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POLITICAL INTERFERENCE AND CORRUPTION IN THE
CRIMINAL JUSTICE SYSTEM

HELD AT

BRIGITTE MABANDLA JUSTICE COLLEGE

29 JANUARY 2026

DAY 49



PROCEEDINGS HELD ON 29 JANUARY 2026

CHAIRPERSON: Good morning, Ms Hassim, good morning, Ms Mafisa.

MS MAFISA: Good morning, Chair.

ADV HASSIM SC: Good morning, Chair.

CHAIRPERSON: Yes, and good morning, General.

MAJ-GEN SENONA: Good morning, Commissioner.

CHAIRPERSON: Good morning. Ms Hassim, I am just thinking, in the interest of time, that perhaps a lot of ground
10 has been covered in terms of dealing with the texts one by one. I wonder if it still serves much purpose to deal with all one by one, as it were, and whether you would not want to perhaps focus on specific ones that you feel you just must deal with. I do not know what your response is. Otherwise, we may be here for two or three more days.

ADV HASSIM SC: Thank you, Chair. There is quite a lot in those texts.

CHAIRPERSON: My most sincere apologies to everybody.

ADV HASSIM SC: Chair, I am not going to go through
20 every single text, but there are a few that I do need to spend some time on.

CHAIRPERSON: Yes.

ADV HASSIM SC: But I have also re-looked at what ground we have covered and will try to now just focus on certain issues and not be as, let me say, detailed as I was

yesterday.

CHAIRPERSON: My colleagues also whispered to me that you spoke to either both of them and for whatever reason you chose not to speak to me. No, no, I am kidding about the last part. But they tell me that you said that you are requesting that until tea time, we should try not to be disruptive to your questions.

ADV HASSIM SC: I do not know ...[intervenes].

CHAIRPERSON: It is not my fault. It is not my fault. It is
10 more my colleagues than me.

ADV HASSIM SC: Chair, I am obviously in the hands of the Commission.

CHAIRPERSON: Yes, yes.

ADV HASSIM SC: And I will focus on certain aspects of the chat. And the aim is for us to try to finish within good time today.

CHAIRPERSON: Yes, thank you very much. Let us start.

ADV HASSIM SC: Thanks.

MAJ-GEN SENONA: Commissioner?

20 **CHAIRPERSON**: Yes, General.

MAJ-GEN SENONA: I am having, Commissioner, a request before we continue because yesterday we were talking about the issues of receiving.

CHAIRPERSON: About what? About what?

MAJ-GEN SENONA: Issues of me receiving and the delay

of receiving information that must assist me to prepare for the Commission. And I did not have the opportunity to address the Commissioners in relation to that. So I therefore request to be offered the opportunity just to illustrate our interactions with the Commission's attorneys that to show also the frustrations that I went through and up until I come and appear here. I therefore request if the Commissioners can be so kind and allow me to just quickly go over that.

10 **CHAIRPERSON**: Please do so, General. Thank you.

MAJ-GEN SENONA: Thank you, Commissioner. I think after I have received the Rule 3 whereby we received the document and three pages of transcripts of General Khumalo, I instructed my attorneys and then, Commissioner, on the 21st, on the letter dated 21st, my attorneys were talking to the Commission attorneys and the letter was talking to the following aspects. That:

20 “Maj-Gen Senona is unfortunately in no position to give evidence on the 26th of November. Maj-Gen Senona has been unfairly prejudiced through the deleterious actions of your office and/or your client. Should the Commission insist on Maj-Gen Senona giving evidence on the date contained in the

subpoena, same will amount to unfair hearing. As is known, on 9 October, Maj-Gen Senona received a Rule-3 notice accompanied by four pages of Lt-Gen Khumalo's transcript for 29 September. The notice, further accompanied by WhatsApp chats allegedly evidencing conversation between Maj-Gen Senona and Mr Vusimuzi Matlala, WhatsApp chats were sent, attached SEN1 to SEN7. On 17 October, we addressed a letter to the Commission wherein we expressed our client's inability to respond to Rule-3 notice because of the insufficient information documents provided. We also requested that we be furnished with all the relevant evidence in the Commission's possession for the purpose of our client's response. On the 20th of October, our offices further wrote to the Commission, specifically Ms Marie Walsner, requesting a full transcript of Lt-Gen Khumalo dated 29. Ms Walsner reverted with same on the event date. On 6 November 2025, almost three weeks

since the transmission of our letter dated
17 October, we still awaited your
response to our request for further
evidence. We wrote to the Commission
to enquire as to their response as a three
week wait was hardly unreasonable. On
Sunday, 9 November 2025, a few days
short of a month from the date of our
request, we finally received the response
10 of refusing to furnish us with the
requested information. The reasons were
as follows.”

Sorry, Commissioners:

“We finally received the response,
refusing to furnish us with the requested
information. The reasons were as
follows.”

I am going to read this:

20 “The full extent of your client's
implication by Lt-Gen Khumalo is
contained within his oral evidence and
supporting annexures is already before
the Commission. That is in the transcript
accompanying annexures which have
already been provided to yourself which

are publicly accessible. We reverted to our letter dated 14 November 2025. We clarified once again that the evidence of Lt-Gen Khumalo was insufficient and he took ill and did not address all the WhatsApp chats concerning your client. We further informed your offices that the evidence as it relates to WhatsApp messages given by Witness X and Lieutenant Khumalo instead. We pause to draw your attention to Witness X confirmation of the above in paragraph three of her statement which states, General Khumalo was only able to analyse and present the contents of one of these chats records (Mr Mogotsi), before falling seriously ill, which necessitated the adjournment of the proceedings on the third day of the evidence. We maintain our position that evidence was insufficient. We insisted on receiving the statements and annexures of Witness X and Lt-Gen Khumalo and WhatsApp Annexures SEN1 to SEN7 and the transcripts of General

Khumalo on the 4th and the 5th of November should they be relevant. Kindly take note that none of the requested documents were publicly available at all relevant times thereto. On 21 November 2025, at 15:35...”
...[intervenes].

CHAIRPERSON: Apologies, General. Ms Mafisa, Ms Hassim, what was the date when the General appeared
10 before us? Please remind me.

ADV HASSIM SC: What is your date of the?

CHAIRPERSON: When the General appeared before the Commission late last year.

ADV HASSIM SC: 26 November.

CHAIRPERSON: 26 November. Yes. General, everything you are saying or going through right now predates 26 November 2025 when you appeared before us and if you are talking unfairness and possibly not having information that you required, my understanding, and this has been repeated
20 before this Commission, is that at some point after all of what you are referring to, after all the correspondence in respect of which you were complaining about outstanding material, at some point you said I now have everything and I am ready for the Commission to proceed.

So the point I am making is perhaps, and I am not

cutting you on the point you are making, the point of substance. If you can take it after the date, if there is anything at all to say in that regard, may you please take it after you had said now I have everything? But before that I am not so sure where all of this is taking us.

MAJ-GEN SENONA: Thank you Commissioners. I have taken note of that. I just wanted to inform the Commission on record the challenges I went through even before I appeared on the 26th of November where some of the
10 documents were issued on the very same day that I appeared upon, which for me by then it was not. Even the files that, Commissioners, we were required to receive over the weekend, and then the Commissioners' attorneys promised to deliver those files at my attorneys' offices, of which it did not happen.

At some stages it prejudiced one as a witness in the Commission to come and testify or prepare. So I wanted to bring that under the attention of the Commission, that in one of the Commissioners' ruling was that all
20 persons mentioned before these Commissions, prior to them being mentioned, they must be informed and provided with the relevant documents and information in order for them to prepare, and a failure to do that will have a prejudice on them.

I think it is your good self, Commissioner, when you

gave that ruling earlier. So I wanted this to be on record so that the Commissioners must know also the challenges that I have experienced. Some of the documents, we received annexures on the 27th, Tuesday. This morning we received an email of another document of which I am not sure I am going to be cross-examined by that document or not, but these practices, I feel that I am being prejudiced. I thank you for the opportunity, Commissioners. Thank you very much. That is what I wanted to highlight.

10 **CHAIRPERSON**: Thank you. Thank you very much, General. General, let me for a moment leave aside the document that you have just mentioned right at the tail end. About the rest of the documents, those that you say you had given fairly recently, I did not get a sense, not from you, not from Ms Mafisa, until now, that you were not able meaningfully and effectively to participate in the proceedings of the Commission.

It was only yesterday that for the first time, when you showed us the blank or redacted texts, that one got a
20 sense that you were suggesting some unfairness. But before that, there was not a hint whatsoever that you were not able meaningfully and effectively to participate in the proceedings. Did I get a wrong sense, Ms Mafisa?

MS MAFISA: Chairperson, I will gently remind the Chairperson and the Commissioners that regarding the one

of the occasions relates to the video that was played a couple of days ago of the alleged internal meeting of the SAPS.

I stated, I rather objected, that we did not get enough time to actually watch that video and to further consult with the client. And I did state that it unfairly prejudices Maj-Gen Senona and also the legal team, because we were unable to watch that evidence and to even put it or rather address it within our statement. And I do
10 think that it was unfair.

And just regarding some of the documents that we have received, whether it is when we arrived here at the Commission, I definitely do second what Maj-Gen Senona is saying. There were documents that I personally received, I think it was on Tuesday, with my attorney as well. And I was quite upset by that, Chairperson, because I feel as though as a legal representative, my attorneys as well, we were not given sufficient time to read through these documents.

20 And I do not think I can say anything better than what Maj-Gen Senona has already said, but for the video also just evidences the inability for us as the legal team to properly prepare and to properly prepare with Maj-Gen Senona.

CHAIRPERSON: Thank you, Ms Mafisa. The General is

quite correct in saying that I have emphasised that this Commission wants to treat everybody appearing before it fairly. It is not its intention to prejudice anybody, and I think I actually use that word. And this is something I have expressed more than once previously. And I have expressed it in contexts that did not relate to specific individuals. I would say that of this broadly and generally. I continue to say that.

Now, regarding the video which you give as an
10 example in responding to my question whether there have been any hints of prejudice, I will agree that it was indeed and would have been prejudicial to General Senona to be questioned in connection with that video without him having had sufficient time to consider it, and indeed without his legal representatives having considered it and consulted with him about it.

But in that regard, the reality is that that video was given to the General and to the General's legal representatives overnight, for them to consider it overnight.
20 And the following morning, I did not – and overnight, I did not get to hear that there were still complaints of prejudice in that regard.

Yes, you do indicate your annoyance at getting other documents. I think you mentioned even the 26th. But that takes us back to the point I made earlier, which is, was

the Commission advised that there would be prejudice in respect of those? I am not saying it was not, but I do not recall that it was. If it was, the probability is that the Commission would have reacted in a similar manner as it did with the video, which is, in respect of whatever documents you felt the General would be prejudiced, it would, it being the Commission, it would probably have reacted in a similar manner.

But as I say, I emphasise that I may well be making
10 a mistake in saying that you or the General did not alert us to prejudice, potential or possible prejudice with regard to other material other than the video. I, perhaps before you respond, because I saw your instructing attorney whispering and you may want to respond, perhaps before you do that, let me just invite comment from Ms Hassim.

ADV HASSIM SC: Thank you, Chair. There is quite a lot that has been said. And, you know, the objection was raised yesterday about documents that were apparently not provided, like the annexures, which is just incorrect. All of
20 those documents have been provided by 26 November at the request of the witness's legal representatives.

What the witness and his legal representatives failed to tell the Commission is how delayed they were in providing the Commission with their statement to enable us to finalise our preparation for the hearing. And they

received numerous instances of correspondence from us. At one point, in fact, having to warn them that they were at risk of committing an offence under the Commission's Act for failing to comply with a deadline.

So it is true that there were certain documents that only arrived, that we were only able to provide to them over the weekend before coming here and early this week, but no objection was raised in respect of those documents. And those documents are documents that are actually within the
10 witness's possession. It is not documents he is never seen before.

So it is not a surprise document that when I say in his possession, I mean documents that are his documents in another context, which we will obviously get to when we go through evidence here. But the problem was never raised. For the first time yesterday, this complaint was raised. And I think it is raised belatedly. I think it is derailing us. We have limited time. And unless there is an issue that needs to be resolved, which I do not understand there to be, I
20 would suggest that we move forward. All of the documentation that the witness needs, he has.

Sorry, the last thing is receiving the statement late really did prejudice this team. There is a lot of information to gather in order to present and coordinate and collate evidence to present before the Commission in these

hearings.

CHAIRPERSON: So are you saying that the lateness of providing the General with the documents was as a result of the lateness of his statement?

ADV HASSIM SC: We certainly needed to see the statement in order to know where we were going to go ultimately in our questioning. We could not know that until we saw the statement. So absolutely, yes, it did.

CHAIRPERSON: Just make me understand this. If you
10 have the documents and you know or possibly know that you are going to be using them, is there anything that stops the evidence leaders from furnishing the other side with the documents?

ADV HASSIM SC: No, Chair. We could not know what avenues we needed to investigate further until we received the statement. So documents, I received possession of documents through my own enquiries late and only after the statement had been provided.

CHAIRPERSON: Any further submissions, Ms Hassim?

20 **ADV HASSIM SC**: No further submissions.

CHAIRPERSON: Thank you. Thank you. Ms Mafisa?

MS MAFISA: Thank you, Chairperson. Perhaps maybe I must first start with our first, not our first appearance, but our second appearance on the 26th of, 27th of January. I am a little bit tired, Chairperson. But on the 27th of January,

we did communicate to the evidence leader. I specifically communicated to the evidence leader in person that the documents that we received on that particular day were, it was perhaps maybe unfair to give the legal team those documents that belatedly on Tuesday.

I did not have enough time to read through the documents. My attorney did not have time to read through those documents and Maj-Gen Senona. So I would like to make it quite clear that this was communicated in person to
10 the evidence leader when we received those documents. Then regarding my learned senior's argument that all of the documents had been received by the 26th of November 2025, I dispute that.

CHAIRPERSON: I am not sure that Ms Hassim said that.

MS MAFISA: Perhaps, okay. If Ms Hassim ...[intervenes].

CHAIRPERSON: I think what has been said, even including late last year, is that at some point the General, obviously through his legal representatives, communicated to the Commission that he had now received everything he
20 wanted. That is what I remember. Not that all the documents, including those that were received only on the 26th, had been given to the General last year already. I did not understand Ms Hassim to say so.

MS MAFISA: Thank you, Chairperson. I will also address that particular issue. So I do think that I must make it quite

clear all of the documentation that we actually received from the 26th of November, and then I will go after the 26th of November. I do not think it is necessary for us to do any of the documents predating that.

But on the 26th of November, the only documents that we still required, Commissioners, is SEN1 to SEN7. So we duly received those. We were given a memory stick, and my attorney was able to send the rest of the legal team as well, SEN1 to SEN7. So there is no issue regarding that.

10 However, yesterday, evidence was led on the WhatsApp chats, unredacted WhatsApp chats.

As of yesterday, we had not received the unredacted WhatsApp chats. We confirmed that we received SEN1 to SEN7, but the unredacted WhatsApp chats attached to some of those annexures, we did not actually receive them. And I think that is what Maj-Gen Senona was trying to communicate yesterday, when he himself raised that particular objection.

CHAIRPERSON: When did you receive those for the first
20 time? Because as the testimony was being given and as questions were being asked around those texts, I did not get an impression that you did not have those texts in front of you. So at some point, you received them. When did you receive them?

MS MAFISA: Thank you, Chairperson. May I quickly just

have a chat with ...[intervenes].

CHAIRPERSON: I am asking this apropos your point, that you did not have them in an unredacted form.

MS MAFISA: Yes.

CHAIRPERSON: Sort of giving the impression that up to this point, you still do not have them.

MS MAFISA: No.

CHAIRPERSON: So that is why I want to know what exactly you mean, and at what point did you receive them?

10 **MS MAFISA**: Yes, yes. No, no. My apologies if it actually came across as that. No, no, no, Chairperson. Perhaps maybe let me rephrase myself, or just properly describe to the Chairperson the true facts. So from, we only received the unredacted WhatsApp chats. I think, please, I must be, perhaps maybe I should be open to correction here, but it was on Sunday, Sunday in the evening. So we were in possession by the time that we came to the Commission.

But this is the issue. Yesterday, I think a question was asked, and again, Commissioners, please correct me if
20 I am wrong, why did Maj-Gen Senona not cover certain issues in the statement? And so I think even with these messages, had we received them prior to Sunday, because we submitted our statement on Friday, Thursday, Thursday the 22nd of January, we would have been able to deal with them properly within the statement.

So that is the only reason why I am mentioning this issue of the unredacted messages. It did not give us an opportunity to deal with them correctly within the statement. So when Maj-Gen Senona was questioned on these things, unfortunately, you know, it was not already placed within the statement. And I realised from the Commissioners over the last three days that it is quite important to deal with certain things within the statement.

And so these are my submissions to the
10 Commission. Unless perhaps I must check to my attorney, I might forget certain things. But I think that is it for me. Thank you, Commissioners.

ADV HASSIM SC: Sorry, Chair.

MS MAFISA: Sorry, too.

ADV HASSIM SC: Okay.

MS MAFISA: Thank you. Thank you. I just forgot to mention one point just regarding the belated statement. I would like to apologise to the evidence leader and any prejudice that may have caused to the Commission. I must
20 state that on Friday, when we were finalising the statement, I just now do not recall the dates. My apologies.

But on Friday, the 16th of January, when we were supposed to submit the statement, we had our consultation with the client just going through the statement. He then informed the legal team that there was another implication

by Witness C. Witness C had stated certain things. And so, unfortunately, we did not want to submit that statement prior to us actually seeing what Witness C had said, just in case the Commission actually leads evidence on what Witness C has stated in the statement.

So, we did address a letter to the Commission's attorneys on Friday, and I will accept that it was quite belatedly, and we do apologise for that. It was Friday sometime in the evening at about six, after we had missed
10 the deadline. We do accept that responsibility. We addressed a letter to the Commission saying that it seems as if there is another witness that may have implicated Maj-Gen Senona. We would like to receive a little bit of time to consider this.

And I hope now I do not have my dates mixed up. I do not have the correspondence before me, but that is essentially actually what we were trying to do. We were trying to first read the documents concerning Witness C. And I think then we also sent a letter to the Commission's
20 attorneys requesting the transcripts and the relevant recording that Witness C had made mention of in the evidence, so that we can just consider all of that. It was not available online.

I will say that the Commission's attorneys, they provided that to us very, very quickly and they also assured

us that Witness C's evidence would not actually be used in Maj-Gen Senona's leading of evidence or even in the probing. And so then we endeavoured to, I think, yes, and then that is when we submitted the statement.

But I must definitely apologise for belatedly submitting that statement, because I do understand the prejudice that the evidence leader and the team will have in circumstances like that, but I hope I am not going to be held to some sort of gunpoint just regarding the dates.

10 Genuinely, I do not recall ...[intervenes].

CHAIRPERSON: No, no, no. Not just the dates, no.

MS MAFISA: That was just the gist, yes, that I would like to communicate to the Commissioners. I do not think there is anything else from our side. Thank you.

CHAIRPERSON: There is a lot of detail there, which I think Ms Hassim is entitled to respond to.

ADV HASSIM SC: So, Chair, the first thing is, yes, we were informed very late. And the request was for the recording. We responded immediately and we provided the
20 transcript of Witness C, even though we were not intending to rely on Witness C's evidence for the purposes of questioning this witness. We still provided the transcript.

Despite that, then the next thing that happened was that there was an undertaking that the statement would be provided to us by the 19th to the 20th. That was the

language, 19 to 20. We granted an indulgence to the witness and waited until the 20th. And on the 20th, there was no communication from the witness's attorneys as to why we still had not received the statement and we had to make a further request.

And this is particularly in light of the fact that there was nothing more, given that there was no information that was provided to the witness that required further work on the statement. It was just inexplicable. And no explanation
10 until now, such that it is, was provided as to why it was so late. So I just want to clarify that. There was quite a lot of correspondence and it was only on repeated pressing that we eventually received the signed statement on the Friday before the hearing.

As far as the questioning yesterday that Ms Mafisa said was unfair, because it relied on information that had not been provided to the witness before the statement, that is factually incorrect. It is factually incorrect. I questioned the witness on an annexure to the WhatsApps and the
20 question was, why is it we are getting a response now on the issue we were engaging on when it was not in the statement? And the response is that that was not provided to the witness before the statement was due, and that is just incorrect.

Those annexures, and Ms Mafisa acknowledged this

earlier when she said those annexures were provided on the 26th of November, Annexures SEN1 to SEN7. That is what I was basing my questioning on. So it is just factually incorrect that there was any prejudice to the witness in my questioning. And if necessary, I will return to those questions today, because the witness had those annexures in his possession well before 16 January.

CHAIRPERSON: Thank you.

ADV HASSIM SC: Thanks.

10 **ADV KHUMALO SC**: Thank you. That was also my issue because my recollection is that yesterday's objection was based on the SEN Annexure, but we have now heard from Ms Mafisa that in fact they were provided electronically in November last year already. But my other issue, Ms Mafisa, is reading page 18 of the General's statement, and you will see that there is footnote 13 and footnote 14.

What the general is talking about there is the WhatsApp exchanges between himself and Mr Matlala leading to the meeting at the Pell's on the 15th of April
20 2025. So he did have those WhatsApps and he did read them in preparing his statement. Otherwise he would not have referred to them and even have date stamps.

I would understand if he said I cannot deal with these WhatsApps because I have not received them or the format in which I have received them is redacted so I do not

know what is in the WhatsApps. But looking at this statement, it creates the impression to me that he has seen the WhatsApps, he knows what is in the WhatsApps, and he can give evidence on that.

I do not get the impression looking at footnote 13 and 14 that he does not know what is in those WhatsApps. I mean, he even gives date stamps and he says what they relate to, which means he must have seen them and he must know what they say.

10 **CHAIRPERSON**: And it is not just those. The statement as a whole is replete with references to the text exchanges between the two of them. But anyway, sorry I interrupted you.

ADV KHUMALO SC: But the specific ones he objected to was page 39 and 40 and that was the WhatsApps of 13 and 14 April 2025. Now the way he refers to them in the statement gives me the impression that he must have seen them and he must have date stamps and he must know that those are exchanges between him and Ms Matlala and he
20 must know what the discussion in those WhatsApps is. That is the impression I get looking at these footnotes.

MS MAFISA: Thank you, Commissioner. May I please take you to the WhatsApp chats? I unfortunately now am not even working with the correct exhibit bundle. Thank you. Thank you, Commissioner. I would like to take you to the

WhatsApp chats and I think it is, so it is the WhatsApp chats right above the times, the date 13 April 2025. The time stamp there is 16:32:07.

CHAIRPERSON: You are looking at page?

MS MAFISA: Sorry, my attorney will just get that for me, Chairperson. I do not have the page at the moment. Thank you. Thank you. Page 38. So, all of these, all of the WhatsApp chats on page 38, they were in actual fact redacted. So, I do agree. I definitely can confirm that the
10 Annexures SEN1 to SEN7, we did have them, but what we were referring to actually was not even the messages related to those Annexures SEN1 to SEN7, but we were referring to the messages above that.

So, those messages above the time stamp of 13 April 2025 were redacted. So, when we received these WhatsApp chats on the 9th of October via the Rule-3 notice, those messages were redacted. We only received the unredacted messages on Sunday. So, my argument is simply this. We were unable to address those redacted
20 WhatsApp messages within the statement. That is only what I was trying to say to the Commission.

ADV KHUMALO SC: But it is the greetings, Ms Mafisa. Good morning, Duna.

MS MAFISA: Chairperson, whether it is the greetings or not, I do think – whether it is the greetings or not, I think

then perhaps maybe the Chairpersons may be missing a greater point, which is the point that we are trying to make here is that we have been fighting to get evidence. That is the point that we are trying to make.

I think it would be, we would truly be missing the essence of the point if we just simply say that this message is inconsequential, this is consequential, this is inconsequential. We have to look at the greater process. We have already accepted responsibility that we were at
10 fault in submitting the statement belatedly.

We 100% accept that responsibility, but I do think that it is important that even if the Commission's attorneys are making mistakes, we must bring this to the attention of the Commissioners. Thank you.

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

CHAIRPERSON: Commissioner Baloyi ...[intervenes].

ADV HASSIM SC: Before Commissioner Baloyi comes in, if I may.

CHAIRPERSON: Okay.

20 **ADV HASSIM SC:** Because it is important that we get the facts correct. And the WhatsApp messages were sent in October last year. What was redacted in those WhatsApp messages were the phone numbers. So at the top of each message, it has the actual number. And it has been the practice of the attorneys to redact those, that sort of private

information, confidential information from documents that they send out. So it was only the phone numbers. Two phone numbers. The phone number of General Senona and the phone number of Mr Matlala. That is the only thing that was redacted from those documents.

If there was a problem on the printing on the other side and the formatting went askew and therefore it blocked other messages or something, if that is the reason, if that is what happened, it is possible, we should have been
10 informed. And we were never informed that that was a problem, but it is a problem that was in the printing on the other side because from what we have, from what we have sent, the only thing that is redacted are the phone numbers. Not the content of messages. The facts are very important.

MS MAFISA: Chairperson, I do not know if I can hand my page up as we received on the 9th of October. It is incorrect that it was merely the numbers that were redacted. I can hand this particular page up to the Commissioners. We can also print it out as we received on the 9th of
20 October, but I do not think I will take the argument further.

CHAIRPERSON: Based on what Ms Hassim has just said, I do not think there is a dispute there. Because Ms Hassim says the content of the texts was not redacted, but that maybe something may have gone wrong electronically when your side printed the documents, but that the content of the

texts...

So we saw what the general gave us yesterday. It was blank and the text was not there. So we accept that. So there is no dispute there. So the question is, if the attorneys sent something that actually had the content of the texts, what went wrong where and how? That would be the issue. But the point Ms Hassim is making is, once your side got those blank texts, perhaps an issue should have been raised by your side. That is her point, not mine. Yes.

10 **ADV BALOYI SC:** It seems to me, once we have resolved, and this is both to Ms Hassim, Ms Mafisa and the General, that once we resolved what brought us here, which is Annexures SEN3, SEN4 and SEN5, once we resolved that in fact these were already given last year, it is still a fair question. Because I understand Ms Mafisa to accept that that is what happened.

You got them last year. It is therefore still, it is a fair question to ask the General, why did you not deal with these in this statement? Because as you would recall, that
20 is where the problem starts. As you said, he should not be asked that question, and we ask Ms Hassim to pen that question while we resolve this.

It is clear from your admission that in fact that is a fair question to ask because you got these last year, these annexures. And it is not clear to me why we are having this

discussion now and wasting so much time on it. In my experience and expectation, two things should have happened. One, on day one, you should have recorded fully what your concerns are about the bundle of documents that you have been given, and then we deal with it so that we run with evidence and we know how to manage the process if indeed there are documents presented that were not given to the witness in good time. That is one.

Two, my experience is when a witness sees
10 something for the first time on the stand, they are quite entitled to say, can I please have time to look at this document, consider it fully before I am required to answer the question? And that in many cases may well entail pending that question to allow the witness outside of the pressure of a sitting to look at a document and come back and properly answer.

