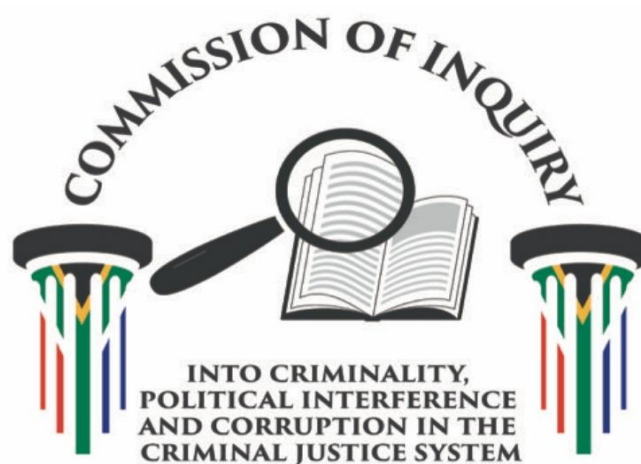


**JUDICIAL COMMISSION OF ENQUIRY INTO CRIMINALITY,  
POLITICAL INTERFERENCE AND CORRUPTION IN THE  
CRIMINAL JUSTICE SYSTEM**

**HELD AT**  
**BRIGITTE MABANDLA JUSTICE COLLEGE**

**11 FEBRUARY 2026**

**DAY 58**



**PROCEEDINGS ON 11 FEBRUARY 2026**

**CHAIRPERSON:** I am trying to find the right file. Good morning, Ms Sello.

**ADV SELLO SC:** Yes, good morning, Chair. Good morning, Commissioners.

**CHAIRPERSON:** Which one should I have?

**ADV SELLO SC:** It is Keefelakae.

**CHAIRPERSON:** Apologies for that.

**ADV SELLO SC:** No, thank you, Chair.

10 **CHAIRPERSON:** Yes.

**ADV SELLO SC:** Chair, we are ready to resume. Just for the record, we continue with the EMPD stream, however, today and in the next coming days we will be dealing with IPID witnesses, but insofar only as EMPD is concerned.

**CHAIRPERSON:** Do you want to place on record who is assisting you today, not that we do not know the face.

20 **ADV SELLO SC:** Okay. It is from our, the Commission's attorneys, and he is sitting by me to assist me with technical aspects of dealing with this witness. It is our usual attorney.

**CHAIRPERSON:** Good morning to you, too. Thank you.

**ADV SELLO SC:** As I was saying, Chair, the witnesses we will be dealing with today into the next coming days are from IPID, except their testimonies will be confined strictly to Ekurhuleni. We are aware that we still have what we call

the IPID stream to run, and the full IPID picture and stream will run in the fullness of time, but for the next three days we are confining ourselves to Ekurhuleni. With those remarks, Chair, the witness is ready and ready to be sworn in. It is Mr Thuso Keefelakae, if the Chair could swear him in, please.

**CHAIRPERSON**: Good morning, Mr Keefelakae.

**MR KEEFELAKAE**: Good morning, Commissioners.

**CHAIRPERSON**: So you do not enunciate the second E.

10 Can you please pronounce the surname?

**MR KEEFELAKAE**: The surname is pronounced as follows, Keefelakae.

**CHAIRPERSON**: Keefelakae.

**MR KEEFELAKAE**: Perfect.

**CHAIRPERSON**: I did not hear you pronounce the second E, so that is why I was suspicious you wanted the witness to ...[intervenes].

**ADV SELLO SC**: I was hoping you had missed it, Chair.

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

**MR KEEFELAKAE**: So help me God.

**THUSO KEEFELAKAE** (duly sworn states)

**CHAIRPERSON**: Thank you very much.

**MR KEEFELAKAE**: Thank you.

**EXAMINATION BY ADV SELLO SC**: Thank you, Chair. Mr Keefelakae, you should have before you two small white files.

**MR KEEFELAKAE**: Correct.

**ADV SELLO SC**: If you look at the spine of each file, you will see that the one has got your name and is marked statement and the other is marked annexure.

**MR KEEFELAKAE**: Correct.

10 **ADV SELLO SC**: So when, if I want to refer to any one of the two, I will say we are going to the statement file or to the annexure file.

**MR KEEFELAKAE**: Yes.

**ADV SELLO SC**: So I will invite you now to go to the statement file, please.

**MR KEEFELAKAE**: I have it ready.

**ADV SELLO SC**: Do you confirm that you have provided a statement to this Commission for purposes of its inquiry?

**MR KEEFELAKAE**: I can confirm that, Commissioner.

20 **ADV SELLO SC**: Please open the file marked statement and look at that document. It has at page 1 in the tramlines your name and it is a 25-page document with a signature and a date at the end at page 25. Do you see that?

**MR KEEFELAKAE**: Yes, I see that.

**ADV SELLO SC**: Do you confirm that that is the statement

you provided to this Commission?

**MR KEEFELAKAE**: I can confirm, Commissioners, that this is the statement that I have deposed.

**ADV SELLO SC**: And do you stand by the contents of the statement?

**MR KEEFELAKAE**: Yes, I stand by the contents of the statement.

**ADV SELLO SC**: Thank you. Can I invite you then to page one of your statement.

10 **MR KEEFELAKAE**: Correct.

**ADV SELLO SC**: And your first chapter there is an introduction about yourself, if you could introduce yourself without necessarily reading out your personal details as reflected therein.

**MR KEEFELAKAE**: Thank you, Commissioners. I am the Director, Investigation and Provincial Coordinator of the Independent Police Investigative Directorate. We are based here at head office at 473 Stanza Bopapa Street, Arcadia. I am currently serving as the IPID Acting National Head of  
20 Investigation, with my PERSAL here 6339875.

**ADV SELLO SC**: It is okay. That is the part I did not want you to read out, but noted.

**MR KEEFELAKAE**: Okay.

**ADV SELLO SC**: Before we continue, perhaps just to put into perspective, Chair, Mr Keefelakae's testimony, the

Commissioners will note that he deals with the legislative context and IPID mandate, but that is only in brief and in passing, and soon thereafter, his statement concentrates on the Gauteng region with the eventual focus on Ekurhuleni. So that is how the evidence will run and we will not be talking in large part about any other area in the country except Ekurhuleni.

With that background then, Mr Keefelakae, you have the next chapter headed “Legislative Context and IPID  
10 Mandate” and the types of matters that must be investigated. In this regard, you make reference to particular sections of the IPID Act, so, if you could just quickly talk us through that.

**MR KEEFELAKAE:** Thanks, Commissioners. I am going to read just this part and when I come to the section 28(1) of the IPID Act, I will just talk to it without reading word by word.

20 “The legislative context and IPID mandate. The IPID is a national body established in terms of section 206(6) of the Constitution of the Republic of South Africa. The operational requirements of the IPID are provided by the IPID Act, Act 1 of 2011. The Act empowers the IPID to play a crucial

role in promoting transparent, accountable police in South Africa by investigating serious criminal offences and misconduct by SAPS and the MPS members.”

Now, talking to the MPS, just to put the context there, is the municipal police service that relates to the metropolitan police departments. Now, with regard to the types of the matters that IPID is responsible for, you see  
10 there in paragraph 4, it is in terms of section 28, as I have indicated. That relates to 4.1, which is death in police custody, death as a result of police action. Any complaint relating to the discharge of an official firearm by a police officer.

And also we deal with matters relating to rape by a police officer. It does not matter whether that police officer is on or is off duty, and then we also deal with the matters relating to any rape in police custody, and custody would mean that when the person is in control, or rather the police  
20 are in control of that person. And any complaint of torture or assault against, by the police officer in the execution of his or her duties.

And we also deal with issues of corruption that are initiated by the Executive Director, which means that the Executive Director has got powers to initiate investigations

into corruption, and also the Minister, the MEC, and the Secretary of Police.

**ADV SELLO SC**: My apologies, Mr Keefelakae, before you move to the next part, going back to your page 2, at item 4.6, I think a correction is required there based on how you just testified. Currently it reads, “any complaint of torture or assault against a police officer”. You intended to say by a police officer, is that correct?

**MR KEEFELAKAE**: Yes, it is by a police officer.

10 **ADV SELLO SC**: So it is not against.

**MR KEEFELAKAE**: Yes.

**ADV SELLO SC**: So if I may request the Commissioners to make that amendment.

**MR KEEFELAKAE**: Okay.

**ADV SELLO SC**: Thank you. We are now at page 3, you may proceed.

**MR KEEFELAKAE**: So there is this 4.8, that would then talk to section 28(1)(h) of the IPID Act. It says:

20 “Any other matter referred to is as a result of a decision by Executive Director, or if so, requested by the Minister, an MEC, which is the Member of the Executive Council, or the Secretary of Police, as the case may be.”

**ADV KHUMALO SC:** Mr Keefelakae, how are you?

**MR KEEFELAKAE:** I am good, Commissioner.

**ADV KHUMALO SC:** Good morning, sir. I want to take you back to paragraph 3 of your statement. Are you there?

**MR KEEFELAKAE:** Not yet. I am there now.

**ADV KHUMALO SC:** And let me tell you why I am taking you there.

**MR KEEFELAKAE:** Okay.

**ADV KHUMALO SC:** In paragraph 3, you talk about the  
10 SAPS, and then in paragraph 4, you talk about police  
officer. When I read the SAPS Act, there is a section in  
that act that defines a police officer to include a reservist.  
So I just want, when you describe the mandate of IPID,  
explain to us whether or not it includes investigation of  
criminal conduct by reservists, and then just touch briefly  
on police informants.

I will tell you why this is important. This  
Commission has heard that, for example, EMPD officers  
have been working with reservists and informants, and they  
20 have been committing criminal acts while working together.  
And I just want to understand whether IPID's mandate  
extends to investigating reservists and informants, where it  
starts and where it stops. So I have given you that context.  
Maybe then you can enlighten us.

**MR KEEFELAKAE:** Okay, with regard to the police

reservists, maybe I should start there. The moment a person is enlisted as a police reservist, he is given the policing powers and those policing powers, all the policing powers are given to by the Minister. So that person has got the powers to conduct all those responsibilities that should be in line with the SAPS Act.

So any contravention by the member should be treated as such by IPID, as though this person is the same as the SAPS members that are permanently enlisted. So  
10 coming to the issue of ...[intervenes].

**ADV KHUMALO SC:** Before you leave that, does it mean that you have to be a registered reservist, or even if you are just, say you are a trainee reservist, and while in the process of training you commit a criminal act, does that fall within IPID's mandate, or you must actually be registered and appointed by the Minister, as you say?

**MR KEEFELAKAE:** The enlistment process, I think maybe to put it in a better context, it is something that is analogous to your recruitment and selection process. So  
20 that person should have undergone all those processes wherein the appointment is concluded. So before that process is concluded, you are not appointed, you are not enlisted. So other processes should, these processes of recruitment and selection must be concluded. Then we will then regard you as having been appointed.

But I also seem to understand the Commissioner that this person has been enlisted, and the person still needs to undergo certain training interventions, perhaps to uplift his knowledge and expertise, so that he is able to do the work in line with the requirements. If the person happens to be deployed, the fact that the person is still in the process of being capacitated does not exonerate him from taking responsibility, because a reservist cannot act on their own. They need to be supported or led by those  
10 that are experienced. I do not know whether I have put it ...[intervenes].

**ADV KHUMALO SC:** Yes, I think you have dealt with the reservist. You wanted to deal with the other people, the informants.

**MR KEEFELAKAE:** The informants.

**ADV KHUMALO SC:** Just briefly.

**MR KEEFELAKAE:** Ja, the informants, there is a difference between an informer and an informant. These are two concepts, and I think we should, when I deal with  
20 this, it should be understood within their context. Informer, it is someone who would volunteer the information, but in some instances, this informer must be registered and be given a sort of a code, and he has to submit his documents and all of that, and all of that, that once he has done some work, whether inform of milestone, he is then remunerated.

But then you will have this person called the informant. This person voluntarily gives the police the information as and when he gets to know about matters of crime and criminality, and he would then share that information with the police. So, he does not have to be registered.

So, that informant may just be, for the day, giving you information about a particular matter, and then it is positive, you act on it, and you might not be seeing him again, because he was just giving you a tip-off about criminal activities. That is all, Commissioners.

**ADV KHUMALO SC:** Thank you. I think you have answered me, and maybe let me just, again, for context, we have heard evidence in this case where at least one, if not two, informants, people who were regular informants of the police and provided video evidence to the police, were murdered in suspicious circumstances. So, I just wanted to be clear where IPIPID's mandate starts and ends in relation to those people. So, thank you for answering those questions.

**ADV SELLO SC:** Thank you, Commissioner.

**MR KEEFELAKAE:** Okay, thank you.

**ADV SELLO SC:** Please proceed, Mr Keefelakae.

**MR KEEFELAKAE:** I was on 4.8. I think I was ...[intervenes].

**ADV SELLO SC:** That is correct.

**MR KEEFELAKAE:** All right. Ja, I was talking to 4.8 that this is in terms of section 28(1)(h). These are the matters wherein we receive matters that do not necessarily fall within section 21(a) to (g), but is any other matter that would relate to include those matters that are of service delivery in nature, and other matters that might not necessarily fall within IPID's mandate, that the Executive Director might see it prudent that this matter should be  
10 investigated by IPID, rather than the South African Police Service or the DPCI.

If I were to give a typical example so that I give a context, say, for instance, you have a case against the Station Commander of Pretoria Central. I am using Pretoria Central because we are in Pretoria. The Station Commander of Pretoria Central commits a crime of rape. God forbid he will not do it. And now the matter is allocated to a constable in Pretoria Central, and a rape happens to fall outside IPID's mandate.

20 It would not be proper that that matter should remain within that station because it might not be investigated properly. There might be interference. There might be intimidation. There might be all sorts of things. So the Executive Director has that prerogative to say, but given the situation, it would be better to have this matter be

investigated independently.

And it happens often with matters of domestic violence, wherein the wife and the husband are police officers in the same police station. So in that way, to avoid the conflict, we would then consider taking that matter and deal with it independently, but under this section 28(1)(h) of the IPID Act. But I also want to emphasise that also the Minister ...[intervenes].

**CHAIRPERSON:** It is just that that example does not work  
10 in terms of your 4.4 though, page 2, or am I missing something?

**MR KEEFELAKAE:** Oh, ja, ja.

**CHAIRPERSON:** Your 4.4 says rape by a police officer, whether the police officer is on or off duty. So that would already fall within IPID's mandate anyway.

**MR KEEFELAKAE:** Anyway.

**CHAIRPERSON:** So that is why I say that example does not really illustrate what you want to illustrate.

**MR KEEFELAKAE:** Ja, hence I went into domestic  
20 violence, contravention of the Domestic Violence Act.

**CHAIRPERSON:** All right, all right.

**MR KEEFELAKAE:** Yes, Commissioner.

**CHAIRPERSON:** Thank you.

**MR KEEFELAKAE:** And with regards to the Minister, I was saying the Minister as well may request IPID to investigate

a matter. The member of the Executive Council, the MEC, as well as the Secretary of Police, they may as well request IPID to do so. It is legislated, so therefore, it is not a remiss that when we receive a matter from MEC or the Secretary of Police or the Minister of Police, then there should be some outcry as to why the Minister has requested IPID to deal with a particular matter. So I thought I should put this context very clear so that the country needs to understand that we are mandated and there is a provision in  
10 the Act.

And we also deal with issues of systemic corruption within the police. I am not sure, Commissioner, as to whether I should just in brief unpack systemic corruption or is it just adequate?

**ADV SELLO SC:** I do not think it is necessary at this juncture because our primary topic for today in Ekurhuleni is not an issue that really arises, so perhaps upon your return, we might unpack it at that juncture, but ...[intervenes].

20 **MR KEEFELAKAE:** Okay, thanks very much.

**ADV SELLO SC:** But then before you move to section 29, at your 4.8, you referenced the MEC. Should we take that to be the MEC for Community Safety specifically or any MEC?

**MR KEEFELAKAE:** MEC for Community Safety.

**ADV SELLO SC:** Thank you. You then may proceed.

**ADV BALOYI SC:** All right, sir, before you proceed, in the, I mean part of the evidence that we have had and of matters that the IPID is dealing with relating to EMPD include, for example, theft of stones, precious stones, theft of precious stones from somebody's premises. It includes that.

**MR KEEFELAKAE:** Yes.

**ADV BALOYI SC:** And my understanding is it has been reported to IPID and IPID is dealing with that. Now looking  
10 at 28(1) where would that fall, that kind of a complaint?

**MR KEEFELAKAE:** That one would fall under section 28(1)(g), which is corruption and why am I saying that. The facts of the case would then demonstrate to you that it is not necessarily theft in a literal sense. Yes, the person was deprived of ownership, but the manner in which it happened, there was some kind of misrepresentation in the process, and hence the matter is with us.

**ADV BALOYI SC:** I think my emphasis was more on in terms of that sub-section (g), you say it is initiated by the  
20 Executive Director on his or her own, or after receipt of a complaint from a member of the public, or referred to the directorate by the Minister, MEC, Secretary of Police. So it identifies, (g) identifies what triggers this corruption investigation.

**MR KEEFELAKAE:** Yes. Yes, very true.

**ADV BALOYI SC:** And I think what I am asking is, does this also permit, for example, the Chief of Police, because they are not specifically mentioned here.

**MR KEEFELAKAE:** Yes.

**ADV BALOYI SC:** How does the jurisdiction of the IPID arise if a complaint of corruption is laid, say, by the Chief of Police, or another police officer?

**MR KEEFELAKAE:** It does permit. It can be any other person. It can be any other member of the public, yes.

10 **ADV BALOYI SC:** A director will not say, well, you are not one of the people that are listed there with the power to complain, and therefore I do not have the jurisdiction to investigate?

**MR KEEFELAKAE:** True that.

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

**ADV SELLO SC:** Thank you, Commissioner. Mr Keefelakae, then we were, I think, turning to your paragraph 6.

20 **MR KEEFELAKAE:** Well, section 29, this is the reporting obligations, Commissioners, that the SAPS and the MPS, they are obligated to report to IPID as soon as they become aware of such matters that they are supposed to report to IPID, and failure to do so will then result to them being subjected to investigation for failure to report.

**ADV SELLO SC:** Please continue.

**MR KEEFELAKAE:** Okay, thanks. We expect that the Station Commander, any other member of the SAPS, any member of the MPS, meaning it does not really dictate as to the levels or the ranks of the members within this law enforcement agencies in terms of the reporting obligations. So, as I have indicated on 6.2, what should be reported, I have indicated that it is all section 28(1)(a) cases. I have just mentioned them one by one, Commissioners. I do not know whether we should maybe go to the next paragraph,  
10 because I have already alluded to those provisions of the Act.

**ADV SELLO SC:** Indeed, I would suggest we do so because you have spoken to the provisions of section 28(1), which is what you repeat, as I understand it, at your paragraph 6.2.

**MR KEEFELAKAE:** Yes.

**ADV SELLO SC:** So, we have dealt with that.

**MR KEEFELAKAE:** Okay.

**ADV SELLO SC:** Okay. You conclude on that topic at  
20 page 4, paragraph 6.2.6, that a failure to comply with section 29 obligations constitutes a criminal offence, that is correct?

**MR KEEFELAKAE:** That is correct. That is in terms of section 33. Commissioners, to demonstrate that indeed this constitutes a criminal offence, we do have statistical data of

cases that were opened and investigated by IPID by failure of the members within the law enforcement agencies to report or to refer such matters.

**ADV SELLO SC:** And if I understand your statement correctly, that criminal offence, however, can only be committed by the people you set out in paragraph 6, which is the Station Commander, a member of SAPS, and a member of the Metropolitan Police Services.

**MR KEEFELAKAE:** Correct, Commissioners.

10 **ADV SELLO SC:** Thank you. You then, from page 4, deal with what you call IPID standard operating procedures. Would you like to deal with it?

**MR KEEFELAKAE:** Thank you, Commissioners. With regard to the standard operating procedures, Commissioners, just to give a bit of background with regard to our SOP or the standard operating procedures as we do refer them to, is that they emanate from the actual IPID Act and then from the IPID Act, obviously there are regulations that would then serve to regulate how we should function  
20 within our environment for, a typical example would be how we should deal with each and every matter. Your case of death as a result of police action, that is basically what the regulations will then attempt, even the timeframe, the turnaround time, to complete a particular matter. So it is expressed in the regulations.

Then from the two documents, the Act and the regulations, that is where now we operationalise this Act and the regulations through the standard operating procedures. And the standard operating procedures are more of a working document, they are more of a guideline as to how we should deal with our cases. And this SOP, they provide for the receipt, the registration, the processing, the referral and the disposal of complaints and cases, meaning how we deal with the matter as we receive  
10 it until its finality.

And then it also provides for case intake committee to review, determine and allocate a case and to give directive on what is to be done in respect of each case, meaning upon receipt of a complaint, there would be a committee that would sit, dissect this matter and say this matter, looking at it, we think that it is within our mandate or it is outside our mandate or it is a matter that we might have to close it because it is miscellaneous, it does not really have substance at all.

20 But it would be the committee sitting, talking to that, and the committee will also give directives and then allocate it to a specific investigator to deal with. And for the purpose of this submission, the IPID's process flow for managing complaints and cases is outlined below, noting that the process may vary depending on nature of complaint

or case and includes the following. Why this statement is important is because what I have outlined hereunder is just, it is not for all the cases, it is not a panacea, it is not served to address all the cases the same way.

But I have just put this just to give context, particularly if we were to deal with a case of death as a result of police action or where a person lost his life or her life as a result of the action of the police. Here I am saying we re-attend the scene where the death occurred, record  
10 details of the deceased, identify and record details of potential witnesses, authorise the removal of the corpse, collect exhibits and other evidential material, where necessary refer exhibits to the forensic lab, visit the deceased next of kin to inform them of the death. Very important that as and when someone has died, we have got the responsibility to go to the family and inform them that we are IPID, we have this information about the death of your loved one.

And we visit and we interview witnesses, we obtain  
20 the statements, we attend the post-mortem examination. After collecting all evidence and statements, we submit a report to the Provincial Head or the Executive Director, make a determination as to whether a member concerned must be arrested or not. If arrest is required, ensure it is carried out in compliance with the section 39, Act 51 of

1977 of the Criminal Procedure Act, and the SOP.

So, in our case, as IPID, we know most of our suspects are police members and we know the kind of the environment the police are working under. So, every time when they say the police have shot and killed three people, four people, we do not just go and arrest them, because there might be a rationale behind why they have fired the shots, because we have observed that in many instances there would be a shoot-out between the police and the  
10 deceased persons.

So, we first investigate. Arrest to us is the last option. But there are instances where we effect an immediate arrest, and in the main, or it happens predominantly in instances where it is a femicide kind of killing. A man would kill his wife and the child, and there it does leave us with no option but to effect an immediate arrest. But, in many instances, we regard arresting a police officer as the last option, because we still have time to investigate and gather facts, other than arresting the police  
20 officer on the spot and you investigate, only to find that you exposed yourself to unnecessary litigations. So, those are the things that we would then take into consideration. Now ...[intervenes].

