

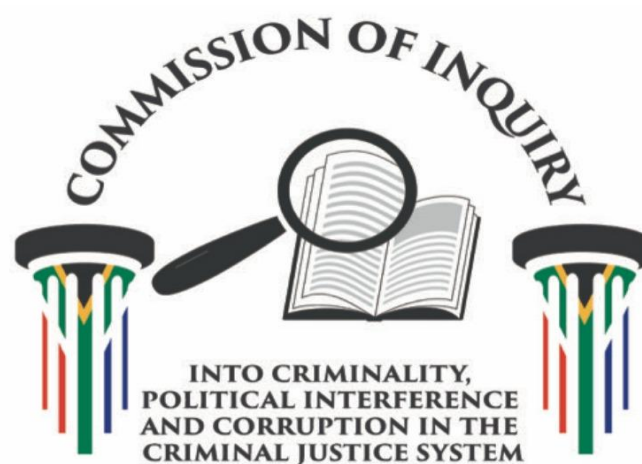
**JUDICIAL COMMISSION OF ENQUIRY INTO CRIMINALITY,
POLITICAL INTERFERENCE AND CORRUPTION IN THE
CRIMINAL JUSTICE SYSTEM**

HELD AT

BRIGITTE MABANDLA JUSTICE COLLEGE

19 FEBRUARY 2026

DAY 63



PROCEEDINGS ON 19 FEBRUARY 2026

CHAIRPERSON: Good morning, Ms Hassim, good morning, Ms Killian, and good morning, General. Yes.

ADV HASSIM SC: Morning, Commissioners, morning, General.

LT-GEN SIBIYA: Good morning to you, Commissioner.

ADV HASSIM SC: We are going to pick up the pace a bit today.

CHAIRPERSON: Actually, General, I want to say
10 something. If we continue at the pace that we were proceeding at yesterday, we are sure to run well into the afternoon before we reach page 90 of your statement. If you can try to pick up the pace and perhaps even avoid, if possible, substantiating on some of the points. You are not substantiating on all, but you did do so in quite a few. If you could try to avoid that, and also, if possible, from our side, we will try to avoid asking clarity-seeking questions. We can always do that, even at the stage when you are being engaged more pointedly, because we want to get
20 through your statement. Can you try to do that, say, by tea time, by 11, try to be done by then?

LT-GEN SIBIYA: I will try my best.

CHAIRPERSON: You will try. Please do, please do, General. Thank you very much.

ADV HASSIM SC: Thank you, Chair. We were, yesterday

we had dealt with the Annexure SS29, which is linked to paragraph 183 of your statement and it is the second contention of the three contentions in the section that you are dealing with. So, General, do you want to pick it up from paragraph 184?

LT-GEN SIBIYA: Paragraph 124, I just also want to get the file ready, the one for the annexures. It is paragraph?

ADV HASSIM SC: 184. You had finished at 183 yesterday.

10 **LT-GEN SIBIYA:** Yes. Commissioners, what I am going to be doing, I am going to read through as advised, even as discussed with the evidence leader, non-stop, so that at least I get to finish the statement.

20 “So, as it is apparent in this document, the Deputy National Commissioner, Crime Detection is a custodian of all case dockets within the South African Police Service. The information not explicitly records the operational challenge that arises when case dockets are investigated within other environments over which the Deputy National Commissioner, Crime Detection has no managerial oversight while still being held accountable for

the performance outcome associated with those dockets. It is further confirmed that such dockets are included when detective service performance is measured, thereby reinforcing the necessity for investigative accountability to reside within the crime detection environment. This evidence directly contradicts the National Commissioner's attempt to portray my intervention regarding the dockets as improper or misplaced. The information note confirms that proper investigative command and accountability must reside within the crime detection environment, precisely as I had maintained. His effort to characterize my insistence on adhering to this established governance principle as a point of contention is therefore unfounded and appears crafted to create the false impression of discord or power struggle, when in truth my position aligned squarely with approved SAPS policy and performance

10 accountability. Furthermore, I attach here to a letter dated 9 January 2024, authorized and signed by me in my capacity as Deputy National Commissioner, Crime Detection, addressed to the Divisional Commissioner, Crime Intelligence, marked Annexure SS30. This correspondence highlights the poor performance of detective service arising from long-outstanding case dockets that remained within the crime intelligence environment, including counterintelligence investigations.”

Then I marked here with a pen page 484, so I am not going to go there, I am just going to read through the statement.

20 “The letter records that 71 case dockets, 81 charges, were currently retained at national head office of Counterintelligence Investigation and requires that feedback on this dockets be provided to the crime detection environment. It reinforces that investigative accountability for case

dockets properly resides under the Deputy National Commissioner, Crime Detection. It further illustrates that my engagement on this issue was consistent, transparent, and directed at ensuring compliance with approved South African Police Service performance structures, rather than reflecting any personal or improper motive. To characterize this matter as anything beyond a routine operational adjustment is an attempt to inflate a minor issue into something far more significant than it ever was.”

ADV HASSIM SC: Sorry General, I think you have skipped a page.

LT-GEN SIBIYA: I skipped.

ADV HASSIM SC: You are actually at page 60, 189.

LT-GEN SIBIYA: Apologies. I do not know if I should really read it from the previous paragraph so that it flows, or must I continue?

ADV HASSIM SC: You can continue from 189, additionally.

CHAIRPERSON: Ja, additionally, ja.

LT-GEN SIBIYA: -:

“Additionally, as appears from

Annexures SS29, the National Commissioner did not approve the request insofar as it relates to Counterintelligence dockets. Contrary to the narrative, he now seeks to advance before the Commission. I accepted his decision and left the matter at that. I did not pursue it further, nor did I insist upon any transfer of Counterintelligence docket. It is therefore incorrect and misleading for the National Commissioner to suggest that I was intent on removing Counterintelligence docket from the crime intelligence environment.”

