10 would be submitted to the Ministry Management Executive Committee meeting late January 2025, the date of which was to be communicated soon after the issue of that letter.

MINISTER MCHUNU: Correct.

ADV SELLO SC: The point I am making to you is the final and closing report logically only becomes due once the task is completed and in this regard, the task was the disestablishment of the task team and I invite your comment to that.

MINISTER MCHUNU: No, it comes after the preliminary
20 report has been submitted.

ADV SELLO SC: Yes.

MINISTER MCHUNU: And you would see in the preliminary report, the National Commissioner starts by saying, or says somewhere, the letter of your directive is noted and then he gives the report. So beyond noting is the preliminary report

and beyond the preliminary report, it is then Minesco.

It does not necessarily say the final and closing report will come once there has been in practical terms, everything will depend on the, will depend on the preliminary report and then determines the way forward. It does not necessarily automatically say that or mean that there will have, the task team will have been dissolved by the time we meet at Minesco.

ADV SELLO SC: I understand that what you have just said
10 is in reference to what the preliminary report provided.

MINISTER MCHUNU: Yes.

ADV SELLO SC: And I am not referencing preliminary
report, I am referencing your letter. So the preliminary
report could very well have been worded in those terms and
General Masemole, who filed a statement before this
Commission and testified, and which, whose statement was
made available to you, indicated that after he received your
letter, at page 35 of his statement, paragraph 114, he
states as follows, upon his return from leave on the 14th of
20 January, and I quote:

“My intention was to discuss the matter
with the Minister to understand his
reasons and attempt to dissuade him.
However, the letter contained an
instruction to prepare reports that were

due by 20 January 2025. If I had refused to carry out this instruction, I would have been accused of insubordination since all that was required, at least insofar as that instruction was concerned, was a report.”

That is what he testified to. So that is the preliminary report, correct? The final and closing report is
10 still due at the end of January.

MINISTER MCHUNU: Correct.

ADV SELLO SC: Now to a question by Mr Ngcukaitobi whether there was any objection to your directive that PKTT be dissolved or disestablished. you said there was not. It was asked of you, had there been, would you have still insisted, and I understood you to say no, you would not have. Did I understand you correctly?

MINISTER MCHUNU: That no, I would not have done what?

20 **ADV SELLO SC**: You, no, you would not have insisted on the disestablishment if there had been any resistance or objection, particularly from the SAPS establishment.

MINISTER MCHUNU: Yes, if the response of the National Commissioner was that, look, I have a problem, one, two, three, or difficulty, I would have been open to a discussion

or engagement.

ADV SELLO SC: But that is precisely what Annexure SFM11 to General Masemola's statement, which is the preliminary report, that is precisely what he told you.

MINISTER MCHUNU: What did he tell me?

ADV SELLO SC: It argued against disestablishment.

MINISTER MCHUNU: In the preliminary report of the 22nd?

ADV SELLO SC: Yes, of the 22nd, yes.

MINISTER MCHUNU: I do not understand it to have done
10 so.

ADV SELLO SC: Okay, it is on record. The Commissioners will consider it in the context, as I suggest. If anything ...[intervenes].

ADV NGCUKAITOBI SC: Mr Chairman, is it not fair that it must be put to the witness and the ...[intervenes].

CHAIRPERSON: Yes, can you ...[intervenes].

ADV NGCUKAITOBI SC: [Indistinct]... [cross-talking] also drawn to it.

CHAIRPERSON: Can you please be more specific.

20 **ADV SELLO SC:** I shall. The problem is it arises in a different context, so it is not even part of the exhibit files, so it is not available. Only the statement, the statements have been made available as part of the exhibits.

ADV BALOYI SC: Ms Sello, maybe if you have it electronically, can it not be projected?

ADV SELLO SC: Yes, I ...[intervenes].

ADV BALOYI SC: [Indistinct]... [cross-talking].

ADV SELLO SC: If that would be acceptable to the Commission and to the Minister, I would do so.

ADV BALOYI SC: Ja.

ADV SELLO SC: Just a second while I scroll down to the right, please.

ADV KHUMALO SC: Is it not SM25? Can you just check, please.

10 **ADV BALOYI SC:** Yes.

ADV SELLO SC: Thank you, Commissioner Khumalo, it is correct. The Minister put it up as Annexure SM25. Yes, I confirm, it is SM25 starting at page 537 and at 564 is the date of 22-01-2025. Now, as at the 22nd of January, and we know already that about nine days later, the 31st of January, the final and close-out report is expected.

20 At page 563 of that report, after an argument had been advanced for what General Masemole and the SAPS team considered to be a phased-out approach, perhaps to draw your attention to item Roman (V):

“The current capacity of the National Task Team will be gradually scaled down to only personnel who are required to finalize the dockets retained by the Task Team. The

scaling down of the team will depend on the 115 case dockets that are currently pending at courts with most of the court dates in the year 2025. It is anticipated that the team will complete the work before the end of the year 2025. However, the seriousness of the cases and the processes at court will indicate the course of action.”