**ADV BALOYI SC:** Sorry, before you proceed, what you describe in paragraph 9, parts of it seem like a duplication

of what the SAPS would do. For example, authorize the removal of the corpse, and I am really asking you a practical question. In 9.7, you say, visit the deceased next of kin to inform them of the death. Ja, it seems like a duplication. In practice, how does it work in fact?

**MR KEEFELAKAE**: In practice, and I would use death as a result of police action as an example.

**ADV BALOYI SC**: Sorry, you will use?

**MR KEEFELAKAE**: I would use, okay, as and when a  
10 person is killed by the police and they refer the matter to us, when it gets to us, we reclassify it as death as a result of police action. They would register it as murder, but when they refer to us, it changes its classification. Now, when there is such incident, the police would then immediately notify us. So, we do have our investigators on standby 24/7.

And as and when an incident occurs, they would then inform those that are on standby, and those that are on standby would then attend to the crime scene and ensure  
20 that all these activities are attended to. However, there are instances wherein it is a challenge for IPID. You have a province such as the Northern Cape, which is so vast that when we receive a matter now, the distance that we have to travel to attend to that murder case is 500 kilometres.

Sometimes, to drive from Kimberley to Port Nolloth

it would take us, it just about 1,000 kilometres. And the police would then process the crime scene and that is where independence gets compromised, because that is the reality on the ground now. Sometimes, we get multiple murder cases almost at the same time, three cases, three different places. So, those are some of the challenges that are there on the ground.

**ADV BALOYI SC:** But, I mean, from what I am understanding, ideally, if things worked perfectly  
10 ...[intervenes].

**MR KEEFELAKAE:** Yes.

**ADV BALOYI SC:** At every scene where there has been a death, let us say, IPID will be there together with the SAPS.

**MR KEEFELAKAE:** Very correct.

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

**MR KEEFELAKAE:** What happens is that, Commissioner, SAPS will cordon off, they will protect the crime scene. Let me use the simple language. They will protect the crime scene and then call IPID, that when IPID arrives, then they  
20 hand over the crime scene. But then they will then cooperate in terms of providing the background as to what happened and even giving some statements of what they have, on their knowledge of what has transpired.

**ADV BALOYI SC:** Thank you.

**ADV SELLO SC:** If I may follow up, I had some questions

on paragraph 9 as well. Judging from the response you just gave to Commissioner Baloyi, you have listed at paragraph 9.5 and 9.6 processes that IPID undertakes following a death from conduct of a police officer. I am interested in 9.5 and 9.6, particularly collect exhibits and other evidentiary material and 9.6, where necessary, refer exhibits to the forensic laboratory.

My question is, and again, judging from the response you gave Commissioner Baloyi, is it your  
10 testimony that where the perpetrator is a police officer, that SAPS relinquishes its duty regarding collection of evidence and the chain of custody, and that is assumed by IPID, or not necessarily? What happens there?

**MR KEEFELAKAE:** In this instance, IPID does not have experts to collect certain evidence, especially the latent evidence. You know, some of the evidence you cannot see with your naked eyes, hence, we would then rely on the SAPS to collect such on our behalf. And with regards to the exhibits having been to be preserved, we follow the due  
20 process following the, how SAPS would, we would take the exhibits to the very SAPS, because they need to be processed accordingly, book them in the so-called SAP13. The SAP13 register, of course, is a property exhibit register. So, we will book them in there, and then we will still refer them to the SAPS forensic science laboratory for

analysis, because we do not have the capacity. We do not have the financial muscles.

So, but I want to also point out that in terms of that process, it is in very few cases where we would have problems about the work that would have been done by the lab from the SAPS, wherein we would have a problem of the integrity of the information. We do not doubt their integrity and their potential in assisting us in this regard, and we do have cooperation. The only challenge that we would have  
10 is the delay sometimes, because, you know, the lab would be so much overloaded with backlog and so on and so on. It is a matter that affects all the entities, your SAPS themselves, your DPCI. So, it is not a unique thing to IPID, but when we write to them and say they should prioritize a particular matter, they do cooperate and assist us for the purpose of prosecution. Thank you, Commissioners.

**ADV SELLO SC:** Thank you, Mr Keefelakae. I think that then takes us to your paragraph 10, where you introduce the requirements of section 7 of the IPID Act.

20 **MR KEEFELAKAE:** Okay, thank you. In terms of ...[intervenes].

**ADV SELLO SC:** [Indistinct]... [cross-talking].

**MR KEEFELAKAE:** On paragraph 10, section 7 of the IPID Act makes provision for the referral of recommendation to the National or relevant Provincial Commissioner. SAPS

must initiate disciplinary proceedings within 30 days and report to the Minister and copy of the Secretary and the IPID, which then would refer to the Executive Director. We also file quarterly reports, progress to the Minister, and copies to the Secretary. That is with regard to the recommendations. And I want us to take cognisance to the fact that SAPS must initiate disciplinary proceedings within 30 days, but I did not give expression to the MPS.

Then that would then take us to paragraph 11.

10 **ADV SELLO SC:** Well, before you do so, you specifically point out that at paragraph 10.1.1, that requirement to initiate disciplinary proceedings within 30 days is in relation to SAPS. What is the legal position regarding Metropolitan Police Department? Is there a similar requirement and if so, where is it to be found?

**MR KEEFELAKAE:** Commissioners, and that is something that I am going to elaborate on paragraph 11. There has been a legal lacuna in that regard that the Act does not, the current Act, IPID Act, 1 of 2011, does not give expression  
20 with regard to the Municipal Police Services insofar as the recommendations are concerned and that created some kind of frustrations because once there is a legal gap, anybody can take advantage of that and that led to some frustrations wherein some of the recommendations seem to have been ignored or rather there were concerns that I will speak to at

a later stage with regard to some of those recommendations, particularly by the Municipal Police Service.

**ADV SELLO SC:** Thank you. You may proceed.

**MR KEEFELAKAE:** Ja, on paragraph 11, Commissioners, implementation of recommendation made by IPID is inconsistent, particularly within Metro Police Department. The IPID Act, 1 of 2011 does not prescribe processes for the handling of negative recommendations requiring  
10 disciplinary action against transgressing members. Combined with inconsistent reporting lines across Metropolitan Council, the gap undermines accountability and the reinforcement of IPID recommendations.

**ADV SELLO SC:** Yes.

**MR KEEFELAKAE:** Ja, Commissioners, this is a challenge that with SAPS, we expect SAPS to initiate within 30 days because it is clear, it is in the law. But with the MPS, there is nothing. However, I want to point out that, and it is there in paragraph 13, which will then serve to address the legal  
20 lacuna that I have just alluded to, if I am allowed to do so.

**ADV SELLO SC:** Indeed, you are, sir.

**MR KEEFELAKAE:** Ja, let me first read paragraph 12.

“Furthermore, the Municipal Police would enforce a uniform code of conduct applicable to all employees,

including sworn police officers.”

If you have the type of disciplinary code of conduct that serves to address disciplinary issues for all employees, including the municipal police service within a particular municipality, it becomes a challenge because you want to treat, and it has been the practice that treating the serious matters committed by the municipal police the same way as you do with those of a draftsman, a gardener, a cleaner.

I am not saying cleaners, I am not trying to be  
10 condescending, but I am trying to express the fact that police are highly regarded as people with some kind of responsibilities and they need to conduct themselves in a particular way. There is a standard that is set for them, considering their role in terms of the conditions of their establishment, that they should prevent the crime, that they should enforce the bylaws, that they should deal with issues of traffic. But if they do something very contrary to that, that then becomes a problem. Then you want to discipline that person the same way that you disciplined the person  
20 who failed to clean up the toilet on a particular day. That then is quite a remiss, Commissioners.

**ADV KHUMALO SC:** Mr Keefelakae, one of the issues that arose, I think it was also in the statement of a witness we heard from in the last two days, is that where IPID has referred or has recommended that a police officer be

disciplined, but at the same time you have referred the case to the NPA for prosecution, the municipality says the matter is *sub judice*, sir, therefore we cannot act against this officer. So they will remain in the force until the courts determine whether they are guilty or innocent, and the municipality will only act after the court has said this person is guilty of a crime or not. You can just address that as best as you can.

**MR KEEFELAKAE**: Ja, with regard to that part, it is very  
10 much easier with the South African Police Service, because they are highly regulated and their disciplinary regulations are very clear. I am not saying they are perfect. We have identified gaps here and there which are being addressed. But now, when the matter is reported, IPID cannot refer a matter to NPA for decision to decide on prosecution without referring the recommendations which are negative. Negative recommendations means wherein we are saying we have investigated and we have found that there is a case to be answered by your member or members. So it is  
20 a process that would run concurrently.

The day we send to the NPA is the day we send to the municipality. So, much as the test is different, that it will be on the balance of probability on the one side and beyond reasonable doubt on the other side, but the process, we make sure that it runs concurrently. Yes, there are

instances wherein we would send only recommendations to the SAPS to take steps against their members because we cannot find any criminal element on a particular matter. Same with the municipality, for them to take actions.

So, it is a serious excuse that the matter is *sub judice*, that we have referred the matter for criminal prosecution, that I do not know where it comes from, that that could be just an excuse. There are instances, of course, where you would find that in the SAPS in particular, 10 when they have to institute their disciplinary actions, we arrest the person today, as we are trying to investigate they would then institute what they refer to as expeditious process. That is where now, within a week, the person is dismissed. He is no longer a member of the South African Police Service because the matter is serious. They cannot sit with somebody who is a criminal within their establishment. So, that we know that it does happen.

But with this excuse, I think it could only be from the municipality. Now ...[intervenes].

20 **ADV BALOYI SC:** Before you proceed.

**MR KEEFELAKAE:** Okay, Commissioner.

**ADV BALOYI SC:** I agree with you that it is an opportunistic excuse that is offered there.

**MR KEEFELAKAE:** Yes.

**ADV BALOYI SC:** But coming back to the recommendation

to institute, in fact we have seen it in a report or something from the IPID to a municipality.

**MR KEEFELAKAE**: Yes.

**ADV BALOYI SC**: It being, in fact, more than a recommendation, it directs that disciplinary action should be taken. Now, and then it says you must then report when you finalize. Finalize it and then report back to IPID so that we can report, we can do our report to the Minister or something. Now, if you do not, what happens if they do not  
10 comply? What does IPID do? And I see you say the law, there is a lacuna in the law.

I am more interested in practically, on a day-to-day basis, because there is no point in speaking, in having this provision that says they have an obligation to conduct disciplinary proceedings where you have recommended or directed that. And if they do not, that is the end of the matter, or you just file a report to the Minister to say, well, they have not done anything about it. What practically is the consequence? What do you do as IPID?

20 **MR KEEFELAKAE**: Thanks Commissioners. Commissioners, when we started in 2012, 1<sup>st</sup> April, the 1<sup>st</sup> of April 2012, there were terms of reference that were developed, that this is the way in which we are going to cooperate with the stakeholders. And they are very clear in terms of, because we also acknowledge the legal lacuna like I indicated

earlier. Subsequent to that, there was an MOU that was signed with all the Metros and the SAPS that we do agree that we will deal with these matters in this particular manner, wherein we will, IPID will send the recommendations to the stakeholders.

SAPS says we will initiate within 30 days and then we will make sure that we provide you with feedback, the outcome and all of that. And because they knew that the Act makes provision for that and in the main, they are doing  
10 that.

And then you have the Municipal Police Service, wherein they comply, they do that. But you sometimes have a concern that this application of this MOU and the terms of reference seem to choose as to where to apply. I think in this document, Commissioners, there is a part where I have made reference to a specific matter. But all that I am saying is that with regard to other members, we see actions being taken. But then it is surprising that there are those that seem to be immune and you also observe some kind of  
20 political interference, if I had to put it.

**ADV BALOYI SC:** What does IPID do with that? I mean, we, and I think it speaks more to, you see, you, in the earlier sections of the statement you have told us that there is an obligation, there is a reporting obligation, and it is a criminal offence not to report. I think that if you do not

comply with section 29, I think ...[intervenes].

**MR KEEFELAKAE**: Correct, Commissioners.

**ADV BALOYI SC**: Yes, and it is an offence, failure to comply. Now, it seems to me that it defeats this part, if you make recommendations for action to be taken, nothing is done, and you do not have the power to do anything about it, which means the SAPS or the MPS are free to decide. As you say, you end up with these inconsistencies.

And if there is nothing that IPID can do about it,  
10 because there is no compelling mechanism where you can compel, where people could be disciplined for failing to take action in accordance with IPID, then it is defeating of what looks good on paper, which is we instruct them to comply within 30 days, but that is the end of it, because you do not have the power to do anything about it.

How is that managed, and is there any plan, intention to address that? And it takes, it reminds one of that old debate about the powers of the Public Protector, you know, where a recommendation is made and some  
20 people understand them to be I can comply. If I do not comply, that is the end of the matter, no one can do anything about it. I can choose to do what I want.

**MR KEEFELAKAE**: Thank you, Commissioners. I think I should have responded better to this question from the beginning. As I have indicated that with SAPS we do not

have a problem at all. We know that we do have a leg to stand on as a department. They know the 30 days, and there is a consultative forum that happens every quarter with the Civilian Secretariat Act for Police, because in terms of the Secretariat Act, 2 of 2011, one of their responsibilities in terms of the Act is that they need to monitor the SAPS or the SAPS on the implementation of the IPID Act.

10 So basically the extent to which SAPS is able to implement the IPID recommendations reflect to SAPS, but it is very silent about those that are referred to MPS. That is what would then use - the Commissioner asked, what are you doing? What we did with some of the cases wherein we were frustrated by the Municipal Police Services, we then rolled through the Executive Director to remind the City Manager that we are being frustrated here. We have referred to the matter which you have received on a particular day and month and year, and you are quiet. And when there was no response in that regard, we further went  
20 in person now to meet up with the MMC and the Mayor at the time to say we are frustrated here. We have sent these recommendations, but there is no feedback. We are concerned. Are you able to intervene? They promised that they will intervene, and we gave the document. There was no intervention. So then we had to go back and see but

then what would then be the next recourse, and we were actually trying to find ways. But we then later learned that, and especially after the establishment of this Commission, that we started to see the action, and a serious one for that matter. And even some of the lies that are coming out, our names were dropped and all of that, with all the lies that no, but we have informed, especially myself, there was a document that was on the media saying that I have received a document. But I have ...[indistinct] been informed that  
10 actually that was just another fraud that was committed in that specific municipality.

**ADV BALOYI SC:** So that is fine. You do escalate to the political principles with the municipalities.

**MR KEEFELAKAE:** Yes.

**ADV BALOYI SC:** I think that is the kind of answer I was looking for.

**MR KEEFELAKAE:** Okay, thank you.

**ADV BALOYI SC:** But maybe lastly, would you, have you given thought to, have you given thought to whether it  
20 should not be made an offence to fail to comply with the recommendations of the IPID to institute disciplinary proceedings? Has there been that kind of discussion, and would it be something that you would consider as useful and helpful to give effect to the recommendations of the IPID? And here I am looking, I am thinking, if, for example, you

direct your recommendation, you would direct the recommendation, as you say here, to the City Manager or the Municipal Manager, I think that is what they will be called, so that is who you direct to make sure that there is compliance with your recommendation and then, then you back that up with a stick, which says if that is not implemented, the law makes it an offence to fail to abide the recommendation. Have you considered that as IPID, and is it something that you would give consideration to?

10 **MR KEEFELAKAE**: Thanks Commissioners. Commissioners, that process has already unfolded following all those challenges, and of course with some, the IPID Amendment Act, 15 of 24, has been considered. And at this stage, the proclamation has been made partly by the President, with the remaining five clauses that needs to be proclaimed. And currently, the gazetting of the regulations is at an advanced stage, and upon the conclusion of such, we would then be able to have subverted or circumvented this problem, because now, it is very clear in the law that the  
20 Municipal Manager now will take the responsibility of accounting to the implementation of these disciplinary recommendations.

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

**ADV SELLO SC**: Thank you, Commissioner. Mr Keefelakae, perhaps let us just take it a step further and in

relation to your paragraph 10.1.1, the 30-day period within which SAPS must implement, the engagement you had with Commissioner Baloyi. I do not think I understood your answer. Is that directive binding on SAPS, firstly, to your understanding, and what would be the consequences? I appreciate the fact that you say that you do not get challenges with SAPS insofar as compliance is concerned. But in the event that SAPS were to fail to comply with what you have set out in 10.1.1, what would be the  
10 consequences, do you know, for SAPS?

**MR KEEFELAKAE:** Thanks, Commissioners. In terms of SAPS, the law is very clear that non-compliance would lead to cases being opened and, however, the initiation within 30 days is managed carefully between SAPS and IPID. And there are monthly meetings that are taking place even in provinces wherein recommendations are being discussed and that meeting is chaired by the Civilian Secretariat for Police Service and we are able to track progress on each and every case.

20 **ADV SELLO SC:** Yes, my question is, but you are saying that the Act provides that non-compliance would attract adverse consequences for SAPS.

**MR KEEFELAKAE:** Yes.

**ADV SELLO SC:** That is how the law provides.

**MR KEEFELAKAE:** That is how the law provides,

Commissioners.

**ADV SELLO SC:** Okay. Now, the Amendment Act you referenced at paragraph 13, as we have understood the evidence thus far, IPID in terms of the 2011 Act does not have power and authority over Municipal Police Services, the old Act as it stood, 2011, that IPID assumed power over MPS through the MOU that was signed.

**MR KEEFELAKAE:** That is true, Commissioners.

**ADV SELLO SC:** And as we understand it, that Amendment  
10 Act of 2024 seeks to legislate precisely what is currently managed in terms of the MOU.

**MR KEEFELAKAE:** That is correct.

**ADV SELLO SC:** Okay. Now, what is your understanding, on two questions for me, that Amendment Act, would it extend the consequences for non-compliance to the Municipal Manager same as they would apply to SAPS?

**MR KEEFELAKAE:** Precisely.

**ADV SELLO SC:** And secondly, our understanding was that that Amendment Act has come into force in part. Some  
20 parts are yet to come into force. Specifically as regards this issue, do you know whether the Act has come into force?

**MR KEEFELAKAE:** Not yet, Commissioners. It is those areas that are being dealt with currently to try and expedite the regulations.

**ADV SELLO SC:** Okay.

**MR KEEFELAKAE:** They have been published. At the moment, we envisage, Commissioners, that perhaps by the, by quarter two, which is August, thereabouts, we should be ready by then. We believe that all the processes would have unfolded and the implementation of this Amendment Act would have kicked in. Thank you.

**ADV SELLO SC:** Yes, Chair.

**CHAIRPERSON:** Thank you. I have a related but slightly  
10 different issue. Say a recommendation is made for disciplinary proceedings to be initiated and say SAPS or indeed the MPS is not reluctant to act in accordance with the recommendation, but that when they look closely at the matter, they themselves are not satisfied that there is a case to discipline the person concerned. I would assume that it should be open to them to say there is no case here. I am asking this in the light of 10.1.1 that says SAPS must, the operative word here being must, initiate disciplinary proceedings within 30 days. So would they, would it be  
20 perfectly within their remit to say there is no case for disciplining this person here? And if that would be open to them to say so, how must we read the “must” in your 10.1.1?

**MR KEEFELAKAE:** Okay, thanks ...[intervenes].

**CHAIRPERSON:** I hope I am making sense.

**MR KEEFELAKAE:** You do, Commissioner, and I will respond to that. I understood the question. Ja, the 30 days is for initiation, initiation which then means they should have appointed the functionary, the investigator, and so on and so on. That is the 30 days to do all of that. And then they need to then say to us, now we have appointed this investigator who is dealing with this matter. So they cannot come to us within 30 days and say we do not see the case here, there is no case, because we would have investigated  
10 and made negative recommendations as opposed to positive recommendations. And I want to point out something, that there are two types of recommendations, the positive recommendations and the negative recommendations. And the word negative, I think it explains itself. It means bad, it means raid. So the positive means we have investigated this matter thoroughly and after investigating this matter, we have found out that there is nothing wrong on the part of the police. And I want to say that in majority of our cases that we complete, we establish or we uncover that the  
20 police would have acted within the limits of the law. But then you would find in a few of those cases, where then we would find that indeed there is substance, there is a case to answer. But 30 days is for initiation.

**CHAIRPERSON:** So the answer turns on an interpretation of initiate.

**MR KEEFELAKAE**: Okay, yes.

**CHAIRPERSON**: Thank you.

**ADV BALOYI SC**: Did you want to ...[intervenes].

**ADV SELLO SC**: Ja, please Commissioner.

**ADV BALOYI SC**: Yes, that initiate, just to further understand it, you speak of the initiate by conducting an investigation, so there is that something. So there is an investigation and there is an initiate which is to appoint a chairperson of a disciplinary hearing. Until your  
10 explanation now, I always, I understood, my impression was that once you have given this directive or recommendation, what it means is the employer, SAPS or MPS, they do not have an option. They must now appoint a chairperson to run a disciplinary hearing. Is that a correct understanding?

**MR KEEFELAKAE**: Chairperson, it is supposed to be like that. However, there is this other challenge that exists, although it is not as big, but it has been raised with the Secretariat for Police as the people that are responsible to review these policies for our cluster or the ministry. Now,  
20 we do experience some challenges wherein we generate the, we investigate. IPID investigate thoroughly and make recommendations that disciplinary steps must be taken. But SAPS, they have got their own disciplinary regulations of 2017.

That requires of the person who is appointed as an

investigator, then they would then reinvestigate the matter that has already been investigated by IPID. That is the practice. And we have, IPID has raised some concerns with regard to that, and hence the process to then review the disciplinary regulations of the SAPS. The challenge with that is that a person who is just a cleaner wherever in who so, whatever occurred on a day in question when the crime was committed by the police and all of that, he is so confident that this matter is dealt with by IPID and all of a sudden there is a man in blue uniform coming to say, I want your statement.

This person now starts to ask, but now what is happening? So that is where now you realize that we start having this recalcitrant witnesses, you know, because now they feel threatened. And if it is a foreigner, you will not see him again. He will flee the country because SAPS he does not, he has lost the confidence, I mean SAPS has lost the confidence of this person because of the actions that this person has seen.

And now you send another SAPS member, but as far as the person is concerned, he knows that the matter is sitting with IPID. So those are the challenges that we are actually working on. The process has already unfolded, and I believe that that would be the remedy for this problem.

**ADV SELLO SC:** Thank you, Commissioner. Still staying

with paragraph 10.1.1, and I would like you to consider my question in the context of SAPS. Let us keep MPS out for the moment. The report that must then be filed to the Minister and the Secretary of Police and IPID, what does that report traditionally contain? What does it speak to? Does it speak to initiation? Does it speak to outcome of a process? What does it traditionally speak to that report?

**MR KEEFELAKAE:** Ja, the section 7 report would contain the statistical data on the number of cases that would have  
10 been initiated on a particular period. The number of ...[intervenes].