That is how you mitigate where documents have been given in the last minute and I would expect that, for example, with a document you say the witness got this
20 morning, that you know that that is available to him. And if he says I need time to look at it because I have not seen this document before, we deal with it. We are having a back and forth on day three of the witness's evidence right in the middle of his evidence about actually a document that he has seen, that he has had since October last year.

I would urge that we continue, Chair, that we continue. And if any other documents come up, the ...[indistinct] matter, we are here now and if there are any other issues about documents that the General is seeing for the first time, it is for him to tell the Chairperson that as he is being asked about documents and then the Chairperson will make rulings as we go ahead. Chair, that is my suggestion.

CHAIRPERSON: I actually made the same point I said with
10 the video. Once a complaint was made, we immediately said, you will be given time. So what Commissioner Baloyi says is something that we have actually done practically. We are not theorising about it. So once a complaint was made, we are seeing this video for the first time. This is going to prejudice us. We immediately said, Mr Hassim, please avail the video to the other side, and we did not proceed about that video until the following day.

So even with other documents, chats or whatever else, if an issue was raised, we would have done the same.
20 About the other documents, you say that you were quite annoyed and that you even voiced your annoyance to Ms Hassim, but you never did so to us and you have not said so. So there is no reason why we would not have done the same as we did with the video.

So now it is very late, and for the first time we are

being told of possible prejudice and about documents, I am being told, have been, according to Mr Hassim, have been with the witness for quite a while, or at least some of them.

Just before we conclude, and my inclination is to do what Commissioner Baloyi has said. But before we conclude this, what would you like to see? What do you think would mitigate any prejudice, if there be?

MS MAFISA: Thank you, Chairperson. I do agree that we should continue. I do agree with that. Perhaps what I will
10 also just say from our side, because we have taken up quite a lot of time from the Commission. Perhaps maybe what I must say is it was – we committed definitely that we had received the documentation on the 26th of November.

You know, Commissioners, I will probably just simply put it in this way. We do not know the evidence that the Commission is in possession of. So when we specifically mentioned that we wanted the evidence of Witness X and the corresponding statements and the transcripts, to our minds, that was what we would need in
20 order for us to put the statement together. But for us to belatedly receive other evidence in a piecemeal approach is, I think it is a little bit – now here comes the word unfair again, but I think it is a little bit unfair to be placed in a position where we tell the Commission this is what we need, this is what we need, I think we have got everything.

Our first letter on the 17th of October actually stated, all of the evidence that you have, please provide it to us. We have always said that. So we do not work at the Commission, we have no idea what is at the disposal of the Commission. So I think for me that is just the only thing that I will say or add to the submissions that I have already made, but I am perfectly okay, my attorney is also perfectly okay for us to proceed, Chairperson. I do not think we have to go on this back and forth anymore. Thank you.

10 **CHAIRPERSON**: Thank you, Ms Mafisa. We will continue. If any issue arises, we will deal with it as and when. Yes, Ms Hassim?

ADV HASSIM SC: Thank you, Chair. Chair, may I proceed?

CHAIRPERSON: Yes.

EXAMINATION BY ADV HASSIM SC (CONTINUES): Thank you. Okay. I am going to begin then, since this is part of the discussion that we have started this morning, with the question I was told to pen yesterday. And that is, General,
20 why it is that you did not, in your statement – so let me just remind you what we were talking about.

There were annexures to the statement, to the WhatsApp chats, including the docket of information pertaining to Mr Nangy. And you said that you had not looked at that when you sent it to Mr Matlala. And then

there were other annexures, SEN3, 4 and 5, which you said, although he sent it to you, you did not open it and look at it at the time. You only saw the full contents for the first time when it was provided to you by the Commission.

My question to you was, and that is why you did not do anything with it. That is why you did not raise a concern. You now became aware that there was confidential information, that you ought not have shared the Nangy affidavit, for example, but you did not address that in
10 your statement. You only started to provide that as a reason under questioning yesterday.

And my question to you yesterday, and I repeat it today, is why? Why did you not address it in your statement? In your statement you addressed the Nangy thing. You said you gave it to him to warn him. But that is all you said. Why?

MAJ-GEN SENONA: Why did not I do what? The question, can you repeat it please, Commissioners?

ADV HASSIM SC: Do you recall the evidence of
20 yesterday?

MAJ-GEN SENONA: Yes, Commissioners.

ADV HASSIM SC: Regarding his annexures?

MAJ-GEN SENONA: Yes, Commissioners.

ADV HASSIM SC: And you recall you said this is unfair because you had not seen it before, the annexures.

MAJ-GEN SENONA: Which annexures? The SEN3, SEN4?

ADV HASSIM SC: Yes.

MAJ-GEN SENONA: I said, Commissioners, I have never opened these ones. I never read them. I happened to see the full contents when the information was provided by the Commission.

ADV HASSIM SC: Yes, and I said why at that point did you not – when you answered us on it, you said if you had seen it, these are the things you would have done, you see that
10 this was a problem, these contents of these documents. Do you recall those answers yesterday?

MAJ-GEN SENONA: Correctly I recall that I said I would have returned information to my supervisors to be able to deal with the matters.

ADV HASSIM SC: And my question to you was why now saying that when you did not give us that response in your statement, you did not acknowledge in your statement that these are problematic annexures that you had?

MAJ-GEN SENONA: I think when these annexures were
20 opened, already my recollection – let me rephrase, Commissioners. I believe that you are saying why I did not include it in my statement. That is the question that I must respond to. Am I right?

ADV HASSIM SC: My question is you did not, the answer you gave us yesterday was not anywhere in your statement.

You did not address the content of these annexures in your statement.

MAJ-GEN SENONA: Correct, I did not address the content of these annexures in my statement.

ADV HASSIM SC: And then you said that the reason you did not was because you did not have it at the time you were preparing your statement, but we now know that is not true because you did have it. Is that not so?

MAJ-GEN SENONA: These annexures were received
10 through the lawyers. I cannot recall the actual date. But when you, I think when we look at it, they were redacted, the information that was hidden on it, and one could not make a context of that, if my memory serves me well. I am talking under correction, but I agree that I did not talk about it fully in my affidavit. And that is what it is. I did not talk about it fully in my affidavit.

I just indicated that no, you see, when you receive these things, you get questions, Commissioners, and the questions also, you have to respond to them. And then
20 when you respond to them, in responding, some of the things when you respond, you recollect some of the information. It becomes back. And when it comes back, you end up saying those things that you are remembering that are the truth, nothing else but the truth.

So eventually, when you write a statement, you will

write about things that you remember. And as a human being, you will also be making some faults. That is why there are sometimes faults. We also make faults, and I believe you also make faults.

ADV HASSIM SC: General, I think you are evading the question. You are not answering what I asked you at all. And in fact, now you are raising another problem. You are saying that those annexures were redacted. Is that what you are saying?

10 **MAJ-GEN SENONA**: I said I talk under correction. I need to be corrected that certain information on those things, when my attorneys that were redacted, I said I talk under correction, but I did not include them in my affidavit. I agree ...[intervenes].

ADV HASSIM SC: My question is why did you not? You had all of that information well before the due date of your written statement.

MAJ-GEN SENONA: I do not have an answer to that, because my affidavit, I wrote it. I said people make
20 mistakes, but if you force me to give you an answer, I do not have it. I made a mistake, maybe, because if you deemed it fit, I should have put it there. It is fine, but I made a mistake by not putting it. And it is not only these messages that I did not include in my affidavit. It is a lot of them in terms of these pages, 38 until 260, even others

before that.

So, Commissioners, my affidavit, when I deal with it, when I deposed at my affidavit, I was looking also at the subpoena. I wrote my affidavit in line with the subpoena. And then whatever information I might have omitted by mistake, it was not my intention to omit it. If I have recalled or recollected that I must include it, it should have been included, but I am also a human being.

I think we need to also bear in mind that I am not a
10 perfect human being. Unless I am told that it is somebody perfect. But me, I am not. I am subjected to make mistakes that are being made by human beings. I have already responded to these questions, Commissioners.

ADV HASSIM SC: Not to my satisfaction. And what I wish to say to you, and what I put to you, is that you are not being completely open and truthful with the Commission and that the reason you gave a different answer yesterday was not because you were not aware of the content of those annexures, because you were aware of it, as we know, but
20 because you, under questioning, realised that what you had done was wrong and that you now had to take responsibility and answer for it. It was only upon the questioning and the probing that you were forced to answer. That is what I put to you.

MAJ-GEN SENONA: Commissioners, with my responses to

what I am here to deliver or to testify upon, it does not matter if the advocate is not happy with my response, but I am telling the truth to the best of my recollection here. I am not trying to evade anything, I am telling the truth to the best of my recollection.

ADV HASSIM SC: And the Nangy affidavit was something that you were asked about specifically in the subpoena, is that not so?

MAJ-GEN SENONA: I believe so. I want to check where is
10 my subpoena here. I am trying to search for my subpoena, Commissioners. I do not know where I put it, so that I can just have a look and respond to the advocate.

CHAIRPERSON: Are you referring to the Regulation-10(6) notice, which sort of indicated what you were required to address?

MAJ-GEN SENONA: Correct, Commissioners. I am
looking for it. I do not know where is my files, some of my files here. The actual subpoena in order to respond, sorry, because the advocate is saying, in that document, I was
20 required to talk about the Nangy issue.

ADV HASSIM SC: Yes. So, Chair, we are trying to find it whether it is in the record in order to assist the witness, but I can read out the paragraph of the notice that is relevant. And the question in relation to this Nangy affidavit was the following, what was the witness's purpose in sending a

WhatsApp message to Mr Matlala on 10 March 2025 at 21:03, attaching the complainant affidavit of Mr Nangy, and then we attached it, and other contents of the docket in CAS number, and then we put in the CAS number. So that was the question.

MAJ-GEN SENONA: I think I have highlighted the purpose, Commissioners, yesterday.

ADV HASSIM SC: Okay.

MAJ-GEN SENONA: For the papers of securing time, I did
10 highlight it yesterday. If maybe the advocate was making note, the purpose I have highlighted it. I was asked several questions, vigorously so yesterday, regarding the purpose. And I think I have responded yesterday, Commissioners. I still remain with that.

ADV HASSIM SC: You see, the problem with this is that you suggested that you did not really know the details, you did not know that where Mr Nangy lived, you did not know the details of the case. But once you were aware that this very serious alleged criminal was released, you felt you
20 needed to warn Mr Matlala.

But the reality is that you did know about the details of the case because you had received a complaint in February last year by the DPP in KZN regarding your oversight of the case and deficiencies in your management of the investigation of that case, is that not so?

MAJ-GEN SENONA: Commissioners, the issue, I have never received a complaint from the DPP in February 2025. I have never. And I want the Commissioners to bear with me because I am not going to get into details, I am going to give just a straightforward answer and stop it then or give a reason to that. I am going to plead with the Commissioners.

There was a complaint that was sent to the NDPP, by the NDPP to the National Head of the Directorate. There
10 was a case that was investigated in KZN of kidnapping extortion and some other charges there, where these persons, Nangy and other persons were arrested. The investigators of the ground level did their investigation and in the process certain things happened that I do not want to get into details.

Eventually, the matter was set for bail application in January. The NPA withdrew the case, they gave reasons there. After that, it is then that there was a complaint by the NDPP to the National Head. Processes were followed
20 and everything. Commissioner, there is a DC that is currently on trial. I want to appeal to you and also say with this saying and understanding that it is sub judicare for me to come and talk about these things here of that nature.

That complaint, it went through the National Office, it went through its processes and there is a DC and there is

a hearing that is in progress. The last time I appeared here on the 26th, from here I attended a DC. It is continuing. So I appeal to you not to respond to this question that are related to this.

CHAIRPERSON: And the disciplinary process against whom?

MAJ-GEN SENONA: Myself and four others.

ADV BALOYI SC: And is it a disciplinary process? So you say there was a complaint, and I am not asking you to
10 discuss the detail of it. I respect that if it is a pending matter, you will not discuss it, but I think we just want to try and understand your evidence about this, what it is that you are saying to us. So you say there was a complaint against you and others relating to the Nangy matter. Is that what you are telling us?

MAJ-GEN SENONA: In that complaint ...[intervenes].

ADV BALOYI SC: No, let us take it step by step. You can explain ...[intervenes].

MAJ-GEN SENONA: I want to clarify something before I
20 answer. In the complaint, it talked about investigators, not necessarily my name.

ADV BALOYI SC: Yes.

MAJ-GEN SENONA: There was a complaint.

ADV BALOYI SC: So there is a complaint against investigators who report to you relating to the Nangy

matter?

MAJ-GEN SENONA: Correct.

ADV BALOYI SC: Is that correct?

MAJ-GEN SENONA: Yes, Commissioners.

ADV BALOYI SC: You were then subjected – those investigators and you, that is what I want to understand, were then being subjected to a disciplinary process relating to that Nangy matter.

MAJ-GEN SENONA: Correct.

10 **ADV BALOYI SC**: Okay, that is fine. Thank you. Thank you, Ms Hassim.

ADV HASSIM SC: Thank you, Commissioner. I do not propose to go into the merits and the details of the charges against General Senona. The charges are there for the record and they are contained at EXHIBIT 61, page 614, the charges. It is just the fact of the charges that were relevant and I accept that ...[intervenes].

MAJ-GEN SENONA: Page?

ADV HASSIM SC: Pardon me?

20 **MAJ-GEN SENONA**: Page, Commissioners?

ADV HASSIM SC: 614. I accept that we should – it is not even relevant, in fact, to the mandate of this Commission for us to discuss the merits of the DC. But the important point is that, General, that you had been asked to respond in some detail to ...[intervenes].

MAJ-GEN SENONA: Sorry, Commissioner, what is the question?

ADV HASSIM SC: You had been asked to respond in some detail to the concerns that had been raised by the DPP in KZN. And I will just take you to page 616, EXHIBIT 62.

MAJ-GEN SENONA: Commissioners, can I say something?

ADV HASSIM SC: Can I finish my question?

MAJ-GEN SENONA: Before you ask a question, because I want to tell the Commissioners something about this
10 document that you are referring to. Commissioners, this document, we received it when we arrived here on the 27th. And further to that, this document is part and parcel of the bundle of documents in my disciplinary hearing. I therefore request that I must not be asked questions about this because there is a hearing that is ongoing here. That is my plea.

ADV HASSIM SC: Chair, I propose that I be permitted to ask my question. The question has got nothing to do with the disciplinary. It is merely about the fact of this document
20 and what it is about. We will not be going into the details of the contents.

CHAIRPERSON: Perhaps let us just hear the question, General, and then we will see whether you still object ...[intervenes].

MAJ-GEN SENONA: But Commissioners, this is about

...[intervenes].

CHAIRPERSON: Yes, yes, yes. Let us just hear the question. Just the question, General, and then we can take it from there, or we will take it from there.

ADV HASSIM SC: And, General and Chair, by the way, this document is the witness's own document. It is a document that he compiled.

ADV BALOYI SC: So it was supplied by him to the Commission?

10 **ADV HASSIM SC**: No, no, I mean it is a document that he authored.

ADV BALOYI SC: Okay.

ADV HASSIM SC: It is an information note.

ADV KHUMALO SC: 616, you said.

ADV HASSIM SC: 616, yes, Commissioner Khumalo. So the relevance of this is only the following. That you will see at the end of the document, it is dated 20 February 2025 and it is an information note prepared by General Senona in response to concerns that were raised by the DPP in KZN
20 regarding the management of this Nangy case. I will say no more about that. But the General was then required to look into it and provide a response, and he did so on the 20th of February 2025. Correct?

MAJ-GEN SENONA: What is the question, Commissioners?

ADV HASSIM SC: That you provided this information note in 20 February 2025.

MAJ-GEN SENONA: It is the document I provided, but I really do not want to get into it.

ADV HASSIM SC: Yes, and then on 10 March 2025 is when you send Mr Matlala the attachment, the 220 pages of confidential information pertaining to Mr Nangy. And what I want to suggest to you, General, is that your response that you are merely forwarding on information as a warning to
10 him is not correct.

That in fact you and Mr Matlala were in conversation about Mr Nangy and that document that you sent him in the context of the withdrawal of that complaint, trying to persuade him to withdraw the complaint against General Mkhwanazi. So that is what I am putting to you, that it was not merely for his information and warning, but that in fact it was part of an ongoing engagement between you and Mr Matlala.

MAJ-GEN SENONA: Thank you, Commissioners. First
20 thing first, the document is not a confidential document. As I have indicated yesterday, I read the affidavit and then I saw the addresses, I sent it. I still stand by my response yesterday. Commissioners, General Senona is not a suspect on the case that was opened by Mr Nangy. General Senona is not a suspect.

That one, maybe even if they go and ask Mr Nangy or read all the affidavits there, General Senona is not listed as a suspect. I do not have a reason to go and ask another person to tell another person to withdraw a docket where I am not even a suspect.

Even if I was listed as a suspect, I would not have informed or persuaded another person to withdraw a case docket. I will go to court and defend myself and my innocence in court. Like I came here, I went to my legal
10 team because I know I am called a witness, but the people who came here, they implicated me in some sort of – when my understanding, I am a respondent because this is a Commission.

I am called a witness, but I am a respondent to the allegations against me. So General Senona was never ever listed as a suspect. So I do not see any reason. The inference that is drawn by the advocate, it is totally incorrect. Thank you, Commissioners.

ADV HASSIM SC: I have had my response. I can move on
20 from this. Thank you, Chair. Thank you, General. Let us go back to – I just want to get the date where we had dealt with 13 April. That was page 39 of the WhatsApp chats. Can you turn to page 40 of the WhatsApp chats and can you read the first message that Mr Matlala sent to you on the 14th of April?

ADV BALOYI SC: Maybe before you do that, Ms Hassim, let me – I know you have asked to give you as much freedom to run your line of questions without interruption, but I think it might be more efficient and neater if I ask my question now. If you would just remind me that confidential, SEN3, 4, 5, where do we find the one that relates to the President? I just want to ask the question. I think it was in the 300 something?

ADV HASSIM SC: I think it is 291.

10 **ADV BALOYI SC:** 291. General, this is a document that yesterday was discussed, or you asked a question about, and now that we have resolved finally that you did get this SEN4 last year, this attachment to that WhatsApp message with Mr Matlala. Maybe let me then ask my question in the light – in fact, it is in the light of what you had said yesterday.

In your evidence yesterday, you said you did not open this SEN4, 3, the 291, page 291 document. You said you had not opened that WhatsApp attachment when it
20 came from Mr Matlala.

ADV HASSIM SC: SEN4.

ADV BALOYI SC: I am told it is SEN4. Yes, you said yesterday that you did not open it when it was given to you and you never opened it, and I am not probing that any further. I think we had that discussion yesterday. But we

now know from this morning's exchange between the lawyers that in fact you were given this annexure last year already. So you had it and you would have seen what it is. And then my question on the back of what you said yesterday is, after you saw this, after it was now sent to you by the evidence leaders and you see what it is, did you prepare an information note in the way that you said you would have?

You remember your evidence yesterday was had
10 you opened the attachment, you would have, because you see on the face of it that this is not information that should be exchanged or there should be in the public, in the hands of a private person. And if you had seen it, you would have done. But now we know you saw it because it was given to you last year. Did you do anything about it?

MAJ-GEN SENONA: Commissioner, I did not prepare an information note. The reason being, I am, I was and I still am under the impression that since it was presented before the Commission and the team that downloaded and got this
20 information have submitted a report to my principals and I believe they are continuing with investigations. I did not want to write another thing because I wanted to leave the Commission and its investigators to do their job independently.

ADV BALOYI SC: Thank you, General.

ADV HASSIM SC: Thank you, Commissioner Baloyi. So, page 40. You are there. Can you just read the first, the message that Mr Matlala sends to you on the 14th of April?

MAJ-GEN SENONA:

“Oh, *Nduna*, do not forget to ask our brother about that lady who is stirring problems.”

ADV HASSIM SC: And who is that lady who is stirring problems?

10 **MAJ-GEN SENONA:** I did in my affidavit, Commissioners, that allowed me to utilise the word I assume, that I assume that it may have been concerning the tender, Medicare tender and hence and his issues with Lt-Gen Nkhua. I assume it might be Lt-Gen Nkhua. Unfortunately, I do not have the best recollection regarding this message, but that is my assumption.

ADV HASSIM SC: You said ...[intervenes].

MAJ-GEN SENONA: However, I never assisted Mr Matlala in the payment of his invoices or, if ever, shown
20 questionable consent over his tender or payments.

ADV HASSIM SC: That does not square up with these texts. We have already showed how you have provided assistance on 15 April. We have already discussed, and we know to go there again, your response on 13 May, advising and more than advising, urging him to take them on and to

sue the SAPS in relation to his contract.

Now I am taking you to this particular text where he says, please do not forget to ask our brother about that lady who is stirring problems. Your response to him is not, what are you talking about? Your response to him is a thumbs up. You acquiesce. It suggests agreement that you will follow up. Is that not so?

MAJ-GEN SENONA: These emojis, Commissioners, each and every individual explain them differently. I think they
10 are experts who will be able to assist us with the interpretation of emojis. But I would say, noted. My understanding of this emoji is noted.

ADV HASSIM SC: It is noted.

MAJ-GEN SENONA: Yes.

ADV HASSIM SC: So you knew what he was talking about, and you acknowledged it. You did not say, for example, what are you talking about?

MAJ-GEN SENONA: That is why I assumed, not knew, I assumed that the lady that he is talking about it can be Lt-
20 Gen Nkhua.

ADV HASSIM SC: Okay. And the reason you assumed that it was someone with that specific name is because you had already discussed it with him.

MAJ-GEN SENONA: Remember when he asked me to go with him to meet the General, he was talking about the

issue of the purchase orders.

ADV HASSIM SC: Yes.

MAJ-GEN SENONA: Ja. And then the purchase orders, when we look at – when I thought before I can depose my affidavit and even that time, I realised that these issues of the purchase orders, he is a head of his function. So there is no way that the provincial office will deal with these purchase orders.

ADV HASSIM SC: And so what is that got to do with it? I
10 am not sure what you are saying. You are saying that you assumed that this lady was General Nkhua.

MAJ-GEN SENONA: Correct.

ADV HASSIM SC: Because you had discussed it with him because you were preparing for the meeting on 15 April.

MAJ-GEN SENONA: The 15 meeting of April, it was asking me, he asked me to accompany him, of which I agreed. I assumed that the lady might be Lt-Gen Nkhua.

ADV HASSIM SC: Yes. You are repeating yourself. Please answer this. I am saying, how did you know it would
20 be General Nkhua if you had not discussed the issue of his contract with him prior to this?

MAJ-GEN SENONA: Remember, prior to this, regarding the contract, he told me he was having problems in payments, as I indicated before. And then the payment, when you look at the contract, it was a common cause to me

when we were talking about the issue of the payment in terms of the contract, that this contract is related to Medicare, where police officials, when they are sick, they go to the sick bays and the students.

And then the only person who is dealing with this, it is the Divisional Commissioner, HR, and the Divisional Commissioner is Lt-Gen Nkhuoa. But that is why I assumed, but he never told me the lady who is having a problem who she is, but I assumed because I have got
10 knowledge that these type of functions of this nature, they fall within that space.

ADV HASSIM SC: But the language he uses is important. He said that lady, which means, it suggests that you have spoken about it before. That lady, you know who that lady is, who is stirring problems. And moreover, he does not say stirring problems on my contract. He just says stirring problems.

MAJ-GEN SENONA: I gave you my answer as an assumption of which I did not, I do not like to do it,
20 Commissioners. I have indicated several times that I came here to tell the truth, nothing else the truth. Here, I put it in my statement, and then I will stick to my statement. That is what I had assumed.

ADV HASSIM SC: And who is our brother?

MAJ-GEN SENONA: Ja, this one is giving me a problem. I

am trying to establish, even before I deposit my statement, I tried to look, by the way, our brother, our brother. You understand?

ADV HASSIM SC: You do not remember who he is referring to. Is that what you are saying?

MAJ-GEN SENONA: Ja, you see, mostly we will talk about our brother, our brother, and then he does not put names. That is why I am having a problem in the recollection of these names.

10 **ADV HASSIM SC**: But again, the use of that language, do not forget, do not forget means remember what we spoke about. Do not forget. So you had spoken about this before, and you may not remember now, maybe you do and you do not want to say who our brother is. But the fact that he refers to our brother suggests that he knew that you will know who he is talking about. Is that not so?

MAJ-GEN SENONA: I do not think so. He might have known, or he might have said do not forget to ask our brother. I do not know who must I ask about the lady who is
20 stirring problems. Hence, I am saying, when he talked about this, because we were talking earlier about his challenges of not getting payment and then he wanted me to accompany him to a meeting so that that was arranged by the former Minister. So that is why I have assumed. So I think I have responded to the best of my recollection,

Commissioners, in relation to this question.

ADV BALOYI SC: Okay. General, you assumed, let us proceed on the basis that you got this message and you assumed that he must be referring to General Nkhuaa. Who did you assume the brother was that he is referring to in this? Because you must have completed that picture. You assumed it is General Nkhuaa that he is referring to. You must then have also made an assumption about the brother that you are being asked to speak to.

10 **MAJ-GEN SENONA**: You are correct, Commissioner. I am trying to assume as well, but it does not ring a bell to my recollection.

ADV BALOYI SC: No, General. This WhatsApp message is on the 14th of April, you are going to meet and you know at that point you are going to meet General Mkhwanazi on the 15th. Today it is less than a year since this WhatsApp message was sent to you. You got these documents last year already. So you have had ample opportunity. If you had forgotten, you have had ample opportunity to reflect on
20 these communications. One.

But two, you did make an assumption. You tell us, you say I made an assumption that he is referring to General Nkhuaa. You could not have made that assumption in a vacuum. You made that assumption because there was a context to it. Otherwise, I could easily ask you, why did

you not assume he is referring to Ms Patricia Mashale, for example. So there is a reason you assumed it is General Nkhuoa that he is referring to. It has to be so.

And I am saying you must then have assumed something about the brother that he is referring to. You may have been wrong in your assumption, but you should be able to answer the question who is the brother you assumed he is referring to.

MAJ-GEN SENONA: I am trying to do my recollection,
10 Commissioners, as we are here. And I did before. It is an
unfortunate situation. Some, these type of things,
sometimes it is important to engage with the person who
sent it. Because at this stage, I am trying to recollect and
talk about what Mr Matlala has sent to me. Then it is
unfortunate I could not, even when I received this
document, still to date, I have never had contact with him
directly or indirectly. But I am trying my level best to try
and think who the brother, who was he referring to, I am
trying to think to assist the Commission.

20 **ADV KHUMALO SC**: General, can I say something? At
this moment, you are not assisting the Commission. And
you leaving me, I am speaking for myself, you leaving me
with the impression that you are evasive, you choose not to
answer questions that you fear might get you into trouble.
Because there is no way somebody can say to you, do not

forget, it is a reminder, which means you must have discussed this in the past. And when he reminds you, you do not say, what are you talking about? I am confused. You give him a thumbs up as if to say, yes, I will not forget.