10 So, the report is pleading for breathing space until at least the end of the year 2025 and it is in that context, I say it cannot be that the Minister can say that there was no pushback to the notion of disestablishing by the end of January 2025, as the letter suggests, by demanding a final and close-out report by then. Do you have a comment?

MINISTER MCHUNU: No, the ...[intervenes].

CHAIRPERSON: Ms, I am sorry, Ms Sello, I might have misunderstood. I thought reference was to an objection to the very idea of a disbandment. I thought that is what Mr
20 Ngcukaitobi's question related to. I might have misunderstood.

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

CHAIRPERSON: And the point, ja, the point you are raising addresses a different issue, which is the phasing of a disbandment that is taking place, or is to take place

gradually. So, there is an initial acceptance, as it were, of the disbandment, but gradually.

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

CHAIRPERSON: But as I say, I might have misunderstood the question.

ADV SELLO SC: Perhaps I misunderstood, but I will take it on those terms. I had read out General Masemole's statement where he said he intended, when he returned from leave, I think paragraph 114 of his statement for the
10 record, where he says, oh, since that letter, the report was to be prepared by the 20th of January 2025, that is the beginning of paragraph 114:

“Given that I would be on leave until 14 January 2024, I instructed Brigadier Lethoko of my office to forward the letter from the Minister to all Deputy National Commissioners to instruct them to prepare the necessary reports.”

20 After that, he says:

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

And I interpreted that to be to dissuade him from the conclusion and the definitive instruction that this

establishment be concluded by the end of January. He says, then he speaks to the preparation.

10 “However, the letter contained an instruction to prepare reports that were due by 20th January 2025. If I had refused to carry out this instruction, I would have been accused of insubordination since all that was required, at least insofar as that instruction was concerned, was a report.”

My interpretation of what the General is saying is that he does not support the whole notion of disestablishment and the requirement for both the preliminary and, I take it, then the final report. However, he seems to have feared that if he failed to carry out that instruction, he would be accused of insubordination. So, I do not read what he is saying as I received the instruction, I noted and I was happy to execute. And I will ...[intervenes].

20 **CHAIRPERSON:** Ja, I do not understand that to go beyond what his own thoughts were, because the question relates to what was actually communicated to the Minister. So, his own ideas or thoughts do not appear to have been communicated to the Minister.

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

CHAIRPERSON: So, it does not get to my understanding of Mr Ngcukaitobi's question.

ADV SELLO SC: Then it is in that context then I read, and I read only item 5 of that report, I read that conclusion, because that conclusion, I guess in contract it would be called counter-offer, that counter-offer is wholly inconsistent with what the Minister intended to achieve by the end of January. And I say at least that report would have indicated that there is no agreement or there is no
10 support for his instruction.

CHAIRPERSON: Perhaps purely in the interest of time, I will allow that, but I understand that part to relate to the question of immediacy or otherwise, which is not the same thing that Mr Ngcukaitobi was raising.

ADV SELLO SC: I will leave it at that, Chair.

CHAIRPERSON: Yes.

ADV SELLO SC: I have made the point. It would then lead us to the report of the, the next report. Oh, sorry.

ADV BALOYI SC: Maybe before you do that, let me check
20 something. Minister, General Masemole, in his statement and evidence, said that he spoke to the President. He was unhappy with the decision. That is what he says and this arises in the light of this conversation that he spoke to the President about the issue. And he gives a date, he says on the 1st of February 2025 in a meeting, and then he says:

“During this meeting, I mentioned the Minister's decision to disband. The President told me he would speak to the Minister.”

Did that happen? Did you have a conversation? Did the President speak to you? I do not know when, but the General says he had a meeting with the President on the 1st of February.

MINISTER MCHUNU: Yes, Commissioners, there was a
10 meeting either on the 13th or on the 23rd with the President, which I requested. And in that meeting, the sole purpose was to just brief the President on the developments around that decision to disband. And it did happen.

ADV BALOYI SC: Did, well, I think what I am checking is whether the President, did he alert you or mention to you his conversation with General Masemole, that General Masemole spoke to him about this issue?

MINISTER MCHUNU: No.

ADV BALOYI SC: The President did not?

20 **MINISTER MCHUNU:** No.

ADV BALOYI SC: All right, thank you.

ADV KHUMALO SC: Sorry, maybe my co-Commissioner should clarify the date, because I had understood you to say you briefed the President before this discussion between the President and General Masemole, so, and I see

your counsel is nodding, so it looks like our understanding is aligned. So maybe the date should be clarified so that you answer the question fully.

MINISTER MCHUNU: Yes, I would not know when National Commissioner met the President, but I am referring to myself that it was either the 13th or the 23rd.

ADV BALOYI SC: In February?

MINISTER MCHUNU: No, in January.

ADV BALOYI SC: In January?

10 **MINISTER MCHUNU**: Yes.

ADV BALOYI SC: Okay.

MINISTER MCHUNU: Mine was in January.

ADV BALOYI SC: All right. Well, General Masemole says he met on the 1st of February, so maybe let me ask my question then. After the 1st of February, or any date from the 1st of February, did the President speak to you or mention to you that General Masemole had spoken to him about the issue of the disbandment?