10

Then I said, please refer to page 484. Paragraph

190:

“Notwithstanding the above, it must be emphasized that my proposal was entirely an exceptional and fully consistent with generally accepted governance standards. It is concerning and quite frankly unbecoming for the National Commissioner to elevate such routine matters of operational oversight

20

into so-called point of contention, when
in truth they were matters that any
person properly discharging the
responsibilities of Deputy National
Commissioner, Crime Detection would
be expected to raise. His attempt to
retrospectively label ordinary and
policy-aligned oversight as something
untoward is unwarranted and should
10 not be countenanced.”

Just to add that this is what the National
Commissioner expects me to do, just what I read above.
So, paragraph 191:

“The National Commissioner's third
alleged point of contention relates to
my view that General Khumalo should
not continue to oversee the PKTT and
that its oversight should instead be
assigned to General Senthumule. My
20 position was premised on the
operational reality that Crime
Intelligence Division was suffering the
consequences of General Khumalo's
extensive involvement with the PKTT,
resulting in this diminished focus on

his core mandate and responsibilities. To characterize this matter as anything beyond a routine operational adjustment is an attempt to inflate a minor issue into something far more significant than it ever was. In any event, the holding and expression of views is both lawful and inevitable in the proper discharge of executive and operational functions. Such engagement form part of ordinary decision-making and operational discourse and is neither prohibited nor irregular. The expression of such views or options cannot without more be transmuted into evidence of impropriety or misconduct. Properly understood, the National Commissioner's complaint against me is not a *bona fide* complaint. It is contrived, selective in its focus, and premised on an incomplete account of the events leading to the disestablishment of the PKTT. In particular, it seeks to isolate my

conduct from the broader institution and leadership context within which the relevant discussions and decisions occurred. The complaint further fails to engage with or account for the National Commissioner's own leadership responsibilities, including his prior knowledge of, participation in and contribution to the discussions and processes that culminated in the disestablishment of the PKTT. By omitting this context, the complaint advances a distorted narrative that improperly characterizes routine operational engagement as misconduct, while deflating attention from the National Commissioner's own role in the decision-making process.

Allegations made by General Khumalo. I now proceed to address and canvass the allegations made by General Khumalo during his testimony before the Commission. At the time of deposing this affidavit, I had not been furnished with the written statement and the

complete transcript of General Khumalo's evidence before the Commission. I have accordingly not been in a position to properly consider or analyse his evidence in its entirety. In this regard, I refer to Annexure SS4 and SS5, being correspondence exchanged between my attorneys and the Commission concerning the documents. I requested which were necessary for the preparation of this affidavit, and which, as at the date hereof, I had not yet received. I also attach ..." [intervenues].

10

CHAIRPERSON: I am sorry, I am sorry, General. Ms Hassim, if I am not mistaken, in my reading, I think I picked up about three such complaints, possibly even four. Is it correct that the General did not get the documents he is referring to? And if so, what is the evidence leaders' explanation?

20

ADV HASSIM SC: The statement, annexures, and transcripts were provided on 16 January in relation to this complaint regarding the evidence of General Khumalo. So, there is been time since 16 January for the witness to address it. And that was going to be my question now to

the witness, which is to say ...[intervenes].

CHAIRPERSON: All right, let us ...[intervenes].

ADV HASSIM SC: General, that this was provided to you on the 16th of January, and you have not supplemented.

CHAIRPERSON: All right, let us leave it then. Let us deal with it during the questioning.

ADV HASSIM SC: Cross-examination, sure.

CHAIRPERSON: Ja, if that is founded to be necessary. General, please continue, I also attach hereto.

10 **LT-GEN SIBIYA**: What I wanted to ask, Chair, is that ...[incomplete].

CHAIRPERSON: Do you wish to respond to ...[intervenes].

LT-GEN SIBIYA: Yes, as you can see, Chair, this part ...[intervenes].

CHAIRPERSON: Let us, General, may I suggest this. I heard Ms Hassim say that she is going to engage you on the second stage of this process. May we leave the explanation you want to give for that stage, please?

LT-GEN SIBIYA: Okay.

20 **CHAIRPERSON**: Thank you.

LT-GEN SIBIYA: Thank you, Chair.

CHAIRPERSON: You will get the opportunity.

LT-GEN SIBIYA: Okay.

CHAIRPERSON: Thank you, General. Please continue.

LT-GEN SIBIYA: I will proceed, Chair. The reason why

you see me reading this and going straight is as advised that go through the statement.

CHAIRPERSON: Yes.

LT-GEN SIBIYA: So, I was going through the statement.

CHAIRPERSON: Yes, yes.

LT-GEN SIBIYA: Maybe if there is any supplementary, so, I wanted to check if there is that I can then maybe take from and read so that I do not get to a point where I still say we did not get or infer it was then later given, but in a different
10 file. So, that is what I wanted to check, because sometimes if it was indeed sent on that date, it is something that I should be having. But I will proceed reading, Judge, as what I have in front of me. Thank you, Chair.

CHAIRPERSON: [Indistinct]... you should do so. And my colleague, Commissioner Khumalo, has just shown me the date stamp of the commissioning police or SAPS centre. It appears that the affidavit was commissioned on the 12th of January, which appears to be, or rather which is before the 16th that Ms Hassim is referring to. So, factually what you
20 say may well be correct. But as I say, let us engage further on this at a later stage if that will still be necessary. Please continue.

LT-GEN SIBIYA: I will just proceed reading.

CHAIRPERSON: Please continue, ja.

LT-GEN SIBIYA: Thank you.

CHAIRPERSON: Ja, oh, sorry, sorry, I was not ...[intervenes].

ADV HASSIM SC: Sorry, I am not sure whether we are talking past each other. So, the statement is correct that at the time the annexures and transcripts in the statements have not been provided to the witness. But they were then provided on 16 January. So, my point was, did you supplement it then? Did you, because as far as we are aware, there is no supplemented statement that we have
10 received to address the further information that you said you wanted to address in this statement pertaining to General Khumalo, for example.

LT-GEN SIBIYA: What I may say, my legal team may advise if we did, of which I think we responded. However, I did make my own notes on the side in case I have to continue on General Khumalo. But then, I do not want to deviate. I have made my own notes of what I want to say. But as may be directed by the Chair, I will read.

CHAIRPERSON: Yes. Yes, General, let us do that.

20 **LT-GEN SIBIYA:** Thank you. Thank you, Chair.