So when you say, you assume, you cannot remember, it gives me the impression that you either do not want to tell us or you are deliberately being evasive. This is not 15 years ago. As Commissioner Baloy says, this is a few months ago, in the lead up to an important meeting with
10 General Mkhwanazi.

MAJ-GEN SENONA: Commissioners, I am not evasive. The issue that I am afraid of being in trouble, I am already in trouble. I indicated before your good self here, Commissioners, that with this document of the Commission, I am already being in trouble. So I cannot fear to disclose what I recall and being afraid that there will be trouble. I am already in trouble.

So at the end of the day, Commissioners, I see from time to time if I cannot recall something, I am told I am
20 evasive, I am told I am lying, and I do not want to respond to these words that I am told about, but I am not a person who will come here and mislead the Commission. If I was lying, Commissioners, the Chairperson of the Commission, when I arrive here, asked me one question, are you offending or are you taking an oath? I said I am taking an

oath because I do not want to lie. Please.

ADV KHUMALO SC: And, General, to be fair to you, the reason I am mentioning this to you is that I do not want to put things in a report that I did not give you the opportunity to respond to. The impression you are making to me, I must let you know about it and give you the opportunity to respond to that, because it would be unfair if I do not give you the opportunity and then you see in the report that you formed an impression of that nature to me. So that was the
10 reason I was mentioning it. Thank you.

MAJ-GEN SENONA: Thank you, Commissioner.

ADV BALOYI SC: General, can I, still on this, the brother that he is referring to, is it possible that he was referring to General Mkhwanazi?

MAJ-GEN SENONA: It is not.

ADV BALOYI SC: Why do you say so? Why are you so sure about that if you have no recollection?

MAJ-GEN SENONA: I do not think he will refer General Mkhwanazi as a brother. According to me, they never knew
20 each other, they never met before, according to me. He will not call him a brother.

ADV BALOYI SC: Yes. Let me tell you why, let me put to you why I think he was referring to General Mkhwanazi and you knew that is what he is referring to. The WhatsApp message of General Mkhwanazi, Ms Hassim, if you would

remind me what page it is?

ADV HASSIM SC: It is the Annexures Bundle, File 1, Annexures and Witness Statement, and it is Annexure S4.

ADV BALOYI SC: Thank you.

ADV HASSIM SC: Page 89.

ADV BALOYI SC: Yes, thank you. The reason I am putting to you, and I am doing this to try to get us through this very quickly because I think we are getting nowhere with you, with your responses, you are repeated on few
10 responses that I do not remember. In this WhatsApp message, General Mkhwanazi, you have been talking to him.

The opening paragraph is you made arrangements that I meet this guy because, and then he carries on. I asked you, where do you know, how you spoke to him about Nangy. So you are talking, according to General Mkhwanazi's WhatsApp message, you had a discussion with him, right? According to him, you had a discussion with him and requested that he meets with Mr Matlala. That is what
20 General Mkhwanazi says.

Then this WhatsApp message where Mr Matlala says, do you remember to speak to our brother, which comes a day before the meeting with General Mkhwanazi, and you assume he is referring to General Nkhua, who incidentally is the person you are going to be, they are

going to be discussing in the meeting the following day.

You make the assumption it is General Nkhua he is referring to and then you are blank to us about the brother that he is referring to that you are supposed to speak to. Now, when I put the thread, when I thread General Mkhwanazi's message that you asked him to meet with this gentleman, it says you are talking to General Mkhwanazi. That is what General Mkhwanazi tells us in that WhatsApp message. You are talking to General
10 Mkhwanazi about this meeting.

Mr Matlala says to you, speak about the lady who is causing trouble. You say you assume it is General Nkhua. I want to put it higher than that. You know he is referring to General Nkhua. It is not an assumption. And then the brother there, you know who that brother is. Otherwise, you would have not noted. You would not have simply noted this. You would have said, who is the brother you are talking about if you did not know. You knew. And the sequence of messages, including General Mkhwanazi,
20 suggests that Mr Matlala was asking you to speak, when you speak to General Mkhwanazi, speak to him about and mention General Nkhua as well. But in fact, they discussed the following day.

So you know that is the sequence that happened. When you say, I do not remember, I made assumptions, it

cannot be. And I think in nearly similar vein to Commissioner Khumalo here, I think I would like you to take this Commission much more seriously and give us proper answers. You are not assisting the Commission. You say I took the oath. I said I was going to tell the truth and I am trying my best to assist.

You must accept sitting there that when you say I do not remember, it is of no assistance to the Commission at all. It is not of any assistance. And maybe it is worth
10 mentioning that you are actually here under subpoena. You did not volunteer to come and assist us. You are subpoenaed to be here and you are sitting there behaving, and I say this with utmost respect, you are sitting there behaving like someone who is just discharging the obligation of coming here under subpoena. You are not going to tell us anything.

You do know what this was about. You simply choose not to tell us what you know this was a message was about. You can comment if you want, but that is my
20 view as well. I share Commissioner Khumalo's view that you are not being of assistance to us and it is a deliberate decision that you have made.

MAJ-GEN SENONA: No comment, Commissioner.

ADV BALOYI SC: Thank you.

ADV HASSIM SC: Chair, it is seven minutes past 11. I am

not sure what you would like to do.

CHAIRPERSON: Please continue, let us adjourn at half past.

ADV HASSIM SC: Thank you. On the theme that we have been dealing with of the assistance you provide to Mr Matlala, after this exchange where he asks you, he reminds you, do not forget, ask that lady. You say thumbs up. Then comes a meeting of 15 April. We know that. If you go to page 42, you will see the message from Mr Matlala. He

10 says:

“This number will call you to make meeting arrangements.”

And he gives you a 066 number. Who was that who called you to make arrangements?

MAJ-GEN SENONA: Thank you, Commissioners. This number was sent to me by Mr Matlala in order for me to be able to meet him where he was. When I called this number, the person who was talking on this number, it was Mr Matlala.

20 **ADV HASSIM SC**: So he called you from this number, which was not his usual number.

MAJ-GEN SENONA: He sent me this number.

ADV HASSIM SC: Yes.

MAJ-GEN SENONA: And then, yes, this is not his ...[intervenes].

ADV HASSIM SC: Not his usual number.

MAJ-GEN SENONA: Ja.

ADV HASSIM SC: This number called you and he was the person on the other end of the line talking to you.

MAJ-GEN SENONA: Ja.

ADV HASSIM SC: Okay, let us move on. You meet on 15 April. On 15 April, you learn more information about the alleged criminality, as we heard yesterday, because now you heard about the investigation of the alleged attempted
10 murder. Do you remember?

MAJ-GEN SENONA: I recall, Commissioners.

ADV HASSIM SC: You recall, okay. So we keep going. So what happens after this is interesting because there are quite a number of phone calls between you and Mr Matlala. And I will just show it to you so that you see what I am talking about. This is after 15 April. So on 16 April, if you start on page 43, on 16 April, there is a phone call from Mr Matlala to you. Do you see that?

MAJ-GEN SENONA: I see it.

20 **ADV HASSIM SC:** On 17 April, you send him more of, I do not even know what you call these things. You might call them emojis, but there is some things. It is fine. Pictures. Then on 17 April, you will see Mr Matlala calls you again in the morning, at 08:00 in the morning. Do you see that?

MAJ-GEN SENONA: Yes.

ADV HASSIM SC: 08:30, yes. And then on 17 April, same day, 08:27, you call Mr Matlala.

MAJ-GEN SENONA: Yes.

ADV HASSIM SC: And then you call him again. Probably you did not get him because the next phone call is 08:29, a couple of minutes later. Do you see that?

MAJ-GEN SENONA: Yes.

ADV HASSIM SC: And then he sends you a pin. Is that the location where you were to meet?

10 **MAJ-GEN SENONA:** On the 17th of April ...[intervenes].

ADV HASSIM SC: Yes, he sends you a pin.

MAJ-GEN SENONA: With his calls and this pin. No, we always met at Menlyn Maine. We were not supposed to meet.

ADV HASSIM SC: So why did he send you this location pin?

MAJ-GEN SENONA: I am going to be in trouble with the Commissioners. I do not know why he sent it to me.

20 **ADV HASSIM SC:** I am saying he sent it to you because he was telling you where to meet.

MAJ-GEN SENONA: No, our meeting place is the Menlyn Maine, next to his business office. It is Menlyn Maine, not there. We never met elsewhere other than there.

ADV HASSIM SC: But you cannot explain why he sends you a location pin.

MAJ-GEN SENONA: Maybe he will have to come and talk about it, Commissioners. I do not know why he sent me this thing.

ADV HASSIM SC: Okay. So this is something you just do not recall?

MAJ-GEN SENONA: Yes.

ADV HASSIM SC: And then, we continue on 17 April, you make a call to him at 12:00, I think that is 19 minutes past 12 in the afternoon. You see that?

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

ADV HASSIM SC: He sends you a message, but he deletes it.

MAJ-GEN SENONA: Yes.

ADV HASSIM SC: Do you know what that message was?

MAJ-GEN SENONA: No.

ADV HASSIM SC: Do you know why he would have deleted it?

MAJ-GEN SENONA: I do not know.

20 **ADV HASSIM SC**: You send him a heart. That is followed immediately with a heart. Yes, what did you mean by that?

MAJ-GEN SENONA: A heart and amen.

ADV HASSIM SC: Why did you send him this picture? The heart and amen?

ADV HASSIM SC: Yes, in response to that.

MAJ-GEN SENONA: I was not responding to his message

that is deleted. I was just talking to him.

ADV HASSIM SC: I see.

MAJ-GEN SENONA: Yes, Commissioners.

ADV HASSIM SC: And then you called him at 18:35, the same day that you sent him the picture.

MAJ-GEN SENONA: Yes.

ADV HASSIM SC: And then he calls you again that evening at 18:48.

MAJ-GEN SENONA: Correct.

10 **ADV HASSIM SC:** And then you call him again same evening, 20:52.

MAJ-GEN SENONA: I see that, Commissioners.

ADV HASSIM SC: And then two days later, he calls you 19 April. See that?

MAJ-GEN SENONA: Yes, Commissioners.

ADV HASSIM SC: And you call him 19 April at 10:26.

MAJ-GEN SENONA: I see that.

ADV HASSIM SC: And then on the 21st of April, he calls you again. Do you see that?

20 **MAJ-GEN SENONA:** Yes, Commissioners.

ADV HASSIM SC: He called you, right?

MAJ-GEN SENONA: Yes.

ADV HASSIM SC: And then you called him on the 22nd of April.

MAJ-GEN SENONA: Correct.

ADV HASSIM SC: At quarter to six in the evening.

MAJ-GEN SENONA: Correct.

ADV HASSIM SC: And he returned your call, it seems, the same evening. Is that correct?

MAJ-GEN SENONA: Correct.

ADV HASSIM SC: And then on the 23rd of April, you send him another message and then he calls you on the 23rd of April.

MAJ-GEN SENONA: Correct.

10 **ADV HASSIM SC:** So lots of conversations happen after the meeting of the 15th of April. What was all those conversations about?

MAJ-GEN SENONA: As far as my recollection, in some of our conversation, he was happy that I accompanied him to the meeting. And over and above that, he was adamant that the order forms will come. And then I was saying, you know, I accompanied you to the meeting. I also believe that your meeting has served you right and other communications is a general stuff that are personal between
20 me and him. We did talk about issues of how happy he was and how appreciative he was for me, allowing, accompanying him to meet the General.

ADV HASSIM SC: He was very appreciative in all of those phone conversations. You seem to now recall all of these conversations. You say mostly it was about personal stuff

and some of it was about the contract.

MAJ-GEN SENONA: The meeting, not the contract.

ADV HASSIM SC: You had no discussions about the contract?

MAJ-GEN SENONA: The contract?

ADV HASSIM SC: Yes.

MAJ-GEN SENONA: Which one?

ADV HASSIM SC: About the purchase order. There is one contract only that was the subject of this discussion on the
10 15th of April, and do you know what it is.

MAJ-GEN SENONA: If they had discussions, and then I have indicated yesterday, Commissioners, even in my statement, what I can recall what was discussed there. And then I also strongly believe if that video clip is going to be played there, the recordings, those things will be there. And also, he did appreciate, as I am saying, me accompanying him there.

And then other stuff is there. Because I am not going to do this, Commissioners, to try and remember
20 things that I could not remember. The ones that are coming, I am remembering. I am going to say it. And then I see where the advocate is going to say, you remember other things, you do not want to remember other things. But I am going to be, I am honest here, to tell what I remember. What I cannot, if I do not have an answer, I do

not have it, Commissioner. So that is my response to you.

ADV HASSIM SC: But you do agree that you had very many communications after 15 April?

MAJ-GEN SENONA: I agree, as it is stipulated here.

ADV HASSIM SC: Yes, and they were very warm and friendly. Is that not so?

MAJ-GEN SENONA: Correct. I am a warm and friendly person. It is in my DNA. That is me.

ADV HASSIM SC: You are very warm and friendly, even
10 with people, you know, to be suspected criminals.

MAJ-GEN SENONA: You know, Commissioners, I am pushed here to say there is this narrative that I did not want to say, but it seems I am compelled to say it. You know, allegations sometimes is something. It is alleged. People sometimes must be, we remain innocent until proven guilty.

So over and over, I am told I am conversing with an alleged criminal and so forth and so forth. But I did not want to go there, but I am pushed to say this, but I am a warm and friendly person. I was talking to him.

20 **ADV HASSIM SC**: And in other words, you see, what you are saying now is contradicting what you said before, which is you were very concerned and you were wary of him and you were cautious and you did not trust his innocence and you were pulling away from him and you were going to cut off ties. This contradicts all of that what you said

yesterday. Is that not so?

MAJ-GEN SENONA: Commissioners, what I have just said does not delete what I have said that I was moving away gradually. My personality, I know I was told why you did not cut it off like that. My personality, we differ with personalities. It does not mean when I move away gradually, I will not, I must not talk to people. I was talking to him. But moving away gradually, that was happening. I indicated that yesterday before the Commissioners, the
10 Chairperson of the Commissioners asked me vigorously about that and told me, then I even said I have learned today that somewhere, somehow, this is how one must deal with issues.

ADV HASSIM SC: And your response that people are innocent until proven guilty, how do you explain that in your position as a senior police officer, how do you explain that, that answer, that you ...[intervenes].

MAJ-GEN SENONA: [Indistinct] ...[intervenes].

ADV HASSIM SC: Let me finish. That you know that you
20 are engaging with somebody against whom there are very serious allegations ...[intervenes].

CHAIRPERSON: Ms Hassim, contexts do of course differ, but I think this point has been made, hammered and so on.

ADV HASSIM SC: Perhaps I will just say this. General, I will just put it to you then that your response, that you are

just engaging with somebody that in your position, because this is not just about gradually withdrawing. I am saying something more. I am saying that you are not an ordinary citizen. I am saying that you are a senior police officer and that there is a greater duty on you to be a circumspect in who you engage with. You can comment.

MAJ-GEN SENONA: Commissioners, I hear I am being told about my position. I am going to say this. In terms of my position, if they gave me a warrant of arrest and say go
10 arrest Mr Matlala, I will gladly do it without any difficulty. That is my response.

ADV HASSIM SC: So that took us to the 23rd of April, all of those many phone calls. And then on the 24th of April you send Mr Matlala a screenshot of, is this your phone? Is this a photograph of your phone?

MAJ-GEN SENONA: Yes.

ADV HASSIM SC: Of your phone. And it is a screenshot of you communicating with General Khumalo.

MAJ-GEN SENONA: Correct, Commissioners.

20 **ADV HASSIM SC**: And the content of it is you saying good morning, General. He responds, morning, General. You say, can I call? And then nothing more.

MAJ-GEN SENONA: Correct, Commissioners.

ADV HASSIM SC: So what was the purpose of sending this to Mr Matlala?

MAJ-GEN SENONA: I have indicated on Tuesday, Commissioners, that this message was sent by default and then 15 minutes thereafter, I called him, and then I told him I sent that message by you by mistake. It is not intended to you or for you. And then I even indicated that there was a third person that I was going to introduce to General Khumalo regarding issues that are related to his division. And I did went and hand over that individual, the third person, and I said if General Khumalo can be called here, 10 he will attest to what I am saying because the person, the situation, the way it was, it was a pressing issue so that I can go and hand over this third person. And those things are intelligence things that are very, very classified. They normally even do not talk about the issues, the things that this third person was going to deliver there, as well as talking to General Khumalo.

CHAIRPERSON: Just for clarity, General, I am not sure I follow. So who do you say you meant to send this screenshot to? Very briefly, please.

20 **MAJ-GEN SENONA**: It is a source. It is a third party. It is a source who was having information that is related to Division Crime Intelligence that I handed to General Khumalo at their offices there here in Pretoria.

CHAIRPERSON: Why would that source have wanted to say just good morning, General, morning, General, can I

call?

MAJ-GEN SENONA: It is me who was doing this, Commissioner.

CHAIRPERSON: I am saying if you meant to send this to a source, what interests would that source have had to this conversation – sorry, in this conversation?

MAJ-GEN SENONA: He was pushing that when am I seeing the General, the source. And I did deliver the source.

10 **ADV HASSIM SC**: Could it be that our brother from the previous text was referring to General Khumalo?

MAJ-GEN SENONA: I said I do not remember. This one was sent by mistake. As you can see that here, I went to deliver a source.

ADV HASSIM SC: No, I cannot see that from this. And if it was sent by mistake, why did you not just delete it?

MAJ-GEN SENONA: I called him, Commissioners, and informed him this was a mistake.

20 **ADV HASSIM SC**: Is it not that you called him in order to discuss your intended meeting with General Khumalo?

MAJ-GEN SENONA: Commissioners, already the meeting with General who?

ADV HASSIM SC: With General Dumisani Khumalo.

MAJ-GEN SENONA: My intended meeting with General Khumalo?

ADV HASSIM SC: Yes.

MAJ-GEN SENONA: Telling who?

ADV HASSIM SC: Mr Matlala.

MAJ-GEN SENONA: No, he has got nothing to do with my meeting with General Khumalo.

ADV HASSIM SC: So when you met with General Khumalo, because I think you did already say that you did have a meeting with him, did you discuss the problem of Mr Matlala's problems with his contract? Did you ask for
10 assistance?

MAJ-GEN SENONA: No, I did not ask for assistance.

ADV HASSIM SC: Did you raise the contract?

MAJ-GEN SENONA: I was talking to General Khumalo and introducing the source, that the source is talking about one, two, three, four, and then from there I handed over the source. I left the source with him, then I drove away.

ADV HASSIM SC: So you are adamant that you never had a conversation with General Khumalo about Mr Matlala's contract?

20 **MAJ-GEN SENONA:** No.

ADV HASSIM SC: Okay.

ADV BALOYI SC: General, this message on its face, it communicates nothing of significance to a third party unless you are telling that third party, whether it is Mr Matlala or somebody else, unless you are telling the third party that,

look, I am talking to General Khumalo, right? I think your evidence now is that the third party you were sending this to was pressing you and you needed to show them that you are talking to General Khumalo. I think that is what you said.

MAJ-GEN SENONA: I am trying to say, this talking to General Khumalo, Commissioners, to secure an appointment to take this person there ...[indistinct].

ADV BALOYI SC: I am trying to listen. I am making a
10 different point to you. Your evidence now is that you were going to introduce this source, I think you call them a source, to General Khumalo. That is what you were trying to arrange here. Okay. So that is all that this message does is to alert somebody that I am talking to General Khumalo. That is all. And you say that is all you were doing with it.

And of course, it contains nothing other than you are in communication with General Khumalo. Now, if you sent this to Mr Matlala by mistake, why was it necessary to
20 call him and tell him it is by mistake? It has nothing to do with him, according to you. It contains no information. All it says is, good morning, General. Morning, General, can I call?

If it has nothing to do with Mr Matlala, it means absolutely nothing to him. Why did you consider it

necessary to call him, as you tell us, to explain I sent it to you by mistake?

MAJ-GEN SENONA: Because it was not intended for him, Commissioners.

ADV BALOYI SC: That is what you are telling us, that it was not intended for him. And if I accept for purpose of a discussion that it was not intended for him, why was it necessary to call him and tell him that? Because he knows it has nothing to do with him. Why did you not just let it
10 be?

I mean, in your many communications with him, he sends you things, you do not ask him what is this about? You just let it be. Even important stuff, documents. You do not check with him, why are you sending me this? He says, speak to our brother about the lady. You do not ask him, what brother are you talking about? So your pattern on your evidence, your pattern of behaviour in your exchanges with Mr Matlala is his stuff means nothing. You just do not let, it means nothing to you. You just let it be.

20 So I am asking you the same, that well, now you have sent this to Mr Matlala, why did you not just let it be? Why did you think it was important to call him and tell him, oh, I sent it by mistake, if we accept that is what you did, that is what your call was about?

MAJ-GEN SENONA: I am saying, Commissioners, I told

him that this was sent by mistake, it was not intended to him, because me, General Khumalo, we were supposed to meet to come and present the source, Commissioner.

ADV BALOYI SC: Okay.

MAJ-GEN SENONA: I do not have any other better answer than the one I am giving to you, Commissioner.

ADV BALOYI SC: All right. I accept that is your best answer.

ADV HASSIM SC: It is 11:29.

10 **CHAIRPERSON:** Ja, I do not think you should start another point, it is 29 minutes past. Let us adjourn and come back at 11:45

INQUIRY ADJOURNS

INQUIRY RESUMES

CHAIRPERSON: Yes.

ADV HASSIM SC: Thank you, Chair. General, we were dealing with page 49. And on page 49, after this screenshot that you sent, Mr Matlala, with your communication with General Khumalo, you sent him a
20 message saying:

“Good afternoon, my brother. I will be arriving at the place at about 5 o'clock.”

Would that have been your, what you say is the usual place, Menlyn Maine?

MAJ-GEN SENONA: Correct, Commissioner.

ADV HASSIM SC: And then he responds to say:

“Okay, thanks. I have arranged with them anyway.”

Do you know who the ‘them’ was?

MAJ-GEN SENONA: It is the people working there just to open for me. I must wait for him. He has a penthouse there just to wait for him there.

ADV HASSIM SC: So, what was your purpose of meeting on 26 April?

10 **MAJ-GEN SENONA:** 26 April. I just want to check, Commissioners, what day of the week was it? It was a Sunday - Saturday. Yes, it was a Saturday. So, we were going to meet just for a casual meeting and chatting things in General in the meeting.

ADV HASSIM SC: So, you were engaging with him socially?

MAJ-GEN SENONA: On a social basis, correct.

ADV HASSIM SC: Okay, thanks. The remainder of the chats, we dealt with 13 May and some of the dates just
20 before 13 May. Chair, I am not going to go through it again. There is more in there. It is more variations of a theme. I do not think we need to go there, but I am happy to, if Commissioners have questions.

CHAIRPERSON: As I said so quite early on.

ADV HASSIM SC: Okay, thank you. So, we do, however,

need to return to the beginning of the chats because there is something that needs to be dealt with that is quite important. So, General, the page I would like to take you to is page 10. Okay, at the top of page 10, it actually starts on page 9. You will see it is a message from you. And you say to Mr Matlala:

10 “I will be in Pretoria next week. I request
 that if things are favourable, let us
 finalise the contract for those guys who
 assisted us.”

You see that?

MAJ-GEN SENONA: I see.

ADV HASSIM SC: Okay, so what are you talking about here? Let us start bit by bit. Who are those guys who assisted you and Mr Matlala?

MAJ-GEN SENONA: Commissioners, I just want to check this message. Let me go there.

20 **ADV KHUMALO SC:** That is on page 9, General. So, you will see the sender, bottom of page 9. And then it continues on to page 10.

MAJ-GEN SENONA: Yes. Thank you very much, Commissioner. On this one, I assume, if my recollection is well, that it was in line with the third party who was assisting him, whom I have referred to talk to him in relation to the thing of the risk management. If you look at page 3

at the bottom, when he was talking about the project, when I responded yesterday, it should be the very same people who have assisted. The language might be us, but it is him in the real perspective.

ADV HASSIM SC: So, you are saying that those guys are who again?

MAJ-GEN SENONA: A third party.

ADV HASSIM SC: A third party assisting with risk assessment.

10 **MAJ-GEN SENONA:** Correct.

ADV HASSIM SC: It is more than one person.

MAJ-GEN SENONA: Yes.

ADV HASSIM SC: And when you say, when you use the word 'us', you actually mean you.

MAJ-GEN SENONA: You know, I am saying in the right context it is him, not me. We Commissioners, sometimes when we talk, we happen to use not that English that is in the books, but it is not us per se, as both of us, but it is him in his contract in relation to the risk assessment. Thank

20 you.

ADV HASSIM SC: I want to ask you to think about that a bit more because you sent that message to him at 19:57. He responds to you at 20:03. So, very soon after you sent him this message, six minutes later, he sends you this screenshot. Right?

MAJ-GEN SENONA: Correct.

ADV HASSIM SC: And what does that screenshot a picture of?

MAJ-GEN SENONA: It is a computerised screenshot.

ADV HASSIM SC: Depicting what?

MAJ-GEN SENONA: It is written SAPS on top and then it talks about infrastructure, external data, what-what. Errors found on data set. Yes, it is a computerised screenshot.

ADV HASSIM SC: Yes, do you recognise this? Have you
10 seen this kind of screenshot before?

MAJ-GEN SENONA: Where?

ADV HASSIM SC: It is a SAPS computer system, is it not?

MAJ-GEN SENONA: I saw it when he sent me the very
same one.

ADV HASSIM SC: You saw it when he sent it to you?

MAJ-GEN SENONA: Yes.

ADV HASSIM SC: Right, and this is a screenshot of an
internal SAPS software. It is a computer screen.

MAJ-GEN SENONA: Correct.

20 **ADV HASSIM SC:** Yes, and it relates to information
concerning his contract.

MAJ-GEN SENONA: I will not know what is related to
which or what. I do not know. It does not say this is
related to Medicare24.

ADV HASSIM SC: Right. It just it has numbers. It has

sort of I suppose reference number and it says invoices to be uploaded.

MAJ-GEN SENONA: Let me check. Where is that? I am not finding that what you are saying was to be uploaded.

ADV HASSIM SC: You see it says end of report.

MAJ-GEN SENONA: Yes.

ADV HASSIM SC: Between tramlines, just above that.

CHAIRPERSON: On the right-hand side, General. Just above end of report, right-hand side.

10 **MAJ-GEN SENONA**: Yes, I see it, Commissioner.

ADV HASSIM SC: It says invoices to be uploaded.

MAJ-GEN SENONA: Yes, Commissioner.

ADV HASSIM SC: So, this is an internal finance screenshot, is it not? It is a screen of finance department software and information.

MAJ-GEN SENONA: It looks like that because I do not normally work with finances, but it looks like that.

ADV HASSIM SC: You can see it says South African Police Service at the top and then infrastructure, external data retrieval, *et cetera, et cetera*. So, it is a job card or an entry. It was a search that it seems someone had done and it came up with this.