MINISTER MCHUNU: No.

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

ADV KHUMALO SC: Let me just clarify two issues. Your discussion with the President in January 2025, did you show the President your letter of 31 December 2024?

MINISTER MCHUNU: No, I briefed him about the letter and about why I wrote such a letter. That is what happened. I

did not show him.

ADV KHUMALO SC: Did you ...[intervenes].

MINISTER MCHUNU: And I spoke about it.

ADV KHUMALO SC: Did you tell him what process you followed before issuing that letter of 31 December 2024?

MINISTER MCHUNU: No.

ADV KHUMALO SC: So, for all we know, the President could have assumed that you had discussed it with the people within the SAPS, and that was a collective decision.

10 **MINISTER MCHUNU:** Well, it is difficult to go into the President's mind.

ADV KHUMALO SC: But I am saying for all we know, because he would have been none the wiser about whether you received briefings and you consulted, because you did not tell him that part.

MINISTER MCHUNU: Yes, I am making that statement that I went to, I requested the meeting. It was granted, and I have briefed him about, one, the fact that I took a decision to dissolve PKTT, and I did so, and I am hearing that there
20 are some reactions, and this is why I did it. It was just that way of talking.

ADV SELLO SC: Thank you, Commissioner.

ADV BALOYI SC: Sorry, can - Minister, I thought in your discussion with Mr Ngcukaitobi you said that the first time you knew that there was unhappiness was, formally, was

with the press, with the media conference of the 6th of July. I know you referred to Nkabinde telling you, Mr Nkabinde rather, telling you that he spoke to General Mkhwanazi, but it was a conversation between them, but obviously that is not good enough to take to the President.

I thought your evidence is the first time you officially became aware of unhappiness is only in July, but now you are saying when you spoke to the President in January, you already knew there was unhappiness about it.

10 Sorry, I am confused. Maybe I misunderstood something in your evidence.

MINISTER MCHUNU: No, I was referring to that conversation between General Masemole, no, General Mkhwanazi and the Chief of Staff.

ADV BALOYI SC: Thank you.

ADV SELLO SC: Thank you, Commissioners. If I then can turn to page 43 of General Masemole's statement, Annexure, I think we had it open already ...[intervenes].

SPEAKER: [Indistinct]... [microphone off].

20 **ADV SELLO SC:** And it is CJC 53.1 for the record, and at page 43.

ADV BALOYI SC: What paragraph, the page?

ADV SELLO SC: At page 43, paragraph 135.

ADV KHUMALO SC: Ms Sello, the page itself has 42, 42, and 43.

ADV SELLO SC: I think it is the bigger number that appears on, I think it is a recycled document, unfortunately. So, but looking at the rest of the files ...[intervenes].

ADV KHUMALO SC: Maybe paragraph number?

ADV SELLO SC: 135. Have you located the page and paragraph?

MINISTER MCHUNU: Yes, correct. Correct.

ADV SELLO SC: Thank you. Paragraph 135 notes as follows. Well, it is a reference to the meeting of the 6th of
10 March that you spoke to earlier, and I think you highlighted in your engagement with Mr Ngcukaitobi. If you go further down in that paragraph, sixth line from the bottom, General Masemole explains that another presentation was then made on the 6th of March. Remember, we had looked at SFM 11, but this time it is, he says the presentation is SFM12. And he continues:

20 “After Lieutenant General Khumalo presented the briefing note to the Minister, the Deputy National Commissioner of Policing and I were in favour of the plan ...”

Which as we understand it is an improved plan from the previous one of the phase-out approach.

“But the Deputy National Commissioner of Crime Detection, Lieutenant General

Sibiya, and the Chief of Staff of the Minister of Police, Mr Nkabinde, were against the plan. They were in favour of immediate disbandment.”

And over leaflet 44, paragraph 136, and this 136, General Masemole notes the following:

10 “The Minister was adamant in the same meeting and supported by Lieutenant General Sibiya and Chief of Staff that the dockets had to be returned to the stations of origin and not to another unit or structure in KZN. The Minister also made it clear that the phase-out approach or winding down of the disbandment of the PKTT must be finalized during 2025.”

20 Now, I say, I just read out the testimony of General Masemole to point out to you that, Minister, you cannot, it cannot be said that General Masemole and senior management of SAPS did not express disquiet at the instruction to disband and disband immediately as contained in your letter, because I had thought that you had reached agreement with Mr Ngcukaitobi that you were wholly unaware that there was resistance or lack of support for your directive. Do you have a comment?

MINISTER MCHUNU: The comment based on my statement is that in the report of the 22nd and in the presentations, 5 March, 6 March, there was no objection to the directive. And how National Commissioner made this presentation of a phased approach and all of that was not to say, or did not amount in any way to saying we are against the directive.

All it did was to say, we propose that it be done in this particular way and therefore, it was, I was agreeable to that as I indicated that any response, I would be open to
10 engagement. There was a report. There was this presentation. I was indeed agreeable to it.