CHAIRPERSON: Let us do that.

LT-GEN SIBIYA: Paragraph 197:

“In this circumstances, I confine myself to addressing only those aspects of his testimony that were glaring to me at

this stage. I respectfully reserve my right to supplement this affidavit and to deal fully with General Khumalo's evidence once the written statement and full transcript have been made available. General Khumalo testified before this Commission that a white BMW, which he asserted was assigned to my office, was observed on 27
10 November 2024 at the residence of one Katiso Molefe, and that the driver of the vehicle was allegedly seen collecting a white paper bag from Molefe. I submit that that testimony is factually unsustainable. The white BMW in question was only assigned to my office on 4 August 2025. I attach hereto a diary entry made on the very
20 date the vehicle was received, marked SS32. The entry records not only the receipt of the vehicle, but also its condition at the time.”

Then I have written here page 501 and 502 in a red pen.

“Accordingly, at the time the vehicle ...”

[intervenes].

ADV HASSIM SC: Sorry General, sorry to interrupt. Just for the record, Chair, the witness did this past Monday submit to the Commission an additional annexure, Annexure SS46, which is to be read with this paragraph 200. It is not reflected here because it only came on Monday. Continue, General.

10 “Accordingly, at the time the vehicle was allegedly seen at Mr Molefe's residence, it was neither assigned to me or my office, nor under my control. The premise upon which General Khumalo's evidence rests is therefore demonstrably incorrect. In addition, on 27 November 2024, I was in Cape Town on official SAPS business, attending a meeting of the Portfolio Committee on Police. I attach hereto marked SS33 corroborating

20 documentation including the hotel receipt for my accommodation and the official agenda of the Portfolio Committee meeting for the date. The document objectively confirms my whereabouts. There are no obscure or

contested facts. They were readily verifiable through elementary checks of vehicle assignment records. General Khumalo's failures to undertake such verification before presenting this evidence materially undermines the reliability of his testimony. More significantly, the omission of these readily ascertainable facts resulted in evidence being placed before this Commission that is not merely incomplete but misleading in effect. The testimony creates an inference of proximity or association with when tested against objective records cannot be sustained. In these circumstances, General Khumalo's evidence on this issue must be approached with caution. The demonstrable inaccuracy of the foundational facts coupled with the absence of basic verification raises serious concerns about the credibility, objectivity, and evidential weight of his testimony, particularly insofar as it seeks to implicate me by association

rather than by substantiated fact. In addition, the persistence in advancing these allegations without verification and in circumstances where objective records directly contradict it, in my view, places his motive for doing so squarely into question. It is also noteworthy that General Khumalo presented to this Commission's evidence depicting the said notorious white BMW following and providing protection to me during October 2025. This raises a fundamental difficulty. According to the testimony of the National Commissioner, information allegedly implicating me in the involvement with an alleged drug cartel had already been made available to Minister Mchunu as early as January 2025. If that is so, it is unclear why evidence from October 2025 relating to a vehicle assigned to my official security detail only in August 2025 is being relied upon to retrospectively link me to alleged conduct said to have

occurred in November 2024, at a time when the vehicle was not assigned to me at all. The chronological disconnect is stark. Evidence postdating the alleged conduct by almost a year is being deployed to suggest corroboration of events which, on the objective facts, could not have involved me or a vehicle under my control. This incongruity renders the evidence not only irrelevant to the allegations it seeks to support but also misleading in its effect. When viewed holistically, it underscores a pattern of selective presentation of facts divorced from their proper sequential and factual context. In my view, this is not a benign oversight. It materially undermines the reliability and probative value of the evidence and, taken together with the earlier inaccuracies, place General Khumalo's credibility and his motive for advancing this narrative squarely into question. The cumulative effect of the evidence

placed before the Commission reveals a pattern of selective disclosure whereby information is chosen and presented in a manner that advances a predetermined narrative about me rather than a balanced, objective account of Witness C.”

Now ...[intervenes].

ADV HASSIM SC: Account of the facts, that is how the
10 sentence ends.

LT-GEN SIBIYA: Can you please repeat?

ADV HASSIM SC: Sorry, you misread the last line. It
should read:

“Rather than a balanced and objective
account of the facts.”

LT-GEN SIBIYA: -:

“Balanced and objective account of the
facts.”

Now, my concern, Commissioners, this is a very
20 important part of, that was the nation's belief that I am
involved and the white paper bag was, they went to collect
the paper bag associated with me. I do not want to
elaborate much, but what I want ...[intervenes].

CHAIRPERSON: Do you not think the statement does that
fairly substantially because the simple point made there is

that, as I understand it, at the time the BMW appears to be linked to you, it had not yet been allocated to your office, and I think you make that point quite clearly. Do you think there is a need for substantiation?

LT-GEN SIBIYA: Yes, yes, Commissioner.

CHAIRPERSON: All right.

LT-GEN SIBIYA: I think there is a particular, specific need.

CHAIRPERSON: But please, please be brief.

10 **LT-GEN SIBIYA**: I would be brief. That vehicle was allocated to the detectives for quite some time. It has been with the Cold Case Unit for quite some time. Now, at the time, it was used by my two protectors. These two is a team that I chose when they were at, this is the team that I deployed at the border gate of Mozambique to fight crime that side. I said, let me call the two, the people that I trust. And then they sent them.

20 Whilst I was already on suspension a long time ago, they knew about this BMW. They had it. They had the footage. They had the CCTV footage. But they chose. after the Chair said to General Khumalo, I have gone through your statement, and I came across no evidence, he booked sick leave. When he comes back, then he introduces this part, and the part of Jerry Boshoga.

Now, this part, to link the BMW as the one they

gave to the protectors as they came. They are new. They did not even know about the BMW. I did not even know that they are sitting with CCTV that involved the one who had to collect the bag.

Now, there is this new people who come, not knowing anything, they give them this BMW. Then later they come, they say, you see this BMW driving out of General Sibiya's house, this is the same BMW. Then the whole country is saying, ja, this is what we have been
10 seeing, which is not the case. I can move on.

CHAIRPERSON: Thank you.