20 **MAJ-GEN SENONA**: When I look at it, Commissioners, the first thing I must put it on record, I do not work with finances. I am unable to explain what exactly this and what

this is doing but when you show me that thing, invoices to be uploaded, in my mind, it tells me that someone was supposed to be paid. That is what comes into my mind. Someone was supposed to be paid. When you look at this thing that is written, invoices to be uploaded.

ADV HASSIM SC: Yes, but it is an internal SAPS. It could be finance or supply chain management department, this information. Why did he send this to you?

MAJ-GEN SENONA: I do not know why but as I indicated
10 yesterday, in my other messages, as I testified yesterday, I think Tuesday, that he did tell me about his challenges of not receiving his payments.

ADV HASSIM SC: Yes.

MAJ-GEN SENONA: I do not know why he sent this to me and how he got hold of it because I also tried to check the police emblem. I do not see it here, but I see it is written the South African Police Services.

ADV HASSIM SC: Okay, so he sent you this. Do you dispute that this is an internal SAPS information? Do you
20 dispute that?

MAJ-GEN SENONA: It can be purported to be because these things people sometimes reproduce.

ADV HASSIM SC: Sorry, say that again?

MAJ-GEN SENONA: It can be purported to be.

ADV HASSIM SC: I am not following. You are saying it

may not be?

MAJ-GEN SENONA: It can be, it cannot be. So, I do not want to say I dispute or I agree. It can be or it cannot be, but this is what he sent.

ADV HASSIM SC: Okay, so he sent you this and he says let me know when you are around. Did you ask him what is this?

MAJ-GEN SENONA: As I am saying, later he indicated to me about his challenges, but I do not think I asked him what
10 this is for.

ADV HASSIM SC: You did not ask him?

MAJ-GEN SENONA: I do not think I asked him.

ADV HASSIM SC: And you did not ask him where he received this from? Did it not occur to you at the time? I mean, it is apparent to anyone who looks at it that it is a SAPS internal information and it is a screenshot.

MAJ-GEN SENONA: I do not think I asked him, but I believe if he is called here, he will be able to come and say where he got it, what is this thing. Is it authentic SAPS
20 document or did somebody reproduce it or what? I do not know but he will have to come and testify.

ADV HASSIM SC: Did you report this to anybody within finance or supply chain management to say I am getting this thing? It looks like it might be an internal SAPS finance information, contractual information and you might have a

leak. Did you report this to anybody?

MAJ-GEN SENONA: No, I did not report it.

ADV HASSIM SC: Why not?

MAJ-GEN SENONA: It never crossed my mind to report it.

ADV HASSIM SC: Why not? When you see this, did it not make you think?

MAJ-GEN SENONA: It never crossed my mind to report it to Commissioners.

ADV HASSIM SC: So, you sat with this and did nothing?

10 **MAJ-GEN SENONA:** I did not report it to Commissioners.

ADV HASSIM SC: And when you spoke to him, Mr Matlala, after this, what was the conversation? Did he talk to you about why he sent this to you?

MAJ-GEN SENONA: He never told me why he sent it to me, but he told me about his challenges of delayed payment and there were those orders there around I think February, March, around there. I will have to check properly the dates here, but I do not know the exact dates, but he did inform me about his challenges of payments, delayed
20 payments.

ADV HASSIM SC: Yes.

MAJ-GEN SENONA: Yes, but I have never cross-questioned him about this.

ADV HASSIM SC: So, when he told you about his challenges on delayed payments, he just did not talk to you

about this? He just sent this to you without any conversation.

MAJ-GEN SENONA: I believe, I am saying he never - we never discussed this document, me and him.

ADV HASSIM SC: I do not believe that you are, again, being open and honest with the Commission. This is an internal screenshot of a computer screen to which only people in finance and supply chain management would have access. A private citizen, someone obviously took this and
10 this screenshot and sent it to Mr Matlala. And the reason he sent it to you is for assistance on dealing with his payment of his invoices. As you say, he was talking to you about it and he was seeking your assistance. What is your comment on that?

MAJ-GEN SENONA: He never asked my assistance, Commissioners.

ADV HASSIM SC: I also say to you that, again, in the person of your position and with your responsibilities, you should have reported this to the relevant person in either
20 finance or supply chain management in head office.

MAJ-GEN SENONA: I believe that is the advocate's view, but I did not report it.

ADV HASSIM SC: Now, I know the fact that you did not report it. Do you accept that you should have reported it?

MAJ-GEN SENONA: For me, it did not make any sense.

That is why I did not even look up - discuss it with him and everything, as I have indicated.

ADV HASSIM SC: I will maintain what I am saying. I think you are not being completely open with the Commission.

MAJ-GEN SENONA: Come again?

ADV HASSIM SC: I will maintain what I said earlier that you are just not being open with the Commission about this screenshot and what its meaning is.

MAJ-GEN SENONA: Thank you, Commissioners.

10 **ADV HASSIM SC:** Yes.

ADV BALOYI SC: Are you moving off this page 40?

ADV HASSIM SC: Yes.

ADV BALOYI SC: Or 10, rather, page 10. General, that WhatsApp message at the top where you say:

“I will be in Pretoria next week, I request that if things are favourable, let us finalise the contract for those guys who assisted us.”

You say that the guys you are referring to are the risk
20 assessment people that you gave him to speak to.

MAJ-GEN SENONA: Correct, Commissioner.

ADV BALOYI SC: Did I then mishear your evidence yesterday or misunderstand it yesterday when I think you said all you did was just to give him the names and what he did with them, you do not know? I thought that was your

evidence yesterday.

MAJ-GEN SENONA: I said I referred him to people who know these things of security risk management so that he must continue to deal with them.

ADV BALOYI SC: Yes, and you had no further involvement?

MAJ-GEN SENONA: I said whatever emanated from there, I did not further ask him about. But this WhatsApp reminded me that when I asked him that, did he finalise the
10 contract of those guys, I was referring to the very same people, just enquiring, Commissioner.

ADV BALOYI SC: So, you got involved in discussions with Mr Matlala about contracts for these risk assessment people. You did not just give him names and carried on with your life and do not know what he did with them.

MAJ-GEN SENONA: As I indicated, Commissioners, yesterday, in that we were talking under General and then I brought this topic of risk assessment. Then I recommended these third-party people to do it because I was of the view
20 that he is going to call them, they must do a presentation and then do that. That is why I was asking him here about whether he finalised the contract, meaning that in my context that did they meet and did what they were supposed to do, did they finalise their work with him in relation to his security company.

ADV BALOYI SC: So, you knew that he is dealt with, he has been talking to them, they are talking about contracts. What I am trying to establish from you is after you gave him the names, what was your further involvement with this referral because the impression you created yesterday and until you see this WhatsApp message, the impression that you have created to us in my recollection of your evidence is all you did was you just gave him the names of these people and then that was your only involvement in it.

10 When he says to you, I have met with a guy, you remember there were emails, WhatsApp's, where he says, I have met with a guy, we asked you what this is about, you said, I assumed he meant the risk assessment people, I do not know. So, you gave us the impression yesterday in your evidence that you just gave him the names and that was the end of your involvement. Now we have a WhatsApp before us where you are now talking about contracts. Maybe tell us more. What in fact was the extent of your involvement with Mr Matlala and the people that you say you referred
20 him to for risk assessment?

MAJ-GEN SENONA: Commissioners, here I was just making a follow-up. I did not participate in the entire process. I was making a follow-up about the finalisation of that contract. It is not a contract that I am a partner to it or whatever. I was making a follow-up whether that contract –

it is just that maybe I utilised my English wrongfully when I say us.

ADV BALOYI SC: No, I am not at us yet.

MAJ-GEN SENONA: Yes.

ADV BALOYI SC: I am still at the contract because I would like to know how did you know as of the 15th of January 2025, how did you know that they have not finalised the contract unless you were involved in whatever was going on? Why would you know that? It is not your
10 business. It is Mr Matlala's business according to you that you are referring him for risk assessment. How and why would you know that there is a contract that must still be completed between them that must be finalised?

MAJ-GEN SENONA: Commissioners, I am saying I was making a follow-up.

ADV BALOYI SC: Yes, to finalise the contract.

MAJ-GEN SENONA: I was making a follow-up if he did finalise the contract. It is unfortunate that I utilised the word us. But I was making a follow-up.

20 **ADV BALOYI SC:** You are requesting him, General. You are not asking for an update. It is not an update you are asking for. And please do not say unfortunate use of language, of English. No, it will not work. You are not asking for an update. You say, you request that we finalise the contract. So, you know the contract is not yet finalised.

And how do you know that the contract is not finalised unless you are much more involved with this than you testified yesterday or the impression you created yesterday? You knew. You knew the contract is not finalised.

MAJ-GEN SENONA: As I have indicated, Commissioners, I wanted to know if this contract was finalised because when we talked that time, he agreed to engage with them. He agreed to engage with those third parties. Hence, I did not
10 participate. Then I asked I was asking him if this contract, he did finalise it because the contract is a question of whether they came, did they give him the thing, did he finalise it. I was checking if he did finalise it.

ADV BALOYI SC: Okay, General, that cannot be, and you know it is not. Your language is very clear. I request that if things are favourable, let us finalise the contract. You know that is not a request for an update. It is not an enquiry. You know as you sit there that, in fact, what this is, you are asking Mr Matlala, let us complete this contract.
20 Let us do what is necessary to finalise it.

You know that. And please accept that we also know what the English language you have used here means because otherwise it is as if you are taking us for fools. You know, you tell us what you want and then we are not reading the same text. In this text, you say, I request that

we finalise the contract. And it says exactly that.

MAJ-GEN SENONA: Commissioner, ...[intervenes]

ADV BALOYI SC: So that is what it says. And I am not asking you for comment further about it. That is what it says. It is language, it is clear. You are asking him to finalise the contract. That is one. Two, you say, for those guys who assisted us. So, by now you have received - you know that Mr Matlala has received assistance, whether it is his company or both your companies, but you know from
10 this text that assistance has been provided.

So, you further evidence that you are much more intimately involved with whoever you are referring to here, the third party, the guys that you are referring to. You have insight. They assisted us. It is not a slip of the English language. It is a fact you are stating. The guys who assisted us. So, you are much more involved than you have let on to us.

Lastly, the us, it is not a slip of the English language. It is not sometimes we speak to us. You are
20 speaking about something that you and Mr Matlala are involved with, with these guys who have assisted you and that you need to finalise the contract. That is what this text is. And please do not say to us things that suggest you think we – yes, I think we have all done English, at least up to matric.

And this is simple English. There are no difficult words that require a dictionary. Your text is clear. I request that if things are favourable, let us finalise the contract for those guys who assisted, and then us, you and Mr Matlala and whoever else you are referring to. That is what it is.

ADV KHUMALO SC: And just one last point. Remember your earlier discussion with Mr Matlala ...[intervenes]

CHAIRPERSON: Just a minute. Do you wish to comment
10 on this, General?

MAJ-GEN SENONA: I was advised not to comment, and I will take it.

ADV BALOYI SC: I did not ask you not to comment. I just do not expect you to have a comment. You can comment if you want to.

MAJ-GEN SENONA: I take that. Thank you, Commissioner.

CHAIRPERSON: Thank you.

ADV KHUMALO SC: I was just reminding you, your earlier
20 discussion with Mr Matlala on page 3, it can also be a slip of the tongue because he says to you, our project, meaning yours and his project. So it can be that both of you do not understand what us and I and me and we mean. Surely it cannot be. Your response to him is to thank him. Your response is not I do not know what you are talking about.

Your response is to say thank you. Do you want to comment or simply accept that that is what the text says?

MAJ-GEN SENONA: I do not want to comment because our context of the text is not the same. That is all. I would rather remain silent on this one. I do not want to answer.

ADV BALOYI SC: Well, the context will be the same because according to you, yesterday you said at page 2 when you were asked about the guy that I met very late, could not even notify you, I am coming back again
10 tomorrow, though he needs to give me feedback. You said that was the guys you referred him to for risk assessment. That is at page 2. That is what you said. It is the guys for risk assessment. And then at page 3 that Commissioner Khumalo is referring you to, where he says:

“The guy I went to see really helped. I will tell you whenever you are back this side. Monday I am starting with our project. Nothing is disturbing me anymore.”

20 You said that is the risk assessment. And then now at page 10 you say it is the risk assessment. So according to you, you are talking about the same people. So, the context is not different at all. And Commissioner Khumalo is correct to say, well, your explanation yesterday that the ‘our’ at page 3 could not have been referring to a project that you

are involved with.

When you look at that and then you look at this page 10 where there is a reference to us, it is clear what it clarifies is you are involved with Mr Matlala, whoever else is involved we do not know, but certainly with Mr Matlala. You are involved in a common activity, whatever that common activity is. You tell us that common activity is the risk assessment, but we know from this it is a common activity, by the use of plural. And we know from you that all
10 these WhatsApp's from pages 2, 3 and 10 are about risk assessment. So, it is exactly the same context and exactly the same story. Thank you.

ADV HASSIM SC: Commissioner - General, before you respond, I just want to say that your own version, you now say that the context, your response is very curt. In response to the question by Commissioner Baloyi, which is to say the context is different, and you leave it at that. But in paragraph 38 of your statement, you put those communications together. You say all of them about the
20 same thing. So, you say that yourself in your statement. So, I just wanted to point that out to you before you respond to Commissioner Baloyi. But you may respond to her.

MAJ-GEN SENONA: I do not have a response on this matter.

ADV HASSIM SC: Sorry, I did not hear that?

MAJ-GEN SENONA: I do not have a response on this matter.

ADV HASSIM SC: You do not have a response?

MAJ-GEN SENONA: Correct.

ADV HASSIM SC: Commissioner, I am moving off from that.

ADV BALOYI SC: You may.

ADV HASSIM SC: Thank you. Okay, last thing before we leave the chats. And that concerns it concerns the
10 relationship between Mr Matlala and your son and the assistance that he provides. Now I need to just - I moved off it. I need to just find the page again. Bear with me. Yes, page 7. In the middle of the page, you send a message to Mr Matlala. And you say to him:

“Good afternoon, brother. Did you meet with Thato? And he responds, tomorrow. I am waiting for offer to purchase first.”

Why were you asking him about meeting with Thato?

MAJ-GEN SENONA: It is because he was - he did inform
20 me earlier in our telephone conversation that he is looking for Thato. He cannot get hold of him. So, when they met this - let me just go to the WhatsApp call. I will tell you now. Page 7.

ADV HASSIM SC: Yes, page 7.

CHAIRPERSON: Have you found the chats?

MAJ-GEN SENONA: Correct, correct, I did. Thank you.

CHAIRPERSON: Yes, Ms Hassim.

ADV HASSIM SC: So, do you want to answer the question?

MAJ-GEN SENONA: Can you repeat it, please?

ADV HASSIM SC: You are asking him, did you meet with Thato? He says to you, tomorrow. I am waiting for offer to purchase first. Do you indicate in your usual way, thank you. And my question is about this conversation you are
10 having and about the broader relationship between you, your son, and Mr Matlala. So, what was this conversation about between you and him and the offer to purchase?

MAJ-GEN SENONA: Look, I believe that he was updating me about what they are doing with my son because when I asked him, did you meet with Thato, remember I testified on Tuesday that at some stages he asked me if I know Thato Senona, I explained and then he explored to me in relation to the business that him and my son were starting to engage on and then I was very much happy with that and
20 eventually, if he does not get Thato, he will always come to me and say, inform Thato to call me. He never said, do this and this and this for Thato, but inform Thato to call me. They call sometimes they meet. I was just checking if they met because I knew they were supposed to meet to do their own business.

ADV HASSIM SC: So, why did he say to you, I am waiting for offer to purchase first? If it was not part of your business, it was just something simply between Mr Matlala and your son, what would you know about an offer to purchase?

MAJ-GEN SENONA: It does not need any rocket science if a person is doing a business with your son. If he decides to inform you about the progress of the project, sorry, I am saying project. If he decides to inform you about what
10 exactly is happening and where, it is good, but the questions that I am required to answer here, it is him, why did he decide to do so. But I am saying I believe that he was updating me about what was happening regarding the business between him and my son.

ADV HASSIM SC: Okay.

MAJ-GEN SENONA: And then when he wants my son, if he cannot get hold of him, I will get my son and say, please call Mr Matlala, he is looking for you. Not going into details of their business.

20 **ADV HASSIM SC:** Okay, so you, I mean what is, but you are facilitating the relationship between Mr Matlala and your son?

MAJ-GEN SENONA: I vehemently deny that I am not facilitating. It is a parent who is being informed about the progress of a business venture that his or his son is doing

with another businessperson.

ADV HASSIM SC: He was keeping you updated as a parent.

MAJ-GEN SENONA: Absolutely true.

ADV HASSIM SC: And it was necessary for him to keep doing this. So, you were aware of, because he was updating you, you were aware of these engagements between him and your son?

MAJ-GEN SENONA: He will update me as and when he
10 deems it fit, but he was not obliged to.

ADV HASSIM SC: And then if you go to page 16, in fact it starts on page 15.

MAJ-GEN SENONA: Yes.

ADV HASSIM SC: And it is immediately after the video clip.

MAJ-GEN SENONA: Yes.

ADV HASSIM SC: On 6 February. So, it is on the same day as that video clip. Remember the video clip was of the person saying that we are going to cancel a contract with
20 non-performance by the service provider.

MAJ-GEN SENONA: Commissioners, I think the issue of the video clip, we will still have to come to that, maybe if we can finalise this humble request before we go to the video clip, because it will be my request that it must be played again, that video clip, that we were provided with on, I think

it is the first day or second day.

ADV HASSIM SC: Sir, I am not going to the video clip. The point of my question is not, I am just saying it is below the video clip.

CHAIRPERSON: But I think the point is fair that the General, wants the video clip played again. He was asked questions about it and then we stopped that midway for the General to view the video overnight. I am not saying that must be done now.

10 **ADV HASSIM SC:** Okay.

CHAIRPERSON: But all I am saying is the point is fair that at some point that should be done.

ADV HASSIM SC: Fair enough.

CHAIRPERSON: Is that fair, General?

MAJ-GEN SENONA: Correct, Commissioners.

CHAIRPERSON: Thank you.

MAJ-GEN SENONA: Thank you.

ADV HASSIM SC: So then if we can get back to where I was. So, he sends you that video clip and then he sends
20 you this, again it appears to be screenshots of a conversation with somebody from an estate agency about an offer to purchase. It goes on for a few pages. If you just page through.

MAJ-GEN SENONA: Page 17?

ADV HASSIM SC: Yes, it starts.

MAJ-GEN SENONA: You said page 2?

ADV HASSIM SC: Page through, I said you can page through it. Because it starts bottom of 15, it goes 16, 17, offer to purchase, 18, picture of a two-bedroom flat in Menlyn. Is this the same building where you meet?

MAJ-GEN SENONA: No.

ADV HASSIM SC: And then on page 19, after sending you all of this, you say thank you.

MAJ-GEN SENONA: Correct, Commissioners.

10 **ADV HASSIM SC:** Right, so you are saying he is just keeping you abreast of his dealings with your son.

MAJ-GEN SENONA: Yes, because after he sent this to me, I am not sure he sent it to me first or to Thato first, but he sent it to both of us, which is that he was updating me, happily updating me. I took it, he was updating me about the progress they are making with my son, of which it is not me who demanded the update. Thank you, Commissioners.

ADV HASSIM SC: I will tell you what it seems like from the context of all of these chats, and I will allow you to
20 comment. When you read the communications about those guys, the contract assisting us, his messages to you about the screenshots, for example, invoices to be uploaded, what you are saying about he is got problems getting paid, he is seeking assistance from you, from others.

We have gone through that already. All of that is in

order for him to get progress on payment on his contract, and that is not entirely disconnected from his ability to continue doing business with your son. You are saying that to do business with your son and to assist your son on purchase of property, he needs to be paid, and that is why he was having these conversations with you about payment of the contract.

CHAIRPERSON: I am not sure that I follow the connection with the purchase of the property. I get this about the
10 assistance and so on, the meeting with General Mkhwanazi and so on. I do not know how the issue of the purchase of the property gets woven into all of that. I am not saying there is no way that may be done, but I just do not get how you get there.

ADV HASSIM SC: I was trying to shortcut through it because of time. There is a whole lot more sort of WhatsApp chat between the son and Mr Matlala, which the witness would have seen.

CHAIRPERSON: You see, the difficulty is the General may
20 also be, I am not answering on his behalf. If I am confused, one cannot discount the possibility that the General may also be confused.

ADV HASSIM SC: Well, let me not make any speculation. Let me simply ask a question, and the General can answer it, and that is whether there is any connection.

CHAIRPERSON: Yes.

ADV HASSIM SC: Thank you, Chair. Is there any connection between the engagement between your son and Mr Matlala and the contract that he is seeking your assistance on for payment?

MAJ-GEN SENONA: There is totally no connection, Commissioner.

ADV HASSIM SC: And knowing that he is assisting your son, and I know that, Chair, this is something we went
10 through a little bit earlier. I am not going to dwell on it very long, but I must put it to the witness. Given what you said about taking distance from Mr Matlala and your concern, did you alert your son to be wary of getting into business deals with Mr Matlala?

MAJ-GEN SENONA: The 5th of March, Commissioners, when the issue of being wary, by then, by the 5th , before the 5th of March, if my recollection is right, I want to check the WhatsApp between my son and Mr Matlala because if she can assist me to look into where is that, those
20 WhatsApp, because as I have testified, this deal never went through, and then I have employed the Commission to ask people to go double-check. Since then, when this thing was stopped, my son and Mr Matlala never communicated anymore. They never spoke, and he never updated me with any other thing.

ADV HASSIM SC: Sorry, since when?

MAJ-GEN SENONA: I am looking for dates. I want to check my son's WhatsApp messages. Thank you, Commissioners.

CHAIRPERSON: Yes.

MAJ-GEN SENONA: The last communication between Mr Matlala and my son, I think it was 3 March.

CHAIRPERSON: 3 March.

MAJ-GEN SENONA: 3 March.

10 **CHAIRPERSON:** Before the critical 5th of March.

MAJ-GEN SENONA: Before the critical 5th of March. Then that was it.

ADV HASSIM SC: So, you are saying they cut off ties, he cut off ties.

MAJ-GEN SENONA: They never communicated any further because I believe the issue of the business venture did not go through. As I indicated that currently my son is doing something else over and above the other things that he did before with other businesspersons. And I must emphasise
20 there is no connection of this business venture of my son and my relationship with Mr Matlala.

ADV BALOYI SC: General, you say this transaction did not go through, this attempt to buy an apartment.

MAJ-GEN SENONA: Correct, Commissioner.

ADV BALOYI SC: This is the only business that they tried

to do together. There was no other one that they tried.

MAJ-GEN SENONA: As of my recollection, Commissioner, yes.

ADV BALOYI SC: This is the only one?

MAJ-GEN SENONA: Yes, Commissioner.

ADV BALOYI SC: And they were buying an apartment together?

MAJ-GEN SENONA: Yes.

ADV BALOYI SC: Or did they have a company that was
10 going to be buying the property, or you have these two
individuals, Mr Matlala and Mr Thato Senona, as individuals
buying this apartment?

MAJ-GEN SENONA: When I look at these documents here,
at one stage you requested the FICA documents of my son,
but how were they going to buy it, register in which
company or whatever, I do not have knowledge of that. I
cannot assist the Commissioners with that.

ADV BALOYI SC: Maybe let me ask more clearly what I
am trying to find out is did they ever have a company
20 together, to your knowledge?

MAJ-GEN SENONA: No, Commissioners.

ADV BALOYI SC: Thank you.

ADV KHUMALO SC: Can I, General, just ask you a few
questions? Let us start on page 7. Same bundle, page 47.

MAJ-GEN SENONA: Page?

ADV KHUMALO SC: Sorry, 7, not 47. The impression you created was that it was Cat Matlala who asked you if you know Thato Senona.

MAJ-GEN SENONA: Correct.

ADV KHUMALO SC: But when I look at the WhatsApp text, 9 January 2025, at 17:39, it looks like it is you who is asking Cat Matlala whether he met Thato, your son.

MAJ-GEN SENONA: Correct, Commissioner.

ADV KHUMALO SC: So where does Cat ask you if you
10 know Thato Senona?

MAJ-GEN SENONA: I testified on Tuesday, Commissioners, that in the latter part of 2024, I cannot recall the exact date when he was asking me about my son. Not here in January, Commissioners.

ADV KHUMALO SC: And what business do you say they were doing together in the latter part of 2024?

MAJ-GEN SENONA: They were discussing this business. He asked me, let me just repeat what I said, Commissioners. Do you know Thato Senona? Yes, he is
20 my son. What about him? We were talking. No, we are trying to do business in terms of property. In a property business. I said, oh, okay, you are doing business with my son. I am happy. Congratulations. There was no WhatsApp talking and everything with relation to that because we were together, me and Mr Matlala.

ADV KHUMALO SC: So, they were going to buy an apartment.

MAJ-GEN SENONA: That is the business. He said business in property. And as things are unfolding, they were sending these things to me, and then they were buying an apartment.

ADV KHUMALO SC: And then just for completeness on page 11, remember on page 10, we have already been through it, you had a discussion about a contract that was
10 to be finalised with the people who assisted us. And then on page 11, you are having the conversation with Mr Matlala, you tell him that you are around Pretoria, and then he says to you the second last WhatsApp:

“Afternoon Nduna, can you please Thato to send me his FICA documents. I sent a message and called. He is not responding.”

So that is the WhatsApp you are referring to about the FICA documents.

20 **MAJ-GEN SENONA:** Correct.

ADV KHUMALO SC: Okay, and then later on on page 18, if we start on page 16, 17, 18, we can see that it was Mr Matlala who was going to pay for this property. I think that much is clear from the WhatsApp on page 18, right?

MAJ-GEN SENONA: I see here they are talking.

ADV KHUMALO SC: Because he is talking to the agent, and the agent says on the OTP under point number 34:

“Can you state how you want to make payment?”

Do you see that?

MAJ-GEN SENONA: I see that.

ADV KHUMALO SC: Yes. So, from this it is quite clear that it was Mr Matlala who was going to make payment for this apartment.

10 **MAJ-GEN SENONA:** I see here they were asking him how do you want to make payment, but I do not know. I cannot say yes or no, or what was their arrangements, their Commissions.

ADV KHUMALO SC: But that is what it looks like.

MAJ-GEN SENONA: It looks like, but I cannot say that it is Commission.

ADV KHUMALO SC: Because it leaves me with the impression that Mr Matlala, the whole arrangement was about Mr Matlala purchasing an apartment for your son. If
20 you do not know, you do not know. If you care to comment, you can comment about that.

MAJ-GEN SENONA: Commissioner, my son is a businessperson. He does have his own house. He does not need an additional house to stay in. If whatever he wants to do to get money legally sold to support his family, I am

happy with that as a parent. Thank you, Commissioner.

ADV KHUMALO SC: But you are not answering my question. My question is from these documents that Mr Matlala was going to purchase that apartment for your son.

MAJ-GEN SENONA: For me ...[intervenenes]

ADV KHUMALO SC: Sorry, my mic was off. Let me try and repeat. I was focussing on you and forgot about the mic. It looks from this document that Mr Matlala was going to purchase an apartment for your son. That is what it
10 looks like.