ADV SELLO SC: Thank you, Minister. I want then to move on to the next point that Mr Ngcukaitobi covered with you, and this is the issue of the human rights abuse allegations that in your statement originally you had said you had ...[intervenes].

ADV KHUMALO SC: Ms Sello, before we go there ...[intervenes].

ADV SELLO SC: Yes.

20 **ADV KHUMALO SC:** Maybe we should complete the exercise. After the 27th March meeting, Minister, General Masemole, General Khumalo say you were angry and you did not want to engage further, and that is the last engagement they had with you regarding the disbandment and the PKTT, because you were angry with them that they

were taking two additional dockets. And after that date, you did not engage with them further. Is that correct?

MINISTER MCHUNU: Yes, because the whole process was then taken over by National Commissioner Masemole.

ADV SELLO SC: Thank you, Commissioner Khumalo. I then want ...[intervenes].

ADV NGCUKAITOBI SC: Sorry, Mr Chair. I am not sure if the witness actually understands because there were two questions. The one was, were you angry? The other is, did
10 you not consult? Maybe we should just clarify that.

ADV KHUMALO SC: To be fair, I should take you to where the engagement ends. It is paragraph 142 and 143, same bundle, Masemole’s statement. So let me read paragraph 142:

“At some point during the meeting, the Minister stated that he did not understand why we were so adamant that the PKTT must not be disbanded.”

Do you see that, Minister?

20 **MINISTER MCHUNU**: Yes, I see that.

ADV KHUMALO SC: Which means they were adamant that the PKTT should not be disbanded. That is what General Masemole says. And then it continues, paragraph 143:

“The Minister stated that he took a political decision to establish the

PKTT, therefore, it will take a political decision to disband it.”

Do you want to comment on that sentence?

MINISTER MCHUNU: 143?

ADV KHUMALO SC: Yes, is that what you said at the meeting?

MINISTER MCHUNU: Yes.

ADV KHUMALO SC: Yes. And then the next sentence:

10 “The Minister directed that there will be no further meetings regarding the matter and any further engagements would be held with me only as the National Commissioner. However, the Minister and I had no further engagements regarding the PKTT.”

20 But the point of that, and I thought that is what was being put to you by Advocate Sello, was that you did not understand why they were so adamant that the PKTT should not be disbanded and you said it took a political decision to establish the PKTT, therefore, it will take a political decision to disband it. And you said you will not have any further engagements with the bigger team, you will only engage with the National Commissioner going forward. But after that meeting, there were no further engagements.

MINISTER MCHUNU: No, this was no longer about

disbandment per se, it was about dockets. That there was an additional docket and I said, but we agreed last time on the 6th of March that there wouldn't be any addition. And I said this matter I will discuss with the National Commissioner.

ADV KHUMALO SC: But, Minister, what I referred to you was paragraph 142 which is specific. They said you said you did not understand why they were so adamant that the PKTT must not be disbanded. Now that seems to suggest
10 they did not want the PKTT to be disbanded and you did not understand why they were so adamant that it should not be disbanded.

MINISTER MCHUNU: It is not accurate because at no stage was anyone adamant. Remember we are from the meeting on the 6th and in principle we agreed that the phased approach up to 2025, end of the year 2025, will then go ahead and we said, just check. There were things like, if you say a member was handling a docket, which is in court already ...[intervenes].

20 **ADV KHUMALO SC:** Minister, I do not want to go into the issue of dockets because then it ...[indistinct] General Sibiya.

MINISTER MCHUNU: Okay, no, no, no. This is not accurate ...[intervenes].

ADV KHUMALO SC: So let us just confine ourselves to

those two paragraphs.

MINISTER MCHUNU: It is inaccurate.

ADV KHUMALO SC: And then 143, which you have already confirmed, the only reason why ...[intervenes].

MINISTER MCHUNU: Sorry, Commissioner. It is even inaccurate in the sense that in the other page that you went to first, it talks about Chief of Staff and Sibiya, that they were the ones who were talking and saying one, two, three. But at the end of the meeting, when we summarised, the
10 principle of a phased approach was agreed. And then there would be smaller amendments, which we then convened on the 27th to hear and to see, but ...[intervenes].

ADV KHUMALO SC: I wanted to avoid reference to General Sibiya because it raises other issues we do not want to discuss. So lastly, Minister, why would you then say it took a political decision to establish PKTT, therefore, it will take a political decision to disband it? If there was agreement that it should be disbanded, or at least there was no opposition, why would you say it took a political decision
20 to establish, therefore, it will take a political decision to disband? What would be the point of that statement?

MINISTER MCHUNU: Possibly it was during the conversation. I do not know whether before, at what point during the meeting that remark was made, or what it was clarifying. To me, it does not indicate anything beyond. It

does not indicate that there was necessarily any resistance. I do not want to be untruthful here to say at any point General Masemola resisted or he objected, because I wouldn't have evidence to say what is it that he did, what is it that he said, that showed what I am talking about. This must have been a conversation rather than an objection, as I am talking about.

ADV KHUMALO SC: And without taking any further time, you can confirm how the engagement concludes. On the
10 next page, the first three lines?