LT-GEN SIBIYA: Thank you.

“Allegations made by Witness C. As with the testimony of General Khumalo, at the time of deposing this affidavit, I had not been furnished with the written statement or the complete transcript of this witness' evidence before the Commission. I have accordingly been
20 prejudiced in that I have not been in a position to properly consider or analyse this evidence in its entirety. I ought to have been afforded the opportunity to forensically assess this witness' testimony, particularly in light of the

evidence that there exists a six-hour recording of Matlala recorded pursuant to his arrest, in which he alleged to have made various statements concerning me. The failure to make this recording available has materially prejudiced my ability to properly consider, analyse, and respond to the allegations arising from the testimony, notwithstanding that I have been implicated therein. After the witness completed his or her testimony, I specifically contacted my attorney to request the full recording referred to in that testimony. Said correspondence addressed to the Commission by my attorneys is attached hereto marked SS34. That recording has not been made available to me. I have no evidence as to how this recording was extracted or obtained. No information has been disclosed regarding its provenance. The circumstances under which it was recorded, the device from which it was sourced, or the manner in

which it was preserved, there has likewise been no disclosure of any chain of custody nor any assurance that the recording is complete, unaltered, or accurately reflects the original content. In these circumstances, the alleged recording is inherently unreliable. Its existence and purported content raises serious concerns as to authenticity, accuracy, and integrity, including whether it may have been edited, selectively presented, or otherwise manipulated. Absent proper disclosure and independent verification, it cannot reasonably be relied upon as evidence against me. Furthermore, I categorically deny that I have ever received, solicited, or accepted any form of gratification, inducement, benefit, or kickback from Matlala or from any other person. Any suggestion to the contrary is false, unfounded, and devoid of any factual basis. It is untrue that ...”

Now, I need the Chairperson and the Commissioner's guidance. I do not want to call this name. In the meantime, it was Witness so-and-so, and then tomorrow it will be like I exposed a name. I just want to get the guidance from the Commission.

CHAIRPERSON: General, Ms Pooe, please do not show this part of the, there are so many, I see also in 221.

ADV HASSIM SC: Chair, it is redacted in the version that is going to be applied.

10 **CHAIRPERSON:** Oh. General, may you please refer to Witness F?

LT-GEN SIBIYA: I will do so. I am reading where I hope I will not make a mistake somewhere, but I saw it the first time. I hope I will not make the mistake, Chair.

CHAIRPERSON: Yes. All right, please continue, General.

LT-GEN SIBIYA: All right.

CHAIRPERSON: Thank you.

ADV HASSIM SC: Well spotted, General.

20 **LT-GEN SIBIYA:** On the other hand, just to ask one question, because of the fact that that video is on TV, and then if I refer to Witness, I am still even saying this is the person. So I do not know, the Chairperson says move, I will move.

CHAIRPERSON: Just continue, and when we get there, you see the difficulty is, and the reality is, so in a sense it

is, let me not use the word I almost used.

LT-GEN SIBIYA: I have a suggestion there, Chair.

CHAIRPERSON: Yes.

LT-GEN SIBIYA: According to my statement, this is the person that I am talking to, but whichever Witnesses X, Z remain Witness X, Z, and it does not necessarily mean that Witness X, Z is the person that I am talking about here, so as to make things easy. Otherwise, I will be then exposing him, even if I say Witness so-so. They will say, oh, this is
10 the same person. That is my suggestion there, Chair.

CHAIRPERSON: Just use F. We do have the difficulty that everybody knows we have, but just say Witness F.

LT-GEN SIBIYA: Thank you very much. Thank you very much, Chair.

CHAIRPERSON: For what it is worth.

LT-GEN SIBIYA: -:

20 “It is untrue that Witness F works under my command, or that he acted as a middleman for the passing of money to or through me. Whilst Witness F falls within my broader portfolio, he does not report to me. He is several levels below me in the organizational hierarchy and has a direct line manager to whom he reports, which is

not me. However, I want to make a statement that says I do not distance myself from being close to him. It is correct that Witness F and I have a close personal relationship. However, the relationship does not translate into, nor does it evidence any corrupt improper conduct. In particular, it does not mean that Witness F acted or could have acted as an intermediary through whom I receive any illicit funds. It is notable that I am not the only senior SAPS official with whom Witness F has a close personal relationship. Despite this, I am the only individual singled out in an apparent attempt to advance a narrative of impropriety. This is especially striking given that Witness F is equally if not more closely associated with other senior officials, including General Senthumule and General Mkhwanazi, yet no similar allegations have been levelled against them.”

I have pictures, bike riding, I have birthday parties

where Witness is together with these colleagues that I have mentioned. He is very close, he is a biker. He is a kind of a person, not because of his rank, he is a supportive person. When you have death cases in the family, he is one of those people who say, how can I support and I will come and also support. Or if, he is a person that you get used to because he assists. He will assist. He will come to you and say, I know you have got 1, 2, 3, 4 and I am making myself available to assist. So you get used to such a
10 person. We do have such people, all of us, in our lives.

In page 222:

“In fact, to my knowledge, Witness F and General Senthumule are known to socialize and engage in recreational activities together, including biking towards over the weekend.”

I do have a video material that I can actually play if need be, but I do have it that shows the relationship and how close they are. And then even in a party, birthday
20 party where they are together, I do have those. It may not necessarily be to put because it will expose, but I do have such now.

“This further illustrates that Witness F maintains close personal relationship with a number of senior SAPS officials

and that my association with him is neither unique, nor indicative of any impropriety. The selective focus on my relationship with Witness F is therefore unfounded, indicative of a prejudicial and misleading inference. Likewise, as with the testimony of General Khumalo, I reserve my right to supplement this affidavit upon being furnished with the
10 alleged record, as well as the written statement and the full transcript of the witness' testimony.”

Now, I am about to leave General Khumalo's part and then go now to General Senthumule's part. There are things that I feel that I noted that I must also bring to the fore where I made notes on the side. So, I needed to hear from my Counsel, Chair, because he said, this morning she advised me and said, I saw, or I was advised that you have one, two, three, four, that you want to mention, do not
20 mention it before you discuss it with me. So, I will rather maybe proceed and then maybe at break then she will advise me. But I do have my minutes that I made so as not to deviate from the statement and waste time. Thank you very much, Judge.