**ADV SELLO SC:** Apologies, Mr Keefelakae, I am - please have regard to paragraph 10.1.1. You state there SAPS must initiate disciplinary proceedings within 30 days and report to the Minister. I take it that the report is in relation to the referral.

**MR KEEFELAKAE:** Yes, that is correct.

**ADV SELLO SC:** Now, it is that particular report, not the general reporting that is done to the Minister, in terms of  
20 section 7 of IPID Act, the report that is then filed with the Minister and the Secretary of Police after, no, the initiation of the disciplinary proceedings, what does it normally deal with, that report, if you are aware? Thanks.

**MR KEEFELAKAE:** Yes, I am aware, hence, I am saying it is the kind of report wherein it would contain the statistical

data of the initiations that would have happened in the SAPS in a particular period, as well as in the MPS, it would give the breakdown of statistical data of the initiation, just to demonstrate that indeed the recommendations are being dealt with.

**ADV SELLO SC:** Okay, so it is not a report on the specific matter?

**MR KEEFELAKAE:** It is not a report on a specific matter because it is not even detailed. It is more of statistics.

10 **ADV SELLO SC:** Yes.

**MR KEEFELAKAE:** The one that would then talk to specifics, it would be then the other report, that is section 9(n) report.

**ADV SELLO SC:** Okay.

**MR KEEFELAKAE:** That would then break down ...[intervenes].

**ADV KHUMALO SC:** Mr Keefelakae, my understanding of the question is that the report is not a report on each individual case that was referred.

20 **MR KEEFELAKAE:** Correct.

**ADV KHUMALO SC:** So it is a statistical report covering what has happened during a particular period, so during a particular month. It is like a monthly or quarterly report of all the cases.

**MR KEEFELAKAE:** Very correct.

**ADV KHUMALO SC:** Okay.

**MR KEEFELAKAE:** Yes.

**ADV SELLO SC:** Thank you, Commissioner. Thank you, Mr Keefelakae, it is clear. And then perhaps, I said lastly, but last lastly, does IPID have means of establishing formally whether or not its recommendations have been dealt with or its directives have been addressed by MPS or SAPS? Is there a consistent reporting to yourselves or is that the section 30 process that you reference, the monthly, 10 quarterly, statistical reporting?

**MR KEEFELAKAE:** Okay, thanks, SC. That question, what happens, there is control mechanisms that are in place. There are monthly forums that are taking place between SAPS and the Metro Police together with IPID and the Secretariat. And in that meeting, that is wherein all the recommendations that have been referred are discussed, looking at the date, the time, and so on to say, but we have referred this much to you and specifically this, but we have not received anything in terms of initiation.

20 We have not received the outcomes in relation to this. Where are the challenges? So they are discussed on a monthly basis, so that then serves to alleviate much of the problem. It minimizes the challenges that we have because much as there are delays, but you would also take note of the fact that then they would, then that is where we

get to understand the challenges with regard to some of these delays on some of the matters.

So the forums are serving us very good and such reports from the provinces are then cascaded, rather elevated to national office. And once they get to national office, SAPS will intervene into their members, but we also have the consultative forum that sits quarterly with the Secretariat of the Police as part of their mandate, wherein we would then discuss those issues that then need the  
10 intervention of the Secretariat in terms of their act.

**ADV SELLO SC:** Now, as a matter of interest and based on your answer, would I be correct then to assume that insofar at least Ekurhuleni is concerned, that there should be some records or records somewhere within IPID on what specifically was discussed at these monthly meetings because I understood you to say it is between SAPS, IPID, and MPS insofar as Ekurhuleni referrals are concerned and the outcomes of such discussions. There would be a record of such deliberation within IPID, would I be correct to  
20 conclude?

**MR KEEFELAKAE:** Commissioners, there are records, monthly records, and there is within IPID a program or a unit that focuses on the meetings that take place. And also, to further demonstrate that, that is part of the IPID annual performance plan. So every month, every province must

have that meeting. It does not happen that such a meeting does not happen in a particular province because it is part of the annual performance plan and to some extent, that then assists.

**ADV SELLO SC**: Okay.

**MR KEEFELAKAE**: Yes.

**ADV SELLO SC**: Thank you. Well, we did hold you up a bit on that part of your statement, but I think now we are at your page 6, and I think we are ready to deal with your next  
10 chapter, which you have titled IPID Workload Overview Key Statistics. If you could summarize for us what you have in the next three pages dealing with these statistics. Thank you.

**MR KEEFELAKAE**: Okay. Thanks very much, Commissioners. In this regard, is the workload that IPID is having. The backlog cases, we are talking about these old cases, we are sitting at 11,947, and we have got the active cases that were still under investigation as at the end of December 2025. We were sitting with 2,456. And the  
20 trend, Chairperson, is that come the end of the financial year, we would be having 14,000 of the cases that are still active. They still need investigation. The investigation is not completed.

And then the more we try to complete this backlog cases, this number of backlog cases then populate the post-

decision monitoring cases. The more we complete our investigation, take the matters to the stakeholders, such as your SAPS to discipline their members, Metros and the NPA, then we then balloon the number of those cases that then we refer to them as post-decision monitoring cases, because we have completed them, now they are going to and from court.

They require subpoenas. You have to then transport this witness from point A to point B because he is  
10 scared, he cannot go there by himself and all of that. So those are the challenges that we are having. So that would be the post-decision monitoring cases. In total, we were sitting with 48,432 cases. But now of these 482 cases, 32 cases, we only have 182 investigators countrywide.

Now on average, I am saying here that one IPID investigator will be sitting with 266 cases. And now, I just want to run through with table 1. I am not going to stay long there. Just with Gauteng only.

**ADV BALOYI SC:** Before, maybe before you do that.

20 **MR KEEFELAKAE:** Okay.

**ADV BALOYI SC:** In 14.1, that case backlog of 11,947 is at 31 December 2025. That is 14.1.

**MR KEEFELAKAE:** Yes.

**ADV BALOYI SC:** That 11,947 cases, what is the age analysis of it, if you have done that, because

...[incomplete].

**MR KEEFELAKAE**: Yes, I would have the age analysis of these cases. I think at the time, for 2018 and older, it was just above 2,000. And if I were to be allowed to go to ...[intervenes].

**ADV BALOYI SC**: Ja, you do not have to do it.

**MR KEEFELAKAE**: Okay.

**ADV BALOYI SC**: I will leave it to Ms Sello how she wants ...[intervenes].

10 **ADV SELLO SC**: We will locate it in the annexure during tea time.

**ADV BALOYI SC**: Okay.

**ADV SELLO SC**: Then we will deal with it then.

**ADV KHUMALO SC**: All right, so when you do discuss it, it is the age analysis but also the fact, what is in fact contained in that backlog, because there may be a backlog because you have only 182 investigators, but there may also be cases that are backlogged because you do not have access to witnesses, you know, because of, you understand  
20 what I am saying. It may be a function of your investigating problems, problems related to investigating and therefore you are unable to finalize cases, if you could just distinguish those.

**MR KEEFELAKAE**: Okay.

**ADV BALOYI SC**: Thanks, Ms Sello.

**ADV SELLO SC:** Thank you, Commissioner. We shall attend to that during tea time, Mr Keefelakae, and we will locate it in your Annexure 1. You confirm? Do you confirm, Mr Keefelakae, that that information is contained in your Annexure 1?

**MR KEEFELAKAE:** Yes.

**ADV SELLO SC:** Okay. We will deal with that during tea.

**MR KEEFELAKAE:** Okay.

**ADV SELLO SC:** You may then proceed, I think, to deal  
10 with your table 1, which is what is projected on the screen.  
Thanks, Commissioners. On table 1 is the breakdown per provinces in terms of the total workload, the 48,432, the total investigators, and the number of investigators in each province. And then on the side, it will then give a clear average caseload in the respective provinces.

If you look at Gauteng, Commissioners, Gauteng on average is sitting at 390. That is out of 32 investigators. And this can also be attributable to the fact that the intake in Gauteng province is very high. And I think it is also  
20 compounded by the fact that we receive death cases, if it is not daily, it will just after a day you get a death case. Sometimes you get two in one day. And sometimes in one incident, it is four bodies.

It is even worse if we were to go to the statistics of death cases. The average at the time, if you were to look

into Gauteng only, one investigator would be carrying 43 death cases. But that would be nothing compared to KwaZulu-Natal, not just in terms of number of death cases, but the dead bodies. Those are some of the challenges. But quite interestingly, when you look at this stats ...[intervenes].

**CHAIRPERSON**: So what you are saying is, even though Gauteng is 390, KwaZulu-Natal is 325, but death cases in KwaZulu-Natal are more.

10 **MR KEEFELAKAE**: Very true.

**CHAIRPERSON**: Compared to death cases in Gauteng.

**MR KEEFELAKAE**: Very true. The point that I wanted to just raise is that when you see a number of cases in Gauteng, or IPID having a high number of cases in Gauteng, there is a correlation between what is happening in our communities and what we are having. You will find that if SAPS has got a high number of death cases, IPID will automatically have such.

20 So the observation is that the communities out there, they are also not too kind. If you look at the atrocities that they are committing, it is worrying because they force the police to go and act in many of these cases, because the police, they have got no choice, but if they hear that there is a robbery in progress, there is a residential robbery in progress, there is hijacking in

progress, they will respond promptly. When they get there, they are met with fire. And that then generates a lot of death cases.

Same with other, any other classification. So that is where we are having a problem that the problem when you analyse the crime, you realise that there is a correlation of what IPID is happening and what is happening on the ground. When you see more cases of death on the ground in KZN, you must know that the community is there  
10 as well. They are very dangerous. They are carrying dangerous weapons. And those are some of the challenges which I think I should then explain so that there is rationale in terms of these statistics.

**CHAIRPERSON:** Before you step off, Gauteng, but perhaps even after you have stepped off because my question I think relates to all the provinces, I want you to discuss as fully as possible how practical it is for each investigator to deal with the averages you are giving us here. Eastern Cape, 289 per investigator, on average, all  
20 the way down to Western Cape, 288 and then the national average of 266. How practical is it for each investigator to deal with those numbers? Perhaps that is something you can deal with after tea. Let us adjourn and come back at 11:20.

**ADV SELLO SC:** Thank you, Chair.

**INQUIRY ADJOURNS**

**INQUIRY RESUMES**

**CHAIRPERSON:** Ms Sello.

**ADV SELLO SC:** Thank you, Chair. Mr Keefelakae, I think, was in the middle of a response to a question when we broke for tea. I do not know if he recalls where he was, perhaps to repose the question, if he does not remember.

**CHAIRPERSON:** I am sure you still do remember what I asked, but I think it was broader than just that. Is it not  
10 correct that Commissioner Baloyi had also asked something? I am not sure now. Oh, then it is my question. I am sure you remember it on the averages, the practicalities or lack of them, yes.

**MR KEEFELAKAE:** Thanks, Commissioners. With regards to the age analysis, it is in ...[intervenes]

**ADV SELLO SC:** Okay. Should we do it in that order?

**CHAIRPERSON:** Please deal with that first, and then my question afterwards.

**ADV SELLO SC:** Okay.

20 **MR KEEFELAKAE:** There is an annexure, Annexure A page 6 of it. It provides ...[intervenes]

**ADV SELLO SC:** My apologies. Which is for the record. Can we identify the annexure? It is as Annexure TK1. That is in your annexure file. So, then, can you refer us to the correct page?

**MR KEEFELAKAE:** That would be page 6.

**ADV SELLO SC:** Yes, and then you can deal with that table.

**MR KEEFELAKAE:** And this statistical data speaks to cases that are active, that still require some investigations. And in terms of age analysis, 2018 backwards, we are talking 2101, 2018, April 1, to 2021, March 31, 3 065. 2021, April 1, to 2023, March 31, we are talking 2 735. And 2023, April 1, to 2024, 03-31, we are talking 1 748. And  
10 then we have got 2024, April 1 to 2025, March 31<sup>st</sup>, we have got 2 298, totalling 11 947. Now, the question as to how you then deal with this mammoth task, it is a problem. Because if you look back in these matters, you still find cases that are serious. Very complex, but with limited resources. We have then decided to, and it is something that I have expressed in my statement here.

**ADV SELLO SC:** Perhaps if we go there, we will have to, in response to the question, we have to go ahead in the statement to page 23. And I think Mr Keefelakae, you want  
20 to reference from paragraph 41, is that correct?

**MR KEEFELAKAE:** Yes, 23 from paragraph 41, I see you are correct.

**ADV SELLO SC:** Please proceed.

**MR KEEFELAKAE:** Commissioners, all our cases older than 90 days are considered backlog per IPID regulations.

And checked in the department's APP, and that is annual performance plan, as well as the annual operational plan. Critical resources constraints including budget, our staffing, our vehicles, we do not have, even if we may seem like we have some vehicles, if you look at the conditions of the vehicles and the type of the vehicles, they are not good for the terrain that we should deal, where we should deal with these matters.

So, they delay the resolutions of these matters.

10 And the workloads include both the new intake, that as and when we are dealing with this backlog, you still receive those serious cases that are coming in on a daily basis. And key contributing factors include I have spoken about the resources and the vastness of some provinces. If you look at our other eight provinces, with the exception of Gauteng, you will then agree with me, Commissioners, that all of those provinces are vast.

And to move from point A to B is a challenge. And we have tried, we said we cannot sit and just cry and do  
20 nothing. We then came up with a backlog strategy, and we had to look into the pillars, one of which was to analyse, to do this age analysis, and then we looked into another pillar that talks to the resourcing and the monitoring and evaluation of the backlog strategy.

And that would then include the purchasing of the

vehicles, the enlistment. We enlisted 10 contract investigators who are experienced and seasoned investigators, particularly from your SAPS, your DPCI, those who are branch commanders. They are very good in the work of investigation, and we are in the process currently. We have just completed the other processes of recruitment.

It is ongoing to add 15 more investigators. But the intention is to take these people to four big provinces, 10 which is Gauteng, KwaZulu-Natal, Western Cape and Eastern Cape. Because these four provinces, they account to over 70 percent of our total workload in the country. And when you look at the SAPS annual report, it will tell you that the problem of crime, if South Africa was to solve the problem of crime in these four provinces, we will have no crime in this country.

**ADV KHUMALO SC:** Can I ask a question? Does IPID recruit from within the force or do you recruit outside? And before you answer me, just looking at your statement, I 20 thought maybe we might have made a mistake. If you are an officer and we are disrespecting you by addressing you as mister and you have a particular rank that we should respect, please let us know. I know you are director. If you want to be referred to as director, we can do that. But just help us with that so that we do not continue if it is a

mistake. We do not continue with it.

**MR KEEFELAKAE:** Okay, let me address the addressing part. I prefer to be referred to as Mr Keefelakae. It is a very nice surname. It is a very rare surname. Yes, we do recruit from the SAPS and the DPCI. In the main, these colleagues are ...[intervenes]

**ADV KHUMALO SC:** Only? Do you recruit only from within the force?

**MR KEEFELAKAE:** In the main, because if you were to  
10 recruit from this other entity, you are going to have a serious problem. They do not understand the processes. You will have to have three years of training a person to understand what you are trying to do. So, with SAPS, the day you bring them in the system, they know what to do.

**ADV SELLO SC:** Okay, I think that disposes of both questions and answers the Chair's second question as well. To confirm, Chair, as satisfied with the response received.

**CHAIRPERSON:** I think you are pushing me to say I am. Yes, I am.

20 **ADV SELLO SC:** Thank you, thank you, Chair. Then to find our place Mr Keefelakae, we were at page 9 before we broke for tea. Then we needed to dispose of the two questions posed by the Commissioners. So, on my assessment, we are then ready to go to page 10. Is that correct?

**MR KEEFELAKAE**: It is correct, SC.

**ADV SELLO SC**: And at page 10, now your statement focusses specifically on Gauteng.

**MR KEEFELAKAE**: Correct, SC.

**ADV SELLO SC**: If you can take it from there, thank you.

**MR KEEFELAKAE**: The Gauteng province, as you can see as Commissioners here, that it is comprised of the five districts. You would have your Ekurhuleni, Johannesburg, Sedibeng, Tshwane, and the West Rand. Now, looking at  
10 this statistical data on the graph, you would notice that Johannesburg is contributing 34 percent at a total of 4 212. And that is coming from the 12 487 cases that are active.

And followed by your Tshwane, with 3 521. Then you would have the Ekurhuleni with 3 188. This then translates into 26 percent of the total workload. And what then becomes prudent here is that if we were to dwell into the Ekurhuleni, just to give the picture, is that the Ekurhuleni itself has got, it is dealing with 43 of the police stations.

20 Because of this 43, two are outside Ekurhuleni. They are in the Sedibeng district, which is your Ratanda and your Heidelberg. But they have been added into Ekurhuleni because of the proximity. And in total there, we have got six investigators that are dealing with the 3 188 cases that are active. And this is beside the cases that we

refer to as post-decision monitoring.

This is just the active cases. Now, we have thought that perhaps with these new contractors that we are bringing in, we need to take some of them to Ekurhuleni to solely focus on these old cases. And so that they can reduce the number. Because we have got an intention of having these contractors, at least for the medium-term expenditure plan, which is a three-year plan.

And the plan is that for these three years, we  
10 should have at least reduced the backlog significantly. And I think that would also be assisted by the fact that the Amendment Act is removing some of these minor cases. We will be dealing with the real cases now. Your discharge of police firearms will obviously sit with the police there. Those are minor cases.

You would have your assault common. We have done the analysis, and we realised that these are the matters that are opened by people who have committed robberies. And when they are arrested and they are  
20 handcuffed, they open cases of assault because they were bruised on their hands during the arrest. So those are the matters that we strongly believe that they can be handled at the police station level.

And then we deal with the systemic corruption cases and the attempted murder cases and your death,

rape, and so on. So, the Amendment Act will alleviate the problem in one way or the other. During the MTF period, we should have cleared the backlog. Now, Ekurhuleni is not just these 43 police stations. We have got the EMPD. The EMPD and other national divisions that are stationed in the Ekurhuleni policing precinct.

We have your Crime Intelligence, you would have your FCS, the people that are working with the sexual offences. We used to call them Child Protection Units.  
10 Those are also adding to the number. And you would have the National Intervention Unit. They are stationed there in Ekurhuleni. So as and when a crime is committed, these are the six members who should respond to all of these challenges.

And now, with the EMPD, we have also taken note of the challenges of crime, particular crime trend in the area that is very problematic. You know, if the crime is committed by the people that are at the lower level, you would understand that the gravity is in so much and you are  
20 able to have the commanded control to try and fix the problems.

But when the problems are up there and there is a whole lot of infighting and all of that, that then creates a problem and hence the high number of cases there. And also, what we have observed in that municipality is that

there are other trends that we have identified through some intelligence that the drug hijacking that are being staged is a problem.

We have the issue of drugs, the proliferation of drugs there. Drug peddling, it is something that is a challenge in such a way that it is a business. The police are involved. The EMPD is involved in those kinds of things. They operate in such a way that they are in silos. This silo is responsible for making sure that where drugs  
10 are concerned is our territory.

And those that are dealing with drugs, with trucks, that carries consignment of goods, is their terrain. It is non-touch. And some that are dealing with taxi-related issues. You do not have a permit. It is our terrain. You cannot come here. And it is that kind of information and hence the interest in that municipality. A whole lot of things. We get the intelligence that these things are happening here. Hence the interest there. But I also want to point out that not that other metros are angels. We are  
20 coming to the other metros because we also got some information.

**ADV KHUMALO SC:** I wanted to ask you, because you talk about intelligence and in this Commission, we heard about an unauthorised truck unit which was, I do not know, irregularly established and people who are not even

policemen have been issued with letters to say they are members of that unit. Issued by Ekurhuleni or somebody at Ekurhuleni Metro Police and they are hijacking trucks on the highways. Now, you have this intelligence as IPID. Are you proactive in the sense that you act before there is even a complaint to IPID or do you say until there is a complaint to IPID we do not have jurisdiction to act?

**MR KEEFELAKAE:** Commissioners, you know, the best way we looked at this was that because we do not have the  
10 proactive mechanisms on our part, we are going to deter this problem, this crime element through being reactive, removing those that are responsible. And I know that we are touching the nerves there and that is exactly what we are doing. And we have noticed that we have made exploits in Ekurhuleni and it was quite intentional. Now, it is difficult, it was difficult to go and say let us go and conduct an operation. We do not have that capacity. So, our strategy was different.

**ADV KHUMALO SC:** Can I stop you? Because I know that  
20 some of these cases are ongoing, so you do not want to alert those who are investigating that you are doing this. So, I just wanted to get a picture. Are you proactive or do you wait until there is a complaint? Maybe stop there because I am worried that what you are telling us might now alert those that you are investigating that you are coming

for them.

**MR KEEFELAKAE:** We are reactive but with the clear intention of deterring. That element of deterrence proactively tells the people that we cannot do it anymore.

**ADV SELLO SC:** Thank you, Commissioner.

**ADV BALOYI SC:** Sorry, Ms Sello.

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

**ADV BALOYI SC:** Can I just follow up on this discussion? You have identified what you have described now which  
10 sounds very organised within the EMPD and I am avoiding saying syndicates because I have come to learn that these things have a specific meaning, but it sounds like organised criminals within the EMPD. I cannot say it better than that. Having that kind of insight and understanding that you are reactive in the way you do your work, is there a mechanism or a place where these are discussed, these kind of things that you find out, they are discussed at a level other than IPID, because I would imagine that the different law enforcement components, and I do not know which one  
20 would be the relevant one, whether it is the SAPS or somebody else, must have an interest and in their mandate to look at that kind of organised crime within the police force. So, yes, you only respond once it has happened and you found ways to deal with that, but is that all that is happening about it?

**MR KEEFELAKAE:** Commissioners, the complexity of these matters. You just have mentioned that it is highly organised. And when you look at it, you may think that we are looking at just one law enforcement agency. There are other players around and I am deliberately trying to not touch on those, but it is organised in a way that there are players there.

And those players, sometimes when you may want to bring the very same players in, you may find yourself  
10 having invited a witch in your bedroom. Or rather a wizard, whatever way. So, you need to be careful because if your intelligence is to you, it is A, B, C and D. But now we seem to be talking about just EMPD. It is because EMPD has been taking the lead.

You will see in the reports of some of the colleagues maybe, if they are going to testify, that some of the names would come repeatedly and all of that. And even how they are doing things and the type of weapons that they are carrying and using and all of that. And other sort of  
20 things, the legal mining stuff and sort of you know. It is just a web that you need to understand what you are dealing with.

**ADV BALOYI SC:** Thank you.

**ADV SELLO SC:** Thank you, Commissioner. Listening to you then, Mr Keefelakae, it would appear that you have

dealt with your page 11. And if I can refer you to paragraph 24, you say that Ekurhuleni encompasses a total of 43 police stations, correct?

**MR KEEFELAKAE**: Yes.

**ADV SELLO SC**: With six investigators under the supervision of Mr Magagula. That you state at your paragraph 24.

**MR KEEFELAKAE**: Yes, SC.

**ADV SELLO SC**: Now, we have retained on the screen  
10 Table 2, where you reflect of the 12 487 cases within Gauteng, Ekurhuleni accounts for 3 188. Is that correct?