MINISTER MCHUNU: Yes.

ADV KHUMALO SC: Is that how it concluded?

MINISTER MCHUNU: Yes.

ADV SELLO SC: Thank you, Commissioner Khumalo. I was ready to move on to the next issue, and this is the issue of the human rights abuse and the accounts by Ms Mashale and Ms Burger. Mr Ngcukaitobi took you through that, do you recall?

MINISTER MCHUNU: Yes.

20 **ADV SELLO SC**: Yes.

MINISTER MCHUNU: Yes.

ADV SELLO SC: Now, in my recollection, when we were leading your evidence and we referenced Ms Mashale's claims, you disavowed any reliance on any of her postings where she made the allegations that she did. Do you recall

that?

MINISTER MCHUNU: I recall that.

ADV SELLO SC: And as a consequence, because of that disavowal, we never engaged with the content of her posts. Is that correct? Because you said I did not rely on them, you offered information that you had cause for investigation into her to be conducted, and you drew the conclusion, whatever conclusion, I do not remember the detail thereof that you drew, but effectively, that you cannot rely on her.

10 So you never relied on her in considering the issue of disbanding the Political Killings Task Team. That was my understanding of your evidence today.

MINISTER MCHUNU: We then came back.

ADV SELLO SC: Apologies?

MINISTER MCHUNU: We then came back to de Haas, and at the time when I was led by Senior Counsel Ngcukaitobi, we went back to that statement.

ADV SELLO SC: Indeed.

20 **MINISTER MCHUNU**: And he asked me to clarify exactly what my position is, because on one hand, I did say I would receive, or I received and I read what she was saying in whatever media front. And at the end of the day, that reading, that even if I did not react to it by writing back and so on, the fact of the matter is, I read and looked at all, and I made an example of Mpumalanga and so on.

The effect of it in what I meant when I was asked to finally clarify that, I did say, and I did acknowledge that I did get influenced by that. In other words, the fact that I read and I understood what she was saying, and it would mean that in some way or the other, and we even spoke about the weight, and I am removing the issue of weighting. Somebody said, so in the weighting, you would put it, and so on, and I said, yes. But it was not necessarily to say, and this is what I corrected, that kind of confusion that
10 ensued in our conversation. So my final statement and position is that I did read. And because I did read in one way or the other, it would have played a role in what I indicated in those paragraphs on human rights.

ADV SELLO SC: Minister, the record will show, it is a running transcript, it will show that you unequivocally disavowed any reliance on those Facebook posts when I was leading you. It is as a result of that, that the issue of weight arises, and I will remind you, it arises in this context. If you did not consider them at all, if they did not sway your
20 view about whether or not to disband, what weight are you suggesting the Commission should attach to them? That is the context in which the weight issue came up. Not what weighting you gave.

Secondly, I put it to you that your response to Mr Ngcukaitobi does not amount to clarification. You have

changed your evidence in totality as regards the influence that those posts had on your decision. Do you have a comment on that?

MINISTER MCHUNU: I would want to take us back to the statement, because the issue of clarifying arose from what I said in our conversation and what is in the statement to say it is confusing, because there is something that I wrote here about those what I read on Facebook and elsewhere, and what I read about de Haas and Ms Burger to say it cannot
10 be, because it is here in the statement. That is what I was clarifying to say, well, I may as well acknowledge in the clarification that those things that I read would have played a role.

ADV SELLO SC: It is late in the day, and I think we are all exhausted. I will rely on the record in this regard, but I will point out to you, you have today testified on the same issue, and you have assumed two contradictory positions. You flipped on your original position when Mr Ngcukaitobi sought “clarity”. In fact, I sought to engage you on Ms
20 Mashale's posts and their content precisely because of what you have stated in your statement. I was taking you there when you assured this Commission that they played no role at all in your decision. I will leave that point there. The record will speak for itself.

MINISTER MCHUNU: I am not contesting the record. What

I am saying is that in the statement, I acknowledge that I said one, two, three in the written statement, and in the conversation between you and me, what happened, not you and me, in the conversation about this in the Commission, I said something that is not necessarily what I said here. I acknowledged afterwards, and then I sought to clarify what exactly I want to say about that. So, it is not a question of contesting what is on record.

ADV SELLO SC: I note. Thank you, Minister. I then want
10 to move to the question of Ms Burger, and you deal with that at page 32. You recall of your statement, and in that statement to Commissioner Baloyi's questioning, you indicated that ...[intervenes].

MINISTER MCHUNU: 32 of my statement?

ADV SELLO SC: Of your statement, yes.

MINISTER MCHUNU: 32?

ADV SELLO SC: 32. You indicated that – and here I think you indicated that you were not relying as well on what Ms Burger had stated, and if I am wrong, the record will
20 disprove me, but that is not my point. In seeking clarification from you, Mr Ngcukaitobi referred you to Annexure SM16, correct? That is your annexure, and it is Volume 2, and Annexure 16 starts at page 339. And that, he explained, and we know from page 427 is the affidavit of Sarah Pearl Burger. Do you confirm that at 427? At page

427, that is her signature, Ms Burger's signature?