CHAIRPERSON: Thank you.

LT-GEN SIBIYA: General Senthumule's testimony.

“At the time of deposing to this affidavit, I had not been furnished with the written statement and the incomplete transcript of General Senthumule's evidence before the Commission. I have accordingly not been in a position to properly consider or analyse her evidence in its entirety.

10 In the circumstances, I respectfully reserve my right to supplement this affidavit and to deal fully with General Senthumule's evidence once the written statement and full transcript have been made available. Notwithstanding the above, I wish to draw the Commission's attention to General Senthumule's public criticism during her testimony before the

20 Commission of the disbandment of the PKTT and the withdrawal of the 121 dockets. However, on numerous occasions during telephonic conversations between General Senthumule and myself prior thereto,

she was openly critical of the PKTT. Especially, I recall a particular telephone conversation in which General Senthumule expressed the view that the PKTT was untouchable and alleged that, in her opinion, the task team was being used to siphon the budget allocated to it. She further indicated that she did not believe that the PKTT genuinely engaged in effective policing or delivering meaningful investigative outcomes. I was also able to ..." [intervenues].

ADV HASSIM SC: General, sorry to interrupt, but again, for the record, I must point out that you did provide the Commission again on Monday with two annexures, SS41 and 42, and you requested that they be read together with this paragraph that you just read out, section 228. I am just putting that on the record.

20 **LT-GEN SIBIYA:** -:

"I was able to retrieve a recording of this conversation from my device, and I furnished a copy thereof to my attorneys for forward transmission to the Commission."

I wanted to play that recording, to request that it be played. It is not long, but I know that the kind of person who came here before the Commission and testified, and I want the Commission to hear the same person, the different language the same person is now talking. I do not know if I should continue reading.

ADV HASSIM SC: We will play the audio clip, but there is also a transcript of the audio clip, and that is at SS47, if I can just, SS40, I will just locate the file now, Commissioner
10 Baloyi. File 2A.

ADV BALOYI SC: Is that SS47?

ADV HASSIM SC: It is, apologies, Commissioner Baloyi, it is SS42, page 627.

CHAIRPERSON: Please play the clip.

AUDIO CLIP PLAYED BACK

“Lt-Gen Senthumule: [Vernacular]... I give you my honest opinion ...[indistinct] né.

Lt-Gen Sibiya: Ja.

Lt-Gen Senthumule: [Vernacular]...

20 Lt-Gen Sibiya: Ja.

Lt-Gen Senthumule: Under the guise of, I mean of this task team.

Lt-Gen Sibiya: [Vernacular]...

Lt-Gen Senthumule: [Vernacular]...

Lt-Gen Sibiya: Hm.

Lt-Gen Senthumule: [Vernacular]... because this is where these things are cooked. What I find embarrassing and you know, when I talk to ...[indistinct] sometimes you are complicit to crime being ...[indistinct].

Lt-Gen Sibiya: Ja, ja.

Lt-Gen Senthumule: ... complicit, because ...[vernacular].

Lt-Gen Sibiya: Ja.

Lt-Gen Senthumule: Né.

10 Lt-Gen Sibiya: Ja.

Lt-Gen Senthumule: [Vernacular]...

Lt-Gen Sibiya: Ja.

Lt-Gen Senthumule: [Vernacular]...

Lt-Gen Sibiya: [Vernacular]...

Lt-Gen Senthumule: [Vernacular]...

Lt-Gen Sibiya: Oh.

Lt-Gen Senthumule: So at some point ...[vernacular].

Lt-Gen Sibiya: [Vernacular]... Mkhwanazi.

20 Lt-Gen Senthumule: Ja ...[vernacular] so.

Lt-Gen Sibiya: [Vernacular]...

Lt-Gen Senthumule: [Vernacular]...

Lt-Gen Sibiya: [Vernacular]...

Lt-Gen Senthumule: [Vernacular]...

Lt-Gen Sibiya: [Vernacular]...

Lt-Gen Senthumule: [Vernacular]... at some point he was his driver, né ...[vernacular] at some point. I cannot remember ...[vernacular].

Lt-Gen Sibiya: Hm.

Lt-Gen Senthumule: [Vernacular]... that I can tell you, because ...[vernacular].

Lt-Gen Sibiya: [Vernacular]...

Lt-Gen Senthumule: [Vernacular]...

Lt-Gen Sibiya: Hm.

10 Lt-Gen Senthumule: [Vernacular]...

Lt-Gen Sibiya: [Vernacular]...

Lt-Gen Senthumule: Yes.

Lt-Gen Sibiya: Yebo.

Lt-Gen Senthumule: So which ...[vernacular]

General Senthumule, give me feedback.

Lt-Gen Sibiya: [Vernacular]...

Lt-Gen Senthumule: [Vernacular]...

Lt-Gen Sibiya: [Vernacular]... left, right and centre, what monitoring ...[vernacular].

20 Lt-Gen Senthumule: [Vernacular]...

Lt-Gen Sibiya: [Vernacular]...

Lt-Gen Senthumule: [Vernacular]..."

LT-GEN SIBIYA: Thank you very much, Commissioners. When she says ...[vernacular] she is actually saying, referring to the National Commissioner and say the National

Commissioner ...[vernacular]. I do have another recording, but I do not think it is necessary to play it, because it has got also another language used by her, but it is a recording. If the Commissioners want to have it, it is available to have it. So I just wanted to show that one moment she was saying, when she speaks about General Mkhwanazi, she says ...[vernacular]. So, in the meantime, on the other hand, this is the language that she speaks to me as we speak.

10 So, and the reason why I recorded it, something that led to this is that the National Commission gave me information about what she said about me, and she said, you can go ask her. And then in going to confront her, I realized that if I were to go confront her, she might come back and say I came to threaten her, I did this and I did that and so I realized that that might be dangerous. So, I went straight home. When I am at home, because the National Commission said you can ask her. She was sitting here where ...[indistinct] sitting in a private jet and said she was
20 sitting there and she said one, two, three.