**MR KEEFELAKAE**: Correct.

**ADV SELLO SC**: I would like you to keep that number in mind because when we go then to your page 12, which is where we are at, we are going to put up another table. There appears to be a different figure that we might benefit from an explanation if you are able to provide one.

**MR KEEFELAKAE**: Okay.

**ADV SELLO SC**: So, you may then go to your page 12.  
20 On my estimation, we are at your paragraph 27, where we start dealing with Table 2.

**MR KEEFELAKAE**: Okay, Table 2.

**ADV SELLO SC**: Apologies, we have dealt with Table 2. Now we go to the next table, which will be table 3 at your page 13.

**MR KEEFELAKAE**: Okay, correct.

**ADV SELLO SC**: Okay, and in particular here, my interest is that at table 3, you reflect the Ekurhuleni total workload spread amongst the six investigators as 2 834. That is a different figure from the 3 188 in your Table 2. How do we reconcile the two?

**MR KEEFELAKAE**: If you look at the Table 2.

**ADV SELLO SC**: Yes, at page 10.

**MR KEEFELAKAE**: It strictly talks to the cases that are  
10 active.

**ADV SELLO SC**: Okay.

**MR KEEFELAKAE**: That is not a combination of the PDMs and the active cases.

**ADV SELLO SC**: I am with you.

**MR KEEFELAKAE**: Now, if you look at the active cases, you might think that this is the total number of matters that we are dealing with.

**ADV SELLO SC**: Yes.

**MR KEEFELAKAE**: But more of the work starts when you  
20 have completed the active case that then goes to or populate the post-decision monitoring. And when you populate that category, that is where now you have to take cases to court, you have to go and testify at court. So that is the picture that we are painting. We brought the two together.

**ADV SELLO SC:** Understood. Thank you very much. That then would take you to your table followed by paragraph 30 and following. Thank you.

**MR KEEFELAKAE:**

10 “Although investigators are generally responsible for cases arising from their allocated police stations, there are instances where investigators assume responsibility for cases outside the designated areas. This occurs where suspects are believed to be involved in similar offences across multiple districts, necessitating the centralisation of such cases under a specific investigator or team to ensure effective coordination of investigations.”

**ADV SELLO SC:** You may then proceed to finalise it, paragraphs 31 and 32, before we turn to the next heading.

**MR KEEFELAKAE:**

20 “Now, as of 31<sup>st</sup> December 25, Table 3 reveals critical workload pressure nationally in Gauteng and Ekurhuleni, underscores the need for immediate prioritisation of resources and operational oversight. The data provides

insight into the relative distribution and intensity of investigative responsibilities across these areas.”

**ADV SELLO SC:** Is there anything else you would like to add before we turn to the next chapter?

**MR KEEFELAKAE:** Yes, basically, I think here, Commissioners, it was just to demonstrate that, maybe just to give a practical example, you have a serial rapist. If you have got a serial rapist and he commits these crimes in various areas or districts and investigators within this, in Ekurhuleni, gets to identify or to get a sense that this person could be a serial rapist, once that element comes out, we then take those other cases to centralise them because now you are able to look at the modus operandi and then you also then get to, it is easy even to coordinate the investigation in terms of the physical evidence, your DNA, and so on and so on.

It becomes the same with the serial murders and all of that. Or just an organised kind of arrangement where people are killing. There is this trend where they would kill a person and throw the person in the dam and they go to the province they kill a person and throw him in the dam. You observe that trend. And you get to get a sense that in this group there is this woman who is lying in complexion. So, it tells you that it is one person, I mean it is one group.

So that is why sometimes you would find that we get to centralise those matters and sometimes give it to a team to run with. Just as a clarity. I think Commissioners I have dealt adequately with this part.

**ADV SELLO SC:** Thank you.

**ADV BALOYI SC:** Maybe before you go to the next chapter, in that Table 3, those statistics, where you have Ekurhuleni, just so that there is no misunderstanding, is it SAPS and EMPD or is it just EMPD that statistics?

10 **MR KEEFELAKAE:** No, it is combined. It is both SAPS and EMPD.

**ADV BALOYI SC:** And EMPD.

**MR KEEFELAKAE:** Yes.

**ADV BALOYI SC:** Okay, now secondly, you set out the constraints that you have and the workload burden on investigators. What is the ideal distribution of work that you would say would render the fair distribution of work? Hence, I am talking case ratio to investigator. And whatever you say it is, what is that based on?

20 **MR KEEFELAKAE:** Commissioners, you know, I cannot say it is research, but there was an exercise that was conducted within SAPS back in the days. And then that exercise then demonstrated that at least one investigator should be carrying 60 dockets.

**ADV BALOYI SC:** And right now, they are carrying what?

**MR KEEFELAKAE:** I am talking about SAPS.

**ADV BALOYI SC:** Oh, it is SAPS.

**MR KEEFELAKAE:** Okay, yes, now SAPS, there is an advantage. If you look at SAPS, we are in Pretoria Central now. This is the policy president of Pretoria Central. And if you look at the policy president, it is very small. So, it is easy for a detective to move from this point to this point and that point. In less than an hour, he would have visited maybe four witnesses just within this precinct.

10            Same with the townships and so on. But with IPID, if you have a province such as Gauteng with a population size of 16 million, that influences the number of police that needs to be allocated to the province with other dynamics, of course, included. So those crimes, the population size then increases the crime rate and then the police would act. And the number then goes so big. And it is impossible that for an IPID investigator like one of us, one of our investigators is having 729 cases.

20            You have the one that is like better with over 400 cases. It is tough. Our investigators do not sleep. They do not take leave. They do not socialise. They socialise with the dockets. And that is exactly what I am doing. I socialise with cases. I socialise with strategies to see how best we can try and manage this mammoth task that is before us. So, I do not have social life. Yes, I live IPID.

**ADV BALOYI SC:** Yes, I think what I am asking is you have told us about the SAPS research, which indicated back then one investigator per 60 dockets I think you said. So, my question is really, has such a study been done for IPID? Keep in mind that we are required to make recommendations on improvements if those are appropriate to make. And in your statement and in your testimony, you have spoken to the hardships and the causes of the hardships, but you do not say that specifically on this topic  
10 of the caseload pay investigator.

You do not say to us ideally each investigator should deal only with 40 cases, and the basis for saying that is A, B, C, D. It is research or whatever. If that study has not been done or that exercise has not been done by IPID, it is okay to say that. It may well be that we have to recommend that that study has to be done ultimately. But I would like to know that from you. What is the position?

**ADV SELLO SC:** Mr Keefelakae, before you respond, perhaps it might assist to go to your page 13, that table  
20 where you set out the average caseload per investigator, and let us use specifically Ekurhuleni. You see it is got 2 834 active cases being investigated by six investigators with the result that each investigator has got an average caseload of 472. If I understand Commissioner Baloyi's question correctly, what would be the ideal average case

workload per investigator? If you have that answer and if research has been done in that regard.

**MR KEEFELAKAE**: Okay.

**ADV SELLO SC**: Thank you.

**MR KEEFELAKAE**: Commissioners, I think on several occasions we have been asked by the Parliament to present our ideal structure, and we developed an expansion strategy. And on the expansion strategy, we looked at the intake, the trend of cases, and all of that, taking into  
10 account other factors, of course, and the dynamics of various provinces.

We do have that document that talks to the ideal structure that would then talk to the number of cases that we would deal with and that we would be able to manage at the end of the day. So that document is there, but it could not fly because of budget constraints. Such a strategy could not be implemented.

It is available, and I would have preferred to talk to it perhaps maybe when we come for the second round so  
20 that I can demonstrate the numbers. And perhaps maybe we might, because it was done back then, about two years or during that time of COVID, it is possible that because we see the rising number of case intake, we might want to revise it to talk to the current developments.

**ADV BALOYI SC**: All right, I am satisfied with that, that

you can deal with it when you come back and provide that information. The other issue is you, and this is to take you back to your page 2, at paragraph 4.7 where you talk about what IPID gets to investigate. Now, for purposes of our task, we are looking at infiltration of the criminal justice system.

And it seems to me that our terms of reference would fall, would deal with 4.7, which involves corruption. Now, whether in your statistics or by way of explanation,  
10 what part of these statistics constitutes conduct that you generally refer to as corruption? Earlier, I remembered we spoke about theft of precious stones. You are talking about truck hijackings that are happening, dealing in drugs, trading in drugs, and similar activities. It seems to me that if I confine myself to Section 28, they will fall under the rubric of corruption.

**MR KEEFELAKAE**: Correct, Commissioner.

**ADV BALOYI SC**: Now, in these statistics, are you able  
20 now, or do you have information that you could share which would break it down for us to say what you are dealing with, so much percent of it is matter that falls under 4.7, that is corruption, so that we have a sense of how pervasive this problem of corruption is.

**MR KEEFELAKAE**: Okay.

**ADV BALOYI SC**: So, you can deal with that when you

come back. And then, lastly, when you were speaking earlier, you mentioned as part of the problems that you encounter with your investigations is interference, political interference. I think that is how you said it. But that is all you said about it. Whether now or next time when you return, if you would just speak more to that, give content to it, exactly what kind of interference do you speak of, at what levels, and how pervasive is that problem, and maybe the real consequence of your investigations. Has it seen  
10 some investigations been abandoned, some frustrated, and therefore causing delays in finalising? If you would just provide further detail on that. Thank you.

**ADV SELLO SC:** Thank you, Commissioner Baloyi. When we then prepare for your return in the IPID stream, we will address the questions put forward by Commissioner Baloyi, because there are matters not only confined to Ekurhuleni, but impact the functioning of the entire organisation IPID. Okay, thank you.

**ADV BALOYI SC:** Thank you.

20 **ADV SELLO SC:** Thank you, Commissioner. Mr Keefelakae, that, on my estimation, would take us to your page 14, starting from paragraph 33. You have it under the heading, investigations into Brigadier JM Mkhwanazi. Do you see that?

**MR KEEFELAKAE:** Yes, SC.

**ADV SELLO SC:** Before you deal with what you raise then, to address the Commissioners, Commissioners, I would request you to pull out Revo Spies's of statement, because this part of the statement by Mr Keefelakae addresses that. We can put away Mr Keefelakae's annexure. We will not be referring to it further now. At Commissioner Revo Spies's of statement, I would like to refer us to page 11. The Commissioners recall that Mr Spies provided a useful table of cases arising from Ekurhuleni, which to some extent, in  
10 one way or the other, implicate or have Mr Mkhwanazi as a participant in them.

Starting with Mr Keefelakae and the succeeding witnesses, we will now turn specifically to these issues as tabulated by Commissioner Spies, starting at page 11 to page 18, 19. So you do not have Commissioner Spies' statement with you right now, Mr Keefelakae, but it has been provided to you, and what you deal with under that heading is in response specifically to the concerns as raised by him. Do you confirm that?

20 **MR KEEFELAKAE:** Okay.

**ADV SELLO SC:** So, Commissioners, Mr Keefelakae has responded to the cases in his own manner. It does not necessarily follow the order as Mr Spies has set it out in his statement, but if you could just have a pencil ready, I will tell you which is what matter on that list. With that

background, then, Mr Keefelakae, please deal, then, with the investigations. The first I will say, you say, is the Boksburg CAS number 262-03-2023. Commissioners, that is item 2 on the second table at page 17, the blue lights. So, if you could just scribble in the statement that that is, Commissioner Spies's, this is item 2 of Table 2. Item 1 of Table 2. Thank you. Mr Keefelakae, and then you may lead us through that.

**MR KEEFELAKAE:** Thanks, Commissioners. With regard  
10 to the Boksburg case 262-03-2023, this related to alleged irregular vehicle transaction, and it is normally referred to as the blue light matter, the incident that occurred in 2023. So, the summary there, it was that there were allegations that Brigadier Mkhwanazi of EMPD made a transaction or entered into a transaction with a certain fellow called Mr Vusimuzi Cat Matlala, who donated some vehicles to the EMPD.

And on 3. - I will just give the summary so that we get the context on this matter, that on 33.3, additional  
20 unrelated matters involving EMPD members were also reported and remained under investigation. Now going to, or maybe before I can even go into that, the reporting of these matters of the EMPD, we got to have the information about the things or the crime problems within the EMPD, which we had already started looking into.

And subsequent to that, the Chief of Police, Mr Mapiyeye and Mr Revo Spies, engaged with the former Executive Director at the time, Ms Ntlatseng, that they are actually having some problems with regard to their environment, and their concern that they raised in particular related to these vehicles that were allegedly donated. And of course, during the discussion, because IPID had already started dealing with some of the matters, then we found it - she found it prudent at the time to establish a task team,  
10 which would then comprise of other team employees or officials from other provinces to come and augment the personnel strength within Ekurhuleni, because it was just a few of them, as you see, we have got the personnel strength of just six investigators.

And that did occur. The team was established, and fortunate enough, the one that relates to Boksburg case was then investigated. What then became out of this case was that the case was concluded in 2023, despite the fact that it was brought to our attention in 2023. So, we  
20 prioritised it, basically, despite the fact that we have got backlogs.

So, we called people from outside, and then they expedited the investigation. And hence the recommendations to the municipality, to Ekurhuleni, were generated during the month of September, towards the end

of September, because they received the document on the 3<sup>rd</sup> of October 2023. And I personally signed the recommendations, recommending that Brigadier Julius Mkhwanazi must be charged, steps must be taken against him, because there was overwhelming evidence.

And the matter again was referred to the DPP on the same day. However, on the DPP side, there were other aspects that the DPP thought needs to be explored. But that had nothing to do with the frustrating departmental part  
10 of the case. And hence there were further instructions to deal with that aspect, of which it was indeed done and completed at a later stage.

But however, the challenge with the implementation of the recommendation of this really had put us in a very awkward position. And this is something that I have expressed on the paragraph below. But the EMPD did not have the appetite to implement those recommendations against Brigadier Mkhwanazi. And I was also disappointed to see a letter that was a fake letter, that was made by  
20 politicians to exonerate Mkhwanazi, without him having been subjected to any disciplinary process.

And that letter never even reached IPID. And I only got to know about this letter quite recently, that there was a letter that was written to me, to say that he was actually vindicated, despite the several efforts to check if there was

an initiation. We wanted progress on initiation. But when they reverted back to us ...[intervenes]

**CHAIRPERSON:** Are you able to identify the letter in a manner that will make us understand what letter you are referring to?

**MR KEEFELAKAE:** The letter - I did not receive the letter at the time. The letter surfaced, I only got to see the letter. I think when I was busy preparing this statement, and it was sent via WhatsApp to check if I knew about this letter, it  
10 was just a clarity-seeking question to say, do you know about this letter? But I heard the investigator also saying, hey, I am shocked, I am told that there is this letter that apparently was used just to make sure, or to rather ...[intervenes]

**CHAIRPERSON:** If I did not miss here, I think you said it was written by politicians. Did you say so?

**MR KEEFELAKAE:** Yes, the reason why I am saying politicians is because this letter was apparently presented to the chamber, to the council chamber meeting, to say this  
20 person has been cleared. And therefore, shortly afterwards, there was a recruitment process that was unfolding. And he got elevated.

**CHAIRPERSON:** Promoted.

**MR KEEFELAKAE:** Yes, and that is where things started to surface a little bit. And you know, when you are looking

for such document, you do not know who is in position of that. Nobody is coming out.

**CHAIRPERSON**: A letter that was quite prominent before us was not written by politicians. It was written by the legal section of the Ekurhuleni Municipality. Written by Mr Kemi Behari.

**MR KEEFELAKAE**: Yes.

**CHAIRPERSON**: Although at some stage he got it signed by two legal officers, a Mr Zulu and a Mr Mahwiti[?], I think.

10 That is the letter that got some prominence before us. So that is why I wanted to know if I had misheard you when you referred to politicians. Because this one was written by legal, not politicians. Maybe I am not aware, or I have forgotten about one by politicians.

**MR KEEFELAKAE**: That is the letter.

**CHAIRPERSON**: Yes.

**MR KEEFELAKAE**: Commissioners, I think you might have ...[intervenes]

20 **CHAIRPERSON**: And maybe perhaps for your benefit, that letter in so many words was saying there is nothing wrong that Brigadier Mkhwanazi had done wrong. And it was analysing IPIDs views with regard to the alleged offences. It would say there is no fraud here. The elements of fraud are A, B, C, D. They have not been satisfied. There is no corruption here. The elements for corruption are A, B, C,

D. Those elements have not been satisfied. Was this a letter of that nature?

**MR KEEFELAKAE:** Yes, it was a letter of that nature. Commissioners, I think I said that at some point a letter was written to the municipality. Because there was no initiation that took place. And then subsequent to that, myself and other colleagues we took an initiative to drive to Ekurhuleni to meet with the mayor at the time and the MMC. And we raised concerns about the fact that there was no action that  
10 has been taken.

And at that time, Commissioners, when we brought the team from outside, there were other cases that were dealt with by the very same team against Ekurhuleni. And people were arrested. They were disciplined. One resigned. One was dismissed. Now, very convenient that almost at the very same time you have these recommendations that you send about this other one.

That even when you escalate the matter to the political office, they say to you there is nothing that they  
20 can do. And it is really disappointing that when they are unable to deal with the matter, after a very, very long time, you agree to the letter that is presented to you to say this is the letter that vindicates this person. And that letter never came to us as IPID.

**CHAIRPERSON:** Perhaps not necessarily that they are not

able to deal with the matter. It is more than they did not deal with the matter. You are saying they were not able to. It is suggesting that they were, or they may well have been, desirous of dealing with it, but it was an impossibility for them to do so. So, I think you are putting it in a manner that is favourable to them.

**MR KEEFELAKAE**: All right, Commissioner, maybe let me concede by saying perhaps maybe it was quite convenient that it happens at the time when there is a post that is  
10 available and then it goes to this person of interest. It is one area that then you tend to ask, I am only a human being perhaps, that I then tend to suspect that no, but why is it expedited in this manner and why is this letter not even coming to us without having initiated, without any communication to IPID or is it just a pure undermining?

IPID, you do your processes and everything else and we are sitting with a gap here of recommendations that are still outstanding until today. Now, after the Commission or the establishment of the Commission, you start seeing  
20 action being taken. Then if that letter was legit, I do not think that Brigadier would have been suspended because of the very same matter. So, there is something, there is a snake on the ground here, the Commissioners.

**ADV SELLO SC**: Thank you, Chair. Does that conclude your first case, your response to the blue lights matter?

**MR KEEFELAKAE**: Yes, SC.

**ADV BALOYI SC**: Okay, maybe before you move from it.

**ADV SELLO SC**: Yes.

**ADV BALOYI SC**: You in paragraph 33.8, you say the referral was made to Director of Public Prosecution for decision on prosecution. You have explained that the DPP then came back with further questions or further issues that needed to be addressed. As we stand now, as matters stands now, has there been a decision by the DPP?

10 **MR KEEFELAKAE**: The decision has not yet been made, but the decision will be made and is quite imminent because everything that needed to be collected has been collected. Any time is teatime.

**ADV BALOYI SC**: Yes, without meaning to be unfair to you or to put you in a spot, the referral is in September 2023. We are in 2026, January. Is there a reasonable, according to you, a reasonable explanation for this delay?

**MR KEEFELAKAE**: Yes, there is, Commissioner, that the delay, I think it was necessary, Commissioner, to deal with  
20 this matter in the manner in which the DPP guided the process. Because had we not done so, we would have omitted very important information that is strengthening the criminal aspect. And that information has since been sourced.

**ADV BALOYI SC**: What accounts for the delay? Is it

inefficiencies? I am not questioning that the DPP comes back to and guides you. We require this to be done. We require that information. I accept that is part of the system. That is how the system works. What I am concerned to understand is a period of two years, now two years plus, passes since the referral itself. What accounts for that delay in the back and forth? Is it because the DPP writes to IPID and IPID takes eight months to revert back, or you referred in September 2023 and IPID only, I mean, and DPP  
10 only came back to you a year later? I am trying to understand where are the inefficiencies that causes this kind of delay?

**MR KEEFELAKAE:** There were some dependencies and those dependencies, as soon when you then deal with this section 205 requesting certain information, then that section 205 will give you some pictures that then necessitate further investigation. And the more you think you have done all of that, you go, you sit with the prosecutor, and then there is this other angle where there has to be other  
20 things to be explored. It was quite a good case in the sense that much as there was, it may appear that there was a delay, but I am very much comforted by the quality that eventually came out of that investigation. And it is a pity that I am in this platform. You know, if I was in court ...[intervenes]

**ADV BALOYI SC:** Do not disclose too much that compromises anything in your work. I would not want to be responsible for that. Disclose only that which is safe to disclose.

**MR KEEFELAKAE:** Okay.

**ADV BALOYI SC:** Okay.

**MR KEEFELAKAE:** Yes, I know a decision will be made very, very soon. Maybe let me put it at the end.

**CHAIRPERSON:** Yes, let me – you use the word quality in  
10 terms of what IPID has done. I am not going to be unduly  
critical, but I remember going through the documentation  
before us. That focus is placed on the amount of, what, R2  
000 plus, which is said to be all that Ekurhuleni has been  
prejudiced about. I do not know if you remember. Do you  
remember that?

**MR KEEFELAKAE:** In the context of fraud.

**CHAIRPERSON:** In the context of fraud.

**MR KEEFELAKAE:** Yes, I remember that.

**CHAIRPERSON:** You are aware of that?

20 **MR KEEFELAKAE:** Yes.

**CHAIRPERSON:** Do you share that view?

**MR KEEFELAKAE:** Yes, yes, because there is evidence to  
that effect.

**CHAIRPERSON:** I take a slightly different view, and I think  
the prejudice is being reduced unduly, because the 2 000,

as I understand it, relates to the amount in relation to the actual registration of the motor vehicles.

**MR KEEFELAKAE**: True that.

**CHAIRPERSON**: Let me tell you the difficulty that I have. My difficulty is, what Brigadier Mkhwanazi is alleged to have done, is to approach Mr Chris Steyn and to say to him, please register these motor vehicles, and he gives him a pack of documents, including the so-called donation letter from CAT VIP Protection. And in that pack of documents,  
10 there is also the donations MOU, which he would only have given to Mr Chris Steyn if he was suggesting to Mr Chris Steyn that there is a valid MOU.

So there, there is a representation, or rather a misrepresentation, which would be one of the elements of fraud. So, if there is fraud, and I believe there is, that is much wider than just the question of registering the motor vehicles for only 2 000 and something rand. And in fact, the prejudice on what I am positing to you is even difficult to compute in concrete monetary terms. But it is there. It  
20 is obviously there. So, I think IPID unduly restricted the fraud count. But I do not think it is too late to revisit this and to again approach the DPP. Do you follow my reasoning?

**MR KEEFELAKAE**: I follow your reasoning, Commissioner. That is why I am saying with the criminal case, when it was

presented, of course, the DPP looked into it and said there is more to this.

**CHAIRPERSON**: Yes.

**MR KEEFELAKAE**: And that is what actually then resulted to other activities that had to be undertaken. And I do not know how to put it.