MAJ-GEN SENONA: Maybe when Mr Matlala is here, he will respond to that. I cannot respond to this. Thank you, Commissioners. But all I know it was a joint venture.

CHAIRPERSON: General, from what we have seen, Mr Matlala appears to be a man involved in business or businesses on a large scale. We even see a contract of R360 million with SAPS. There is mention of him also participating in the Thembisa contract. He also has the CAT VIP Protection Services. Perhaps one could go on. I
20 do not know.

Serious businessman on a large scale. It looks very odd to me that he would have wanted to go on a business venture with your son for a single apartment. A single apartment. How much were they going to make out of that, sharing that between the two of them? It looks very

odd to me. I would understand if they were buying that block of apartments at the bottom of page 18.

I would understand if they were buying that block of apartments. But for - I do not know the extent in monetary terms of your son's business or businesses. So, I will not go there. I will just talk about Mr Matlala, to whom we have been exposed. Does it not look odd to you?

MAJ-GEN SENONA: For me, it never looked odd, Commissioners. I was happy that my son would get income
10 to support his family. He stays at his house. He is 33 years of age. He is got a wife and his three kids. I was happy that if my son does whatever he does, that can put food on the table, as long as it is within the law. I am happy with that. You know, I do not know. The Commissioner is talking about why they do not buy a block of flats. So, I do not know the nitty gritty.

CHAIRPERSON: No, no, no, no, no. I am not saying why. I am not really making that point. My point is more. Why would ...[speaking in vernacular] why would they go into a
20 business venture just for this one apartment? As I say, I know nothing about your son, the extent of the businesses and the monetary value and so on. But we have been exposed to Mr Matlala.

And I am saying, perhaps let us just look at Mr Matlala. What would the interest of Mr Matlala be in going

on a business venture with somebody to buy just one apartment? Yes, I do see that he says, this luxurious two-bedroom apartment - a two-bedroom apartment *nogal*. But it just does not make, it looks very odd to me that Mr Matlala would have been interested in such a business venture. What is your comment?

MAJ-GEN SENONA: I have taken note of what the Commissioner is saying. My comment is that I was happy that my son is getting a business that will enable him to
10 support his family. The issue of oddness, me, I was happy that my son is getting work. Because my son is in this business, he registered his company. He never worked anywhere other than registering his own company, trying to look for work there, look for work there, look for work there.

When Mr Matlala asked me about him, that this one of mine is him who went there to propose. And then I said, yes, it is my son, and they continued. I have never said and said this is how it must be done and everything. It is just that him, Mr Matlala, will inform me about certain
20 progresses. And then he will tell me if he does not find Thato. Then at some stage he will say, I message, I call, I do not find him. Then he says, hey, you called, it is fine. So why he decided to do that, Mr Matlala, with my son, to buy this one apartment there, I do not know Commissioner.

CHAIRPERSON: Thank you, thank you, thank you,

General.

ADV BALOYI SC: General, there is the and I really am not asking, this first part at least, I am not asking a question, but just making the observation, firstly, that, you know, there is this oddity that it is your son that Mr Matlala does business with. Mr Matlala is your friend, is your brother, and yet he is never met Thato. He meets him randomly on your account. It has nothing to do with you.

He comes to you and asks you, do you know Thato
10 Senona, when in fact you have described him as closely as you have. He is your brother. It is quite strange that he would not know that you have a son called Thato, but I do know more than mention it. But more importantly, at page 7, that WhatsApp message, you are the one that starts. Mr Matlala has not asked you anything about Thato up to that point. You are the one that says, did you meet with Thato?

On its face of it, certainly on its face, you have had a discussion with Mr Matlala about Thato, on the face of this WhatsApp message at page 7 on the 9th of January.
20 And this is really, when you talk about a follow-up, when you are asking for information, this is the one.

You knew they were supposed to meet, so we know you do discuss Thato with Mr Matlala. So, on the 9th, at 17:39, you say, did you meet with Thato? This is you initiating on the face of it. Well, if not initiating, you are

confirming an earlier conversation about Thato. Now you want to know, have they met? And then he says, tomorrow. And then he says, I am waiting for offer to purchase first.

You do not ask, what are you talking about? And I hear you when you say, Thato is 33, he is got his own company, he runs his business. And I accept that part, but strangely, Mr Matlala thinks you know about this purchase. Even though Thato is a 33-year-old married man who is running his own business, Mr Matlala says to you, I am
10 waiting for the offer to purchase first, so you know something about it.

You do not say, what are you talking about? Which I think one can infer, you know that they are buying an apartment and where things are at that point. And then when you then go to page 11, that WhatsApp message where he says, can you please Thato send me his FICA documents? I sent a message and called, he is not responding.

Again, it is quite odd that Mr Matlala would, through
20 you, would make you a conduit about a business. His business between him and Thato, it has nothing to do with you. It has nothing to do with you. But Mr Matlala sends you, basically, effectively, says to you, get Thato to send me his FICA documents. That is another oddity. And on the face of it, it suggests that in fact the business

transaction is between you and Mr Matlala.

And Thato is brought in the middle of it to assist in that he becomes your proxy in that transaction, and I think one has to be fair to you and put that impression to you so that you can comment. So just to make sure that you understand what I am saying that you first say, have you met with Thato?

There is nothing before that between you and Mr Matlala that makes this message make sense so we have to
10 fill in the gaps and the gap that I am proposing is to be filled in is you have been talking to Mr Matlala about a transaction that he will be doing with Thato. You have been talking to him. So now you want to know, have they met? Mr Matlala says to you, tomorrow I am waiting to get the OTP first.

He does not give you a story about the transaction, this is what I am doing with Thato. So, you know what OTP is talking about, but it is not your business you tell us. It is of a 33-year-old son. He has no business discussing it with
20 you unless you are involved with it so the impression it creates is that well you know about this transaction. And then at page 11 he says tell him to send me his FICA documents.

The impression it creates to me, and I may be wrong about it, the impression it creates to me is that you

are in fact the one that Mr Matlala and Thato were buying an apartment for or in relation to. That is really you are the real beneficiary of it and Thato would have been a proxy in this transaction. That is the impression I get and I may be wrong. You may comment if you want to.

MAJ-GEN SENONA: Thank you Commissioners. The analogy is incorrect. I am not the proxy. They were doing business. I testified Commissioner that in the latter part of the year, it is unfortunate there are no WhatsApp or
10 whatever communications there. The Commission is only having these ones that were extracted from the phone of Mr Matlala but Thato my son is the one who approached him, Mr Matlala.

I was happy that my son will be able to make some means for him to support his family. I know what is happening in businesses. Sometimes the business blooms, sometimes it goes down. So, I was very happy. Once it goes down, as a son you will say Papa, I am asking for money to buy mielie meal. But I was a happy father. There
20 is nothing of such a nature that Thato is a conduit to me to benefit from that property.

If I was the one who was benefiting and I wanted that property, you would see in the messages here that maybe I talk about it and pressurise him to buy the property and so forth. I knew they were buying property because

when he asked me about my son, he said my son approached him, he wanted to have a business venturing to properties.

ADV BALOYI SC: Thank you General.

MAJ-GEN SENONA: Thank you, Commissioner.

ADV HASSIM SC: Thanks. Chair, I am going to leave the WhatsApp chats entirely now. There is one more topic that we need to cover that emerges from the statement of the witness and that is the Port Shepstone drug bust issue.

10 **MAJ-GEN SENONA:** Commissioners.

CHAIRPERSON: Yes General.

MAJ-GEN SENONA: I have a request Commissioners.

CHAIRPERSON: Yes General.

MAJ-GEN SENONA: My humble request is that before we go there, it is totally a new topic if we close in here. My humble request Commissioners is that can we deal with the video because the video talks to the chats.

CHAIRPERSON: Yes.

20 **MAJ-GEN SENONA:** Then when we close, we no more going there. We want to deal with the Port Shepstone thing.

CHAIRPERSON: That is logical. That is logical.

MAJ-GEN SENONA: Thank you very much Commissioner. If my request, if I may address the Commissioners, is that I want the video to be played again because I was asked

questions. I was told that you take a document with a police emblem. A document with a police emblem is sent to you by a private person where it was in a meeting. Therefore, I received that clip.

CHAIRPERSON: Yes.

MAJ-GEN SENONA: I went through it over and over and over again. Therefore, it is my humble request that it be played again.

CHAIRPERSON: Yes, General. Can it be found and
10 played please? General, will you be asking that it be paused or do you want it to be played from beginning to the end without any stops?

MAJ-GEN SENONA: I will be asking that it be paused
Commissioners.

CHAIRPERSON: All right, you will say when then. Thank
you.

MAJ-GEN SENONA:

CHAIRPERSON: Correct Commissioners. Sorry,
struggling. I see it is 8 minutes – I thought you were
20 mouthing 5 minutes. Did I get that correctly? Then if it is 5 minutes that will bring us something like a couple of minutes before 1. Perhaps let us just adjourn for lunch then. Is that fine? And when we come back at 2 then you should be ready. Is that fine? General?

MAJ-GEN SENONA: Commissioners?

CHAIRPERSON: It seems they are struggling to - I do not know whether to find or to play it. So, I am suggesting that perhaps we just adjourn for lunch and start playing it at 2 o'clock.

MAJ-GEN SENONA: I am at your mercy, Commissioners. I am fine with it. Thank you.

CHAIRPERSON: Let us adjourn until 2 o'clock.

ADV HASSIM SC: Thank you, Chair.

ADV HASSIM SC: Thank you, Chair.

10 **INQUIRY ADJOURNS**

INQUIRY RESUMES

CHAIRPERSON: Yes, Ms Hassim.

ADV HASSIM SC: Thanks, Commissioner. I think we are ready to play the video.

VIDEO PLAYED BACK

20 "I am ready to take the kids to the college on the 4th. So by Monday, if we have not received anything, we close. We rather send members that are short and that process of the non-performance by the service provider, that process I have already directed that it must start. So we ..."

CHAIRPERSON: Yes, General.

MAJ-GEN SENONA: Thank you, Commissioners. My files

have just developed some legs. Maybe they are still coming. My files. Ja, but I have taken note of the clip. I also listened to it, but I will request that it be played and then where there is that blocks of numbers and everything, then we just pause it there and zoom a little bit.

CHAIRPERSON: Who took General Senona's files? Oh, I am told somebody is fetching them, General.

MAJ-GEN SENONA: Thank you, Commissioners.

CHAIRPERSON: Thank you, thank you.

10 **MAJ-GEN SENONA**: Yes, Commissioners, if they can zoom this one. I am not sure if the Commissioners are able to see.

CHAIRPERSON: Yes, we do have it in front of us, General. We may proceed, Commissioners.

CHAIRPERSON: Sorry, General?

ADV BALOYI SC: Proceed.

CHAIRPERSON: Oh, yes, please, yes.

20 **MAJ-GEN SENONA**: Thank you, Commissioners. When you look at this document and you zoom deeper onto it, it does not depict a date on it, on the very same clip that has been played here. One would realise that this is a recording of a laptop screen. You can see on the what you call. What is significant to note, Commissioners, is that this is a virtual meeting. When you look there on the top, that is called toolbar or what, and also, it is unknown whose

meeting is this, for example, whether is it a SAPS meeting that is convened by SAPS or whether this meeting is convened by a service provider. And it does not speak about termination, Commissioners. It speaks about non-performance. It is difficult to confirm what is this meeting really about from the beginning until to the end, because this clip is very short. Commissioners, attendees of these meetings are indicated there on top. If you see on the far left on top, there is the initials LN. We do not know who is
10 that. But number two, I am going to jump it now, I will come back to it. It is TEMG, GS and so on. But number 2, Commissioners, if you zoom it correctly, you will see that that number two from the LN, it is a logo of Medicare 24. Commissioner, I went and zoomed it properly and checked. I can display it like this on my phone after I received this. I could not be able to play.

CHAIRPERSON: May we have that, please?

MAJ-GEN SENONA: Yes, I can.

CHAIRPERSON: Is it only the 24 showing on there, or is
20 it, I do not think it is the whole thing, not what is above, but what is within the circle.

MAJ-GEN SENONA: There is the circle and everything, Commissioner, if you zoom in. If he can bring the phone, I will open something to show the Commissioner.

CHAIRPERSON: Okay. Ag, I think I have seen everything.

You may explain me, I think I will follow when you explain it, yes.

MAJ-GEN SENONA: Thank you, Commissioners.

CHAIRPERSON: Thank you. Thank you.

MAJ-GEN SENONA: Now ...[intervenes].

CHAIRPERSON: Oh, I am sorry. Have you seen it, Ms Mafisa or would you also want to see it?

MS MAFISO: Chairperson, I have seen it.

CHAIRPERSON: Oh, you have seen it. Thank you. Thank
10 you.

MAJ-GEN SENONA: Thank you, Commissioners.

CHAIRPERSON: Yes, General?

MAJ-GEN SENONA: Actually attendees of the meeting it is, the others are shown by initials. We do not know exactly who is who and as well as the convener. When you look at the number two, that, where there is 24, you look at those lines, that circle ...[indistinct] it depict exactly the logo of what I have just presented before the Commissioners.

Commissioners, when you look at it, there is no
20 SAPS logo on it. Now what I want to say, Commissioner, is that I was lambasted that I have received this document. That was an internal police meeting that I knew and then I should have done something about it. I think one of the Commissioners as well as the evidence leader emphasized vigorously that there was a police logo on this, on, I think it

is Tuesday if my memory serves me well.

For me, without analysing properly, this is extremely misleading, because there is no indication that this is an internal SAPS meeting. Commissioner, to conclude this, you can see that Medicare 24 was a participant here. What we cannot determine is who was the convener of this meeting. And a picture was painted in that General Senona received a sensitive police information from Mr Matlala and decided to do nothing about it. And
10 this information is about the termination of the Medicare contract as well as that it has a police logo on it.

And when we went, after we have received it, by the way, it is one of the things that we were able to open through the assistance of the Commissioner, and then we went and looked into this. It leaves much to be desired for in relations of the evidence, sometimes when it is presented before the Commission against people. It has a serious negative impact.

So I am very much thankful to be given this
20 opportunity to go and look at this document so that whatever I am seeing there, I must come and advise the Commissioners, this is what I am seeing, this is what it is there. And we do not even know who is talking on that platform because there is a voice of a human being that is talking on these recordings I submit.

CHAIRPERSON: Thank you. Thank you for that. And thank you for the observations, General. But one thing I wish to comment on is that unless you point to something specific, there is no basis for then saying the evidence that is being led before this commission leaves too much to be desired. So yes, you have made your point with regard to the video, but there is no basis for you to be general about your observations. Thank you.

MAJ-GEN SENONA: Thank you, Commissioner. I
10 apologize for that.

CHAIRPERSON: Thank you. Thank you.

MAJ-GEN SENONA: Thank you, Commissioner.

CHAIRPERSON: Ms Hassim, do you wish to say anything?
Ms Mafisa, do you wish to say anything? You, I am sorry. I think he has made, the General has made the point.

MS MAFISO: Yes, I am okay. Thank you, Commissioners.

CHAIRPERSON: Thank you, Ms Mafisa. Yes.

ADV KHUMALO SC: General, I just want to check with
20 you, did you get Witness X's statement? Was it given to you?

MAJ-GEN SENONA: I believe so.

ADV KHUMALO SC: Yes, because the point you are raising, it is paragraph 33 of Witness X's statement. And all that he said there, I am going to read it for you.

“On 6 February 2025, Mr Matlala sends Zenona a

video clip which appears to be a secret recording of an internal audit meeting within SAPS, in which the speaker is heard to say that the non-performance process has started. It sounds to me that the voice belongs to General Nkhua. The contract in question appears to be that of Mr Matlala's company. So that is the evidence that was led before this Commission. And you have heard that statement, so you should have had no difficulty responding to that allegation.

The clip, Commissioner, the difficulty is that the clip could not open. They cannot only rely on the statement, whereas
10 they are talking about the clip. That is my submission, Commissioners.

CHAIRPERSON: Yes, Ms Hassim?

ADV HASSIM SC: Chair, I asked my questions yesterday on this and I am satisfied. I do not need to go any further.

CHAIRPERSON: Yes, yes, yes. I am inviting you to proceed.

ADV HASSIM SC: Thank you.

CHAIRPERSON: Thank you.

20 **ADV HASSIM SC**: Thank you, General. Can we, I think now what we will do is use file 2 of 3. That is the file we will make reference to. General, I just have a few questions for you, and they relate to your evidence in your statement regarding the Port Shepstone drug bust. So this next series of questions relates to that issue. You spoke on the first

day, on your first day that you were here, about other, in fact, you listed a number of successful drug busts in KZN. Did I get that right?

MAJ-GEN SENONA: In my opening statement, Commissioners, I did highlight the value and the kilograms of the seizures of drugs that we have seized in KwaZulu-Natal.

ADV HASSIM SC: You list your successes. I think you called it successes.

10 **MAJ-GEN SENONA:** Correct, Commissioners.

ADV HASSIM SC: Yes. Okay, so you have experience in conducting those kind of operations of seizure of large amounts of illicit drugs, is that correct?

MAJ-GEN SENONA: Correct, Commissioners.

ADV HASSIM SC: And you would be familiar then with the protocols and instructions that govern that procedure?

MAJ-GEN SENONA: I know, if not all, of the protocol and the procedures. If there is a problem of maybe sometimes doubt, we will go consult those documents if there is a
20 need.

ADV HASSIM SC: Sure. I am just saying that you are experienced in conducting those kind of operations and so you, and in conducting it, you implement the protocols and the instructions, correct?

MAJ-GEN SENONA: Implement?

ADV HASSIM SC: Yes.

MS MAFISO: We, yes, we comply. We do our best to comply with the protocols and directives.

ADV HASSIM SC: So the, two of the documents that were provided to you over the weekend before you came here are in this file, 2 of 3. The first document is the protocol. It is at page 436. Do you see that?

MAJ-GEN SENONA: I am on page 436, Commissioners.

ADV HASSIM SC: 436. That is a protocol on the search,
10 seizure, handling, processing, and disposition of illicit drugs. Are you familiar with this document?

MAJ-GEN SENONA: I have read this document after I have received it from the Commission, and over and above that, some of the portions of it, I recall them, that this is one of the procedures that needs to be followed. But I see it was signed in 2016. I might not be aware when have I seen it, other than seeing it again now recently with the Commission. So, but in terms of us seizing the drugs and everything, we know basically what needs to happen,
20 Commissioners.

ADV HASSIM SC: Are you saying that this was the first time you have seen it when the Commission provided it to you?

MAJ-GEN SENONA: I have never said that. I am saying I might have seen it, but I do not remember. I see this, it

was signed in 2016 and I saw it to read it when it was provided by me, by the Commission, not that I have never seen it before. I may have seen it.

ADV HASSIM SC: You may have seen it before.

MAJ-GEN SENONA: Yes.

ADV HASSIM SC: You just do not recall, okay.

MAJ-GEN SENONA: Yes, Commissioners.

ADV HASSIM SC: All right, so you read it when it was provided to you by the Commission.

10 **MAJ-GEN SENONA:** Correct, Commissioners.

ADV HASSIM SC: Okay, and then the second document is at 446, and that is, you can go there.

MAJ-GEN SENONA: You say page?

ADV HASSIM SC: 446.

MAJ-GEN SENONA: I see, Commissioners.

ADV HASSIM SC: And it reads:

“National Instruction 1/2015, Crime
Scene Management.”

Have you seen this document before ...[intervenes].

20 **MAJ-GEN SENONA:** Correct.

ADV HASSIM SC: Before the Commission provided it?

MAJ-GEN SENONA: Correct, Commissioners.

ADV HASSIM SC: Okay, thanks. So let us turn to the content of your statement. It relates to a seizure of cocaine, if I understand correctly, about half a ton of

cocaine. Is that right?

MAJ-GEN SENONA: Correct, Commissioners.

ADV HASSIM SC: Where exactly was it seized?

MAJ-GEN SENONA: Isipingo, Commissioners. Thereby is a depot. There at the harbour, there are depots there around the harbour where containers are stored. So in one of the depots there, the members received information and they went to the depot. Actually, I am just looking for the name of, exactly of the storage depot facility. It is a
10 warehouse, not warehouse, security stuff. I want the actual name, but it is there at Isipingo depot.

ADV HASSIM SC: It is a warehouse for containers, for shipping containers.

MAJ-GEN SENONA: Correct, it is something like that.

ADV HASSIM SC: Okay. And when drugs, particularly of that amount, that size, are seized, where would they normally be stored?

MAJ-GEN SENONA: As I have indicated in my evidence on Tuesday, Commissioners, when we seize these drugs,
20 normally they are supposed to be stored either at the police station, but from there they must be taken to the forensic science laboratory.

ADV HASSIM SC: I am glad you reminded me of that. If we could just turn back to that protocol I showed you, just to remind, refresh your memory, on page 442.

MAJ-GEN SENONA: 442?

ADV HASSIM SC: Yes.

MAJ-GEN SENONA: I am there, Commissioners.

ADV HASSIM SC: I think what you are referring to is paragraph 5.8, submission of illicit drugs for forensic analysis. Is that right?

MAJ-GEN SENONA: Correct.

ADV HASSIM SC: And according to that provision, it says that:

10 “All illicit drugs must be submitted to
the chemistry section of the Forensic
Science Laboratory, otherwise known
as FSL, within seven days after it is
handed in at the police station.”

MAJ-GEN SENONA: Correct, Commissioners, I see the paragraph 5.8.

ADV HASSIM SC: Thank you.

MAJ-GEN SENONA: Can I respond or, you wanted me to respond or are you just reading?

20 **ADV HASSIM SC:** No, no, I am just, no, we will come back to it. I am just, you referred to the fact that it needs to go for forensic analysis, and you just reminded me that it is part of the protocol, that it should go within seven days to the forensic science laboratory. And I just want to point out two other aspects of the protocol. Paragraph 5.6(a)

requires that:

“All illicit drugs must be packaged and then sealed separately in evidence sealing bags as per individual case.”

Do you see that?

MAJ-GEN SENONA: I see that, Commissioners.

ADV HASSIM SC: And then just one more, and that is in paragraph 5.7(b) reads:

“Illicit drugs are kept separate.”

10 I am just reading the relevant part.

“Illicit drugs are kept separate from other general exhibits in steel cabinets, police trunks, safes and strong rooms that can be locked by only one key handler.”

Do you see that?

MAJ-GEN SENONA: Yes, Commissioners.

ADV HASSIM SC: Okay. So the, when the drugs were seized at the warehouse, what would have been the closest
20 storage, appropriate storage space for the drugs?

MAJ-GEN SENONA: Commissioners, as I have testified that where the drugs were seized, there is a police station called Isipingo and the members went to Isipingo to book those exhibits at SAPS Isipingo. And I was informed by the members that Isipingo said they do not have storage

facilities, but the seizure can be written in into the SAP13.

The forensic science laboratory was called to come to the scene. I think it is Colonel Kuzwayo. And eventually, Colonel Kuzwayo informed them that they cannot come to the scene. They only attend the scene where it is a clandestine laboratory. If maybe I have answered your question.

ADV HASSIM SC: So you say that there is no storage, there is no storage space for drugs at the Isipingo police station?
10

MAJ-GEN SENONA: That is what, yes, that is what my members were informed. And then they further called the forensic science laboratory in KwaZulu-Natal, and then Colonel Kuzwayo, who is the Chemistry Section Commander, told them that they also do not have a facility to store, because there was a problem with the flooding.

ADV HASSIM SC: And is it correct that there is no storage space at Isipingo police station?

MAJ-GEN SENONA: That is what I was informed, and it is correct, maybe because of the volume of these drugs.
20

ADV HASSIM SC: Have you subsequently established that, in fact, there was no storage space at Isipingo police station?

MAJ-GEN SENONA: I never went to the police station.

ADV HASSIM SC: Okay.

MAJ-GEN SENONA: When the seizures are happening, Commissioners, I normally do not visit the crime scenes because the members that are there, they are capable of handling the crime scene in terms of this other directive that is on page 446. So it is an expectation that the members will do the due diligence there. And I do not think they will come and tell me that there was a space, but we decided to take them there. They did engage immediately, and the counting and the weighing and everything happened
10 there at Isipingo SAPS.

ADV HASSIM SC: I am just asking you whether you were able to establish for yourself then or any time afterwards whether there is storage space at Isipingo Police Station.

MAJ-GEN SENONA: Commissioners, I did not go and establish.

ADV HASSIM SC: Okay, that is fine. Is there any ...[intervenes].

ADV BALOYI SC: Ms Hassim, just to be clear. I think you speak of whether there is storage space and the General is
20 speaking about for that quantity. You understand the distinction? So I think let us be clear ...[intervenes].

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

ADV BALOYI SC: What is the point of disagreement because there may well be storage space in a Isipingo, but not for that amount. So I think ...[intervenes].

ADV HASSIM SC: No, I mean for that amount. I mean for these particular drugs.

ADV BALOYI SC: Okay.

ADV HASSIM SC: That is appropriate storage space.

MAJ-GEN SENONA: My members were informed there is no space.

ADV HASSIM SC: Okay, so I think the answer remains the same. Thank you. Is there any other, so here you have a very large haul of cocaine. Is there any other space close
10 to the site where the drugs were seized, where it would be appropriate to store them?

MAJ-GEN SENONA: While these challenges were experienced of the storage facility by my members, I have indicated that a Brigadier who is responsible for serious organized crime, called me and reported this challenge. And he made suggestions that we do have a safe facility where we previously stored large quantities of drugs and then as a result of us not having, getting assistance at Isipingo as well as the local forensic science laboratory I
20 recommend or suggest that we store it there.

Then I said, if we store it there, you say previously there was this type of storage. Then I agreed to that suggestion that there in Port Shepstone these drugs can be stored. And there, when they were stored, I did went and have a look at the storage facility that he, the strong safe

and then I saw it, it is appropriate to store that volume.

And then before they were handed in, other exhibits that were in that store were removed so that we can store these drugs. They were stored, I think, alone. They were placed there alone, these drugs. And I was comfortable and happy that this is a safe place to store these drugs.

ADV HASSIM SC: Okay, so you approved the storage of the drugs at the Port Shepstone Hawks office?

MAJ-GEN SENONA: I did agree based on the fact that the
10 forensic laboratory at Amanzimtoti said they do not have storage facility. And then the police station said they do not have storage facility for these drugs. And again, it has been a practice before my time that drugs were stored in the storage facility.

ADV HASSIM SC: There was, and you said there was no storage facility closer to where the drugs were, that is why Port Shepstone. I mean, how far away from Isipingo is Port Shepstone?

MAJ-GEN SENONA: It can be 100 kilos plus. I must just
20 get my calculation, but 100 kilos plus, unless the Commissioner wants to assist me.

CHAIRPERSON: No, I wanted to. It is just over 100, I think.

MAJ-GEN SENONA: Thank you, Commissioner.

ADV HASSIM SC: So I just wanted to understand if there

was not any other storage space closer.