So, as a result of that, I called her, but I chose to make sure that at least let me record the conversation so that tomorrow even when she makes allegations, I am protected. That is the sole reason why I had to record that.

But I will move on now. Now ...[intervenes].

CHAIRPERSON: General, let us just place the, is the date, look at the first page, at page 606 of the transcript, ja, SS42, is the date recorded there to your recollection the date of the, on the discussion between you and General Senthumule?

LT-GEN SIBIYA: It has got the, it has got the date on it that it recorded.

CHAIRPERSON: This is in file 2A, file 2A, page 606, SS42
10 and then there is recorded at, and then date held. So I wanted you, or rather I wanted to know if you confirm that that is the date you had the discussion with General Senthumule.

LT-GEN SIBIYA: That is the date, because I see the ...[indistinct] number ...[intervenes].

CHAIRPERSON: Please read the date into the record.

LT-GEN SIBIYA: This is to certify ...[intervenes].

CHAIRPERSON: No, just the date.

ADV HASSIM SC: No.

20 **LT-GEN SIBIYA:** Oh, the date.

CHAIRPERSON: Just the date, yes.

LT-GEN SIBIYA: Oh, the date it will be on the 23/4/2025.

CHAIRPERSON: Thank you. Thank you, General.

ADV HASSIM SC: And that was the date on which you had this conversation with General Senthumule?

LT-GEN SIBIYA: I take it, because I know it from my phone it has got the date, now I see the date here, I confirm. If this date that I see here is what is in the recording, I confirm.

ADV HASSIM SC: Well, can you in the adjournment just double check that that is the correct date of the conversation?

LT-GEN SIBIYA: I will do that. And then the last ...[intervenes].

10 **ADV BALOYI SC:** Before you move on, General. Ms Hassim, you have given these additional annexures. SS42 we know it is that transcript of the discussion. What is SS41 for the record? And I do not recall whether the supplementary SS46 that you referred to earlier, whether it was described for the record, because we did not go to it, so if you just say what it is.

ADV HASSIM SC: I will do so. SS41 is merely a placeholder for the actual audio recording. So we have just listened to SS41. SS42 is the transcript of that audio
20 recording.

ADV BALOYI SC: You can come back to 46 if you are not able to say it now.

ADV HASSIM SC: SS46 is the register that the General was referring to for the allocation of the car to his office.

ADV BALOYI SC: Thank you.

LT-GEN SIBIYA: The second example that I want to give, which is in fact criminal in nature, General Senthumule said to the Commissioners in her testimony here that I was paranoid that I am being investigated, all the time. Now what happened, and she said her gadget were taken by the Hawks, her gadget were taken by IPID. What actually happened is that I applied to be, to have a security threat assessment conducted for me, because of the work that I was doing, especially coming back from the City of
10 Johannesburg where I had protectors due to the high level of corruption, the work that I was doing this side, and she rejected it.

At that time as I came in, I reported under her. Now she rejected it.

ADV HASSIM SC: Sorry, she rejected what exactly?

LT-GEN SIBIYA: My request. She disapproved it. The National Commissioner called her and said but you can do it, because even myself when I was at this level I had protection and then she said, she wrote there, I got
20 paperwork and I think I attached it, she said I, she said I need a policy that says I can do it. That is what she said. After quite some time, weeks later, I get a call from the Department of Finance. Department of Finance is saying, General, we keep on getting these overtime claims about people that are bodyguarding you. Do you have protectors?

I say, no. I do not have bodyguards. They said, but we have got this paperwork with her signature and staff officer's signature, claiming overtime for me, for the protectors that are protecting me. People that I have never seen, their names are there, I know them, I have seen them. I have never met those people even to date.

I have paperwork where overtime was paid, where paperwork was signed by her together with her staff officer. Then what should a reasonable man in my position do is to
10 report it. And I reported it to IPID, say IPID, please look into this. And I did not want to maintain a bad relationship with her.

I became neutral and unchanged. I continued to work with her as if everything was normal. Now, the bottom line is I was not protected by those individuals. Here is paperwork with her signature. I wish it can be shown here in fact, because I did submit it. However, what is important to note is that at ...[indistinct] I did not have those
20 bodyguard. She signed together with the PA, with her staff officer. That is the bottom line.

So those two on each, I want to, Judge, Chair. I have got a number of issues that I want to raise in relation to this part of General Senthumule. Now the difference that I had with General Senthumule is that I was, at some, after I was then promoted to become her boss now, the

thing is she came here, she was talking about, I have been a Chair of this and I am the Chairperson of this and I am, in some of those I nominated her to be the Chair there. I sent her there.

Now I want to say like the recent Interpol one in Cape Town, I am the one who said we have got the National Assembly of Interpol, represent us as the division and she went and she was the one representing us there. But what I want to say is that each time we appoint someone to act as
10 the Acting Divisional Commissioner because she is going all over the country to Malawi. Every now and then she is going.

When they, the person that I appoint to act, they will find three or four boxes with a lot of files. And you find that some of the due dates have long passed and we are sitting with boxes that are unsigned. And the National Commissioner says, but what is going on? Why do I get this file three months later, or some of the files are just lying and not being signed. And some of them she will take
20 them home and they will spend weeks at her home.

Now I then wrote an email to all of them, including the component heads that says documents should not sit in any office for more than 48 hours. I must have it so that I can also sign, because I account to the National Commissioner.

CHAIRPERSON: Are those not HR issues now, this about boxes and so on and ...[intervenes].

LT-GEN SIBIYA: [Indistinct]... [cross-talking].

CHAIRPERSON: They should or should not be kept, are those not HR issues that should have been ventilated within SAPS? Do they bear relevance to what we are investigating?

LT-GEN SIBIYA: Yes. What I am saying is that I am leading to, there is a number of things, including that what
10 is being investigated, but something caused the situation to be the way it is where I have to then, she said I am a touch and go, today you are in good terms, tomorrow you are not. But the problem is that I have to be, to do my work. For me not to fail the National Commissioner, I also have to be strict on some instances. That is why I was saying this, Commissioner, but there is a number of issues that I have written here that I must point out. That is one of them. I am moving to the next one and I do not know if I ...[intervenes].