**CHAIRPERSON**: I hope there is specificity in this regard as well. Because if there is not, I would suggest that maybe IPID needs to look into this. Any comment?

10 **MR KEEFELAKAE**: Noted, Commissioner.

**CHAIRPERSON**: Thank you.

**ADV SELLO SC**: And Chair, if I may add onto that, perhaps after Mr Keefelakae's testimony, what we could request him to do is to go back to the docket of the matter to see whether or not the issues have been expanded following the DPP's guidance and directives. And we shall revert.

**CHAIRPERSON**: Thank you.

**ADV SELLO SC**: Thank you, Chair.

20 **CHAIRPERSON**: Thank you.

**ADV SELLO SC**: Thank you, Chair. Mr Keefelakae, I think that then takes us to your paragraph 34. And you are dealing with the second case. Commissioners, for the record, that is Item 7 on Mr Spies's table. This is the Brakpan murder where the body was dumped.

**CHAIRPERSON:** And that is page what of 35?

**ADV SELLO SC:** No, no, let me - Chair, I missed the question.

**CHAIRPERSON:** No, I said that is page what of 35? Mr Spies's ...[intervenes]

**ADV SELLO SC:** 15 ...[intervenes]

**CHAIRPERSON:** 15?

**ADV SELLO SC:** 15 of 35.

**CHAIRPERSON:** Thank you, thank you.

10 **ADV SELLO SC:** I was thrown by 35. It is item 7. And just to recap, I am now at page 16. The second paragraph of that table at page 16, Commissioner Spies had indicated that on 27 March 2025, Marius Van Der Merwe WhatsApp him and then they had this conversation and that Marius Van Der Merwe had made a section 204 warning statement. Then I want to jump to page 17 still with that case, which concludes, where Commissioner Spies concludes, IPID and no one is treating this case fairly according to him. The him being Mr Marius Van Der Merwe and for the record, that is  
20 our Witness D. So that is the context of the response that Mr Keefelakae is about to provide, starting at paragraph 34 at page 15. You understood, Mr Keefelakae? I was trying to provide appropriate context for the Commissioners. So, if you could take it up from then paragraph 34.

**MR KEEFELAKAE:** The IPID received this case of Brakpan

429-04-2022. This is the murder in the dam. Let me also point out that this matter will also be - that the more details, further details will be provided by the investigator during the course of the week to this Commission. The - if you check on the subject, the Commissioners, Brigadier Julius Mkhwanazi, is still featuring, and other EMPD members.

And of course, the SAPS members. This is the death of Mr Mbense. This is the incident that occurred between the 14<sup>th</sup> and the 15<sup>th</sup> of April 2022. The deceased  
10 was taken from his place of rest, and, on the 15<sup>th</sup>, the body was found at the Spaarwater Dam near the Duduza township. In summary on 30.34 – on 34.1, the police visited Emmanuel Mbense to make enquiries regarding a truck alleged link to stolen goods.

There were allegations that Mr Mbense did not provide requested information. As a result, he was assaulted, by those officers that were attending and, they took him with and, the next day, which was on the 15<sup>th</sup>, the body is discovered at the dam. Commissioners, the person  
20 who discovered the body was just a fisherman, who then alerted, the police.

But, as I said about, final details will be provided and it will be much more interesting, to the Commission. The postmortem was conducted because the police reported inquest matter initially, but, then IPID then, took over the

investigation based on the little information that they got from the family, because the family were raising concerns that there were police who came to our place and so on.

But then the investigation knows, Commissioners on 34.5, Brigadier Mkhwanazi, along with other EMPD and SAPS members were included in an investigation that was completed and the resulting recommendation for dismount actions were submitted to EMPD and SAPS on the 4<sup>th</sup> of February 2026. The same day, the same docket, the case  
10 docket was also referred to the DPP for prosecution, for decision to prosecute.

Now on this matter of Brakpan where the person has been killed, the decision will be made, most probably before the end of this month, is in with the DPP. Commissioners, this matters, both matters with the prosecutorial guided, that is why it then becomes easier, for the prosecutors to make decisions.

It might appear that it, the matters have taken time, but when you are guided step-by-step by the prosecutor,  
20 you would want to follow what they are saying. And particularly in this matter, there was a missing link somewhere, which then, necessitated that, we find ways to make sure that there is compliance with this aspect because it gave the case some strength, but the investigator will articulate that, when she takes over the, the stand.

**ADV KHUMALO SC:** You, you criticised, Ekurhuleni and EMPD for only acting when things come out in this Commission. Looking at 34.5, the 4<sup>th</sup> of February 2026, now that looks like IPID did the same. After Witness D testified in this Commission, then suddenly IPID refers to Ekurhuleni for disciplinary proceedings against these individuals.

**MR KEEFELAKAE:** Thank you, Commissioner. Commissioner, I want to suggest that things might appear  
10 as the Commissioner sees them. However, I would, perhaps maybe suggest that we leave that part for the - for the investigator. It is going to come out juicy because now, ...[intervenes]

**ADV KHUMALO SC:** I hope you are not avoiding it. And the investigator says I am only investigating a criminal case. I have nothing to do with referrals to the employer. I hope you are not avoiding it.

**MR KEEFELAKAE:** I am not, I am not avoiding that Commissioner because, the juicy part is that ...[intervenes]

20 **ADV KHUMALO SC:** Do not tell me the juicy part. Just tell me you are not avoiding it because of that.

**MR KEEFELAKAE:** No, no, it is not Commissioner.

**ADV KHUMALO SC:** Yes, be there.

**ADV SELLO SC:** Thank you, Commissioner Khumalo.

**ADV BALOYI SC:** Can I ask a question that I think you are

able to answer? Part of the complaint, in previous evidence was that Mr Van Der Merwe, the now deceased Mr Van Der Merwe was of the view that IPID was not interested, in prosecuting this case. That is what Commissioner Spies said to us and Mr Van Der Merwe also have testified that way. What I would like to hear is in the process question, when IPID is investigating a case such as this or any case for that matter, what engagement, with the family, for example, is there is as you go along, with these processes?

10 What engagement is there with in this - the complainant, even in this - even though in this case, the complainant was also an accomplice in that he was at the scene and he admitted having participated, but he is the one that seemed to have brought it to the attention of, of the police IPID. What in terms of your processes happens?

**MR KEEFELAKAE:** In terms of our processes is that when, when you are dealing with the case such as your death matter, you would have the family liaison, first, but that is, key. That is the important activity that you have to  
20 prioritise. But in regard to this matter ...[intervenes]

**ADV BALOYI SC:** And the family liaison means what? I know you go to the family at the outset, say there is a death. You tell them there is a death beyond that. What does that entail?

**MR KEEFELAKAE:** Yes, normally the family would identify

maybe one or two people to say in the event that there is, you know, you want to communicate, you do not communicate with every person. So, we would want to have specific people because we are dealing with sensitive information here.

So, we would want the family to say, we would rather identify so and so, because at least he has got matric, he will understand what you mean when you, you know, does the - then you will feed that person with the  
10 information and then he will feed the family. So, in this instance, there were two identified people, who the liaison person and the investigator, would then, liaise with them in terms of the progress and also in terms of other information. Remember that this incident started at the family. So it was, it was crucial that ...[intervenes]

**ADV BALOYI SC:** At the family house.

**MR KEEFELAKAE:** At the family house. So, it was crucial that there had to be that engagement and it was the very same family that assisted in the whole process. It was the  
20 very same family that said, we are happy that, that you are doing good. And they did not just say it in like verbally or orally so. They even reduced it in writing, to say we are happy. And we, understand that there are some interested parties that would say the family is not happy. But then you ask yourself, because I mean, the liaison person, it is here,

he knows what is happening. Then who is this uncle who is saying, who is not satisfied? Are they not giving him feedback? So, we do experience that.

**ADV BALOYI SC:** You do have a process of continuing liaison with families, with complainants. That is, that is really what you are saying. It is a process issue that I am asking.

**MR KEEFELAKAE:** And with regard - with regard to this matter, that is what happened. But I am saying the family  
10 also had to express the, the satisfaction in writing. And it is recent. Nobody forced them. They were happy.

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

**ADV SELLO SC:** Thank you, Commissioner Baloyi. Before then we turn to your paragraph 35. I need to address the Commissioners and say, there is a table at page 17, Table 4, and it is headed allegations made on the existence of criminal cases. Mr Keefelakae is going to talk to those. But for purposes of our Commissioner Spies's table, I would like the Commissioners to note the cases that he will not be  
20 speaking to, but that the next witnesses would address. That would be case 1 at page 11, the Hartfontein case. There is a witness to talk to that.

**ADV BALOYI SC:** Page 11 of Commissioner Spies?

**ADV SELLO SC:** Page 11 of Commissioner Spies's statement. First item Hartfontein, a witness will speak to

that matter. At page 12, Item 2, precious stones. There will be a witness talking to that. Item 3, Benoni Smoke and King's Supermarket. Once again, a witness. Then I will skip to Item 2 of Table 2 at page 18. And that is reflected as a Boksburg extortion, kidnapping, theft case.

Once again, there will be a witness to speak to that. And as, Mr Keefelakae indicated the Brakpan murder case. So, when one has regard to that table, the only then outstanding issues for Mr Keefelakae to speak to are what  
10 is set out at Table 4. There are three cases there, and these are items 4, 5 and 6 of Commissioner Spies's statement. Thank you, Chair. Thank you, Commissioners. Mr Keefelakae, I needed to put that context to the Commissioners before you then turn to your paragraph 35 and the table following.

So you may now. Thank you.

**MR KEEFELAKAE:** Yes, table 35, I mean, 4, 35.1, this table below outlines allegations submitted to the Commission about specific cases involving police members.  
20 And IPID was not aware of these allegations. However, the directorate would have registered a criminal case if such was not done. But upon, engaging with the Commission's evidence leaders on the 5<sup>th</sup> of February since the directorate undertook, we undertook to follow up on all the three matters and that were appropriate, we shall consider

to open cases and that the matters will be prioritised. And then with regards to the Meyerton case, which is on the table now, going straight to the first case on the table there ...[intervenes]

**ADV SELLO SC:** Apologies, Mr Keefelakae, perhaps for context, it is necessary to indicate what the Meyerton case is about.

**MR KEEFELAKAE:** Okay.

**ADV SELLO SC:** That is, according to Commissioner Spies  
10 that involved the theft of copper from a, I think a citizen's plot in Meyerton. And that is the case in which during his testimony, Commissioner Spies provided video clips of police allegedly arriving at this plot. So, then you deal with that at your item 1 of Table 4. So, you can indicate what IPIDs position is as regards that alleged case that is said to be being ignored by IPID. Thank you.

**MR KEEFELAKAE:** Thank you, SC and Commissioners.  
The case in question, which is Meyerton case 72-08-2022, a follow-up was made, with regard to the matter. And it was  
20 established that this matter, was not related, to the copper theft, allegations that was made by, Commissioner Spies. The matters are unrelated. And what we have also established was that Commissioner Spies just forwarded a clip, to one of the investigators.

He is a witness, who will be testifying in this

Commission and, without even, given the reason why, or given the background as to what the clip was all about. And I think what also made things worse was that part of the clip was not opening and that, resulted to, a case, a criminal case, not being, opened.

We are not aware of such a case. However, we thought we will then have to go deeper to try and establish, the issues around that clip because where I am seated Commissioners, police have got the obligations, particularly  
10 Commissioner Spies at his level, that if he was aware of such, the best he could have done was to open a case, not to send a clip.

And that is not how we communicate with the police with regard to cases. There is - we do have the standard operating procedures, but beside that, Commissioner Spies should have gone to the nearest police station. If he had evidence and reported that at his level, he had that responsibility. He did not do that.

**CHAIRPERSON:** But from what you are saying, you are  
20 aware that, the video clip was received.

**MR KEEFELAKAE:** Yes, it was sent to, he sent the video clip to a private phone of one of the witnesses, which was also not able to open all the ...[intervenes]

**CHAIRPERSON:** Are you suggesting it was never sent to IPID? I was saying that clip was never sent to IPID.

**ADV SELLO SC:** Chair, if I may, please consider what you have just said. Who was the clip sent to?

**MR KEEFELAKAE:** Mr Magagula.

**ADV SELLO SC:** And who is that?

**MR KEEFELAKAE:** He is the assistant director, IPID.

**CHAIRPERSON:** IPID.

**ADV SELLO SC:** And you called him a witness, that is why. You said it was sent to one of the witnesses.

**CHAIRPERSON:** That is what confused me.

10 **MR KEEFELAKAE:** Okay, yes, I was saying he is the witness in this.

**ADV SELLO SC:** Oh, the witness to come before the Commission, that is what you meant.

**MR KEEFELAKAE:** Yes.

**CHAIRPERSON:** You had me.

**MR KEEFELAKAE:** So, he sent the clip, part of the clip was not opening, but I am saying, I understand that he might have had a legitimate case to pursue, or that could have been pursued by IPID. But I think, and I believe that  
20 what he should have done ...[intervenes]

**CHAIRPERSON:** Okay, before, being a defensive, you say the clip, did not open.

**MR KEEFELAKAE:** Part of the clip did not open. We do not know what it is. There is another part that had, that was opening.

**CHAIRPERSON:** But Officer Magagula saw that it was from, Commissioner Spies. And he knows, who Commissioner Spies is and he - and where he works. Or I should have said that in the past tense, but anyway, you hear me.

**MR KEEFELAKAE:** Yes, he knows who Commissioner Spies is.

**CHAIRPERSON:** And so, he received this and did nothing at all. Just because, the, the normal process in laying  
10 charges was not followed. He receives this, he sees it is a clip, it is a clip that his, police officers, because you say part of it did not open. So that must mean part of it did open.

**MR KEEFELAKAE:** Yes, I think from where I am seated, Commissioner Spies should have opened a case there and, and simply, refer it to ...[intervenes]

**CHAIRPERSON:** So, Officer Magagula just ignored this. And he thought Commissioner Spies was sharing a video clip, just like friends will share video clips for fun amongst  
20 themselves.

**MR KEEFELAKAE:** Yes, it is an abnormal process that, that, a Commissioner of Police would just send a clip. It is very abnormal that, that such would happen. The expectation is that and the practise is that they would open a case and then the police will then complete the necessary

forms and they send the forms. So, there is a process.

**CHAIRPERSON:** Yes, and I am aware, and I hope I do not sound unduly critical. I am aware that it is not you that received this clip but is it so that it showed police officers or at least EMPD police officers arriving at, these premises and they included a senior one, Brigadier Mkhwanazi, who I assume must have been known to Officer Magagula.

**MR KEEFELAKAE:** The matter as it stands, Commissioners, I would say, Mr Magagula would, would  
10 then talk to that part, because from where I am seated, I am of the view that ...[intervenes]

**CHAIRPERSON:** I understand and that is fair enough. What you say is fair enough. I guess I am engaging you because you were just too quick to - too quick to be defensive, defensive of Officer Magagula and whoever else.

**MR KEEFELAKAE:** Okay.

**CHAIRPERSON:** So naturally my, my instinctive reaction was to engage you on you being so defensive, but I will leave it. I will leave it there.

20 **MR KEEFELAKAE:** Okay, no Commissioner. What I am trying to say, Commissioner, is that we acknowledge that, this, Meyerton 1072 is the incorrect CAS. It does not even fall within the precinct where Magagula is working. But then we also get to understand that this matter needs to be followed up because, even if it was opened, Mr Magagula

would not have known because it is in the Vaal Rand and he is operating in the Ekurhuleni.

But the fact that we, we seem to be getting some information, around this matter that it happened in the Vaal area and all of that, we might be able now to navigate towards, trying to understand as to what exactly happened. Why was the case not opened? So, that is what we will explore, Commissioners.

**ADV KHUMALO SC:** Mr Keefelakae, the answer you have  
10 given troubles me and I do not think it is satisfactory because in Commissioner Spies's evidence and in his statement, he says all these matters were discussed at a meeting held in Roodepoort, Florida, on the 6<sup>th</sup> of March 2023. I mean, we are in February 2026. This is three years later and the best we can get is that a clip from three years ago could not open and therefore there are no further details other than IPID will open a case and conduct an investigation.

I mean, that is not satisfactory, and I am led to  
20 believe that the person who provided the clip is deceased now. So, you see what happens when three years is taken to open cases. Even witnesses disappear or something happens to them and it is a problem. So, I do not think it is good enough to say, oh, he sent it. I mean, Magagula was present at that meeting because we are told that attendees

included the former Executive Director, as you say, Ms Ntlatseng, Thulani Magagula was there.

I will not mention the other name. I believe it is the next witness who is coming after you. Colonel Erasmus was there. Mapiyeye was there and Spies was there. So, if all these cases were discussed in March 2023, it is not good enough to say we will open an enquiry in 2026 and start investigating. I am hoping, maybe it is not you, because you were obviously not in the meeting, that we will get  
10 better answers from those who were at the meeting and know what was discussed.

**MR KEEFELAKAE:** Commissioner, I was part of the meeting in Roodepoort.

**ADV KHUMALO SC:** Yes.

**MR KEEFELAKAE:** This matter was not discussed and even the case number that is provided here is incorrect. It does not talk to the clip. So, if we have gotten to identify the fact that this case was handled well investigated and it relates to something else, but these details also Magagula  
20 will express them, but it was just from my point of view that this matter was not discussed during that meeting, because had it been discussed, it would have been prioritised.

**ADV KHUMALO SC:** Thank you.

**ADV SELLO SC:** Mr Keefelakae, before you move on, perhaps just to clarify a few issues. Earlier, you spoke of

how the province is split up into different jurisdictions and you indicated that there is the area of Ekurhuleni where you say six investigators are responsible for Ekurhuleni, that is correct?

**MR KEEFELAKAE:** True.

**ADV SELLO SC:** Now, Meyerton, where does Meyerton fall in that division of splitting up the province?

**MR KEEFELAKAE:** Meyerton it falls under Sedibeng and West Rand, meaning the team in the West Rand also deals  
10 with your Sedibeng, your Vereeniging, Meyerton, De Deur, Sebokeng.

**ADV SELLO SC:** Yes, so, when this matter comes to your attention, did you engage any of the investigators responsible for the area, including Meyerton, to establish the truth or facts around this case? Have you had opportunity to do so?

**MR KEEFELAKAE:** Not yet. What we did, we checked with the Meyerton Police Station regarding the case that is the  
20 case in question, and we would have known because at some point when we were doing our own exercise in the office regarding those matters that involve certain figures, we then communicated with the supervisors in that area. I would have known that this figure is also involved, but that I would have gotten the information in that regard.

**ADV SELLO SC:** So, in short, you are saying that you do

not have a report from the investigators from the Vaal in whose jurisdiction Meyerton falls as regards this matter, is that what you are saying?

**MR KEEFELAKAE**: That is true.

**ADV SELLO SC**: And you have not enquired from any one of them?

**MR KEEFELAKAE**: What I normally do is that they forward or they share that information on a regular basis.

**ADV SELLO SC**: I apologise. On this one specifically, as  
10 Commissioner Khumalo says, it is three years and there was no report on this, but once you became aware of it after Commissioner Spies testified, did you pick up the matter with those investigators responsible for Meyerton to at least establish what was happening in this case?

**MR KEEFELAKAE**: Yes, they said they do not have that matter. This matter in particular that relates to the clip.

**ADV SELLO SC**: And you left it there?

**MR KEEFELAKAE**: No, the decision is that we are going to then look into the matter because at the time we were  
20 busy preparing for the Commission, but the idea is that we need to look at it thoroughly because the way it is, it is not just an obvious matter that you would just send anybody to go and because now it has become clear that something was not done.

**ADV SELLO SC**: Okay, Commissioner Spies in his

statement lists this as a Meyerton theft copper case, 72-08-2022, a CAS number, Meyerton. Correct. So, in your page 17, at your page 17 item one, you say it was established that cast 72-08-2022 was not related to the copper theft allegations. You see that?

**MR KEEFELAKAE**: Yes, SC.

**ADV SELLO SC**: What did you establish that case to be about?

**MR KEEFELAKAE**: It relates to the theft of copper cable  
10 from the, that belongs to Transnet.

**ADV SELLO SC**: Sorry, I am talking about case number 72-08-2022. Is that what you are answering to?

**MR KEEFELAKAE**: Yes, that is what I am answering to, to say it does not link to the video clip, but although it does talk to the fact that it relates to the copper and there are others, of course, because what is the reality is that the ferrous and non-ferrous metals, it is a big business. So, in every case, in many of the police stations, you will find many of those cases being reported on a monthly basis that  
20 relates to copper.

So, but this one, there are a number of them that were opened during that period, including this one, but they do not relate to the clip. So now, has we thought it prudent that we need to sit down and strategize and look into this so it is something that we will, of course, do this coming week.

But within this month, we should have made some progress.

**ADV SELLO SC:** And lastly, if this links into a question posed earlier, I think by the Chair, upon receipt, let us not talk specifically about this clip, but upon receipt by any of the investigators of IPID, let us say, as in this case, of a clip where the commission of an offence is conclusive. You can see from the clip that there is an offence committed. With no complaint or report to the police station, does IPID have the power to initiate the investigations based on the  
10 evidence received? Would IPID have such a power?

**MR KEEFELAKAE:** Commissioner, it is possible that sometimes we do react on articles, paper articles, clips, we do that. And especially some of this from the media platforms, we do look into that and just to try and verify as to whether do we have this case, particularly where it is clear that there is police involvement on matters that falls within our mandate. But I think the tricky part about this one, in particular, was that the person that sends this clip ...[intervenes]

20 **ADV SELLO SC:** I am sorry, Mr Keefelakae, if I may just interject. Perhaps I was not as clear as I hoped to. I am asking generally. If a video clip is sent to any of the investigators in IPID and when you watch that clip, you see a clear commission of a crime by seemingly a police officer. Would IPID have the power to initiate its own investigation

just based purely on the clip in the absence of a report having been made to the police station? Do you have that power? Or you do not, to your understanding?

**MR KEEFELAKAE:** I think I understand the question. In terms of the powers, we do have the powers to can do that. Because I am taking that from previous experience, that we would then enquire about – we would do the follow-ups about the matters, particularly if it is just circulating to try and check, I see this, is it in your province? Sometimes I  
10 will have an indication that this happened within a particular province, then I will check with that province as to whether there was a case and all of that.

So, we do make those efforts to try and check if indeed this is legitimate or what. But what I have observed as well, with all the initiatives that we are taking, you would then be told that this matter was a 2016 matter or 2020 matter and we dealt with this matter, and it has been disposed of. So that is why I am saying we do make follow-ups and where there really are ways to deal with that  
20 matter, we do so. A typical example is a matter in Limpopo that was on public media and all of that. We followed up on that matter, and a case was opened and the suspect was arrested and still in jail as we speak.

**ADV BALOYI SC:** Sorry, but it seems that the answer to your question is really simply that section 28 allows you to

do that, because it does not say there has to be a complaint.

**MR KEEFELAKAE**: Yes.

**ADV BALOYI SC**: If there is a death in custody, it is a matter that you investigate. So, the answer is you do have the power.