MINISTER MCHUNU: Yes.

ADV SELLO SC: And I see that that affidavit was deposed to and sworn to on the 26th of September 2025. If you see the date there, you see it.

MINISTER MCHUNU: Yes.

ADV SELLO SC: So we can discount the contents of this document as having informed your decision of the 31st of December 2024 for the simple reason that it did not exist at
10 the time. Can you accept that? At the time you took the decision on the 31st of December 2024, Ms Burger's affidavit did not exist because it only came into existence on the 26th of September 2025.

MINISTER MCHUNU: Yes, it did not exist as such.

ADV SELLO SC: Yes. So you cannot have taken that into consideration in making your decision of the 31st of December 2024?

MINISTER MCHUNU: Except to say reports.

ADV SELLO SC: I would like to confine my question to the
20 affidavit for the moment, Minister. So either you took the affidavit into consideration or you did not.

MINISTER MCHUNU: This affidavit?

ADV SELLO SC: Yes.

MINISTER MCHUNU: No, I am saying ...[intervenes].

ADV KHUMALO SC: Minister, look this way, thank you.

MINISTER MCHUNU: Yes.

ADV KHUMALO SC: The question that is being asked is that this affidavit did not exist on 31 December 2024. So when you took your decision on 31 December 2024, you did not consider this affidavit.

MINISTER MCHUNU: I am trying to check the first date that it appeared or anything about Ms Burger appeared in the media because there may be a difference between this affidavit and the appearance of the story about it. I am
10 trying to check what is in ...[intervenues].

ADV KHUMALO SC: No, Minister, let us focus only on the affidavit.

MINISTER MCHUNU: Okay.

ADV KHUMALO SC: This affidavit did not exist on 31 December 2024.

MINISTER MCHUNU: Okay.

ADV KHUMALO SC: So you could not have taken the affidavit into account. You may have taken something else into account. It was just not this affidavit.

20 **MINISTER MCHUNU:** Not this affidavit.

ADV KHUMALO SC: So, so let us focus on that.

ADV SELLO SC: Thank you, Commissioner Khumalo, and thank you, Minister, for that clear response. What you took into account is actually set out in your statement from page 32. And from paragraph 87 to paragraph 89, you actually

quote two newspaper clippings, an article published by Daily Maverick on 20 May 2024 regarding the arrest of two lawyers.

MINISTER MCHUNU: Yes.

ADV SELLO SC: And you deal with that from your paragraph 90. You see that?

MINISTER MCHUNU: Yes.

ADV SELLO SC: If we move forward to page 34, there is another article you reference by EWN dated 21 May 2024.

10 You see that?

MINISTER MCHUNU: Yes.

ADV SELLO SC: Okay. Let us turn back to the first article. And at page 33, it states:

“In what the pair described as “an unnecessary dramatic show”, Burger and Conradi were arrested on 28 March by about 24 members of the National Task Force and the National Intervention Unit.”

20 You see that?

MINISTER MCHUNU: Yes.

ADV SELLO SC:

“They were flown to East London in a private jet.”

MINISTER MCHUNU: Yes.

ADV SELLO SC: I have looked at the remainder of that article as you have quoted it. I do not see a reference to PKTT. I am correct that there is no reference to PKTT in that article because that article claims that the arrest was effected by the National Task Force and National Intervention Unit, both of which I am confident you are familiar with. They are units within SAPS, but they are not the PKTT. Am I correct?

MINISTER MCHUNU: There is articles. I am trying to see
10 what she actually claimed herself.

ADV SELLO SC: I may have missed the reference to PKTT, but I could not find it.

MINISTER MCHUNU: Okay. I see that.

ADV SELLO SC: I beg your pardon?

MINISTER MCHUNU: I see what you are saying.

ADV SELLO SC: Okay. You see in a sense that you confirm there is no reference to PKTT?

MINISTER MCHUNU: In that article.

ADV SELLO SC: Yes. Now, at paragraph 92, you
20 introduced the second article I referenced, the EWN article of 21 May 2024. In that article, the first, the opening line reads as follows:

“The following month, Burger and Horizons owner, Bradley Conradi, were arrested by the Hawks and flown by

private jet to East London.”

I looked through the remainder of that article as well, and I do not see reference to PKTT. Am I reading it correctly?

MINISTER MCHUNU: I do not see that as well. I see Hawks.

ADV SELLO SC: It is the Hawks. And once again, the Hawks is a different unit within SAPS, yes.

MINISTER MCHUNU: Yes, yes.

ADV SELLO SC: The only time one sees the PKTT is at
10 your paragraph 95, page 35. And now, those are your words. You introduce PKTT by saying:

“It is now public knowledge that Ms Burger has since requested to give evidence before Madlanga Commission about the abuse and violation of her rights perpetuated by the members of the NPKTT during her arrest.”

And now we know that the NPKTT, according to the articles you rely on, the arrests were effected by STF, NIU on the
20 one occasion, and the Hawks on the other occasion. Now I am not going to – I do not want to open the debate of the accuracy of the article, but I am saying that is the article as you had it on the 31st of December 2024, and that is what you took into consideration. Correct?