20 **CHAIRPERSON:** What I will say is this, we do not want to be seen to be suppressing you on matters of criminality or alleged criminality, especially at a level as high as that of Lieutenant Generals, or Generals for that matter, even if below Lieutenant General. We would not want to be seen to be suppressing you on that, but looking at your statement.

It is probably, ja, it is certainly one of the longest, probably around the length of Minister Mchunu's. Yours and Minister Mchunu's are the longest we have had thus far. So that tells me that there must have been extensive consultations between you and your legal representatives. I am surprised that you have all these additional issues which you want to add. And I am wondering whether you did not inform your legal representatives about them, because if you had and they are of relevance, I would imagine they would have
10 been included here.

But I go back to the point I made initially, which is that it would be the last thing we would want to do, that is to suppress you on allegations of criminality. But you appear to have a whole lot of things that you say you have notes on and which you say you want to add. I would say this. Perhaps, Ms Killian, perhaps it is best that you should have discussions with your client on these additional issues, because it gets difficult and it presents us here with certain practical issues for us to first have to listen and
20 then down the line decide, ah, but do we want to get into files that have been delayed and been kept for three months and so on, and then we move on, we listen, uh-uh, we do not want to listen to that as well. It just presents us with difficulties.

ADV KILLIAN SC: Thank you, Chair, and I understand

what is raised and this has been discussed with the witness. We will again raise it during the tea time. I think if he moves on, on his statement and keep those additional issues for discussions and consultation purposes.

CHAIRPERSON: Ja. Ja, the other option is for the witness, subject to your advice of course, to furnish us with a supplementary statement that touches on all these issues.

ADV KILLIAN SC: If it is necessary, we will consider that position. Thank you, Chair.

10 **CHAIRPERSON**: Yes, thank you. General, please continue with your statement.

LT-GEN SIBIYA: Chair ...[intervenes].

CHAIRPERSON: So I again emphasize that we are not suppressing you on testifying on matters of criminality, criminality that bears reference to, relevance rather, to our terms of reference, but please take advice from your own ...[indistinct] [intervenes].

LT-GEN SIBIYA: I do, Chair. May I ask you a question, Chair?

20 **CHAIRPERSON**: Yes.

LT-GEN SIBIYA: Or just a comment, and with respect as well, and I am not arguing, I am not, please do not punish me for that, Chair. What I want to raise, Chair, is that from 6 July, when a statement was made about General Sibiya being a criminal, and when things were said by all the

witnesses, many witnesses that came in and just all of them punting General Sibiya, General Sibiya, and I know the Commission is sitting here with General Sibiya who is known to be this criminal, and I was also advised to keep quiet and speak at the right time, at the right platform. Now I am at the right platform where I am supposed, I have kept quiet.

They brought many witnesses. Everything is about me. Even out there, the whole country watching me, and
10 when I am supposed to bring now my story, I am going to leave here now not having brought their own story that relates to the work of the Commission and the work that I am doing, or that I did that involved them, including even in criminal activities, because it is bullet, bullet, bullet, bullet, bullet.

I know there has been a lot of rush, rush work because of the way the Commission, the first lawyer that I dealt with resigned from the firm and left, and then she took over. Now the next thing is every now and then we are
20 receiving piles and piles of files from the Commission, even until the last hour.

Now, when I write, I read the statement, on the side, I make notes. My team was saying to me, read your statement, read your statement, and then make notes on the side. Now I read my statement and I make notes on the

things that I want to say as examples because if I had to give it to them, it is going to be a very long document. So I thought some of the things I will speak to.

Now if I am not able to point them out, I know my legal, like I said initially, she said to me, whatever that you want to say, let us discuss it first. But I thought some of these things will be relevant to the work that is being done by the Commission, but I will take advice, Chair, from you with respect. I will then just for now keep quiet and then
10 listen what the Counsel will advise me on. I will read the statement. My only pain is that my story is not known and is not heard by the nation as it is supposed to be because I know that it is not true and I have evidence.

Somebody spoke about the BBL and I know Commissioner Khumalo was also asking questions about the BBL. She reported to me she was sitting in, she could not sit in the car, she was lying in the car because she had to spend over three months without sitting.

CHAIRPERSON: Who is she?

20 **LT-GEN SIBIYA:** General Senthumule. Now I am just saying there is a whole lot of things that one must talk to as we go along. It is a lot.

CHAIRPERSON: Yes, General ...[intervenes].

ADV HASSIM SC: Chair, may I?

CHAIRPERSON: Ja, General, earlier I said the idea is not

to gag you on matters that bear relevance to what the Commission is investigating, especially matters of criminality. That is the last thing we would want to do. But I am saying, and you say that you want the nation to know your story, you have told your story, yes, you may have other details. In the 90 pages of your statement, which as I said is one of the longest we have had, you have told your story and you are going to go through that entire statement and the nation will hear what you have to say.

10 I am making a simple point and it is this. We listen to you, you tell us about matters of criminality and then you move on to other issues, and these are not in your statement. You move on to other issues, one example being the question of the loads and loads of files about which, about which you raised a complaint, these have been kept for more than three months. Files should not be kept for this long and I asked you, is that not an HR matter?

20 We are going, if you have all of these stories which are not in your statement, we are going to be engaging on the relevance of some of those stories and we are going to waste time in the process. I make a simple suggestion to you, which I also make to Ms Killian, your advocate, and I say please confer with Ms Killian. Ms Killian as your legal advisor will advise you which ones of those matters are relevant and should therefore be raised with the

Commission. She will also even advise you whether the best way of doing that is by way of a supplementary statement or by way of you giving testimony here about them. I see no unfairness at all in that.

LT-GEN SIBIYA: Thank you very much, Chair.

CHAIRPERSON: I see no unfairness at all.

LT-GEN SIBIYA: Thank you, Chair.

CHAIRPERSON: Thank you.

LT-GEN SIBIYA: I will proceed, Chair.

10 **CHAIRPERSON**: Please.

LT-GEN SIBIYA: Paragraph, I have to now go to command and control and failures evidential from the National Commissioner's testimony.