MAJ-GEN SENONA: No, there was not according to me where they could have got help. But I do not know if they asked other police stations because with me, I know that the Pretoria forensic laboratory said they are running, they do not have space because they requested me before even this bust that I need to give a disposal order for certain drugs that were taken to them on a previous occasion.

But Commissioners, I must mention that if I am
10 allowed to, that after this theft, the storage facilities were available. Other drugs were, we were able to bring them to Pretoria. The police station will keep them for five or not more than five days. We were put under pressure. I will use my budget to transport those drugs to Pretoria, requesting the combat teams from the office of the Provincial Commissioner to deliver these other drugs after the theft.

And at one instance, I know I did not say it in my evidence-in-chief, but now that I am also questioned, at one
20 instance, the Provincial Commissioner assisted me to transport the drugs to Cape Town forensic science laboratory. So in KwaZulu-Natal, it is a problem.

ADV HASSIM SC: Okay, so you are saying there was not anything closer. There was no other police station closer. That is what you are saying. That is why Port Shepstone

was there.

MAJ-GEN SENONA: There are other police station closer, but ...[intervenes].

ADV HASSIM SC: I mean, with appropriate storage space, obviously.

MAJ-GEN SENONA: Commissioners, what I was advised of, and then I went and have a look, I was comfortable. And then indeed, previously, the safes, that facility was utilised as a storage facility for drugs. It is an unfortunate
10 situation, Commissioners, this time, under my watch, these ones were stolen.

ADV HASSIM SC: So I am interested in why you say it was safe, because were there other break-ins before this at the Port Shepstone office?

MAJ-GEN SENONA: Commissioners, after this theft of the drugs, it came to my attention that there was break-ins there in relation to people, this street people, hobos. Hobos, I am sorry to say so, but it is for lack of a better word.

20 **CHAIRPERSON**: Homeless.

ADV KHUMALO SC: Homeless.

MAJ-GEN SENONA: Come again, sir?

CHAIRPERSON: Homeless people.

ADV BALOYI SC: Homeless.

MAJ-GEN SENONA: Ja, thank you very much. Homeless

persons. It is like the disability persons with disability, they put it somewhere. So, but thank you for assistance. Those homeless persons, they will come and break when we, after the effect, and then I realized that they were stealing in the offices, laptops of members, and they were arrested and those laptops were recovered.

The suspects were arrested. Then the other break-ins, it is also the homeless people. You will see when I read the reports, it was after the effect when it came to my
10 attention. Then they break the kitchen window in order to come in there using a stone. You will find a stone that was utilized to break the kitchen window.

And these break-ins were discovered by members upon them when they do the visit, after hours, sometimes in the morning when they report for duty. Those are the, there are several incidents that were brought under my attention after the theft. But should I knew this before, maybe my decision to agree would have been otherwise.

ADV HASSIM SC: When did the theft take place?

20 **MAJ-GEN SENONA:** Which one?

ADV HASSIM SC: The theft of these drugs that we are under discussion.

MAJ-GEN SENONA: November 2021.

ADV HASSIM SC: November 2021.

MAJ-GEN SENONA: Ja.

ADV HASSIM SC: So you be very clear that it was, if you had known, then you would not have done this. Can you please go to page 536.

MAJ-GEN SENONA: 536?

ADV HASSIM SC: Yes.

MAJ-GEN SENONA: Thank you.

ADV HASSIM SC: So do you recognize this document?

MAJ-GEN SENONA: Yes, Commissioners, I do recognize this document.

10 **ADV HASSIM SC:** Can you go to the second page of the document, the last page?

MAJ-GEN SENONA: 537?

ADV HASSIM SC: 537, yes.

MAJ-GEN SENONA: Thank you, Commissioners.

ADV HASSIM SC: And what is the date of the document?

MAJ-GEN SENONA: 2020-01-22.

ADV HASSIM SC: January, 22 January ...[intervenes].

MAJ-GEN SENONA: 2020.

ADV HASSIM SC: 2020.

20 **MAJ-GEN SENONA:** Correct, Commissioners.

ADV HASSIM SC: Okay, so almost two years, well, a year and eight, nine months before the theft took place, right.

MAJ-GEN SENONA: Okay, Commissioners.

ADV HASSIM SC: And can you, and who prepared this document?

MAJ-GEN SENONA: Commissioners, I see at the bottom there is an initial SRC.

ADV HASSIM SC: Is that the Section Commander for Counter Intelligence, KZN?

MAJ-GEN SENONA: According to what is written here, correct, Commissioners.

ADV HASSIM SC: And it was sent to you.

MAJ-GEN SENONA: When?

ADV HASSIM SC: On the same date.

10 **MAJ-GEN SENONA:** Commissioners, this document, I want us to go to 536 so that I can respond, page 536. If you look at address B, it says the Provincial Head, Directorate for Priority Crime Investigations, KwaZulu-Natal. Then you go on page 537, the date there, it says 2020-01-2022. It was not, it is not possible that this document was sent to me on this date. On this date, I was working at Division Detective Service, Division Detective and Forensic Services at head office. I was not within the DPCI on this date. I was not a member of the DPCI. So this document, I have never
20 received it.

ADV HASSIM SC: So it was sent to the Provincial Head of the DPCI.

MAJ-GEN SENONA: At KZN.

ADV HASSIM SC: At KZN.

MAJ-GEN SENONA: Correct, Commissioners.

ADV HASSIM SC: And you are, you became the Provincial Head.

MAJ-GEN SENONA: Correct, Commissioners.

ADV HASSIM SC: And this was never brought to your attention. You did not know about these thefts?

MAJ-GEN SENONA: I did not know about this document as well as the other theft, except that there are only two that, housebreakings that happened while I was there.

ADV HASSIM SC: So I am going to take you back
10 because, so there is, let us just actually, before we leave this document, go to paragraph 4 of the document.

MAJ-GEN SENONA: I see.

ADV HASSIM SC: Because this is what it says about the office itself, the building.

MAJ-GEN SENONA: I see paragraph 4.

ADV HASSIM SC: Right, that you then came to be in charge of, right?

MAJ-GEN SENONA: Yes.

ADV HASSIM SC: So paragraph 4 says:
20 "A general inspection conducted by this office of previously of the premises revealed the following in terms of MISS security measures. One, no CCTV cameras are installed in and around the premises. Two, there is no early

warning alarm systems in place within the office space, more especially in offices located on the ground floor. Three, no beam sensors located exterior to the office accommodation.”

And then if you go to the comments, it is the recommendations of how to address those shortcomings. Correct?

MAJ-GEN SENONA: Correct.

10 **ADV HASSIM SC:** Were those shortcomings ever fixed?

MAJ-GEN SENONA: Commissioners, I was not privy to this document. I agree that address B is the Provincial Head before my time and I have already indicated a few minutes ago that this document, I have not seen it before until such time that the Commission has provided me with this document.

ADV HASSIM SC: Okay. So let us go ...[intervenues].

MAJ-GEN SENONA: And, and – sorry, sorry, sorry Advocate. It is going to be difficult for me to talk about this
20 document, hence, it was never brought under my attention. I saw it when I was presented, it was presented by the Commission.

ADV HASSIM SC: We do not need to talk about the document. You have confirmed that this was the findings in 2020. I asked you whether those had been addressed,

because this is now about the office, the building. So what I was asking you is whether there is now, there are now CCTV cameras, early warning system, beam sensors, et cetera.

MAJ-GEN SENONA: All I know, the alarm system was there when the theft took place. But this is the recommendations, but all I know, the alarm system was in place. And further to that, I did apply for security personnel to be appointed in order to be deployed there to guard the
10 building. Now recently, we, they advertised the post now recently. Even the process of shortlisting and appointing, it has not yet started now, now, now. I think, ja, January, this month.

ADV HASSIM SC: Oh, so after the theft?

MAJ-GEN SENONA: Correct.

ADV HASSIM SC: Okay. And if you look at, so this is actually this report that we were just looking at, is attached to a report by General Mosikili, which is at page 428. 528, apologies.

20 **MAJ-GEN SENONA:** 528?

ADV HASSIM SC: 528.

MAJ-GEN SENONA: I see that.

ADV HASSIM SC: And if you see paragraph 1, it says:

“The purpose of this information note is
to I appraise the National Head on the

feedback regarding the housebreaking and theft of 541kg cocaine from Serious Organized Crime Unit offices at number 2 Princess Elizabeth Drive in Port Shepstone.”

That is the Port Shepstone Hawks office, correct?

MAJ-GEN SENONA: Correct.

ADV HASSIM SC: Okay. And General Mosikili says about the thefts, if I can just find the right paragraph. Yes, about
10 the security aspect, it is page 533.

MAJ-GEN SENONA: 533?

ADV HASSIM SC: Yes. Before I go here, can you please remind me, General, when did you take over the position of Provincial Head in KZN?

MAJ-GEN SENONA: I was appointed on the 1st of August 2020, then I reported on the 1st of, oh, in September, 1st or 2nd of September. I do not know, if it is a Monday the 1st, then I started on the 1st.

ADV KHUMALO SC: Page 7 of your CV.

20 **MAJ-GEN SENONA**: CV?

ADV KHUMALO SC: Your CV. It says 1 August 2020. That is when you assumed the position.

MAJ-GEN SENONA: Is the appointment, which means that is the date of appointment, Commissioner. And then what happens is, if I may just clarify that one, when you receive,

when you are appointed, you do not, it is difficult for you to go immediately. What happens where you are, you must have the process of handing over and clearing up the office, you go and do the visit, you must look for accommodation before you go there, because when you go there, you must already have accommodation, because I was from Gauteng here at head office, in Pretoria, head office, Commissioners. So physically I took up the post, I think it was the 1st or 2nd of September.

10 **ADV HASSIM SC:** Of 2020?

MAJ-GEN SENONA: Of 2020.

ADV HASSIM SC: Okay. All right, so now if we look at page 533 under paragraph 4, General Mosikili deals with what she calls the security aspect and she notes that the Port Shepstone office was broken into eight times since 2011. But if you look at the last three instances, they were 15 January 2021, 11 October 2021 and then of course the 8th November 2021. So those three were while you were the Provincial Head, correct?

20 **MAJ-GEN SENONA:** No, incorrect. Commissioners, I am saying it is incorrect. It is correct with the last two, not the last three.

ADV HASSIM SC: I thought you said 20 September 2020.

MAJ-GEN SENONA: Sorry, I beg your pardon. I think I missed this year. Ja. January. Ja. Yes, yes,

Commissioners. Ja, correct.

ADV HASSIM SC: Correct, it is the last three, correct?

MAJ-GEN SENONA: Correct.

ADV HASSIM SC: Yes. So that is what I am saying, these last three took place when you were the Provincial Head.

MAJ-GEN SENONA: Yes.

ADV HASSIM SC: And in fact, the second last one, 11 October, was, it was the month before the theft of this 541kg of cocaine. It was just the month before.

10 **MAJ-GEN SENONA:** Just the month before, Commissioners.

ADV HASSIM SC: Yes.

MAJ-GEN SENONA: Can I say this? The last one is the actual theft of the cocaine, the last one.

ADV HASSIM SC: Yes.

MAJ-GEN SENONA: So before the actual theft of the cocaine, that is why I was confused earlier. It was two.

ADV HASSIM SC: I think we have agreed that the last three, while you were Provincial Head and it, that is right,
20 the last three instances here.

MAJ-GEN SENONA: That is not in dispute.

ADV HASSIM SC: Okay, all right. I am not sure why you are revisiting it.

MAJ-GEN SENONA: I was just ...[intervenes].

ADV HASSIM SC: So I am pointing out ...[intervenes].

MAJ-GEN SENONA: The revisiting, Advocate, Commissioners, sorry. Okay.

CHAIRPERSON: Start from the beginning what you were saying, General?

MAJ-GEN SENONA: When I say the revisiting?

CHAIRPERSON: Yes, yes, yes.

MAJ-GEN SENONA: The revisiting, it was to say these, or the last one is the actual theft. The two, they happened before the actual theft. That is the revisiting. I wanted to
10 clarify that, Commissioners.

ADV HASSIM SC: Yes, no, that is, no, we are clear on that, all three happened while you were Provincial Head.

MAJ-GEN SENONA: Correct.

ADV HASSIM SC: Yes. And I am saying that the second last one happened just a month prior to the theft of the 541kg.

MAJ-GEN SENONA: Correct.

ADV HASSIM SC: And if you turn over the page 534, at paragraph 4.4, General Mosikili says:

20 “Based on this glaring security breaches, it is not clear what motivated the provincial management to consider the Port Shepstone as a safe place to store drugs of such high value.”

What is your comment on that?

MAJ-GEN SENONA: Although I have seen this document when I was presented with the files by the Commission, I am saying, Commissioners, these break-ins, the last, the last, the, from the actual theft, the last two, they happened under my watch. And these top ones, all of them, they did not happen under my watch and I was not aware about them. The only ones that I am aware of is these two. Already, when this one of October happened, we gave directives that they must speedy finalise the investigation of
10 these drugs, because we needed the section 212 report in order for us to make a decision to dispose this.

And these two are those break-ins where I said the homeless people, where I, we say we saw the stone, they utilised the stone to break the kitchen window, of which we believe those people were looking for food. It was not something that was very, very serious that it can cause a concern. But I do see the paragraph 4.4 of General Mosikili and based on what was presented before her, when she wrote this report, these things were presented before her,
20 hence earlier ...[intervenes].

CHAIRPERSON: Just – oh, continue. Continue, General.

MAJ-GEN SENONA: Hence, earlier I said, if I knew about the ...[indistinct] before, I would not have maybe agreed, it would have changed my decision to agree to store there.

CHAIRPERSON: General, just for clarity, I want to deal

with the two break-ins just before the theft of the drugs, CAS165, January 2021, where exactly was the break-in in respect of that and what was stolen?

MAJ-GEN SENONA: It was on the side of the kitchen door, Commissioner, on the side of the kitchen, the kitchen window pane was broken by a stone, yes, Commissioner.

CHAIRPERSON: And what was stolen on that occasion?

MAJ-GEN SENONA: There was nothing. There was no entry. They could not gain entry.

10 **CHAIRPERSON**: And then CAS116 of October 2021, the break-in, where exactly was that and what was stolen?

MAJ-GEN SENONA: I am going there, Commissioners. 116?

CHAIRPERSON: Yes.

MAJ-GEN SENONA: Commissioners, they could not gain entry. It was also the same *modus operandi* that the window pane was broken by a stone.

CHAIRPERSON: And then when was the break-in that resulted in the theft of, did you say laptops? Please just
20 remind me, you did say when that was.

MAJ-GEN SENONA: Yes.

CHAIRPERSON: I thought perhaps that was one of these two.

MAJ-GEN SENONA: It is not one of these two.

CHAIRPERSON: Okay, when was that one?

MAJ-GEN SENONA: It is the ones before me. I cannot exactly, I am unable to tell the Commissioner now ...[intervenes].

CHAIRPERSON: Okay. All right.

MAJ-GEN SENONA: This is this, until if I can be given opportunity to ...[indistinct] [intervenes].

CHAIRPERSON: No, I have the clarity I need. Thank you very much, General. Yes, Ms Hassim?

ADV HASSIM SC: Thank you. So you were aware of the
10 thefts from before your time?

MAJ-GEN SENONA: Which ones now? I know about these two. I became aware of ...[intervenes].

ADV HASSIM SC: Sorry, the laptop theft, was that, when did that happen?

MAJ-GEN SENONA: Commissioners. I indicated I knew about this after the fact, these others.

ADV HASSIM SC: Oh, I see. The laptop theft you discovered after the fact?

MAJ-GEN SENONA: I was informed about them after the
20 fact.

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

CHAIRPERSON: And, sorry, sorry, Ms Hassim. And the thefts were from offices, you said?

MAJ-GEN SENONA: Ja, if I remember very well, I think they broke windows. They never, they were breaking

windows and then the burglars, the burglars, then they will break those things, go into the office, steal a laptop, go, according to what was ...[intervenes].

CHAIRPERSON: When I refer to the office, I am trying to make a distinction between the safe of strong room and offices. So were the thefts in, or from offices or from the strong room?

MAJ-GEN SENONA: From offices, Commissioner, not the strong room.

10 **CHAIRPERSON**: Yes, Ms Hassim.

ADV HASSIM SC: Thank you, Chair. So I just want to ask the following based on what had been recommended by the earlier report we were looking at and you will see it is, General Mosikili refers to it, she says, in 4.3, but it is really over the page.

MAJ-GEN SENONA: 4 point?

ADV HASSIM SC: There were bullet points. What I would like to ask you is whether there are perimeter beam sensors around the ground floor of the office.

20 **MAJ-GEN SENONA**: There are no perimeter beams. I indicated that the only thing that I know that is there is the alarm system that was there. And then I further indicated that I participated in ensuring that we need security guards. Currently, they just advertised posts. The process of appointing security guards for those buildings is underway.

ADV HASSIM SC: And there are no infrared sensors in the interior offices.

MAJ-GEN SENONA: There?

ADV HASSIM SC: There are no infrared sensors.

MAJ-GEN SENONA: No, there are no infrared sensors.

ADV HASSIM SC: And the alarm system that you had at the time the drugs were stored there, were there, was the alarm connected to an armed response company?

MAJ-GEN SENONA: The alarm was connected to the
10 owner. I cannot recall if there was an armed response as well as the Acting Unit Commander's phone. If anything happens, there are no people, you will get some sense of, you will get either a call or some sense of notices that there is something that is not right. And I know this because in my old office, it was connected to me, to my cellphone.

ADV HASSIM SC: Okay. And then the last one was that was required, what was required was upgrading and repairs of the perimeter lighting. Can you comment on the perimeter lighting of the building?

20 **MAJ-GEN SENONA:** Which one? Page?

ADV HASSIM SC: 5 - sorry, where I was, 534.

MAJ-GEN SENONA: 534. Paragraph?

ADV HASSIM SC: It is the same bullet points that I was dealing with.

MAJ-GEN SENONA: Which bullet? Oh, the last one?

ADV HASSIM SC: Yes.

MAJ-GEN SENONA: The last bullet. Commissioners, I have never visited these offices during the night. I am unable to talk to this one. Late at night, I am unable to talk to this one.

ADV HASSIM SC: Okay.

ADV BALOYI SC: And if it is one of the storage facilities that you use, would you not check and have an interest at least in the security of the place, how secure is it? And I
10 think the question, consider the question against the kind of background that you are the Head and then you would have an interest in where exhibits are stored. And so you, and that interest would include how secure the place is.

MAJ-GEN SENONA: Commissioner, thank you for that question. The fact that there were previous storage there at that facilities, I took comfort of that. And the offices, there is a street here, and I do not want to assume that there are lights, but I have never visited it after hours. Maybe one would have maybe asked that, but I took comfort
20 because previously there were storage and nothing happened to those storages.

ADV HASSIM SC: When were those?

ADV KHUMALO SC: General, just a moment. What worries me is that your evidence yesterday, you showed us a photograph from June 2018, June, July 2018, and you

said, they have stored drugs here before in 2018, and based on that, I took comfort that this facility is safe. But now we are seeing that in 2011, 2018, 2020, twice, 2021, twice, there were these incidents. Did you not inquire about the facility before you took the decision that the drugs should be stored there?

MAJ-GEN SENONA: It never crossed my mind. I did not, Commissioner.

ADV KHUMALO SC: So your reliance on the 2018
10 incident, that was after the fact. It is not like you had investigated and determined that this is a safe facility because in the past few years things were stored here and nothing happened.

MAJ-GEN SENONA: I took comfort into that, Commissioner. That is why I agreed for the exhibit to be stored there.

ADV KHUMALO SC: But when did you learn that in 2018 drugs were stored at the same facility? When did you become aware of that?

20 **MAJ-GEN SENONA:** While they were still there at the Isipingo, before we made even storage, there were phone calls that were made, Commissioners. That is when I learned about that on the day of the seizure there at Isipingo.

ADV HASSIM SC: How long were the, that 2018 that gave

you comfort, how long were those drugs stored at the Port Shepstone office?

MAJ-GEN SENONA: I cannot give an exact time, but until the case was finalized. One will have to go and check the records so that I can be able to give the exact, because the records must be there. We will just check the case number and everything and check the records, then I will be able to provide the exact timeframe.

ADV HASSIM SC: Okay, so your response to the
10 Commission on the issue of safety of the office is that you took comfort in the fact that in 2018 there were drugs that were stored there, but you did not otherwise do any checks yourself on the security and safety features of the office?

MAJ-GEN SENONA: The security and safety features, I did not check, but I said I went on the day when this exhibits were placed there. I inspected the safe myself. I was there.

ADV HASSIM SC: Now I am just distinguishing for now
20 between the safe and the building itself, because it seems it was not that difficult to get into the building.

MAJ-GEN SENONA: You say it seems, but according to me, I took comfort because I also went and have a look at the safe about that. I do not have any other explanation of that, but I have never went and checked the lights as it was indicated here, these beaming perimeters. And then I did

not have knowledge of these previous break-ins by then. And for me, when I look at that place, it was not going to be easy for a person to go in and go in that, as well as when you look at the safe itself.

I do not think we have a capacity here to open that safe without a key, the way it was opened. I do not know if the Commissioners, the photos that you are having are black and white, but I have something that I can share with you just to have a glance of it on a ...[indistinct] colour to
10 see that these people, they know what they were doing as there are people who have a special skills in order to deal with these things.

So, when I went there, I was 100% convinced because when I arrived, there were firearms in that safe. then I caused that to be removed because you cannot store the drugs with any other exhibits. You have to remove and put those drugs there. That is what we did, Commissioners.

ADV HASSIM SC: That is fine, I just wanted to check whether you had done any other checks on the safety and
20 security of the premises itself. But we have got your answer on that and part of your answer is, well, there is a strong room. We looked at ...[intervenes].

CHAIRPERSON: General – sorry, sorry, Advocate. I am sorry, Ms Hassim. General, I ...[indistinct] a bit of sign language there, which I could not follow. Were you making

a point?

MAJ-GEN SENONA: No.

CHAIRPERSON: Which appeared to be directed at me.

MAJ-GEN SENONA: Ja, I wanted to show the Commissioners this thing in colour.

CHAIRPERSON: Yes, yes.

MAJ-GEN SENONA: Ja, if somebody can come and help, you will see that this thing, it is heartbroken. Now that thing comes back now. But why? Why me? You must just
10 page up like this and show them. The pain comes back, Commissioners. Even the day I leave the police, the pain will never go away.

ADV KHUMALO SC: Sorry, General, are we only looking at this one page or two pages?

MAJ-GEN SENONA: No, you can ...[incomplete].
Please show both Counsel. Or have you seen it? Thank you. In the meantime, General, if you could just explain this to me, the very first picture, I was expecting to see right through, but there is something that seems to be at the
20 back and I cannot see through. What is happening there?

MAJ-GEN SENONA: Commissioner, what happens, they cut the external part. And then inside the door, inside there is a sort of a panel and then where they cut like this, one, what can read, they put a hand, because these people knows inside that hole and they, there are this mechanism

inside there ...[intervenes].

CHAIRPERSON: Oh, once you have cut the outer part, and then there is what appears to be hollow in the middle ...[intervenes].

MAJ-GEN SENONA: Yes.

CHAIRPERSON: In the middle.

MAJ-GEN SENONA: Yes.

CHAIRPERSON: Between what I say is at the back.

MAJ-GEN SENONA: Yes.

10 **CHAIRPERSON**: And the front that has been cut.

MAJ-GEN SENONA: Correct.

CHAIRPERSON: So in there, there is something that you can manipulate and then open the door.

MAJ-GEN SENONA: When you cut like this, what I can read or my observation after cutting, you put a hand and then there is a mechanism here. Then once you, I think they turn it and the door opened.

CHAIRPERSON: Thank you. Thank you, General.

MAJ-GEN SENONA: Thanks, Commissioners.

20 **ADV HASSIM SC**: Thanks for showing us those pictures. I think we have some of those pictures, but they are in black and white, so it helped to see it in colour.

MAJ-GEN SENONA: Correct.

ADV HASSIM SC: Now, what is obvious from those pictures is that it would have taken a very serious

instrument to grind into the door and cut into that metal in order to open it the way it eventually was opened. Is that right?

MAJ-GEN SENONA: Correct, Commissioners. I have indicated that it needed a special skill and special tool, because a normal grinder will never cut that safe.

ADV HASSIM SC: And it was the two strong rooms.

MAJ-GEN SENONA: There are two, yes.

ADV HASSIM SC: And the people who did this knew which
10 strong room to go to.

MAJ-GEN SENONA: They only broke this one.

ADV HASSIM SC: The one with the drugs.

MAJ-GEN SENONA: And they took the drugs, ja.

ADV HASSIM SC: And how long would it have taken to complete that exercise, that of cutting through the metal?

MAJ-GEN SENONA: I do not know, but it would have taken them some time because it was over a weekend, because the theft was reported to me, I think it was Monday. It was over a weekend. So I cannot tell you the exact timeframe,
20 how long will it take for people to do that, take the drugs out and do that. So hence I was, I said on Tuesday that I believe from my observations that there were a number of people, they were not very few.

ADV HASSIM SC: And it would have been very loud.

MAJ-GEN SENONA: I do not know because of the

instrument. If they use the normal grinders that we know, it will make noise of course.

ADV HASSIM SC: I mean, ja, I mean, if you just know some of your neighbour is building something and they use a grinder, it creates a noise and this would require something even more than usual.

MAJ-GEN SENONA: It is possible. It is possible.

ADV HASSIM SC: Okay. So they did go straight to the strong room where the drugs were kept.

10 **MAJ-GEN SENONA:** According to my observation, after they went in, as I explained here on Tuesday, they cut this one and they found the drugs. But that was also a worrying factor. Why they never cut the other one? We do not know what was in their mind, whether, but I believe somebody might have sold us from within, might have given them the layout, because if you are not, if you do not know that place, you will never know there are walk in safe.

ADV HASSIM SC: So, okay, I think that is fine. I just want to ask you one other thing about, well, a couple of other
20 things about this. There is the, I read a part of the protocol that there should be one key handler and as I understand, you took possession of the key to the safe.

MAJ-GEN SENONA: Correct, Commissioners.

ADV HASSIM SC: And in General Mosikili's report at page 530 at paragraph 2.2.8.

MAJ-GEN SENONA: Yes.

ADV HASSIM SC: She says the following day, this is the day after the seizure and the day after the storage of the drugs.

MAJ-GEN SENONA: Correct.

ADV HASSIM SC: So it is 23 June 2021.

10 “Captain Sibiya, KG, Captain Vries, Captain Ntanzi, together with Warrant Officer Mpangase, proceeded to the Port Shepstone office to retrieve samples from the exhibits and forward to FSL for analysis. The keys to the strong room are kept at provincial head offices, and prior arrangements were made for the keys to be made available for the members.”

Is that consistent with protocol?