MINISTER MCHUNU: I see.

ADV SELLO SC: If you did, notwithstanding the fact that to Commissioner Baloyi, you had indicated you had not. I refer you to this merely to point out that what the clarification you provided to Mr Ngcukaitobi was in truth not a clarification, but an amendment of the actual content of the news clippings as you have quoted them and had relied on them in December. Do you have a comment?

MINISTER MCHUNU: For sure, I would need to check whether the referencing was correct in terms of the articles,
10 but I agree.

ADV SELLO SC: Okay. Then the last issue was you were referred to both SM17 and SM18, and perhaps I did not quite understand what clarity was sought from you, and you made a comparison of the two, and you said – I think it was a question about the level of detail that is contained in the one and not the other, if my note is not deceiving me. Do you recall? Do you remember that ...[intervenes].

CHAIRPERSON: I think with regard to the one at 455, as I understood it, there was emphasis on opening in the header
20 with request as opposed to how the other one opens, and then of course I am sure there would have been something with regard to the content as well.

ADV SELLO SC: Okay.

CHAIRPERSON: But there was some emphasis about or on “request”. I hope I understood correctly.

ADV SELLO SC: The Chair was trying to help me there, and I think he probably is correct. So your issue really is about the difference in the level of detail provided in each case. I do not know if I am in the right one, because the one at SM17 is the 2018 information note. Minister, do you recall if you were referred to 18 and – Mr Ngcukaitobi, were you able to assist? I seem to have gotten my numbering wrong.

ADV NGCUKAITOBI SC: No, I can help. It is SM17 and
10 18. SM17 is 428, and then SM18 is 455.

ADV SELLO SC: Okay.

ADV NGCUKAITOBI SC: Those are the two pages you just need to keep your finger on.

ADV SELLO SC: Yes, thank you for that. I thought that is what was said, and then I proceeded to confuse myself. Sorry for confusing you, Minister. The information note as I read it on SM17, from the heading, if you can confirm, it is implementation plan investigation of political related cases KwaZulu-Natal from 2018-07-01 to 2018-12-31. Do you see
20 where I am reading?

MINISTER MCHUNU: Yes.

ADV SELLO SC: And you confirm that that date, that period, was actually shortly after the establishment of the IMC?

MINISTER MCHUNU: Yes.

ADV SELLO SC: And this is a funding request by the task team for funding when it started the work. It is in 2018. Do you also read it that way?

MINISTER MCHUNU: Yes.

ADV SELLO SC: And if we go to SM18, that information note has a heading, request for financial authority for 2024/25, and refers to the National Task Team as well, the PKTT.

MINISTER MCHUNU: Yes.

10 **ADV SELLO SC:** You took issue with the detail provided in that document, and you say it is not the same. The one is extensive, and the other is not.

MINISTER MCHUNU: Correct.

ADV SELLO SC: Just to check, what would be the challenge with that?

MINISTER MCHUNU: There was no challenge. It was merely to point out that the difference is in relation to the extension, vis-à-vis the request for funding. That was the issue.

20 **ADV SELLO SC:** In fact, I was not off the mark, because SM17 is made up of a few documents. The actual document that Mr Ngcukaitobi referred you to is at 446. That is the document that was compared with SM18, if you go to page 446. And you pointed out that the heading of this one at 446 is progress report and request for project extension.

Do you see that heading?

MINISTER MCHUNU: Yes.

ADV SELLO SC: You then compared it with SM18 at 455.

That was the exercise that was undertaken.

MINISTER MCHUNU: We compared SM17.

ADV SELLO SC: SM17, but only from 446, because the entire SM17 starts with other documents from 428. The page that Mr Ngcukaitobi directed you to is 446. Those were the two documents you compared. Both are
10 information notes. The one is headed progress report and request for project extension ...[intervenes].

MINISTER MCHUNU: 446 is 2021.

ADV SELLO SC: 2021, yes. 23 March 2021.

MINISTER MCHUNU: Yes.

ADV SELLO SC: Correct. Then you compared it with the one appearing at 445. 455, okay.

ADV SELLO SC: Yes. Thank you.

MINISTER MCHUNU: Yes.

ADV SELLO SC: And that is now for 2024/25.

20 **MINISTER MCHUNU**: Yes.

ADV SELLO SC: So we looked at the heading of the one at 446. We know that it says it is a progress report and request for project extension. But the one on 455, the heading does not read that. I read it to concede. It states request for financial authority for 2024/25.

MINISTER MCHUNU: Correct.

ADV SELLO SC: Now, it was suggested, or I understood that it was suggested to you, and maybe I am wrong, that there was no extension in 2024/25, and I thought you agreed. Am I correct or I misheard?

MINISTER MCHUNU: Correct.

ADV SELLO SC: If you – yes, 2024/25. If you look at, stay at 455, to the bottom of that page, item 5, I read that note, the following on that note:

10 “The decision has been taken to extend the period of the National Task Team and the appointment of Lt-Gen SD Khumalo as the project manager for financial year 2024/25 due to the following reasons, and then overleaf it starts and tabulates reasons. So this one at 455, request for financial authority, and confirms in the body of the document that that decision to extend has already been granted. Do you still maintain that there was no extension?