**MR KEEFELAKAE**: We do have power. We have done that before. Yes, Commissioner.

**ADV SELLO SC**: Thank you, Commissioner Baloyi. Chair,  
10 I have taken 10 minutes into lunch. On my estimation, it should not take Mr Keefelakae longer than 30 minutes to complete his statement. I am in the Commission's hands.

**CHAIRPERSON**: Let us adjourn and resume at 10 past 2 and then we will take 30 minutes.

**ADV SELLO SC**: And we will finish.

**CHAIRPERSON**: And we will try to shut up.

**ADV SELLO SC**: No, no, no, I am not suggesting that. Thank you, Chair.

**INQUIRY ADJOURNS**

20 **INQUIRY RESUMES**

**CHAIRPERSON**: Ms Sello?

**ADV SELLO SC**: Thank you, Chair. Good afternoon, Mr

**MR KEEFELAKAE**: Good afternoon, Ms Sello and Commissioners.

**ADV SELLO SC**: We were still at page 17 of your

statement, and we had dealt with item 1 of your table 4.  
You see that?

**MR KEEFELAKAE**: Yes, I see.

**ADV SELLO SC**: And that is the Meyerton case.

**MR KEEFELAKAE**: Correct.

**ADV SELLO SC**: Before we move on to the next two cases, is there anything else you want to say on the Meyerton case, or have you expressed yourself sufficiently in your view?

10 **MR KEEFELAKAE**: I believe I have expressed myself adequately so.

**ADV SELLO SC**: Then that takes us to your page 18, still on the table. We now deal with, you have it down as the allegation pertaining to Cobalt Metals Springs case, that is item 6 on Commissioner Spies's table at page 14, Commissioners. Would you like then to speak to this matter? Thank you.

**MR KEEFELAKAE**: Commissioners, I would like just to  
20 briefly express my way in this version. This matter has been followed up, however, it was reported that it is investigated by a certain warrant officer, and it does appear as if the matter does not have any police involvement, but that is the matter that we need to verify.

And it also goes with the very same Brakpan case at point 3, which it seems like it is one matter, and we

thought when we engage with the investigator, we need to check as to whether it is the same case, so that we clarify this matter as to whether the police were involved or not. Thank you.

**ADV SELLO SC:** And insofar as this particular case is concerned, firstly, Commissioner Spies was not able to provide a CAS number. Were you able to determine whether or not there is any case or any CAS number that can be followed up? I want to test how far your follow-up  
10 has gone.

**MR KEEFELAKAE:** I see the matters were followed up by one of the colleagues, and it will further be expressed adequately by the colleague when he is called in for the Commission to testify.

**ADV SELLO SC:** So it is one of the two witnesses that follow you who will speak to that?

**MR KEEFELAKAE:** Yes.

**ADV SELLO SC:** Thank you.

**MR KEEFELAKAE:** Ja.

20 **ADV SELLO SC:** And lastly, then it is the Copper Plates case, Brakpan case. Commissioners, on Commissioner Spies's table, that is item 5. You have it as item 3 on table 4. Do you want to speak to that?

**MR KEEFELAKAE:** Yes. Going back to that, when the follow-up was made, it was made with regard to the one

matter, but as the matter was explained to the colleague who will be coming to talk to these matters as well, would allude that it appears that this is just one matter. It is just happened to happen in different areas.

**ADV SELLO SC:** It is one matter with what? Please say that again.

**MR KEEFELAKAE:** This Prince Matter and the Brakpan case referring to Cobalt and Copper Plate, according to the information that we have gathered, it is just one case.

10 **ADV SELLO SC:** Okay.

**MR KEEFELAKAE:** Ja, but it appeared as though it is two cases. But it is an incident that occurred at the same time in different areas.

**ADV SELLO SC:** And have you been able to establish which police station it is answerable to or whether a similar case has been reported in any of the police stations, be it Springs, because the one is called a Springs case, or Brakpan, because the Copper Plates one is called a Brakpan case?

20 **MR KEEFELAKAE:** It is the Springs matter, which still needs to be followed up as to why these two matters seem to suggest that there were no police involvement.

**ADV SELLO SC:** Okay, so we are not talking two police stations here, you say one police station and that is Springs. Is that what you are testifying?

**MR KEEFELAKAE**: Yes, because also there is some information that serves to suggest that there was that in Mpumalanga, a certain area in Mpumalanga also, there was some kind of activities that also occurred at that site, but also relate to the very same two matters. But that is the information that we need to really verify, even though they say there were no police involvement, but we just need to ascertain that.

**ADV SELLO SC**: And lastly, when did you follow up on  
10 these two cases, or one case, whatever the case may be?

**MR KEEFELAKAE**: The follow-ups were also made on the 6<sup>th</sup> of this month 2026.

**ADV SELLO SC**: Okay.

**CHAIRPERSON**: Before you move on, Ms Sello.

**ADV SELLO SC**: Indeed, Chair.

**CHAIRPERSON**: When you gave us the numbers a while back before lunch, you said 1, 2, 3 at pages 17 and 18.

**MR KEEFELAKAE**: Yes, Chair.

**CHAIRPERSON**: Where 4, 5, and 6 of Commissioner's  
20 Spies's respectively, but now when you were dealing with the very last one, you said 5 of Spies.

**ADV SELLO SC**: Okay.

**CHAIRPERSON**: Do you want to please revisit all three? You said 4, 5, 6.

**ADV SELLO SC**: No, I said what Mr Keefelakae will deal

with are items 4, 5, 6 of Commissioner's Spies's table.

**CHAIRPERSON**: Yes, yes. Now, when you are dealing with 3, I think I heard you say 5.

**ADV SELLO SC**: No, no. Then I must have misspoke. I apologise.

**CHAIRPERSON**: Okay, all right.

**ADV SELLO SC**: 1, 2, 3, the next witnesses are going to deal with.

**CHAIRPERSON**: Okay.

10 **ADV SELLO SC**: So, Mr Keefelakae is not going to address them because specific witnesses are coming in respect of those cases.

**CHAIRPERSON**: Yes.

**ADV SELLO SC**: And similarly with 7 and item 2 of table 2, those are what witnesses to speak to.

**CHAIRPERSON**: Okay, I will not make any changes then to my 4, 5, 6.

**ADV SELLO SC**: It is 4, 5, 6, yes.

**CHAIRPERSON**: Thank you, thank you.

20 **ADV SELLO SC**: And it is just that he addresses them in a slightly different order in his statement. His first is item 4, then item 6, and then back to 5. Thank you, Chair.

**ADV BALOYI SC**: When you say about these 2 and 3, the Cobalt and Copper Plates, when you say they said there is no police involvement or there does not appear to be police

involvement, who is they you are referring to?

**MR KEEFELAKAE**: It is the investigator of the matter.

**ADV BALOYI SC**: This is an IPID investigator?

**MR KEEFELAKAE**: No, it is the SAPS investigator.

**ADV BALOYI SC**: Okay. So you have found the investigator?

**MR KEEFELAKAE**: Yes, at least we have identified the investigator. However, we never got the opportunity to sit with him and go through the matter just to verify as to  
10 whether it is true that the police were not involved. But where I am, we do not have any reason to doubt him that it could be true because all that they were doing was to deal with the operation, but it is still subject to verification since it was raised here at the Commission.

**ADV BALOYI SC**: Ja. The thing, though, is that according to Commissioner Spies, he mentions Stoltz, who at the time was at EMPD, so he was a police officer. And then there is mention of McKenzie, who I think is still at the EMPD. And then there is also mention of a Captain Carla Hartley, who  
20 appears to be from Delmas. Are you aware that names, specific names have been mentioned of officers who were mentioned as involved in these two?

**MR KEEFELAKAE**: Yes, the information obtained serves to suggest that they did appear, they were police officers that appeared at the crime scene, but they were told to go.

**ADV BALOYI SC:** Okay.

**MR KEEFELAKAE:** And those that were at the crime scene, they were in control of that crime scene.

**ADV BALOYI SC:** Yes.

**MR KEEFELAKAE:** So, if they were really involved, we would want to know the extent of their involvement, so that is what we need to verify.

**ADV BALOYI SC:** Okay.

**MR KEEFELAKAE:** Yes.

10 **ADV BALOYI SC:** So when you say they said there were no police officers involved, you are not saying they were never in this scene.

**MR KEEFELAKAE:** Yes.

**ADV BALOYI SC:** You are not saying that?

**MR KEEFELAKAE:** I am not saying that.

**ADV BALOYI SC:** But you are saying what?

**MR KEEFELAKAE:** Basically, what the evidence serves to suggest is that the Metro Police reportedly went to the crime scene, but they found other police officers who said  
20 we are in control of the crime scene, so you do not have any role to play. So they left.

**ADV BALOYI SC:** Okay. All right, thank you.

**MR KEEFELAKAE:** Thank you.

**ADV KHUMALO SC:** I know we said we will shut up to use chess words, but again, the crime scene is a crime scene

because police officers committed the crime. That is what is being alleged here. So the impression you are creating is that there was a crime and then the police arrived. I mean, IPID should contact Revo Spies and get this facts from him, but it is not satisfactory to say the investigator says there were no police involved, the investigator is a SAPS person. That is like SAPS investigating itself and exonerating itself. I mean, please, just speak to Revo Spies and say, we see you have this list, we do not have  
10 information on it. Please give us more information so that we can take the cases forward. It is not hard.

**MR KEEFELAKAE**: I agree, Commissioner ...[intervenes].

**ADV SELLO SC**: Mr Keefelakae, before he responds, if I may, Commissioner, and I do take the point that perhaps it is appropriate to talk to Commissioner Revo Spies. However, Mr Keefelakae does not have the statement of Commissioner Revo Spies before him now. Just for the record, and how Commissioner Revo Spies testified on this, well, according to Commissioner Spies, there are two  
20 matters. Cobalt in Brakpan, the Copper Plates in Brakpan and Cobalt in Springs. Insofar as the Cobalt one is concerned, Commissioner Spies records, and I quote:

“Etienne Van der Walt arrived with a helicopter flown by a person impersonating SAPS, said he, Captain

Smith. They arrived first on the scene.”

I am reading at page 14:

10 “SAPS was already present. A female captain, Carla Hartley, allocated to Delmas, chased them away. Then Stolz McKenzi arrived on the scene with EMPD marked vehicles. She even posted Instagram photos of the scene and vehicle. They used a modest operandi of stealing the load of freight and then offering the load back to the owner at 10% cost to release via burner phones and a pin drop once they received the money, according to Hanekom.”

20 So that, according to Commissioner Spies, at least a captain by the name of Carla Hartley seemed to be in charge of the scene and should be able to verify whether these issues took place. But it is not clear whether she is at Delmas or elsewhere. And that is where I think the responsibility lies because Commissioner Spies seems to have gone himself on the version of Hanekom, who unfortunately has since deceased. Do you understand, Mr Keefelakae?

**MR KEEFELAKAE:** Yes, I understand.

**ADV SELLO SC:** Now, we had shared with you this

statement, and particularly this table, where efforts made to establish who Captain Carla Hartley is and what station she is attached to.

**MR KEEFELAKAE**: Commissioners, what we had thought would be prudent was that we will make follow-ups because, of course, at the time when we were making follow-ups, it was on the 6<sup>th</sup> of this month. And that was the information. We were reacting on the little information that we had at the time. So we did not have adequate time to address all of  
10 these issues. But surely, we will engage Commissioner Spies. We will follow up on other information. And I believe that there might be more information out there that can help us to address these matters. Thank you.

**ADV SELLO SC**: May I suggest then once you have completed those follow-ups, that it might be appropriate that you file a supplementary statement to inform the Commissioners what steps you took and what you were able to establish?

**MR KEEFELAKAE**: Noted, Commissioners. That will be  
20 done.

**ADV SELLO SC**: Thank you. Thank you, Commissioners. That then brings to a close the list of cases that Commissioner Spies complained of. As I indicated, the other cases will be dealt with by the upcoming two witnesses. Mr Keefelakae, it then takes us to your page 18.

And now you start a new chapter, which you had operational challenges faced by IPID during investigations. If you could take the Commissioners through that part of your statement? Thank you.

**MR KEEFELAKAE**: Thanks, Commissioners. This paragraph relates to operational challenges faced by the IPID during these investigations. On page 36, challenge number one relates to IPID faced significant challenge due to EMPD persistent reluctance to implement disciplinary  
10 recommendations, specifically in relation to Boksburg CAS 262/3/2023.

Commissioners, up to date, up to now, we have not received anything that relates to initiation of the disciplinary processes. However, we are aware that an action has been taken against the alleged suspect, which is Brigadier Mkhwanazi in this case.

As I indicated earlier that on 36.1 that these recommendations were submitted on the 3 October 2023 and have not been acted upon despite repeated follow-ups,  
20 including a letter from the Executive Director on the 1 March 2024 and direct engagement with the then Executive Mayor and the MMC, Councillor Masuku.

This inaction signals a reluctance to enforce accountability. undermining IPID's mandate and raising concerns about political interference. And Commissioners,

that is where, honestly, I felt that if you go to a political office and you believe that they have got the responsibility to intervene in this regard, and nothing has been done, it gets frustrating that we had to then wait for the amendment of the Act to try and cure this type of problems that we are experiencing.

**ADV SELLO SC:** Mr Keefelakae, before you continue to paragraph 36.1, are you able to briefly state to the Commissioners what concerns the Executive Director and  
10 yourself, or Executive Director of IPID, expressed to the Executive Mayor and the MMC, Councillor Masuku? So are you able to summarise the concerns specifically? And secondly, to then advise what was the outcome of that engagement?

**MR KEEFELAKAE:** Thanks, Commissioners. The concern was the inaction with regard to the recommendations that were referred, that disciplinary action should be taken against Brigadier Mkhwanazi at the time. So the fact that there was no feedback on the initiation part, which should  
20 have been dealt with within 30 days. And now at the time, the 30 days has passed, and now it was more than three months or so.

Hence, the letter was then crafted to say following the referral of the recommendations, we would want to ask that the municipality, Municipal Manager should perhaps

intervene and assist that this process is undertaken and that feedback to that effect should be provided. That never happened.

We waited, Commissioners, after the submission of that letter. And subsequent to that, we thought it prudent to then visit the municipality, particularly to talk to the Mayor and the MMC. Because on the day in question, when we got there, although we intended to engage the Mayor, we found that he was in the company of the MMC for safety in  
10 the municipality.

But as we were discussing, it became clear that the Mayor was saying to us, no, he will not be able to handle this matter. Instead, he would then give it to the MMC. And that raised a whole lot of frustration because during the discussion, one could get a sense that seemingly there is no one who was giving or inspiring confidence that this matter will receive attention.

We left that place very disappointed, Commissioners, because it was clear that whilst we are  
20 hamstrung by the legislation, but at the same time, we are also frustrated by those that we thought maybe they would provide some kind of support. Because we believe that the functionality, or the optimal functionality of the municipality would also rely on the management, as well as the Mayor, who is the political head within the municipality. Hence, we

engaged him.

**ADV SELLO SC:** Now, I see in that paragraph you give a date to a specific letter, so it can be traced, 1<sup>st</sup> of March 2024, but you do not give a date as regards this direct engagement with the Mayor and the MMC. Are you able to assist as to when that took place?

**MR KEEFELAKAE:** Commissioners, I did not follow up on that date. However, I know that because I was with my colleagues, I should have perhaps maybe checked with  
10 them on their diaries, or even look into my diary. But I know that this information should be expressed somewhere, particularly in the file. So it is something that I did not do.

**ADV SELLO SC:** Would it be fair to say that you shall revert on that question?

**MR KEEFELAKAE:** [No audible response]

**ADV SELLO SC:** Thank you. That would then take you to your paragraph 36.2 and following.

**MR KEEFELAKAE:** So on 36.2, is that:

20 “While criminal investigations continued with the DPP further instructions, the lack of administrative and disciplinary response highlights systemic resistance within the EMPD. IPID submit this challenge to the Commission for urgent attention to ensure oversight translating

into meaningful corrective action.”

Commissioners, it is important that this matter be given a priority in a sense that if we have a situation wherein you have an institution of government that does not seem to adhere to basic principles of the law, then it becomes a problem.

And I am saying this because even within the municipality there are disciplinary regulations and they have got timeframes. So if the municipality itself does not  
10 adhere to its timeframes, it means there will not be consequence management. So this is the case in question. So we are saying perhaps maybe with your voice, you will assist us to at least have a voice that can then urge the municipality and particularly the EMPD to take our recommendations serious. Thank you.

**ADV BALOYI SC:** Is this a common problem or EMPD is an exception or one of the outliers not to comply with your directives and recommendations?

**MR KEEFELAKAE:** Commissioners, the concern here is  
20 that whilst you would appreciate the fact that it appears that the law does not apply fairly in a sense that if it is other colleagues within the municipality, their matters are dealt with without us having to write letters and to even do this kind of follow-ups. So for me, if it was not for this Commission, we would still be sitting with this problem.

Nothing would have happened.

**ADV BALOYI SC:** I think what I am asking, and maybe I did not articulate it properly, is do you have a general problem with municipalities, MPS, that they do not implement your recommendations or it is something that you experience only with EMPD?

**MR KEEFELAKAE:** Currently, it is EMPD.

**ADV BALOYI SC:** Otherwise, other municipalities, they do abide, they do act in accordance with your  
10 recommendations?

**MR KEEFELAKAE:** They do. Whatever challenges that we have, we are able to resolve.

**ADV BALOYI SC:** Okay.

**MR KEEFELAKAE:** Yes.

**ADV BALOYI SC:** Thank you.

**ADV SELLO SC:** Thank you, Commissioner Baloyi. That then should lead us to what you have termed your second challenge, challenge two at page 19. If you could quickly take the Commissioners through that?

20 **MR KEEFELAKAE:** Yes, Commissioners. This challenge, I am saying:

“While IPID is still awaiting formal feedback from the Ekurhuleni Metro Police on the implementation of its negative recommendations, acknowledge

on this date, the 3<sup>rd</sup> of October 2023, regarding the conduct of Brigadier Mkhwanazi, it came to IPID's attention that he had been promoted. This promotion, despite IPID's adverse findings and recommendations, undermines the principles of independent oversight and raises serious concerns about the Metro Police's commitment to

10 accountability, integrity, and consequence management. Such action risks eroding public confidence in the institution governance processes.”

I was expressing these frustrations, Commissioners, because we waited for too long that we would at least receive an information that would say at least the initiation process has unfolded. But instead, what we receive now is that he has been promoted.

And it got one worried that how then does this

20 happen? Because we understand that a person must disclose that he has got a criminal matter pending as well as the departmental matter. And that then raised the question. But today as we are sitting here, Commissioners, we are talking about a person who is now promoted and now the Commission is established, now the person is

suspended. There is no logic about that.

**ADV SELLO SC:** Okay, and then I think that then will lead us to your third challenge at page 20.

**MR KEEFELAKAE:** Ja, the third challenge relates to the threats to IPID investigators. That during the peak of this plethora of investigations within the Ekurhuleni policing precinct, our investigators experience serious challenges. And 38.1, I have made an opening statement that investigating police misconduct or criminal action within law  
10 enforcement carries inherent risks. That is a fact.

IPID investigators often face direct and indirect threats that can hinder their work. The directorate can confirm that its investigators received threats which included the physical threats and intimidation. The investigators have been subjected to explicit and credible threats to their personal safety during the time.

Commissioners, during that period, the investigators were receiving messages that were threatening and relating to the cases that were being dealt  
20 with within their area of responsibility. And it is frustrating because this then hinders their independence. You know, when you investigate and you are free to do so, then you are able to be objective. But when you are operating under the circumstances such as that in the Ekurhuleni area, it is quite a serious challenge.

**ADV SELLO SC:** And if I may, what steps, if any, did you take when you became aware of the threats to the investigators?

**MR KEEFELAKAE:** Ja, when this threat started to escalate, we then consulted, we have liaised with the sister department, a government department that has the capacity to conduct the threats and risk assessment at the time, and they assisted.

And based on the recommendations, we then  
10 implemented the recommendations in line with our IPID protection policy, which included the deployment of security personnel, including at their place of residence for a period of 14 months so that they are able to conduct the investigation on the matters. But I can confirm that it was very difficult at the time having to deal with the investigation and also having to make sure that the quality was not compromised.

**ADV SELLO SC:** Now, you do not have anything in your statement regarding the steps that you took, but perhaps  
20 because there is a document you signed, if we go to it, it might help us speak more conclusively on this issue. Commissioners, I would like us to pull out a Masuku Annexure Bundle. You must have a bundle by you titled Masuku Annexure Bundle. And in particular, I would like to refer us to page 142, Annexure, that would be Annexure

NPM6 of Masuku. Annexure NPM6, Mr Keefelakae, at 142.

**MR KEEFELAKAE**: Yes.

**ADV SELLO SC**: Page 142.

**MR KEEFELAKAE**: NPM6, page 142, I am at it.

**ADV SELLO SC**: That document appears to be signed by you, and it has as its heading:

10                   “Termination of guarding services  
                          between IPID and Bidvest Protea Coin at  
                          the place of residence of IPID  
                          investigators in the Gauteng province  
                          with effect from 16 July 2024.”

Do you see what I am reading?

**MR KEEFELAKAE**: Yes, Commissioners.

**ADV SELLO SC**: Is this document relevant to what you are talking about now? And if so, how? And if you could talk to it, please?

20                   **MR KEEFELAKAE**: Yes, Commissioners. Commissioners, what happened is that as and when we were providing or supporting our investigators with the protection, in between there were reassessments that were conducted on threats and risks.

**ADV SELLO SC**: If I may, the document does specify the investigators who were affected. Do you care to read them on record?

**MR KEEFELAKAE**: Yes, here I have got Mr Thulani

Magagula, Mr Thulani Dlamini, and Ms Nomsa Masuku.

**ADV SELLO SC**: Thank you. You may continue.

**MR KEEFELAKAE**: Commissioners, at the time, we could not just terminate the protection that we were offering to our investigators without checking the risk level. So, we had to consult again with the sister department, and they were very committed to assist us because they have the capacity. They wanted to do the reassessments, and they said, you need to continue. And then we called them again  
10 from time to time, and to the point where they said, no, the risk at this point in time, it has been mitigated.

And like I have said in my statement here, that the work that we do does not, it goes with the risks, but we also have to be responsible to know that this time around the risk is high, and therefore something needs to be done.

**ADV SELLO SC**: And you testified that what we have at 142 is a termination of the security services. How long had it been in place prior to its termination on the 11<sup>th</sup> of July 2024? In respect of these particular, these three  
20 investigators in particular, do you have a recollection?

**MR KEEFELAKAE**: Ja, the protection was offered, I think it was in 2023 March, and it was terminated in 2024 during the month of July. So if my recollection is right, it could be around 14 months of the protection that was offered to the investigators.

**ADV SELLO SC:** Thank you. At page 21, you then just generally summarise what you call psychological pressure and harassment. If you could just briefly touch on that? I thank you, Commissioners. We may close the annexure file. And you may close that Masuku annexure file as well, Mr Keefelakae.