20 **MAJ-GEN SENONA:** This is consistent because, for me, now it also answers that question of the safety. There was a warrant officer who was appointed to manage those safes. But after this cocaine was stored there, I instructed, I took the keys. There are two keys, not one. I took the keys in my possession on that day. I locked them in a safe in my office, at the provincial office. The Warrant Officer Mpangase was the investigator of the seizure of the

cocaine. He came to my office, asked for the keys. I let him sign for one key. I kept one. He signed, he went and did his job. In the afternoon, he brought it back. So that, why did I take the two keys, Commissioners? So that I do not, I did not want to be with one key, the drugs are stolen, I am having a key, another person is having a spare key, automatically, if a key was used, automatically I become a person of interest. So I took both keys for safety. Whoever wants to come, he will come, he will go with other people, 10 then do whatever he needed to do, because the only thing that they needed to do by then, it was to get the samples and show the forensic ...[indistinct] and everything to send to forensic science laboratory for analysis.

ADV HASSIM SC: So General Mosikili refers to several people, not just not just the Warrant Officer Mpangase, and I am asking you, is it not a risk? Is this not a breach of the protocol, because it puts a key in the hands of several other people who could have made a copy or anything.

MAJ-GEN SENONA: You know what the risk is? These 20 members were involved in the seizure. The risk is you give one person the key, he goes there on his own, and those things they are no more 541, it is a short. That is the risk. But if you put two, if these people went together there, there is no way that another one will start to steal or another one will tell another one to steal. So that is

something ...[intervenes].

ADV HASSIM SC: So you saw this as a security to have more people?

MAJ-GEN SENONA: Ja, because they knew these ones, okay. They were part and parcel of the seizure, the drug squad in Durban.

ADV HASSIM SC: Okay. I just want to, because it is such a large, large seizure, it is a half a ton of cocaine, did you not think you should have oversight and if you are going to,
10 you took the key and you said you are going to keep it, should you not have retained control of the key throughout the process, meaning if something had to be done at the strong room, that you would accompany.

MAJ-GEN SENONA: I am the Provincial Head, I can give directives to people to go do the job. It does not necessarily mean I must do the job. Like let me put it in this perspective. The DPP of a province does not necessarily read the dockets and make decisions. He has got people who are doing the job for her. She reads, she
20 brings the panel of advocates. Then that it is like me. So, and I asked them to go there and they did their job and brought the keys back.

But over and above that, during my office visit, when I took up my post, I gave all the offices, not the Port Shepstone one, because I was visiting them one by one,

that offices must be visited between 18h00 and 12 midnight and between 2 and 6 o'clock in the morning. And on that day, I think there was a Warrant Officer Koegelenberg and a Captain le Roux and the unit commander there. I further informed them in the presence of my brigadier that the offices must be visited. I gave them the very same times again.

ADV HASSIM SC: You informed them at the time of this, because, you informed them because the drugs were there,
10 and so it was to protect that drug haul. Is that right?

MAJ-GEN SENONA: I am not sure if you heard me well. I informed ...[intervenes].

ADV HASSIM SC: You can just say yes or no. Maybe I did not and that is why I am clarifying.

MAJ-GEN SENONA: No. Huh-huh. I want you to understand me properly. I did it before even we stored the drugs, this directive. When you took up office, I am not sure, that is what I did, when you took up office, you will go and visit all your members and so that you can also be able
20 to know where are the offices that are resorting under you. In that period, it was in 2020, during that process, I gave this directive.

ADV HASSIM SC: I understand that. I am asking ...[intervenes].

MAJ-GEN SENONA: Can I finish?

ADV HASSIM SC: Yes, please do.

MAJ-GEN SENONA: Please, Commissioners. Then, on the day of the storage, I repeated it again. I told them, I think if you look at there is a statement of Colonel Prinsloo, he will say so. That is, I am trying to respond to the issues of this paragraph 2.2.8, that further than this, I informed the people to do their visits.

ADV HASSIM SC: So, there are affidavits here, and there are several affidavits that contradict that. The first, can I
10 take you to page 557. Okay, in paragraph 2.

MAJ-GEN SENONA: Yes.

ADV HASSIM SC: -:

“At no stage before and or after the housebreaking that occurred between 5 November 21, 8 November 21 at the Port Shepstone DPCI offices was I ever given any written or verbal instruction by any officer to visit our offices after hours or on weekends to make sure
20 that everything was in order at the office.”

And it goes on. And then it say:

“The times that I did visit the office was on my own initiative because of the previous break-ins we had at our

offices. However, I do recall that our previous Acting Commander, Lieutenant Colonel JJP Prinsloo, did ask the office personnel to visit the office when they are in the area without giving any specific reason.”

This is from a Detective Warrant Officer. What is your response to that?

MAJ-GEN SENONA: You said it is contradictory, but the answer is there, you read it. On the same paragraph, there is an answer there. So my response is, the members knew, because when you look at this statement, it was taken now 10 2, I think, September 2025, but they knew these members.

ADV HASSIM SC: No, no, it does not say that. It says, at no stage, before or after the housebreaking that occurred, between 5 November 2021 and 8 November 21 at the Port Shepstone DPCR offices, was I ever given any written or verbal instruction by any officer to visit our offices after 20 hours or on weekends to make sure that everything was in order at the office. And this is important because you said that at the time you gave this instruction, and I am saying this officer says something different.

MAJ-GEN SENONA: I do not know why he said something different, Commissioners, but I did give this directive. You look at, we provided a statement to the evidence leader of

Colonel Prinsloo. I do not know if it was shared with the Commissioners. If it was shared, I want to invite the Commissioners, we go, it is a page that we gave, pages. I am not sure if it was annexed here, but ...[intervenes].

CHAIRPERSON: Ms Mafisa, was it shared with us?

MS MAFISO: Yes, Chair.

CHAIRPERSON: Thank you. We have it now, General. Where do you want to take us?

MAJ-GEN SENONA: Let us look at paragraph 8,
10 Commissioners.

CHAIRPERSON: And this is a statement by ...[intervenes].

MAJ-GEN SENONA: Lieutenant Colonel Prinsloo.

CHAIRPERSON: Jacobus Jeremiah Petrus Prinsloo.

MAJ-GEN SENONA: Yes, paragraph 8, from the bottom of that paragraph, we will read one, two, three, four, five. You will see it starts with General Senona, there at the end, towards the end of the fifth line from the bottom.

CHAIRPERSON: Oh, yes, I see.

MAJ-GEN SENONA: Paragraph 8.

20 **CHAIRPERSON:** I see para 8, line ...[indistinct].

MAJ-GEN SENONA: And then this affidavit, Commissioners, it was signed on the 25/11/2021, this affidavit by Colonel Prinsloo. Can I read where I wanted to take the Commissioners? It say:

“General Senona requested us to have a

regular visit to the office after hours.
The members then left, and Warrant Officer Van der Bergh secure back the security door by the kitchen with a chain and padlock.”

This one I forgot to add, to, I forgot about it because it is not, it is not me. You can see that an additional security feature was done that a chain and a padlock were also procured so that they can lock at the
10 door at the kitchen at the back, because that is why these homeless people, they were breaking that ...[indistinct] they could not come in there because the lock, it was locked from inside with the chain. So you will never be able to open it from the outside.

So this issue of contrary, I think we need to also, if there was ample time, Commissioners, to go and have a look at the statements of these members by then, the initial statement, because these are additional statements that the Advocate is talking about. Maybe they will give us a clear
20 perspective, but this is the boss of the office that I gave this directive to.

And the expectation was that in the parade, police, when they report on duty, they come to a room, they parade, the detectives, and then they talk, they discuss the daily issues and so forth. There and there, I think there

was a statement that I read that says, during parades, Lieutenant Colonel Prinsloo informed us to visit the office after hours. It is just that I am looking for that one. I am unable to trace it here on the bundle of documents. Thank you, Commissioners.

ADV HASSIM SC: Was it a request or was it an instruction?

MAJ-GEN SENONA: You know, in the police, when he wrote like this, it is an instruction. In the police, we do not
10 normally, the language of, the police language is not a request, it is an instruction.

ADV HASSIM SC: And so would there be a log, an occurrence book or some sort of entry to show that between these hours, which officer patrolled the area, did a site inspection and a site visit every single day between what hours?

MAJ-GEN SENONA: There should be, because the instruction was that an OB entry must be done to that effect, to the effect of the visit.

20 **ADV HASSIM SC:** So do you have, do you, have you seen such entries?

MAJ-GEN SENONA: Look, the criminal investigators, they took a lot of stuff. The only thing that I was having after the break-in, it is only these copies that I did for me. But further than that, I do not know.

ADV HASSIM SC: Okay, so did you check at the time, did you check that these inspections were taking place?

MAJ-GEN SENONA: I did not have opportunity to go and check, Commissioners. I was, my heart was bleeding that who did this? I was, my wish was that we need to arrest these people and recover this cocaine, but that I did not check.

ADV HASSIM SC: Would it not ...[intervenes].

MAJ-GEN SENONA: But my focus, the priority by then,
10 was to try and identify and arrest these perpetrators.

ADV HASSIM SC: I accept that, but would it not be important for you to do that check, because you had such, what is the street value of the cocaine that was stored there?

MAJ-GEN SENONA: 541.

ADV HASSIM SC: The street value.

MAJ-GEN SENONA: 541. 200 million.

ADV HASSIM SC: It was over 200 million.

MAJ-GEN SENONA: No, 200.

20 **ADV HASSIM SC:** It was exactly 200 million.

MAJ-GEN SENONA: That is what we were informed, Commissioners.

ADV HASSIM SC: So you had R200 million worth of cocaine stored in the offices. I am asking whether it would, do you not think it was appropriate for you to ensure that

there was greater security around the offices, including by checking that visits were being made by officers?

MAJ-GEN SENONA: Commissioners, I believe the actions that I have taken, they were sufficient enough to ensure that those exhibits were secured. The issue of the padlock, the issue of giving instructions of the visits, the issue of the walk inside the strong room, the issue of taking the keys that not two people must take, must be able to have the keys. I think I believe I did what was necessary. I know
10 the Advocate is asking me, was it not necessary for you to go and check, but I believe it was necessary, because, and I believe the members were doing the due diligence.

ADV KHUMALO SC: So let me understand this. This theft happened over a weekend, either on a Saturday or Sunday.

MAJ-GEN SENONA: Correct.

ADV KHUMALO SC: The 6th or the 7th of November. And I see from your statement that some police officers would go to that office from time to time. But there was nobody stationed there permanently.

20 **MAJ-GEN SENONA**: Correct.

ADV HASSIM SC: Ja.

MAJ-GEN SENONA: There was nobody stationed there permanently, Commissioners. You will realize that on that weekend, members went to the offices.

ADV KHUMALO SC: Ja, but he only went there to pick up

something and he smelled something.

MAJ-GEN SENONA: Ja.

ADV KHUMALO SC: He thought it was loadshedding.

MAJ-GEN SENONA: And then also the Unit Commander went to visit the office, Commissioners. Even previously, when I asked in terms of the guards, there were no guards that were posted there permanently. And I think in the statement of Colonel Prinsloo, you will see, let me check that paragraph where he said he also requested the K9 to
10 patrol the area of the surrounding, the K9 of that area, Commissioners.

ADV KHUMALO SC: I mean, I am no expert on policing and how you store your exhibits, but it seems reckless to me that half a tonne of cocaine is stored in a remote location. There is just a safe there and a padlock, but there is nobody guarding it, which means if anybody wants to break in at night, they can do so because there is no appropriate security and they have enough time to even use a grinder to break the safe and go in and steal this cocaine,
20 which is in fact what happened. I am assuming that is what happened. Let me not say in fact.

MAJ-GEN SENONA: Commissioner, Commissioners, I believe I did everything in my power to secure the cocaine, and over and above that, mandrax were stored to the value of 254 million, the value above this one on a previous

occasion, as well as hashish compressed dagga. It is a very expensive dagga, that hashish. It is a pity, I do not remember how much was the street value of that. So I believe I did the right thing. I did all that I could do to safeguard those exhibits there. But I said, after the theft, there is space to store cocaine. There is space to store cocaine and I do not know before why we were informed there is no space, we cannot do this. Now in police stations, but they want you to only leave those things for a
10 week. It cannot go over the weekend. Then I indicated I had to pay from my budget the combat people to transport these exhibits because they are a subject of a case that is investigated in my office. Pretoria has been receiving them. And currently, that is the practice that is being done if we seize drugs, Commissioners.

ADV BALOYI SC: General, it seems though that Colonel Prinsloo himself was not happy with the security of that place. I mean, it is his office. He says in this statement that you have given us, at paragraph 10, he says:

20 “I was not comfortable with it being
 stored in my office as the security of
 my office is not up to standard.”

So you have got a person who is in the place, who knows the place better than you do, and he tells somebody in this statement that I was actually uncomfortable because

the security there was not good. And you from outside, you say it was a very safe place.

MAJ-GEN SENONA: Commissioner, the previous Unit Commander before Prinsloo is a Brigadier ...[indistinct]. I think the 2018 storage, he was the Unit Commander there. Now, this paragraph, I saw it, but this was never brought under my attention. When I look at it, it seems he told a brigadier here who was there at the office. But even this brigadier never came and advised me, General, there is this
10 one, two, three, we need to do something. If it was brought under my attention, maybe one would have taken additional and necessary steps to deal with the situation.

ADV BALOYI SC: Well, I guess my point really is, yes, you may have taken the steps that you have described, but from Colonel Prinsloo it seems that that place in the first place. was not, was not good enough, secure enough, and so maybe your reliance on history and what you were told by a person who suggested Port Shepstone, as we now know, was shocked because here is Colonel Prinsloo who knows
20 that place, says, I was not happy that these things are here.

MAJ-GEN SENONA: I agree with you, Commissioner. The only challenge is it was never brought under my attention. I would have taken action. If he say so, I would have asked and say, you say you are not happy, what is your suggestion, what do you think? And then so that we can do

any other thing that we can do to ensure that that place is safe. Because after the seizure, I did report this to my supervisor by then. I think I said it on Tuesday. But I see this paragraph. I agree with you, Commissioner, it is an unfortunate situation. It was never brought under my attention.

ADV BALOYI SC: Thank you, Ms Hassim.

ADV HASSIM SC: Thank you, Commissioner Baloyi. On that point, General, can you look at page 550. This is an
10 affidavit by the very same Prinsloo, right?

MAJ-GEN SENONA: Yes.

ADV HASSIM SC: If you look at the name at the top.

MAJ-GEN SENONA: Yes.

ADV HASSIM SC: And he, in this affidavit, explains, it is a different affidavit to the one that you have provided us with, but it is by the same person, and he explains, we will see in paragraph 3:

20 “The office was previously fitted with an alarm that was monitored by National Security and Fire. During April, we did an application to the provincial office to be on a month-to-month contract with National Security as we were awaiting the procurement process.”

Paragraph 4:

“During May, an application was done to upgrade the alarm system. This office was told to get three new security companies to tender for the upgrading and monitoring of the alarm system, which was done and submitted by our provincial office for approval. To date, this was never approved. During December, the office received notification from national security that due to non-payment, they have removed us from their system.”

And so on. And he ends in paragraph 7:

“The provincial office was well aware of the security problems that we faced at this office.”

This affidavit was written on 26 July 2022. He says:

“The provincial office was well aware of the security problems that we faced at this office.”

That goes to the point that you just made.

MAJ-GEN SENONA: Yes. You know, if he says he reported this to the provincial office, as I have unpacked

how the DPCI offices are, I am of the view that when you say he reported this to the provincial office, it never came to my attention. I believe he might have sent it to the supply chain management because the procurement and everything of these things is dealt with by our supply chain management. And I am also emphasizing, I am again emphasizing, if it came to my attention, Commissioners, I would have devised some means to assist and take and protect this exhibit there.

10 **ADV BALOYI SC**: General, if, there is a basic question that it seems you should have asked, given the value, well, not just the value, but the substance itself, such as, do we have an alarm system? And in this, which Ms Hassim has just read now, Colonel Prinsloo says they were taken off the alarm system in ...[intervenes].

ADV HASSIM SC: December 2020.

MAJ-GEN SENONA: After that.

ADV BALOYI SC: And this is in, this incident is in 2021?

MAJ-GEN SENONA: The incident is 2021, Commissioners.

20 **ADV BALOYI SC**: So you are already in office. They are removed from the alarm system, notification system in December 2020. There is this, you go there, you approve that it is okay, it is a safe place, but you do not ask what I thought would have been, you know, your first question, do we have an alarm system so that it is triggered if anyone

tries to get in, but you do not even check that. But in fact, we do have a record that says there is no system. Provincial office knows we do not have an alarm system.

MAJ-GEN SENONA: According to me, Commissioners, the alarm system was there. I think when I understand this affidavit that I am seeing here of Colonel Prinsloo, the second one, is that when I read, when the Advocate was reading it, my understanding was that there was this security who fitted the alarm system and that was monitored
10 by them. But it was never removed, according to my understanding of this, because once you have this type of a security system ...[intervenes].

ADV BALOYI SC: No, General, read paragraph 5. It says ...[intervenes].

MAJ-GEN SENONA: Paragraph 5?

ADV BALOYI SC: 5. It says:

“During December 2020, this office received notification from national security that due to non-payment, they have removed us from their system and will not be
20 rendering any services at our unit.”

Am I wrong ...[intervenes].

MAJ-GEN SENONA: I see that, Commissioner.

ADV BALOYI SC: You see that now?

MAJ-GEN SENONA: You are correct.

ADV BALOYI SC: All right.

MAJ-GEN SENONA: You know, the challenging part is this was never brought under my attention. I think they were dealing with the supply chain, issues of the buildings in our province, supply chain, they have this facility managers with supply chain in the supply chain offices who are dealing with that. And then at our head office, we have a colonel who also deals with them. Normally, if there are challenges, the supply chain at the province will talk with the supply chain at National, but this was never brought
10 under my attention, Commissioners. I fully agree about what he wrote here.

ADV BALOYI SC: Yes.

MAJ-GEN SENONA: And I cannot dispute it because it was not report, brought under my attention, but he might have reported to the supply chain at the province, which means my members there failed to come and inform me about this type of a thing.

ADV BALOYI SC: Yes. I mean, I am prepared to accept it was never brought to your attention for purpose of our
20 discussion, but it is really back to the point that Commissioner Khumalo discussed with you earlier, that you arrive on the day when this consignment or this drug haul is being put there, and then you say you satisfied yourself. that there was, so even on the day itself, you say you satisfied yourself and then, but then what I am raising with

you, that I would have expected that one of the things you would have satisfied yourself about is there is no alarm system.

MAJ-GEN SENONA: I am taking notes, Commissioner.

ADV BALOYI SC: Thank you.

MAJ-GEN SENONA: Thank you, Commissioner.

ADV HASSIM SC: I must also bring to your attention, General, that in addition to the affidavit I referred you to on page 557, if you can just go to page 559, you will see a
10 Detective Warrant Officer, an affidavit.

MAJ-GEN SENONA: Warrant Officer Pienaar.

ADV HASSIM SC: Yes.

MAJ-GEN SENONA: 559, correct.

ADV HASSIM SC: Yes. He says that in paragraph 2:

20 “I cannot remember the dates and or time when Lieutenant Colonel JJP Prinsloo, our previous Acting Commander, asked us on office lectures to visit the office after working hours and or weekends if we are in the office area. I presumed that the reason for Lieutenant Colonel Prinsloo to ask all the office personnel to visit the office was because we had previous office break-ins.”

And then he explains more about the risks and he ends:

“I must clearly state that I did not know and was never told by anyone until the break-in at the walk-in safe of any drugs being kept at our office.”

So he says that what he knew was that the previous Acting Commander asked them during office lectures to visit when they were in the area, which is not the same as
10 patrolling much more purposefully in order to secure the office because there were expensive contents. Do you want to say anything about that, because there are a couple of others?

MAJ-GEN SENONA: This is one of the statements that I said is that during a parade, so it is a lecture. A lecture and a parade is more or less the same thing.

ADV HASSIM SC: Okay.

MAJ-GEN SENONA: All your personnel will come there. You deal with the correspondences and other management
20 issues there, which means all the members knew that they are supposed to visit the offices after hours. But the mere fact that Colonel Prinsloo put it the way he put it, I do not know why he put it, because as for me, in his statement, he said, I requested them to visit the office after hours and so forth, of which when you say request, you ask me where is

the request on instruction, and in the police we give instructions, we do not request. It is just that people are modernizing things, but we give instructions.

Even if I say, I request that you must visit complainant so, so, so, there is this type of a complaint or this type of information. The way we talk to people, we say, I request, but actually, it is an instruction. So I do not know why these members are saying, Colonel Prinsloo told them to visit after hours or weekends when they are in the area,
10 because my instruction was that the offices must be visited.

ADV HASSIM SC: Okay, at 561.

ADV BALOYI SC: Before you do 561, can I just, in fairness to you, General, what I discussed with you about the alarm being, the service not being offered anymore for non-payment, General, Colonel Prinsloo, though, says elsewhere in his statement that on the day that the drugs were brought in and after locking up, they switched on the alarm system. So it seems that in 2021, there was an alarm that was working. You may not have been aware of it
20 because you did not ask the question, but he seems to say that. So I just thought, let me correct what may have been a mis-statement.

MAJ-GEN SENONA: Thank you very much, Commissioner. Really appreciated.

ADV HASSIM SC: I think that the issue, Commissioner

Baloyi, is that the alarm is insufficient without being linked to a company, a company, a security company that will monitor the area. There would be an armed response if there is a, you know, something to alert, an alarm that will alert someone to do, otherwise, you can just switch off an alarm and continue. But I think that is what Prinsloo was concerned about. And that is why he said that he was not comfortable with the drugs being stored in his office as the security of my office is not up to standard.

10 **ADV BALOYI SC:** Ja, no, no, I had put to the General that there was no alarm system at all.

ADV HASSIM SC: At all.

ADV BALOYI SC: Yes, so that is all I am correcting.

ADV HASSIM SC: So I just need to complete these statements just for the sake of completeness. I did two affidavits. There is another at page 561 and this is a van den Bergh, paragraph 2. And the question he is answering in paragraph 2 is, was instruction given to visit the office after hours and make an OB entry and by who? And he

20 says:

“I cannot remember being given such a direct instruction.”

So again, it comes back to this, what I was asking you, an instruction versus a request. So he says ...[intervenes].

MAJ-GEN SENONA: Commissioner ...[intervenes].

ADV HASSIM SC: Let me just finish and then you can respond.

10 “I cannot remember being given such a direct instruction. I do remember Colonel Prinsloo repeatedly requesting the office members on morning parade to visit the office after hours when they can or when they are in the vicinity of the office due to the repeated problems we had with break-ins and attempted break-ins.”

Now, again, it is what the others were saying, it is like a nice to have, if you are in the area, pop in.

CHAIRPERSON: But, Ms Hassim, I find it odd. These read the same, you know. I think this is the third one now and they all read the same, and ja, I just, I am just making ...[intervenes].

20 **ADV HASSIM SC:** They are quite similar, and I think, I mean, I am not going to speculate. They were, obviously questions were being posed in a post-theft investigation, and I think that is why these affidavits were prepared. So questions were being posed and the officers were answering. Other than that, I cannot say more.

CHAIRPERSON: If the same person draft the statements

for them and basically note exactly the same thing, it is quite similar. I am just making an observation, just making an observation.

ADV HASSIM SC: I think it is important for me to put to the witness that there are a series of affidavits.

CHAIRPERSON: No, no, I am not, I am not stopping you. I am not stopping you, Ms Hassim.

ADV HASSIM SC: And I do not know ...[intervenes].

CHAIRPERSON: At all.

10 **ADV HASSIM SC:** More than, more than that. I do see that there are similarities.

CHAIRPERSON: Yes, yes.

ADV HASSIM SC: And sometimes similarities are a good thing, and sometimes there is ...[intervenes].

CHAIRPERSON: They may be a bad thing, ja.

ADV HASSIM SC: They raise questions.

MAJ-GEN SENONA: Commissioner?

CHAIRPERSON: Yes, General.

ADV HASSIM SC: And then the – oh.

20 **MAJ-GEN SENONA:** I want to bring under the attention of the Commissioner that these statements were taken on the same month, and then I want to check same date, 2nd of September 2025, hence, earlier I said the initial statements that the members have deposited are not here. So if one was having that, one would be able to do a comparison.

But you are 100%, because I was going to tell, ask the Commissioners that this is a copy, sort of a copy and paste type of a statement. But thank you very much, Commissioners.

CHAIRPERSON: Thank you, General. Yes, please continue, Ms Hassim.

MS THOMAS: Thank you. Thank you, Chair. Prinsloo's affidavit from 2022 says that he has had serious concerns about this. I am not going to go back to that. Let me, the
10 next affidavit is at 567 and it is paragraph 3, and this is ...[intervenes].

MAJ-GEN SENONA: 5?

ADV HASSIM SC: 567.

MAJ-GEN SENONA: 567.

ADV HASSIM SC: And as I say, I think, I do think these were all taken in the course of a subsequent investigation. 567, it is a Captain Jezza and in paragraph 3, he says:

20 "I do not remember being informed to visit office after hours during the night and weekends and make occurrence book entry prior or after the drugs were kept in the strong room. However, it was a common practice for members to visit office and write occurrence book if it happened that they had something to

do in the office during weekends.”

MAJ-GEN SENONA: Commissioners?

CHAIRPERSON: Yes, General?

MAJ-GEN SENONA: It is strange because in a lecture, all the members will be there when they are given this tasking. What he is saying, when you are in a lecture, all the personnel of your office are there when they are given this tasking by the Lieutenant Colonel, but he says, this one does not even say we were asked to visit when we were
10 there. Thank you, Commissioners.

CHAIRPERSON: Yes ...[intervenes].

ADV BALOYI SC: [Indistinct]... [cross-talking].

CHAIRPERSON: Oh, sorry, sorry, sorry.

ADV BALOYI SC: Ms Hassim, is it, is it not really the point that Colonel Prinsloo does say that General Senona requested that the Port Shepstone people do regular visits to the office after hours? When you started, I thought the point you were seeking to address is the specifics of it, because the General says, I told them to, I gave them time
20 frames, right, within this period and that period must be a walkabout, and then at 2 in the morning, between 2 and something.

I thought that is the point you were exploring with him, whether he gave that specific instruction. But we have here Prinsloo that, as I understand, is in charge or

something, it is his office. He does confirm that the General gave that instruction that his members, he may not have conveyed that to his members, is a different conversation that the General, I do not know that there is value discussing that with the General, unless you are saying the general evidence is that he addressed everyone in that station and told them, this is what you, when this drug haul was brought in and told everybody in the station that you are going to do it this way. What is the point?

10 **ADV HASSIM SC:** Well, there is two points. First of all, it is a question of, there is conflicting versions here and I am trying to establish, because the General said at the time, that is at the time of the seizure of the drugs and storage, a specific instruction was given by him. And it was specific, it was to patrol between certain hours and to make OB entries on those patrols.

And we have General Prinsloo saying that General Senona requested us to have regular visit to the office after hours. And then we have other affidavits that say that
20 Prinsloo did ask us, but he asked us to do it in this way. Now, why he did that, I do not know. But what I want to know from the General is if he insists that he made specific requests for specific hours to secure R200 million worth of cocaine at this office, whether he monitored and checked that those, because they are saying they did not have that

instruction.