MINISTER MCHUNU: Yes, if you look at that information note.

20 **ADV SELLO SC**: Yes.

MINISTER MCHUNU: It talks about financial requests. That is the point that we are making.

ADV SELLO SC: Yes.

MINISTER MCHUNU: It does not talk about extension, does not give any report as the other reports would have

done.

ADV SELLO SC: It does not give reports. And I suggest that it does not do so because the extension had already been granted. This one is specifically for financial authority as opposed to the other one, which was for extension and therefore to justify extension. It provides a more extensive report and then requests for financial support. Would you – what is your comment to that?

MINISTER MCHUNU: This is what I was referring to. This
10 is what I had access to without that report spoken about, but this is what I have.

ADV SELLO SC: Okay. And lastly, you remember when I started, I had made up my mind whether it is a question or a comment. It was suggested regarding the terms of reference, and Mr Ngcukaitobi read out the term of reference that he considers relevant to you by virtue of the position you occupy, being a member of the Executive. Do you recall that?

MINISTER MCHUNU: Yes.

20 **ADV SELLO SC:** And would you accept that whether or not that particular term of reference has been met cannot be determined at this juncture? Because even you have not concluded your evidence before the Commission. It can only come into consideration once your – at least your evidence has been concluded and we are not there yet.

Would you accept that?

MINISTER MCHUNU: No, he asked me a specific question and I responded to it.

ADV SELLO SC: Yes.

MINISTER MCHUNU: Despite the fact that evidence had not been led.

ADV SELLO SC: Yes.

MINISTER MCHUNU: Yes, and I responded.

ADV SELLO SC: Okay.

10 **MINISTER MCHUNU**: Yes.

ADV SELLO SC: And I think that the record fairly shows what your response was.

MINISTER MCHUNU: Yes.

ADV SELLO SC: Chair, those were my questions. Thank you.

CHAIRPERSON: Thank you, Ms Sello.

ADV BALOYI SC: Minister, just two short clarifications. The one, and it may well be that I misunderstood your discussion with Mr Ngcukaitobi. It is about the involvement
20 of Mr Pikoli. You have filed an affidavit from him. Now, in your statement, I will read for you what you said in paragraph 162. You say:

“Before finalising the directive of 31 December, I sent the draft to my special advisor for his inputs and

comments.”

That is what you say, and that is what you said in your oral evidence. And then you say:

“This was part of an ordinary internal quality assurance process within the Ministry.”

And then he reviewed the draft and he sent back to you, and I would like to read that into the record and then I will check whether my understanding of what you said is
10 correct. He writes, you quote:

“Thank you, Minister. May I suggest the following possible amendments? Ad paragraph 2, to substitute the sentence, starting with “National Commissioner must develop a new plan” with the following “I, in terms of section 207(2), direct that you develop a new plan”.”

And then you quote again, you say, he said ad paragraph
20 2.1, you say this is what he said:

“Insertion or addition of ports of entry and exit.”

And then you then refer to ad paragraph 2.2, he said:

“Comprehensive operational and remedial action plan based on a policy

of rotation of staff members.”

And then lastly, you say, you quote him as saying:

“I am happy with the rest.”

And then he says something in Portuguese, I will not try to say it. In English, I think it says, a happy and prosperous new year. I have understood when you testified that this is the sum of Mr Pikoli's involvement with your letter. You wrote the letter yourself, you told us that I wrote the letter myself, and then I sent it to him. Am I correct in that
10 understanding?

MINISTER MCHUNU: That is correct.

ADV BALOYI SC: Okay. So there is no separate act where you asked him for advice on this letter. The sum of his involvement is what you describe at 162, where you say you sent it for his inputs and comments, and then he responded that way. That is the sum of Mr Pikoli's involvement in this letter.

MINISTER MCHUNU: Correct.

ADV BALOYI SC: All right, thank you. Now, where he
20 says in his affidavit – I guess maybe let me not even go to his affidavit. I think you have answered me. And then lastly, this one really, it is for me to not leave this place confused about what in fact is the position and whoever has been listening to evidence. Now, you said to Mr Ngcukaitobi that the PKTT, and I am not quoting you

verbatim, does cold cases in effect. You remember you said something to that effect. That is what the PKTT does. It deals with cold cases. Did I mishear you? If I misheard you, please say so, and I will stand corrected.

MINISTER MCHUNU: I did make reference to say in a chat with the former National Commissioner, he made mention of cold cases, saying by and large, what PKTT deals with is cold cases.

ADV BALOYI SC: Okay. You were not saying that is all
10 that they deal with?

MINISTER MCHUNU: No.

ADV BALOYI SC: Okay. All right, thank you. I am clarified, thank you.

CHAIRPERSON: Minister, thank you very much. We will adjourn and we will resume in the new year on a date to be announced. Thank you very much to everybody gathered here.

INQUIRY ADJOURNS

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