**MR KEEFELAKAE:** Chairperson, my apology. Commissioners, during the time when these investigations were conducted, from time to time, you would meet up with  
10 the investigators just to track the progress of the cases and how they are coping and so on. It was difficult, Commissioners, because during the period, one of the investigator's vehicle was shot at and it was quite a disturbing situation because that happened subsequent to an event wherein her child was shot and sustained very serious injuries.

And now, she still needed to do her work and very determined to serve, and it was painful and it affected other colleagues as well in the process. Because when you had  
20 one investigator, it demoralises others. But one had to be there with them, providing the necessary support. It is not a good thing.

**ADV SELLO SC:** Thank you. Then on to page 21, starting at paragraph 39 you discuss what you term organisational and resource constraints. Would you like to ...[intervenes].

**ADV BALOYI SC:** Maybe before that, yes. Maybe before you do that, I would have perhaps naively assumed that what you describe in paragraph 38, threats to IPID investigators, that that is an everyday occupational hazard for people who do the kind of work that you do. I would have assumed that, and I just want to clarify, is this just a general description of what you, what the investigators experience because of the nature of their work, and this is their everyday lives, or this is specific to when you were  
10 now investigating the EMPD people, what you describe in this paragraph 38?

**MR KEEFELAKAE:** EMPD is a peculiar environment, in a sense that the threats are very different. You would observe that even the suspects, the manner in which they would die, it is worrying. And because we happen to get a sense of what is happening on the ground, so we are better able to relate with the situation that this kind of activities in Ekurhuleni, they are different. You do not get that in your EMPD. We have got Tshwane here, we do not get those  
20 kind of threats. We have got eThekweni , we do not get such kind of threats. But why would then Ekurhuleni be just a peculiar EMPD, I mean a municipality that would then think that they cannot be touched?

**ADV BALOYI SC:** What I am asking is, what is it about the threats that you are discussing in paragraph 38 in very

general terms, and of course the incident about the shooting at the motor vehicle of an investigator and the injury to the child? What is it about this that you attribute, if you do, that you attribute these threats and activities to EMPD investigations?

Is it the content of the threat? You could see it comes from Mr X, or they say something in there that tells you this is EMPD related. I want to understand, just so that we do not become unduly unfair to EMPD if in fact you are  
10 just speaking generally here, not because they in particular have done something that stands out.

**MR KEEFELAKAE**: Ja, the messages that they would send to the investigators, which we would then read together, would clearly point out to EMPD. And even when the threats and risk assessments were done, the risks was clear that the EMPD was the burning platform.

**ADV BALOYI SC**: All right, thank you.

**ADV SELLO SC**: Thank you, Commissioner Baloyi. Perhaps just to follow up on that. You say the threats  
20 clearly involved EMPD. I am not saying from EMPD, but you suggest that they involve EMPD cases. Is that the case?

**MR KEEFELAKAE**: Ja, that is the case.

**ADV SELLO SC**: What did you do with the threats? Do you refer them anywhere for investigation? What steps do

you take once the investigators receive such threats?

**MR KEEFELAKAE**: Because those threats were – we then thought of making sure that we mitigate against those threats. Hence, we thought it prudent to provide security. But over and above that, we made it a point that we do other things over and above that for our investigators. And I am not sure as to whether it will be ...[intervenes].

**ADV SELLO SC**: No, I do not want the detail of what you do. I am more interested in whether or not you – do you  
10 pursue the threats to ensure that they are investigated, if anything, to establish the source, the true source of the threats. Is that a process you undertake?

**MR KEEFELAKAE**: Ja, that should be the process. But at the time, looking at the issues that we were dealing with, we decided that we will mitigate these threats and follow up on these matters. So that was the focus. But of course, we then decided that perhaps maybe we need to strengthen our approach to make sure that as and when such threats come, we need to open cases so that we have the record of such.

20           However, there are instances where it becomes difficult to even open cases because what happens is that they simply frustrate you. They follow you, our investigators, with different cars, false number plates when we check. It is those kind of things. So that is the psychological part of it.

**ADV SELLO SC:** I am clear, thank you. I had invited us then to go from paragraph 39, where you deal with organisational and resource constraints, and I think you can very briefly summarise what you have under that chapter. You have, I think, over the course of your testimony, alluded to some of the issues that you list under that heading. So without necessarily reading the totality of it, you might just want to highlight that which you think you have not had opportunity to during the course of your  
10 testimony.

**MR KEEFELAKAE:** Ja, thanks, Commissioner. What then I can highlight is that the resource constraints are mainly as a result of the budget, budgetary constraints. Because without adequate budget, obviously you will experience a shortage of personnel. And then if you do not have personnel in the environment wherein you are receiving a lot of cases, you might not be able to speedily complete the cases.

So these are the challenges that we have. You are  
20 unable to also have good vehicles, which are a very important tool of trade. The ICT infrastructure is very key. And ja, these are the issues that if we were to have the adequate budget, in fact IPID has got very few investigators as compared to if we were to look into the area that we are expected to cover.

You cannot expect one person with even 200 cases to travel 300 cases. I mean, he will not do much. So those are some of the challenges which I believe that if IPID could be adequately capacitated, we will be able to make police to account and to contribute towards professionalisation of the police services in our country. Thank you.

**ADV SELLO SC:** Okay. We are now at your page 23. You have a topic there, IPID management strategies for workload reduction. But I believe that we dealt with these  
10 issues after tea when you responded to a specific question from the Chair, do you recall?

**MR KEEFELAKAE:** Yes, I can.

**ADV SELLO SC:** And you then dealt with the content of your paragraphs 41 to 44.

**MR KEEFELAKAE:** Correct.

**ADV SELLO SC:** Which then will lead us to your next chapter which is headed recommendations from paragraph 45.

**MR KEEFELAKAE:** Correct.

20 **ADV SELLO SC:** If you could just very briefly summarise what your recommendations are?

**MR KEEFELAKAE:** Ja. On this part, on the recommendation part is that if the Commission, we recommend to the Commission the following measures. Increase the budget to meet operational demands. The

second one, ensure that IPID disciplinary recommendations are fully enforceable by municipal authorities and the SAPS, reinforcing accountability and compliance across all levels. And strengthen post-government collaboration to prevent delays, interference or non-compliance with IPID investigations.

And that then relates to the kind of just a classical example that I was just referring to. And that the 45.4, I think this one becomes very important. That we have got  
10 the Cybercrime Act that precludes IPID investigators as police officers. Now, that then erodes on IPID's independence because this piece of legislation, for me, it was well designed to frustrate IPID when it has to deal with cases.

Because for us to be able to deal with many of our cases, we need to seize things like cell phones and other electronics such as the laptops and so on. So we cannot do that with ease because we have to go and ask the South African Police Service to do it on our behalf. So we have to  
20 go there and beg and say, can you please help us to go and seize this item?

So naturally, you will not easily get that cooperation if ever then you have to go that route. That is the only route. Because if you do not do it that way, there is a penal provision in the very same Act against us as

IPID.

**ADV SELLO SC**: Okay. Before you leave that topic, I would like to refer you back to 43. I think there is an error in your paragraph 43, just reading. What you have currently written is:

10                   “To enhance the operational effectiveness, accountability, and independence of the Independent Police Directorate, IPID, the Commission recommends the following.”

I do not think you meant to say the Commission.

**MR KEEFELAKAE**: No, I am sorry. I meant the recommendations to the Commission. Yes, it was just an error.

**ADV SELLO SC**: The change shall be included. The correction shall be duly made.

**MR KEEFELAKAE**: Okay.

20                   **ADV SELLO SC**: Thank you. That then leads us to your conclusion, Mr Keefelakae, if you could summarise your conclusion and make any other – sorry, Commissioner Baloyi.

**ADV BALOYI SC**: Maybe before the conclusion, and it may be that you addressed it in your conclusion. But I say this mindful also that perhaps part of it of what I am going to say may well be directed to Ms Sello for when you appear

next, when the witness appears, not you.

**ADV SELLO SC:** Yes, Commission.

**ADV BALOYI SC:** So, what you do here is in paragraphs, from paragraph 41 up to the end just before the conclusion, you discuss measures that could improve, things that could improve how you do things.

**MR KEEFELAKAE:** Yes.

**ADV BALOYI SC:** But the difficulty for me is that you do not give us detail of the difficulties. And let me just give  
10 you an example. You say in 45.1:

“The provision of advanced technological, forensic, and investigative resources.”

You see what I am reading, 45.1?

**MR KEEFELAKAE:** Yes.

**ADV BALOYI SC:** But you do not tell us what is in place right now and what are the shortcomings about it. You lament the budget. We have no idea what is your budget like and how has it been over time? Has it kept up with the  
20 load of your work? And how does it lack? Clearly, you are saying it has not kept up with the increase in the volume of work. But what are the shortcomings in the budget? And are you in charge of your budget? Does it come from the SAPS? We do not have all of that information. Do you get a direct allocation from Parliament? And even lastly, and I

am trying to be very quick here, so I am not talking about each one of them. But the principle, I think you understand the principle.

**MR KEEFELAKAE**: Ja.

**ADV BALOYI SC**: Lastly, 45.4, where you talk about the Cyber Crimes Act. We have not discussed the Act itself. You assume we know what that Act is. You assume that when we look at it, we will see where it disadvantages you. And I think when you do reappear, especially because you  
10 are asking the Commission to make recommendations about these topics, that I think it is best if it would be most helpful if you gave us a comprehensive submission about the impractical challenges, how they impact the work practically, and maybe even with examples.

**MR KEEFELAKAE**: Ja.

**ADV BALOYI SC**: And then more specific recommendations. So when you say you want advanced technological resources, I have no idea what is relevant technological resources in your space, firstly. So if you  
20 would speak to that and tell us, this is normally what would work best for us.

**MR KEEFELAKAE**: Okay.

**ADV BALOYI SC**: The betting is on Ms Sello, too.

**ADV SELLO SC**: Yes, and it is duly noted. These are matters we will ensure that during the IPID stream are

specifically and pointedly addressed, so that the Commissioners may perhaps have a better appreciation for the recommendations as proposed by IPID.

**ADV BALOYI SC:** Yes. Thank you.

**ADV SELLO SC:** Thank you.

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

**ADV SELLO SC:** Thank you, Commissioner Baloyi.

**ADV BALOYI SC:** Then you can do the conclusion, as Ms Sello had asked you to do.

10 **MR KEEFELAKAE:** Okay. Well:

“In conclusion, this affidavit is submitted to assist the Commission of Inquiry to understand the investigative environment, the risk faced by IPID investigators, and the systemic organisational challenges within IPID.”

In a nutshell, the challenges that are beyond our control:

20 “The issues raised herein demonstrate a clear need for strengthened institutional support to ensure lawful, independent, and effective oversight of policing in South Africa.”

Thank you, Commissioners.

**ADV SELLO SC:** Commissioners, I guess before I say that is the testimony, are there any other comments that you

would like to make to the Commissioners at this juncture that perhaps are not captured in your statement? Or would you prefer to reserve them for your return appearance, so to speak?

**MR KEEFELAKAE**: I would prefer to reserve them for the second appearance, Commissioners.

**ADV SELLO SC**: Okay.

**MR KEEFELAKAE**: Thank you.

**ADV SELLO SC**: With that response, Chair, I think then I  
10 can safely say that is the testimony of Mr Keefelakae for this part of the inquiry. Thank you, Chair.

**CHAIRPERSON**: Thank you very, very much, Mr Keefelakae.

**MR KEEFELAKAE**: You are welcome, Commissioner.

**CHAIRPERSON**: You are excused. Thank you.

**NO FURTHER QUESTIONS**

**ADV SELLO SC**: Thank you, Chair. The next witness is ready, perhaps, if we could have five minutes, change of files and the likes, and we will be ready to start.

20 **CHAIRPERSON**: Let us adjourn. You will indicate when we should come back.

**ADV SELLO SC**: Thank you, Chair.

**INQUIRY ADJOURNS**

**INQUIRY RESUMES**

**CHAIRPERSON**: Ms Sello?

**ADV SELLO SC:** Thank you, Chair. Chair, we are ready to lead our next witness and she also is from IPID. It is Ms Nomsa Masuku and she has confirmed that she would like to take the oath. Thank you, Chair.

**CHAIRPERSON:** Good afternoon, Ms Masuku.

**ADV SELLO SC:** Please switch on both the mics. Thank you.

**MS MASUKU:** Good afternoon, Commissioners.

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

**MS MASUKU:** So help me God.

**CHAIRPERSON:** Thank you.

**NOMSA MASUKU:** (duly sworn states)

**EXAMINATION BY ADV SELLO SC:** Thank you, Chair. Ms Masuku, you should have before you two small white files, both bearing your name on the spine. The one is called a statement file and the other is annexure file. Do you  
20 confirm you have those?

**MS MASUKU:** Yes, I do confirm.

**ADV SELLO SC:** Okay. Do you confirm that you have provided a statement to this Commission to assist it in its inquiry?

**MS MASUKU:** Yes, I do confirm, Commissioner.

**ADV SELLO SC:** I would like to refer you to the file, the marked statement file. You should find a single document in there. At page 1 between the tramlines it says it is a witness statement of Nomsa Puriti [?] Masuku. Do you see that?

**MS MASUKU:** Yes, I see it.

**ADV SELLO SC:** It is a 19-page document and if you could go to page 19 thereof, there is a signature above your name and it is dated 11-02-2026. Do you confirm that is your  
10 signature?

**MS MASUKU:** I confirm, Commissioners.

**ADV SELLO SC:** And lastly, do you still stand by the contents of this statement as you submit it to the Commission?

**MS MASUKU:** I do, Commissioners.

**ADV SELLO SC:** Can I invite us then to page 1 of your statement? At page 1, you have a heading, introduction. If you could briefly just introduce yourself? Please do not read out your personal details such as your PERSAL  
20 number or your ID number, wherever it may appear. Just in summary, thank you.

**CHAIRPERSON:** Or phone number.

**ADV SELLO SC:** Or phone number, indeed.

**MS MASUKU:** Thank you, Commissioners:

“I am an adult African female with

PERSAL number, a senior investigator at IPID in South Africa, Gauteng Provincial Office, stationed at Braam Fischer Towers, 20 Albert Street in Marshalltown, Johannesburg, with work contact number. The facts deposed to by me below are within my personal knowledge unless otherwise stated or indicated by the context and are to the best of my belief both true and correct.”

10

**ADV SELLO SC**: Thank you. You then have the next heading titled service history. Now this runs into four pages until page 5. It has quite an extensive service history. Would you like to highlight for the Commissioners anything in particular starting from paragraph 3? You do not have to read the entirety of the service history into the record, but just looking at the statement highlights specific issues you would like them to have particular attention to. Thank you.

20 **MS MASUKU**: Thank you, Commissioners. My service history, I joined the SAPS in the year of 2001. And then I was trained at Pretoria College, and then I was posted at Booyesen's SAPS as a detective since 2002 until 2005, whereby I moved to Alexandra, where I was working at a Serious And Violent Crime Unit.

I worked there for about two years, and then I moved to Alexandra FCS, whereby we were just dealing with certain stations. By that time, the police station ...[intervenes].

**CHAIRPERSON**: And FCS stands for?

**MS MASUKU**: Commissioners, FCS stands for Family Violence, Child Protection, and Sexual Offences Unit. That is where I was based. And then I worked there for about a year or two, and then I had to join the FCS, but now they  
10 were dealing only with serial rapist matters. Then I moved to Tembisa cluster, whereby I stayed there until 2010, but when I was at – no, I joined Tembisa in 2010 until 2013.

When I was there, I managed to crack one of the cases of a serial rapist that was terrorising the area around there. The cases were ranging from 2004 until 2012, but I managed to crack that case, and the serial rapist was Albert Justice Morake who was sentenced to more than 1 500 years in High Court, that was sitting at Palm Ridge by then.

And then thereafter, I was moved to the SAPS  
20 Provincial Office, whereby we were still dealing with the serial rapist matters, but at a provincial level now, not only at selected stations. There, I was given just about three members, I was the fourth one, and then I was the lead investigator on certain matters of serial rapists that are linked by DNA but unsolved.

We did very well, but unfortunately, I did not stay long with that unit because I started there in 2013, and then in 2016, end of April, I resigned and joined IPID in May 2016 as a senior investigator.

**ADV SELLO SC**: Thank you. You then, from your paragraph 8, deal with your powers as an IPID investigator. If you could briefly take us through that?

**MS MASUKU**: Thank you, Commissioners. As I have mentioned, I resigned at SAPS in 2016 and joined IPID.  
10 When I joined IPID, I was appointed as a senior investigator, and then in terms of section 24(2) of IPID Act 1 of 2011, I was given powers provided by the Criminal Procedure Act, which are bestowed upon a peace officer or police official to investigate the offences, to ascertain the bodily features, the entry and search to the premises, the seizures, the arrest, the execution of warrants. So in other words, I ...[indistinct] that amounts to a member of SAPS. We are both the same, just different departments.

**ADV SELLO SC**: Thank you, Ms Masuku. You then,  
20 thereafter, from page 3, deal with your qualifications and training, as well as commendations you received over the years. Could you summarise those for us briefly?

**MS MASUKU**: Yes, I have got the National Diploma in Policing, which I got at the Tshwane University of Technology. I have other certificates, like investigation of

cyber and electronic crimes that I got from the University of Pretoria, as well as I have been trained in skills and understanding just in information literacy. I did that at the University of Witwatersrand.

And then I had just different in-service training within SAPS, like the basic field training that no police officer can be one without being appointed as a police officer before you undergo that, so I underwent that. I went for detective learning programmes. I did the family violence  
10 as I was specialising in rapes. I did courses like section management, relief management, just to name a few.

And then, as a then hard-working investigator, I received a few commendations. That includes a commendation from the Minister of Police for hard work that I was doing and dedication I was doing while I was within the SAPS, and then I have won several awards ...[intervenes].

**CHAIRPERSON**: You do not mention investigative skills, do you?

20 **MS MASUKU**: Commissioner?

**CHAIRPERSON**: I am saying I did not hear you mention investigative skills in the small Roman one.

**MS MASUKU**: Okay, thank you, Commissioner. I was just mentioning, just to highlight that I was recognised that I even received that commendation that was signed by the

Minister. For my hard work, the investigation skills, I do have those, yes, and dedication to my work. I have won a few performance excellent awards. I have got various certificates of my outstanding performance within the Gauteng province. Yes.

**ADV SELLO SC:** Okay, now, you have at 12(ii) you say you received a commendation as winner of the Performance Excellence Award from Intelligence Transfer Centre. What is that? Can you say more about that?

10 **MS MASUKU:** It is the company that deals with all the women within the law enforcement internationally. So that was conducted, and then I was picked as the winner overall internationally, yes.

**ADV SELLO SC:** And that, I take it that, would I be correct to suggest that it involves the use of intelligence in investigation or something related?

**MS MASUKU:** That is true.

**ADV SELLO SC:** Okay.

**MS MASUKU:** That is true.

20 **ADV SELLO SC:** Thank you. That then takes us to your paragraph 13, and I think Mr Keefelakae, who testified before you, dealt with these aspects. You deal with section 28(1)(a) to (h) and (2) of the IPID Act. So those are lifted directly from the Act, and Mr Keefelakae has addressed them. I suggest we then go to your paragraph 15, and

perhaps it is appropriate that you read that paragraph into the record.

**MS MASUKU**: Thank you, Commissioners:

“Investigators within IPID are allocated to specific regions within the province. I am a part of a team of investigators who are responsible for investigations within the district of Ekurhuleni, which oversee 43 police stations, as well as specialised units within the SAPS, and Ekurhuleni Metropolitan Police Department, which is our EMPD. We are a team of six members. Myself, I oversee seven police stations that are within the EMPD. And then my acting provisional head is Mr Budhu.”

**ADV SELLO SC**: Mr Budhu?

**MS MASUKU**: Yes, Mr Budhu, Vinesh Budhu.

**ADV SELLO SC**: Thank you. Midway that page 5, you have a heading, my involvement in Brakpan, CAS number 429/04/2022. Do you see that?

**MS MASUKU**: I can see it, Commissioner.

**ADV SELLO SC**: And before then you deal with the content of that chapter, do you deal in this statement with any other matter or any other investigative work you have

done in Ekurhuleni, or is it confined purely to this case?

**MS MASUKU**: Commissioner, I am mostly confined mainly to this case because it is the case that is being mostly talked about. So I saw it deemed that at least I must mostly confine my statement into this matter.

**ADV SELLO SC**: But for the record, your statement as it currently stands does not address any other case, just this one?

**MS MASUKU**: No, Commissioners.

10 **ADV SELLO SC**: You say no. No, I am wrong, or no, it does not? Do you agree with me?

**MS MASUKU**: No, it does not. Maybe I can later just refer you to other matters, but my statement is based on this matter.

**ADV SELLO SC**: Okay. So then we deal then with Brakpan CAS number 429/04/2024, and as you state, what your involvement was in that matter.

**CHAIRPERSON**: 2022.

20 **ADV SELLO SC**: 2022. It is the afternoon, Chair, thank you, slash 2022. You start with that from paragraph 16 at page 5.

**ADV BALOYI SC**: Maybe before you start, on the back of what you said about the statement dealing only with this CAS number, but you said you deal with other matters, are you involved with other EMPD matters?

**MS MASUKU**: Yes, Commissioner, I am.

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

**ADV SELLO SC**: Thank you, Commissioner. By way of background, the statements that were filed, starting with Mr Keefelakae, were in particular response to complaints raised by Chief Mapiyeye and Commissioner Spies and had listed specific cases that both witnesses, when they testified, alleged that IPID is deliberately frustrating.

So on that basis, we confined their testimonies, the  
10 investigators, to answering the charges in relation to these specific cases. Now, Ms Masuku, you were provided with a statement of Commissioner Spies during consultations and we interviewed, we consulted about that statement, do you confirm?

**MS MASUKU**: I agree, Commissioner.

**ADV SELLO SC**: In the list of cases that Commissioner Spies listed, besides this Brakpan CAS number 429/04/2022, is there any other matter that you investigated?

20 **MS MASUKU**: Yes, Commissioner, there is, because we work as a team, but each case will have a lead investigator. So there must be somebody who must take responsibility of that matter. Like for instance, in the investigation of the blue lights, the whole team was involved but we do have the lead investigator on that matter. We have got different

cases like precious stones, I was involved in the investigation of that matter but we do have the lead investigator on that matter. So it is various cases.

**ADV SELLO SC:** Yes.

**MS MASUKU:** Yes, but on Commissioner Spies's statement, there are other cases that are not registered in our office.

**ADV SELLO SC:** Okay, so I was asking, my question really was to establish, do you specifically speak to this case that  
10 you are about to turn to now, because you are the lead investigator out of the list of cases that Commissioner Spies referenced, or have you chosen this case on a different basis?

**MS MASUKU:** No, I did not choose the case, but I will speak to it because I am the lead investigator and I am the one who has got the full knowledge of the whole docket, of all the questions that can be raised. I feel that I am the person to answer those questions.