One way to know whether this happened was to see whether there were any OB entries. And I think it, but I am also further saying is that as a Head of the Hawks in KZN, where this amount of, this value of cocaine is kept, that the Provincial Head has a particular and keen interest in ensuring the safety and not to just say, well, my officers are there and I have given an instruction and I do not need to do any more. So that is really the thrust of what I am trying
10 to explore with the General.

So I mean, General, that really is the question is whether in the light of these sort of conflicting versions and particularly, you know, Prinsloo, sorry, Prinsloo himself saying that he made it known to the provincial office. I heard your response that as the Head of the provincial office, it was not brought to your attention. But what did you do proactively to ensure that there was round-the-clock monitoring of this high value of cocaine stash at the Port Shepton office?

20 **MAJ-GEN SENONA**: I have answered this question earlier that I did not go and check the OB entries if they were there. I did not go. I answered. And after the theft, a lot of, I think also the OB was taken and everything, so I did not go and visit. Look, if you are the Head of the Hawks, I understand, or a Head of an office, or institutions, you have

people who are doing certain responsibilities on your behalf.

And I strongly believe that the actions that I have taken, from my perspective, they were sufficient enough. But today, before the Commission, the Commissioners have raised certain issues that I should have also considered, and I am taking note of that. But asking one question over and over, that my answer will never change. It is still the same. I have never went and checked. Thank you,
10 Commissioners.

ADV KHUMALO SC: Are you saying with the benefit of hindsight, more could have been done to secure that cocaine and you accept that, but at the time, you thought the steps you took were sufficient?

MAJ-GEN SENONA: At the time, the steps I took were sufficient, but now I am learning of new avenues that In the near future, I must apply.

ADV KHUMALO SC: Because remember, my earlier criticism was, I thought it was reckless that there is nobody
20 guarding those drugs 24 hours a day. People just go there when they have time to simply walk past and check that everything is fine, and that was my criticism. I think to be fair to you, you said you can see how I can look at it that way.

MAJ-GEN SENONA: Correct, Commissioner. What is

happening is that when you deal with the situation ...[intervenes].

ADV KHUMALO SC: And sorry, I do not want you to repeat. I was simply ...[intervenes].

MAJ-GEN SENONA: Okay, thank you, Commissioner.

ADV KHUMALO SC: Making the point, because Advocate Hassim, you know, there are time constrains.

MAJ-GEN SENONA: Thank you.

ADV KHUMALO SC: So there is no need to repeat.

10 **MAJ-GEN SENONA:** Thank you, Commissioner.

ADV HASSIM SC: Thank you, Commissioner Khumalo. I think the point is made. I just want to be clear that my questions were two, in two respects. One is whether you did it and secondly, whether you considered it an obligation on you to do it. But I think you have answered both of those questions, so we are going to move on from there.

ADV KHUMALO SC: Just one last point. Have any arrests been made? Were these drugs ever found, because we are 4½ months, 4½ years down the line?

20 **MAJ-GEN SENONA:** Commissioners, I do not know. Ever since ...[intervenes].

ADV KHUMALO SC: No, no, General, have arrests been made, yes or no? Have the drugs been recovered, yes or no? You cannot say you do not know.

MAJ-GEN SENONA: Remember what I said on Tuesday,

the case docket and enquiries were taken away and in that call-up instruction, they are reporting specifically to certain offices at head office, not to me, but I did not hear any report that suggested that the drugs were recovered or there is any arrest. So I cannot say with certainty because I am not having inside information of what exactly is happening with the investigation. I am also surprised with statements that are taken after four years of this nature. What are these going to help us with the investigation?

10 **ADV BALOYI SC:** General, you are the Head and this happens under your watch and so this is your loss, right?

MAJ-GEN SENONA: Correct.

ADV BALOYI SC: And you are one of the people that had access that knew about this, the way it is, you know, the setup of the room and where things are stored. I would have thought that as the owner, of this, even though enquiries, investigations are now happening elsewhere, you would ask, you are sufficiently interested. You need to know who of your people, if at all, have anything to do with
20 this. I would have thought you would try to find out.

We had witnesses from Ekurhuleni Municipality where matters are being dealt, their matters are being dealt with by IPID. They did not sit back. They came to testify and told us the countless times that they have chased up with IPID to find out, where are you with this? I have laid a

criminal complaint and you are dealing with it. Where are you?

So I am quite surprised that something so major that, as you said, on day one, it is a blight on your record as well. And potentially, you, you know, you remain a person of interest as with the other people because you knew about this haul, you knew where it was stored, and I would have thought that it is a matter that you would want to know and you would chase up to see that head office
10 gets to the bottom of how this happened. And it is difficult to understand that you have done nothing about it.

MAJ-GEN SENONA: Commissioners, before the team was established, and the case dockets and the enquiry file were taken, we were working on this. After they limited us there, and they wrote that letter, I must tell you that it is difficult. It is difficult for me to check that progress, because even when the team from head office visited Kwazulu-Natal, They never informed me they are there.

Up until this day, when they come there, they do
20 not say, General, we are here. Even if they do not tell me what they are going to do with investigation of the theft, it is okay. You do not have to give me details. They do not, Commissioners.

So it manifested this thing of me and say, oh, if this is the situation, let me, because I - remember at one stage I

requested my supervisor that when members are moving from another province to another province, it is important to just let the Provincial Head know that we are in your area, not necessarily to say, because if the problems arises like with vehicles or any other problems, God forbid, if they are involved in a shooting incident with perpetrators, we need to know, oh, remember, we had our own people. But if you do not know, it is a problem. But the very same team that has been established, ever since they were established, 10 they visited the province to come and do the investigations, I was not even informed about it.

ADV BALOYI SC: Is there anything that precludes you, precluded and precludes you from asking your supervisor what is happening with my drugs that were here, those investigations? I know I would do that if I were in charge of people and my supervisor took over a matter from me and I have an interest in the outcome because I want to get to the bottom of it. I would ask my supervisor even in a letter, one line, what is happening with this matter? As Commissioner 20 Khumalo says, it is 4½ years later, the head of the DPCI under whose watch this was taken says, I do not know what is happening.

ADV HASSIM SC: Commissioners, I understand what you are saying. I wanted to know the progress. I wanted to ask, to form part of the investigation. But once they decide

to, they make a directive that these people will be the investigators, they will report to this one and monitor, and the deputy will monitor the progress on a weekly basis, that on its own for me, it was an instruction that “wena”, you do not interfere here, stay in your lane.

That is how I took it when I read that letter, because it was sent to me as well. The call up is the establishment of this task team to deal with this. That is what recorded in me, and maybe that is why I am saying I
10 do not know what is the current status of the case. And then, but there was no reports of some sorts that suggested that there are arrests or there is a recovery, Commissioners.

ADV BALOYI SC: Thank you. Ms Hassim?

ADV HASSIM SC: Thank you. Commissioners, I am going to move off the Port Shepstone, and so if there are any other questions from your side, I am covered.

ADV BALOYI SC: Maybe one last point before you move off it. From Colonel Prinsloo's statement that you gave us,
20 and this is still about, you know, the measures that would have been in place to secure this, it seems that it was known, it was out there somewhere that Port Shepstone is keeping this valuable haul of drugs. And I say that because in that paragraph 10 of Colonel Prinsloo, he speaks about a Brigadier Naicker who had come to his office to inspect

certain SANNEB dockets, privately searched to talk to him about the cocaine that was stored in the safe. So it seems like not enough measures were taken to make sure this is secure, not just anybody knows. Here is Naicker from outside of all of this, who knows about it.

MAJ-GEN SENONA: Brigadier Naicker, Commissioner, is a Section Head of SANNEB, South African National Narcotics Enforcement Bureau. He oversees these type of drugs and some of the seizures. Now, you can see clearly here that
10 when we store these drugs there, we never made a media statement about the storage or whatever. And so the only thing that happened, it was the bust at Isipingo. Now, you can see that within ourselves, somebody decided to inform Brigadier about the storage. So it is some of the things ...[intervenes].

ADV BALOYI SC: And there was no reason for the Brigadier to know this.

MAJ-GEN SENONA: Absolutely. So some of the things, Commissioners, are difficult to manage. And there is some
20 of the things like, I will give an example of, you cannot police rape, because it happens within and elsewhere. So it is a clear, it supports also my statement when I say somebody within DPCI KZN or even outside might, who knows the outlet of that office ...[indistinct].

ADV BALOYI SC: And it could have been any one of you

who knew about this.

ADV HASSIM SC: It could have been. It could have been ...[intervenes].

ADV BALOYI SC: Yes.

MAJ-GEN SENONA: But definitely it is not me.

ADV BALOYI SC: Ja, no, you say that, General.

MAJ-GEN SENONA: If it was me, the investigation would have come and arrested me a long time ago. I would not have been sitting here, Commissioners.

10 **ADV BALOYI SC:** Well, General, we do not know what is happening.

ADV HASSIM SC: [Indistinct]... [cross-talking]

MAJ-GEN SENONA: Come again?

ADV HASSIM SC: Will you offer yourself to be submitted for the polygraph?

MAJ-GEN SENONA: If my ...[intervenes].

ADV HASSIM SC: You said you asked your subordinates to do it, but you did not.

20 **MAJ-GEN SENONA:** If my supervisor asked me to do that, I would gladly do it, because he has got the powers to subject us to that. It is me who made the application. But I, the issue of saying I must volunteer, I did not, because the Act says he must commission it for me. Me, I commission it for my members.

ADV HASSIM SC: Yes, you can go to him and say,

commission it. You can do that.

MAJ-GEN SENONA: It never happened. I thought if there was an, that they, at that stage, he regarded me as a person of interest, he should have done that. So I cannot answer on his behalf, Commissioners.

ADV BALOYI SC: No, but General, that is not a satisfactory answer, though. You say that this theft, according to the way you saw it, this theft is an inside job effectively, that someone who knew we have this and knows
10 that place very well has something to do with this. And when I say that could also, you know, that includes you. I do not say it flippantly. You are one of the people that knew exactly what is in there and you know that place as well as your juniors that you said should go to a polygraph test.

And to say you could have offered, I mean, you are a person of interest, even if your supervisor does not say, you become a person of interest because you are also in the same position as your subordinates that you said should
20 go for this. And so the surprise, for lack of a better word, that you did not offer, you did not say to your supervisor, I also want to take a polygraph test, because you know in your heart, in your heart and head you say that you are not implicated. But you know, appearances also matter.

Who knew about this, it is an inside job. You do

not offer, you do not say to your supervisor, I want to, and have your supervisor say to you, no, I do not think it is necessary, I am not going to request you to do it. But it is, I think, it is fair if it is a question, it is a matter of wonder that, but why did you not offer him and have him requisition it or reject you and say, no, I do not think it is necessary, because you are really situated exactly the same way as the juniors that you requested a polygraph for.

You are not, nothing other than your position as
10 Head of a unit excludes you on these facts as a potential, and please hear me, I am saying potentially, nothing excludes you by virtue of your office from being one of the people that may have, you know, been behind this. And I would have thought that concern would have made you say to your superior, I want you to subject me to a polygraph test.

ADV HASSIM SC: Commissioner, I think the Chairperson asked me the very same question and I responded the very same way I am responding. It is an unfortunate situation
20 that it never crossed my mind that I must offer myself. And I hear your points. And then as I indicated earlier, some of the things is a learning curve in the near future. Should you be faced with the same type of a situation, even if we will not store again there.

ADV HASSIM SC: General, my question was, had moved

on from the Chairs. I was saying now, as we sit now, would you do that? So that is what I was saying and you said, well, if your supervisor asks, then you would.

MAJ-GEN SENONA: Are you insinuating that I must go tell my supervisor, put me under polygraph for this thing?

ADV HASSIM SC: Yes, precisely.

MAJ-GEN SENONA: It is too late. It is too late.

ADV HASSIM SC: That is a different answer.

MAJ-GEN SENONA: It is too late, Commissioners.

10 **ADV HASSIM SC:** Chair, I would like to move off this. It is just one last thing ...[intervenes].

CHAIRPERSON: Please do. Please do. Thank you.

ADV HASSIM SC: Thank you. It is one last thing and it is, Chair, what will be handed up ...[incomplete].

CHAIRPERSON: Yes. Yes, Ms Hassim?

ADV HASSIM SC: What I am handing up is a circular issued from by the National Commissioner on 30 December 2024.

CHAIRPERSON: We have got two. Yes, Ms Hassim?

20 **ADV HASSIM SC:** The date is on the last page. It is 30 December 2024. It is a circular by the National Commissioner, General Masemola, and it relates to the processing of personal information. And I just wanted to ask you, General, whether you are aware of the circular. Have you seen the circular before?

MAJ-GEN SENONA: I am not quite 100% sure, but I am aware of the POPIA Act.

ADV HASSIM SC: Okay, we do not need to go through it in detail. I just want to draw your attention to just a couple of things. The first is the first paragraph.

10 “The management of the South African Police Service has noted with concern that personal information of persons is leaked to various social media platforms or recipients who are not entitled to have access to the information. This constitutes the unlawful processing of personal information.”

Do you see that?

MAJ-GEN SENONA: Yes, Commissioners.

ADV HASSIM SC: And then if you just turn over to paragraph 4, the circular says in the second sentence, second sentence of paragraph 4:

20 “In terms of section 70 of the South African Police Services Act, it is prohibited to share official information with persons who are not employed by the SAPS or who are employed by the SAPS but are not entitled to access or

view such information.”

So this for me is relevant to the questions that I was asking you regarding the Nangy documents that you sent to Cat Matlala. Would you agree that would be in violation of the circular, submitting those documents to Mr Matlala?

MAJ-GEN SENONA: It is not because I said this thing was in the public domain. I did not take information from the police and give it to him. If I took information maybe from
10 an office of the police that was not in the public domain and shared it with him, yes, I will be in violation. But in this instance of what you were asking me earlier, it is not in violation.

ADV HASSIM SC: I think you need to read the circular quite closely then so that you can apprise yourself of what the requirements are. It is quite specific and paragraph 6 goes on to say:

“Employees may not indiscriminately
forward message to groups, even SAPS
20 groups, without first determining
whether the recipients should have
access to the information.”

So what the thrust of the circular is saying is that sensitive information, personal information, official documents of the SAPS should not be transmitted to any

recipient not entitled to have access. It does not say that if it is already out in the public domain, then you may continue to do so.

MAJ-GEN SENONA: Can you see that there is a gap that the employer must deal with it, because it talks about here SAPS groups that are being created to deal with SAPS issues. But coming to the issue of Mr Nangy, this was in a public domain, but not in the SAPS groups.

ADV HASSIM SC: No.

10 **MAJ-GEN SENONA**: I, even if you disagree with me, you say no, but Commissioners, I never took information from SAPS groups and sent it to Mr Matlala, specifically that one of Mr Nangy that the Advocate is referring to. So, and this document, I must inform the Commissioners, I got it during lunch, I did not even happen to read and consult my legal suite. I was busy eating and resting my mind to come back and respond to questions. So now I am responding, I am told no. If we do not agree, we do not agree. It is still okay.

20 **ADV HASSIM SC**: No, we certainly do not agree. I did speak to your legal representatives and requested and confirmed with them that they would be fine with me bringing this to the attention of the Commission and the purpose of which I wanted to do it. And I want to suggest that you are playing with words again by saying now you

see this is talking about SAPS groups and this is not and it is public domain, because the first paragraph I read to you could not be more plain. It says that:

10 “The management has noticed with concern that personal information of persons is leaked to various social media platforms or recipients who are not entitled to have access to the information. This constitutes the unlawful processing of personal information.”

It does not matter that somebody else has already transmitted this information. The duty is incumbent on each individual within the SAPS to comply with this. That is what I am putting to you.

MAJ-GEN SENONA: Commissioners, my understanding is the information in possession of the state, the information in possession of the state, that is my understanding of this paragraph.

20 **MS MAFISO**: Commissioners, sorry to interject. When we did have the conversation about this particular document, the legal, our legal team was okay with, of course, giving the document to Major General Senona. However, I did state to the evidence leader that if Major General Senona needs additional time to familiarize himself with the

document, I think that it would only be fair that he take that time upon request to familiarize himself with the document.

So if Major General Senona is saying that perhaps maybe he needs additional time, then perhaps maybe the Commissioner should allow him additional time to sit with it a little bit longer, further consider it, and then perhaps maybe the evidence leader can continue.

CHAIRPERSON: I have not heard him say so, though. I am understanding the General to be engaging with Ms
10 Hassim on the interpretation of the document. I did not once hear him say that he needs more time, unless I misheard.

ADV HASSIM SC: And it was not conveyed to me, Chair, that he needs more time.

CHAIRPERSON: Sorry, sorry?

ADV HASSIM SC: It was not conveyed to me that he needs more time. If it were conveyed to me, then I would not have gone here.

CHAIRPERSON: I have not heard him say so, Ms, or are
20 you saying, or are you asking that the General should be given more time?

MS MAFISO: Chairperson, I was just, I was merely informing the Commissioners of the discussion that I had with the evidence leader. That is the only thing that I was stating. It just seemed as if Major General Senona is, as he

had stated that it was during lunchtime, he did not have enough time to actually go through the document. So as much as he did not say, I need more time, he indirectly communicated to the Commissioners that it was during lunchtime, he did not have sufficient time to actually look through the document.

CHAIRPERSON: It is a four-page document. We could say what, 16 minutes past 4, let us take a 5, would 5 minutes be enough, General, for you to just go through the document?

10 But as I said, I did not once hear you complain about needing time to go through the document. But let us just take a 5-minute adjournment. That will also help us with a body break.

MAJ-GEN SENONA: [Indistinct]...

CHAIRPERSON: Will 4 minutes be enough for you to just go through the document?

MAJ-GEN SENONA: Ten. I ask for ten ...[intervenes].

CHAIRPERSON: [Indistinct]...

MAJ-GEN SENONA: [Indistinct]... [constant cross-talking

20]

MAJ-GEN SENONA: It must be placed on record. I get this thing at lunch today.

CHAIRPERSON: Yes, yes, yes.

MAJ-GEN SENONA: A new document again. It must be record, noted by the Commissioners. Thank you,

Commissioner.

CHAIRPERSON: Thank you. Thank you. At least you have indicated you want ten minutes. Then 16:27. Let us adjourn.

INQUIRY ADJOURNS

INQUIRY RESUMES

CHAIRPERSON: Ms Hassim, do you still remember what your question was?

ADV HASSIM SC: Yes, Chair, my question was whether
10 General, having seen the circular which was sent to you in December 2024, whether you agree that the sharing, well, not if you agree. I am just saying to you that what the circular says is that there are particular requirements, obligations on all members of the service, okay. And the obligation is stated quite clearly in the first paragraph that members are not to share personal information with recipients who are not entitled to have access to the information, and that this constitutes the unlawful processing of personal information.

20 And in paragraph 4, it states that in terms of section 70 of the SAPS Act, it is prohibited to share official information with persons who are not employed by the SAPS, or are not employed, who are employed by the SAPS, but are not entitled to access or view such information. And in the light of the provisions that the

circular reminds members of, your sharing of the Nangy documents violated these prescripts.

MAJ-GEN SENONA: Thank you, Commissioners. I have read the document. This document is solely to regulate the leakage of information and personal information of personnel to various social media platforms or recipients who are not entitled to have access to the information. That is when you look at the very first paragraph.

And for me, that affidavit of Mr Nangy, when you
10 go, when we go and read it, when you read it, it is actually some sort of a bail application, the majority of it, application affidavits. And further to that, this document says leakage of personal information to various social media or platforms as even recipient. Now, when a document, Commissioners, is already in the public domain, it is not covered by this circular. This circular talks about operational issues of the police and WhatsApp group that are being opened in this paragraph 8 of this document.

And then when we look at the paragraph 4 that the
20 Advocate is referring to, it is sharing official information with persons who are not employed by the SAPS. But the issue of sharing something that is already in the public domain does not conform to the requirements of this document, this circular. This circular talks about you take information within the SAPS systems and everything, you

send it to another person that is not supposed to have it. It does not address those issues that are already in the public domain.

There is no sentence that says even information that is already in the public domain, you are not supposed to share it. And I have already indicated, Commissioners, earlier, yesterday when I was vigorously questioned about this thing, that of Mr Nangy, that that information was in the public domain and according to my interpretation of this
10 document, I think I have addressed the Commissioners.
Thank you.

CHAIRPERSON: General, are you saying that if there is information that is clearly the sort of personal information that should not be shared in contravention of the POPIA Act, once it happens to be out there, you as a police officer will then distribute it as much as you like throughout the country. Is that what you are saying?

MAJ-GEN SENONA: Not that, Commissioner. Yesterday when I responded, I said I only read the affidavit of Mr
20 Nangy. I never realized the magnitude of the documents and everything that were there, Commissioners. If, I said, I want to say, you know, if I happen to see those ID numbers and everything, Commissioners, I do not know how, I think I would have done something, but I only saw the affidavit, I read those paragraphs, I send it. That is what I say.

But what the Commissioner is asking me, I understand in relation to the POPIA Act, but this is a circular by the police, not the Act itself. It is giving certain directives that this is how information must be protected of the members. But they gave this directive in line with the POPIA Act, according to my understanding, and the little time that I got. So I really understand that, Commissioners.

CHAIRPERSON: Yes.

MAJ-GEN SENONA: But I have already – sorry.

10 **CHAIRPERSON:** I was just listening to the emphasis you lay on the information already being out there. It just sounded as though you are saying, once it is out there, that is it, then whoever is affected by the information is fair game. I am distributing it as much as I like. I, as General Senona, I am distributing it as much as I like.

MAJ-GEN SENONA: The emphasis, this emphasis is as a result of that document was already there. And then this other important information that was there that Commissioner Khumalo was engaging me on yesterday, by
20 the time I sent it, it was, I did not see it, as I indicated, I only read the affidavit of Mr Nangy. Thank you, Commissioners.

CHAIRPERSON: So, you only read the body of the affidavit, you did not read what was at the top?

MAJ-GEN SENONA: The entire document.

CHAIRPERSON: So are you suggesting that you did not even see the names of the people listed there? So - yes, please respond. You did not even see the names at the top before the body of the affidavit, is that what you are suggesting?

MAJ-GEN SENONA: Where I found that those documents, when I opened it, the first thing it was the affidavit.

CHAIRPERSON: Please answer the question directly. So you are saying all you saw and read was the body of the
10 affidavit and these names, ID numbers, and so on, and sometimes even phone numbers, I think, that appear above the body of the affidavit, you did not see, you did not read any of that. Is that what you are suggesting?

MAJ-GEN SENONA: Correct, Commissioner.

CHAIRPERSON: Odd, but I will leave it. I will leave it there.

ADV KHUMALO SC: General, let me tell you why your evidence is ...[indistinct] problem. The affidavit starts on page 7 of the dossier that you shared. The dossier itself is
20 200 pages long, and it starts on page 65.

ADV HASSIM SC: 220, Commissioner Khumalo.

ADV KHUMALO SC: 65 of file 1 of 3. The question the Chair is asking you, the very first thing you should have seen is the details of the individuals, the case number, the SAPS stamp, the ID numbers, and the six police officers

who are respondents in the complaints, because the affidavit is page 7. But pages 1, 2, 3, 4, 5, 6, those are the details of the individual police officers. It starts on page 65.

MAJ-GEN SENONA: I am there, Commissioner.

ADV KHUMALO SC: And it is annexure SEN2.

MAJ-GEN SENONA: I am there, Commissioner.

ADV KHUMALO SC: The first page, there is a police stamp. It is a SAPS stamp, so it tells you that this is a
10 SAPS document. Then you have the two complainants, Nangy and ...[indistinct]. Then you have the Metro Police, Respondent 1, Mr Mohammed. Then you have respondent 2, Mr Yasin. Then you have respondent 3, Mr Yakub. Then you have respondent 4, Captain, 5, Constable, 6, Colonel, 7, KZN Police Commissioner General Mkhwanazi, 8 Colonel Govender. And their details are there, their personal details. The affidavit starts on page 7, which would be 71 of that bundle.

And much later, even Mr Nangy's ID number, you
20 have no business sharing Mr Nangy's ID number. You have no business sharing his cellphone number. You are breaking the law. Everything that you are doing, you have got dockets in that dossier. These are SAPS documents. You were not just sharing an affidavit, you were sharing the entire dossier relating to the Nangy case, over 200 pages

worth of it.

And there is no way those documents could have been in the public domain, unless you can show this Commission which newspaper article are next to all these 220 odd pages, such that they would have been in the public domain. Unless you can show us that, I am not prepared to accept that this were in the public domain.

MAJ-GEN SENONA: I have commented yesterday. I am not going to comment now, Commissioners.

10 **ADV HASSIM SC**: I will just say in conclusion then, Chair, that, I mean, it is unfortunate that we had to traverse this ground again. I thought it would have been obvious that, and particularly since I heard the General accept yesterday that had he seen it, he would not have done it if he had seen the information. So I just want to get an answer from you, a final on this, that whether you still, as you sit here, say that you did not breach this circular.

MAJ-GEN SENONA: Yes.

20 **ADV HASSIM SC**: Given everything that is been put to you again today.

MAJ-GEN SENONA: Correct, I did not breach it.

ADV HASSIM SC: I think you are wrong and that it probably should take some further advice on how to handle official information and personal information in your position, General.

CHAIRPERSON: [Indistinct]... [microphone off] Sorry about that, Ms Hassim. Sorry to you too, General.

ADV HASSIM SC: Chair, I have no further questions for the witness. I am concluding my session.

CHAIRPERSON: And, Ms Hassim, where do these go? What do we call them?

ADV HASSIM SC: Thank you for reminding me, Chair. They will be marked ...[intervenes].

CHAIRPERSON: It is ...[intervenes].

10 **ADV HASSIM SC:** The circular.

CHAIRPERSON: The statement by Officer Prinsloo. Officer Prinsloo, I forgotten his rank. And then the circular that, ja, from the National Commissioner dated 30 December 2024.

ADV HASSIM SC: Chair, could we mark the affidavit from Prinsloo Exhibit 62A.

CHAIRPERSON: 62A. Yes?

ADV HASSIM SC: And the circular from the National Commissioner should be marked Exhibit 62B.

20 **CHAIRPERSON:** 62B. Thank you. Thank you, Ms Hassim. Ms Mafisa, is this the point where I thank the General and announce that he is excused?

MS MAFISO: Indeed, Commissioners. Thank you.

CHAIRPERSON: Thank you. Thanks, Ms Mafisa. General, thank you very much for a long three days of testimony.

Thank you very much.

MAJ-GEN SENONA: Thank you, Commissioner. Am I excused?

CHAIRPERSON: Oh, sorry. Oh, yes, yes, General?

MAJ-GEN SENONA: I am checking, Commissioner, am I excused?

CHAIRPERSON: Yes, General, you are excused and thank you very much. Thank you, General.

MAJ-GEN SENONA: [Speaking in vernacular]

10 **CHAIRPERSON:** Thank you.

ADV HASSIM SC: Thank you, General.

CHAIRPERSON: Are we continuing at 9.30 tomorrow?

ADV HASSIM SC: I believe so, Chair.

CHAIRPERSON: Okay. Let us adjourn until 9.30 tomorrow. Thank you.

INQUIRY ADJOURNS