**ADV SELLO SC:** Okay, thank you. Then with that  
20 explanation, I would invite you to deal with your statement from paragraph 16. On reading the statement, this case had multiple steps, and perhaps it might be appropriate as you relate or you narrate your story, that you have referenced time and again to the statement to make sure that we do not skip any important step. So if you could

start from paragraph 16?

**MS MASUKU**: Thank you, Commissioners. This case of Brakpan, CAS 429/04/2022, initially it was not this CAS number. The CAS number, it was the Duduza CAS 91/04/2022, which was an inquest. But during my statement, I will get to that point as to how did it come about that it changed to this Brakpan case number.

**ADV SELLO SC**: And before you do so, perhaps an oversight on my part, we just keep referring to the CAS  
10 number, can you give a brief summary what the case is about before you deal with the detail?

**MS MASUKU**: The Brakpan CAS 429/04 is about the death of an African male, Mr Emmanuel Mbense, who was staying in Brakpan in 2022, whereby there was an alleged police involvement.

**ADV SELLO SC**: And would I be correct that the same case where his body was recovered from a dam?

**MS MASUKU**: That is correct, Commissioner. That is why I am saying it was the Duduza CAS number 91/04/2022.

20 **ADV SELLO SC**: Noted, thank you. You may continue.

**MS MASUKU**: Commissioners, during the year of 2022, around April, I received a call from the SAPS provincial office in Parktown. There was an official that was calling, but he called on my private cell phone. So I took it to a point that that means he had my number. I cannot recall

the name of that person because it is a long time ago. But he was alleging that there is a family that came to their offices complaining that they found their loved one deceased in a certain area, in a dam somewhere where he was found by the police officers.

But there are rumours that there were police officers who were in the house when he went missing. Then, because we did not have any formal complaint regarding that, but just because they were mentioning to  
10 say there was just allegation to say there were police that they were there on the day of incident.

Then I took it upon myself and said to the person I was talking to, to say to that officer, can you provide them with my contact details or we exchange contact details so that I can be able to contact them so that I can make an appointment and visit their place.

**CHAIRPERSON:** Them being the family?

**MS MASUKU:** Being the family, yes, Commissioner. And then indeed that took place. I made an appointment and  
20 visited the family. I cannot recall the date because there was no case docket as yet that I was investigating. But I was just following the information to say there is this concerned family, their loved one is deceased. Then they are saying there is involvement of police officers and I am an officer IPID, because it has passed through my ears, let

me give them an ear and find out as to what really transpired. Then I will take it from there.

Upon meeting with them, they explained as to how did the incident took place. Even though, Commissioners, at some stage, I will not be able to divulge all the information because this case is not yet in court. And I know that people indicated they are on the screens now listening to whatever I am going to say.

I will just, but I will be able to respond to whatever  
10 questions the Commissioners will pose to me. After I got the explanation, then I understood to say, okay, the body was found at Spaarwater Dam in Duduza. Then that means I must visit the Duduza police stations. That means the docket is there.

At Duduza, yes, there was an inquest docket that was registered. During that period, I am just still doing just my preliminary investigation. It is not that I am saying IPID is not investigating the matter. I just need to find out as to what transpired so later on, I can be able to determine to  
20 say, will it fall within the mandate or not?

Those are conditions I did explain to the family to say, if ever the allegations that you are explaining to me, they can end up being true, we will take over the investigation. But if it is not true, we will leave the investigation with the SAPS.

Indeed, I got the docket. I went through the docket at the station. That was around maybe the beginning of May in 2022. I went through the docket at the station. What I realised before I could even say the docket is classified wrongly or what, it was that the case docket is opened by the state, which are police officers, because somebody is found deceased.

**ADV SELLO SC:** Before you proceed, we are now dealing with your paragraph 20. Can you, as you do in your  
10 paragraph 20, provide the full official details of that case docket? You referred to it at paragraph 20.

**MS MASUKU:** Okay, Commissioner, can I maybe read my paragraph 20?

**ADV SELLO SC:** Absolutely. Yes.

**MS MASUKU:** Okay:

“I traced and located the case docket at  
Duduza Police Station where it was  
registered as an inquest as per Duduza  
CAS 91/04/2022. I attached as Annexure  
20 NPM1 a copy of the Crime Administration  
System docket history.”

That is just the SAPS, it is the system that is called CAS. The CAS is derived from Crime Administration System. So, from now on, I will call it CAS. That is how it was registered and classified as an inquest docket and then it

was allocated that specific number, which is 91/04/2022, because it is a year, a month, yes, and a serial number of incidents of when it took place.

**ADV SELLO SC:** Yes.

**MS MASUKU:** Yes:

10 “I could not transfer the case docket to IPID because I was still conducting the preliminary investigation to ascertain if there was indeed involvement of police officers as alleged by deceased family. An inquest docket traditionally contains the complainant's statements, chain of evidence records, like cause of death.”

I am not referring to cause of death that is coming from the post-mortem report, but there is that document, normally SAPS, they will fill it in whenever they are taking the body from the scene to the mortuary, which is SAPS180. Normally, when the matter will be an inquest, you will find that they just write what is the cause of death unknown. So  
20 that is why they will end up registering inquest:

“The statement in the case docket was a witness statement who stated that there had been police officers in the property of the deceased before he went missing.”

Then I was puzzled to say if the police officers visited the

deceased's address, because they found him in a dam, he was transported to the mortuary, but in his pockets there was a driver's licence or an ID card. That is how they managed to trace the address as to who is this person, and then they visited the address.

So if the police officers managed to do that, they should have reported to IPID. I am saying this because there is a witness that was interviewed by SAPS, not by me, by SAPS, the witness that is saying the owner of this house,  
10 on the day of the incident, on the night of the incident, the police officers were here, he was also here, but that is the last time I saw him.

The following day, the house was upside down. It was open, I just pushed the burglar gate just to close it a bit, but he was nowhere to be found. Then now, for the investigating office of SAPS who interviewed that witness, got the information to say yes, that means the police officers were here. This person was found at the dam. Okay.

20 The cause of death is unknown, but by looking at the body found there, there is blood that shows that there is some injuries around the head, even though you would not know where, but if blood was running somewhere, then you see that this person is injured.

So SAPS, they interviewed the witness, the police

were there, they found the deceased had injuries, but still they continued to register and inquest matter, of which it was wrong of them to do that, according to me now because they can see that this person was killed. So, they must register a murder record so that it must be investigated as to what transpired with this person, and it was for SAPS to report that matter to IPID.

Then it was for IPID to say, because this is how it goes when SAPS reports matters to us, we have a standby  
10 phone with a register, the standby phone rotates to everyone in the office. It is only one phone. Then you will receive the calls for all the stations. I am working under Ekurhuleni, but I will receive the calls from Johannesburg, from Soweto, from wherever they give calls.

So, SAPS was supposed to call our office, then the member of standby was going to respond to them, then we were going to attend the scene because it helped us if we attend the crime scene. And during our investigation, most things become very easy, because I will be there, I will take  
20 charge of the scene.

Yes, my manager explained to say we do not have enough resources. I agree. We do not have. We use SAPS because they are experts in that. But when I am working with them as a crime scene, SAPS, they phoned, then they reported, then ...[indistinct] comes to the scene

from IPID, then I will find out who the crime scene manager is. Then from there, the crime scene manager will hand over to me now.

It is my crime scene now. I take control of everything. Then, if SAPS should have done that, I do not believe that this investigation was going to take four, five years. But it took this long, and I will say I am happy that I have got this opportunity to come and explain, so that even South Africa can understand to say how hard was it to crack  
10 this kind of a case. Okay.

**ADV SELLO SC:** We are now at your paragraph 22 at page 7. Thank you.

**MS MASUKU:** Okay.

**CHAIRPERSON:** I think it is the last sentence, perhaps, of 20, if you could just read into the record the last sentence of 20.

**MS MASUKU:** Yes. Okay. Thank you, Commissioner:

“The statement in the docket was of a witness who stated that they had been  
20 police officers...” ...[intervenes].

**CHAIRPERSON:** The very last sentence. I think you were left with that before you started explaining.

**MS MASUKU:** Yes:

“The witness was a tenant on that property.”

**CHAIRPERSON**: That is Mr Mbense's property?

**MS MASUKU**: Yes, Commissioner.

**CHAIRPERSON**: Okay.

**ADV BALOYI SC**: Ms Masuku, before you move on, we heard from the previous witness about section 29, which imposes an obligation to report conduct that falls under IPID's mandate. Now, and you were explaining now that the police had this information, the people that whoever became responsible for this case initially knew the particulars, had a  
10 witness statement.

There was an ID card of this person in the pocket, and there were injuries. And you say you expected, in fact, they should have called on IPID, reported this to IPID. It is fair to say we should expect a report about whether anyone of the police that attended to the scene and failed to report this to IPID, but not, in fact, did more than that.

What they did is they reported it as an inquest case, when, in fact, in the way you described it, it was clearly not that. That we should expect that those officers  
20 would be, charges would be laid or should be laid against them for failure to report, and because section 29 says you have an obligation to report, and it is an offence if you do not.

**MS MASUKU**: Commissioner, it is supposed to be like that, but on this matter no police officer was charged

because we do have IPID Act, section 33 of IPID Act, whereby we can open a case docket against a police officer if they fail to report.

On this matter, we did not open section 33 case against any member. Reason being, I struggled to get the witness that the police officers took a statement from, because immediately after the statement was taken, he moved out before the funeral, so he was nowhere to be traced.

10           So, for me, to open section 33 based on that, I said to myself, let me do the investigation, then I will see that later, if I locate my witness. But I agree, Commissioner, to say, according to me, they should have reported this matter to IPID.

**ADV BALOYI SC:** The complaint should still be laid against them.

**MS MASUKU:** That is correct, Commissioners.

**ADV BALOYI SC:** Thank you.

**CHAIRPERSON:** And I assume that later you will explain  
20 why the tenant disappeared.

**MS MASUKU:** I will.

**CHAIRPERSON:** Later.

**MS MASUKU:** Yes, I will, Commissioner, when I get there, I will explain.

**ADV SELLO SC:** Thank you, Commissioners. You had

testified that, in your view, you considered the matter wrongly classified as an inquest, correct?

**MS MASUKU**: Yes, that is correct.

**ADV SELLO SC**: You stated your paragraph 21, and you set out the reason as being because the witness's allegations of police involvement and where the body was recovered should have meditated against such a classification.

**MS MASUKU**: That is correct.

10 **ADV SELLO SC**: Then I invite you to take your, to pick up your story from paragraph 22.

**MS MASUKU**:

20 “To reclassify the case as a murder case, I visited the Heidelberg Forensic Pathology Services, that was during May 2022, to obtain the post-mortem examination report that was going to reflect the cause of death of the deceased. The reason I did this was to confirm first that the deceased did not die from natural causes. Upon receiving the post-mortem report, I noted that it was confirmed by the forensic pathologist, Doctor Steyn, that the deceased's cause of death was a head

injury due to blunt force trauma. This was now confirmation that the deceased did not die from natural causes. This conclusion will therefore require a reclassification of the case from an inquest to a murder case. This reclassification, together with the witness statement's allegation that the police were implicated, gave me the authority to register the case as an IPID matter.”

**ADV BALOYI SC:** Before you proceed, for the Commissioners, the current version of the statement you have does not attach the post-mortem report. Your files have since been updated. If you could make a note at paragraph 30 that the post-mortem report is now Annexure NPM1(i), starting from page 2.1 onwards in your annexure bundle.

**ADV KHUMALO SC:** Paragraph 23?

**ADV SELLO SC:** Paragraph 23. It is Annexure NPM1(i).  
Now, Ms Masuku, if you could turn to the other bundle that is written annexures, and you go to page 2.1, and you will see that the documents there are flagged marked NPM1 and following. I want to draw your attention to page NPM1(1), after NPM1. And that should start at your page 2.1, with the heading death register number, and it gives the details.

Do you see it?

**MS MASUKU**: Okay. I see it is, Commissioner.

**ADV SELLO SC**: Is that the post-mortem report you say you received then from Doctor Steyn?

**MS MASUKU**: That is correct, Commissioner.

**ADV SELLO SC**: It has got a date there for the record. Can you read out the date this report was filed by Doctor Steyn into the record?

**MS MASUKU**: It is the 9<sup>th</sup> of May 2022.

10 **ADV SELLO SC**: Okay. And you say, according to this document, this report, the death was confirmed not to be natural. And if you could turn to page 2.2 of the same file, just before the date, the place and date, Heidelberg, there is the cause of death listed there by Doctor Steyn. And could you please read that into the record as well?

**MS MASUKU**: Head injury due to blunt trauma.

**ADV SELLO SC**: Thank you. So then at your paragraph 23, you say that as at 9<sup>th</sup> of May 2022, or shortly thereafter, whenever it is you uplifted the report, you got confirmation  
20 that the cause of death was not natural.

**MS MASUKU**: That is correct, Commissioners.

**ADV SELLO SC**: And then from paragraph 24, you then set out the steps you took, having learned these facts. If you could pick it up from there? Thank you.

**MS MASUKU**: Thank you, Commissioners:

10 “I then requested the case docket from Duduza Police Station, and it was later transferred to Brakpan SAPS. This was going to assist the investigation because my visit to the mortuary confirmed that the deceased was murdered, and the deceased family had previously informed me that the police officers were involved in his murder. It will then become important for me to establish how the deceased ended up at Spaarwater Dam. The docket was then changed from an inquest and registered as a murder investigation under Brakpan CAS 429/044/2022. I attach as Annexure NPM2 a copy of this docket.”

**ADV SELLO SC:** Please continue.

**MS MASUKU:**

20 “On the 2<sup>nd</sup> of May 2022, I received a call from the deceased mother, who informed me that there was a white male who identified himself as...”

Sorry, Commissioners, can I just clarify something with the SC?

**ADV SELLO SC:** Commissioners, perhaps to assist the

witness and your deliberations, I was saying to assist the Commissioners in their deliberations and the witness.

**CHAIRPERSON**: Yes.

**ADV SELLO SC**: These names are reflected in full in the subsequent reports that are filed. So the Commissioners then will guide us as to whether or not their names should be read out because those reports have been filed with the relevant institutions already.

**CHAIRPERSON**: But ja, perhaps let us respect the  
10 witness's feelings and at least we have not been given to understand that the name is crucial to her testimony before us. Crucial in the sense that without that name, her evidence will be substantially negatively affected.

**ADV SELLO SC**: If I may, Chair, she looked to me as if questioning whether she should. I do not know if she was expressing hesitance or whether she was seeking guidance. Perhaps the witness may clarify.

**MS MASUKU**: Thank you, Commissioners. I was seeking for guidance, but I do not have a problem in mentioning  
20 them because we have Witness D who already came and mentioned names.

**CHAIRPERSON**: Yes.

**MS MASUKU**: So it will not be new.

**CHAIRPERSON**: If you have no difficulty, then please go ahead.

**MS MASUKU:** Thank you, Commissioners.

**ADV SELLO SC:** Thank you, Chair.

**MS MASUKU:**

10                   “On the 2<sup>nd</sup> of May 2022, I received a call from the deceased mother who informed me that there was a white male who identified himself as Zander (Fritz) that visited her address a few days after her son's funeral. She alleged that Zander informed her that he was investigating a robbery incident involving a truck. The evidence was collected from the deceased's mother to support the allegations regarding Zander's visit. He proceeded to show her a picture of the deceased's truck. I am referring to Zander here. She confirmed that, yes, it was Emmanuel's truck (Goodies).”

20                   Then that is how the mother was calling him. Hence, I put Goodies in brackets and then Emmanuel, the name that is registered on the death certificate:

                  “Zander advised her that the truck was under investigation as it was taken from SAPS13 at Boksburg. It was taken from SAP13 at Boksburg Police Station. He

10 further stated that no one should drive the truck because they will be arrested and be charged with possession of stolen motor vehicle. There is objective, verifiable evidence to be tendered during trial in court regarding Zander's visit at the deceased home. I should point out that in a warning statement obtained from Zander, who was a reservist by then attached to Brakpan SAPS, that speaks of a visit he undertook following the incident to the home of the deceased and conversation he had with a lady unnamed he found on the property.”

I had understood from the previous witness that reservists do not work alone. They accompany police officers when they conduct investigations. Now, from what you are saying here, it looks like Zander went on his own and did this on his own. Can you just clarify that?

20 **MS MASUKU**: Yes, Commissioner. Here he went alone. He had disguised himself as a member of Hawks because the allegations from the mom are that he was wearing a cap that was written Hawks. That is how he also introduced himself. Even the evidence that will be tendered in court, it proves that, yes, indeed, this is how he introduced himself

to the mother. But I stand to be corrected, though, by SAPS to say I do not remember a reservist at the detective's side of SAPS.

The reservists, you will find them in visible policing whereby they wear uniform and work with full-time appointed members. They do not work alone. There must always be a full-time appointed member to guide them. But this one, even though I will unpack that later, but this one, yes, he went alone, but he was not – he did not say he was  
10 from Brakpan where he was based as a reservist. He was coming from a specialised unit to the mother.

During my investigation, I understood that he wanted to check as to if the family are suspecting that he was killed because they knew that they took him from the house and dumped him somewhere, so they were checking if they are being investigated during that period.

Hence, he even said to the mother to say, if there are any police officers or anyone that can come doing this kind of investigation, do not respond to them. Before you  
20 respond, you must call me first because I need to know what will be that police officer doing because I am the one who is doing this investigation against your son.

**ADV SELLO SC**: Before perhaps you move on, Ms Masuku, Commissioners, perhaps for completeness, there is a statement in the annexure file. It is Annexure NPM5(i),

and that is the statement of one Alexander Fritz, and in particular, from paragraph 16 of that warning statement he references a visit to the home and narrates it in the manner that he does.

From paragraph 16, the first few paragraphs until paragraph 15 are as regards the events of the day of the 15<sup>th</sup> of April when Mr Mbense apparently lost his life. Then 16 is a period following the 15<sup>th</sup> of April, and that is how Mr Fritz narrates the incident of the day.

10           It is Annexure NPM5(i). Paragraph 16 starts at page 26 of the annexure file. The Commissioners could note and perhaps at a later stage, we could go through the detail of that statement.

**ADV BALOYI SC:** So you will come back to this document later?

**ADV SELLO SC:** We will come back to the document to the extent that is necessary when we deal with the issue of warning statements.

**ADV BALOYI SC:** Okay.

20           **ADV SELLO SC:** I just thought to flag it for the moment.

**ADV BALOYI SC:** Thank you.

**ADV SELLO SC:** Now, while I am there, looking at your annexure file, page 14, Ms Masuku, do you confirm for the record that that is the warning statement of one Alexander Fritz?

**MS MASUKU:** That is correct.

**ADV SELLO SC:** Page 14 of the annexure bundle.

**MS MASUKU:** That is correct, Commissioners.

**ADV SELLO SC:** Thank you. Commissioners, I see it is two minutes past four. We are in your hands.

**CHAIRPERSON:** Perhaps, Ms Sello, if the witness could continue until just before the next heading at page 9?

**ADV SELLO SC:** Indeed. Thank you, Chair.

**CHAIRPERSON:** Yes.

10 **ADV SELLO SC:** Ms Masuku, we were at page 8 of your statement, and you had dealt with the contents of paragraph 27, correct? Which was the visit by Zander as narrated to you by the deceased's mother. Do you confirm that?

**MS MASUKU:** I confirm, Commissioners.

**ADV SELLO SC:** The Chair suggests that we finish that part of your statement until the next heading, which starts at the next page. So if you could deal then with paragraph 28?

**MS MASUKU:**

20 "In my capacity as a duly appointed investigator acting within the scope of my lawful authority, I initiated and conducted preliminary investigation on the strength of the witness allegations of potential police involvement in the death of Mr

Mbense. The action was undertaken pursuant to the mandatory reporting obligations imposed upon SAPS in terms of section 28(a) of IPID Act of 2011, which requires that all deaths in police custody of section 28(1)(b), which are deaths as a result of police action, be reported to Independent Police Investigative Directorate without delay.

10 Accordingly, the initiation of the preliminary investigation was lawful, necessary, and procedurally compliant.”

On this paragraph, what I am trying to explain is one will ask to say, why did you do the investigation that was never reported to your department? But as I am saying, during my preliminary investigation, I realised that, yes, indeed, there is involvement of police officers. And now, I cannot leave this case docket with SAPS because family must receive justice for their family member.

20 Then, one again will ask to say, is Brakpan or Duduza one of your stations? I said before, I am overseeing seven police stations within Ekurhuleni. I would like to state that, no, those stations do not fall under me. But the reason I had to undertake this, it is because I am an appointed IPID investigator, one. To allocate the stations,

it is just for our control.

It does not mean that if a police officer committed a crime at another station, that is not mine, I can overlook that. And most important point for me to take over this investigation was that I initially communicated with the family. So, I saw that it would be unfair now for me to hand it over to somebody else, whereby the family must come and sit down and explain again as to what transpired. Only to find that maybe my colleague might see it differently from  
10 the angle that I am seeing it.

So, I saw it deemed to say, I will continue with this investigation up until the end of it. Then, I am also explaining on this paragraph to say, even though SAPS never reported, of which they were obligated to report this to IPID, even though they were not sure that the police were involved, but for the fact that there were those allegations to say there were police in this house, they were supposed to report.

And for SAPS to prove that their members were  
20 there, it is very easy. For us, it becomes a struggle because we get that information from them. But for them, the information is within them. Just to enquire within, they know – I will just say they are trackers. They know how to track their cars.

It is easy just to check if really there were police in

this yard. It was not even going to take them an hour to do that and then report the matter, hand it over to IPID, and then we were going to take over in a formal way. As I said before, it was going to shorten the duration of the investigation a bit. Then now, whereby it has prolonged for years. But I would like to say to the Commissioners, it was worth it to be this long.

**ADV KHUMALO SC:** Sorry. Can I ask a question? It requires a yes answer. I am mindful of time. Are you  
10 saying on the day that Mr Mbemse was killed, SAPS is able to determine whether SAPS vehicles were at the family house?

**MS MASUKU:** That is correct, Commissioner. But I would not – I am not sure if I understand your question correctly. But because even SAPS did not become aware on the 14<sup>th</sup>, because this was the incident between the 14<sup>th</sup> and 15<sup>th</sup>. But for the fact that the body was recovered on the 15<sup>th</sup>, then it was within the duration. On that day of the 15<sup>th</sup>, that is when they became aware to say the police were  
20 there in that house. So they should have reported to us.

**ADV SELLO SC:** Thank you, Commissioner. Ms Masuku, your next paragraph at page 9 is 29. Now, that is under a slightly different heading, which is my investigations into the case. Now, you narrate the actual steps that you took. And perhaps that is a topic we can pick up tomorrow

morning. Thank you, Chair.

**CHAIRPERSON:** Yes, Ms Sello. Ms Masuku, we will adjourn until tomorrow morning. Please be here at 09:30 tomorrow. Let us adjourn.

**ADV SELLO SC:** Thank you, Chair.

**MS MASUKU:** Thank you, Commissioners.

**INQUIRY POSTPONED TO 12 FEBRUARY 2026**

**INQUIRY ADJOURNS**