20 “In this section of the affidavit, I deal with the overarching tenor of the testimony before the Commission with particular reference to the evidence of the National Commissioner and to a lesser extent that of General Mkhwanazi. The National Commissioner's testimony contained nuanced inconsistencies which raises legitimate questions regarding the effectiveness of his leadership. By way of example, his version reflects a

situation in which two senior officials were permitted to operate under contradictory instructions without clarity or coordination at the level of National Commissioner. Such contradictory direction is indicative of ineffective command and control, creates confusion within the organization, undermines operational efficiency, and exposes the institution to unnecessary risk.”

Now, I make a note here that says, please refer to the Portfolio Committee's Chair statement, but I will proceed with the statement.

“What is particularly remarkable is the vagueness of the National Commissioner's testimony regarding the steps he took once he became aware that the dockets had been moved to head office when questioned by Commissioner Baloyi on the action he took in response to this development. It was expressly put to him that I reported to him and that he was my superior, yet despite this

knowledge, the National Commissioner was unable to articulate any decisive action that he took to address what he now characterized as serious misconduct.”

Then I also say, also read 235 and 236 and 237.

10 “It was further put to him that he knew there was no approved plan authorizing the relocation of the dockets, and when asked General Masemola what he did about this, his response was “at some point I did talk to him that I hear rumours that dockets are here. Remember the agreement was dockets go to province, which you disprove that they go to station of origin. So there cannot be dockets that come to this head office. So make sure that you do likewise. There should not be dockets
20 that is here.””

I am continuing with the statement, but I wanted to just quickly point out that the Commissioner also says that they said dockets should go to province. He say he agrees that the dockets had to go to province.

“It is extraordinary that this constituted

the response of the National Commissioner of the South African Police Service. General Masemola has repeatedly asserted that my purported instruction to have the dockets brought to head office was highly irregular and improper. Yet, when confronted with precisely the same circumstances he now elevates as a grave irregularity, the extent of his intervention was limited to vague and informal remarks about rumours rather than any decisive or corrective action, considering the fact that General Senthumule said I did inform the National Commissioner.”

10
So it is not rumours, he was told by General Senthumule. I am proceeding.

20
“Such a response is wholly inconsistent with the seriousness he claims to attach to the matter. His failure to act in the face of what he alleges was a serious procedural impropriety fundamentally undermines the credibility of his allegations against me and reflects a concerning abdication of

leadership responsibilities at a critical juncture. This is, in my view, calls into question the sudden outrage directed at my purported conduct and suggests an after-effect reconstruction of events rather than a genuine concern. The stance now advanced by the National Commissioner bears no resemblance to his previous conduct and appears instead to have emerged only once there was heightened national scrutiny and criticism following the press briefing delivered by General Mkhwanazi. It is significant that, at a time when he claims to have held grave reservations about the handling of the dockets and the disbandment implementation plan, he neither actively intervened to halt the purported irregular conduct nor took any formal steps to reprimand me or take corrective action. His current assertions must therefore be understood within the context in which they arise. They are calculated to

create distance between himself and operational decisions made under his oversight and to deflect responsibility at a moment when public attention has intensified. Such conduct creates the distinct impression that the narrative now advanced is shaped less by an accurate recollection of events and more by a desire to protect his own position in response to external criticism. These inconsistencies warrant a cautious approach by the Commission in assessing the credibility of the evidence and his attempt to attribute impropriety to my actions. Of equal concern is the National Commissioner's testimony regarding the events surrounding the attempted return of the dockets to KwaZulu-Natal.

10

20

He testified that I was not supposed to remove the dockets from the province without knowledge of the Provincial Commissioner. Yet, despite this alleged impropriety, he stated that I should finish what I started and ensure

that the dockets were returned in the same way that I had taken them.”

Just to remind the Commissioners that considering the fact that they were brought by General Khumalo and Sergeant Khumalo, they were brought by CI to head office, not by me.

10 “It devised logic that the National Commissioner of the South African Police Service would respond in such a manner. Even if one were to assume, for argument's sake, that he was genuinely dissatisfied with the relocation of the dockets to head office, his response upon learning of the failed effort to return them to KwaZulu-Natal and the reasons, therefore, ought to have been to intervene decisively. One would reasonably expect the National
20 Commissioner, as the ultimate custodian of command and control, to take charge of the situation, to engage directly with General Mkhwanazi, and to issue a clear formal directive to ensure that the dockets were returned

through proper channels. Instead, his purported instructions suggest abdication of responsibility and a lack of meaningful leadership involvement in an operational matter he now portrays as critical. His reaction is irreconcilable with the seriousness he attributes to the issue and raises material questions about the reliability of his testimony and the adequacy of his oversight in the circumstances. Importantly, this conduct demonstrates a leader who was not exercising effective control over a matter, fully and squarely within his responsibility as National Commissioner. It is also noteworthy that the National Commissioner claims that he only became aware in early May that the 121 dockets classified as under investigation by the PKTT had been removed from the PKTT and handed over to General Senthumule, an event he characterized as yet another surprise. It is with respect remarkable

that a General of his standing, who attended the very meetings at which the operational implementation of the disestablishment plan was discussed, could repeatedly profess surprise at developments arising from decisions in whose formulation and oversight he was directly involved. It is equally difficult to accept this aspect of his version. On his own account, he was working closely with General Khumalo in putting together the phase-out disestablishment plan. It was General Khumalo who, on 28 April, handed the case dockets to General Senthumule. Yet, the National Commissioner would have the Commission accept that General Khumalo, who was operating in close coordination and proximity with him throughout his process, did not inform him. On the very day that the dockets had been handed over, that proposition is quite simply impossible.”

Now, I move into allegations of a potentially corrupt relationship with Brown Mogotsi.

“I know Brown Mogotsi as an activist based in the North West province. During or about December 2024, Mogotsi began contacting me during which communications he warned me that certain individuals were appropriately attempting to have me removed from SAPS. He further informed me that false information was being circulated about me. I met Mogotsi for the first time in January 2025 when I was in Cape Town or about the 8th. “

Now, here in the statement it says:

“About the 8th to attend the African National Congress gala dinner event.”

It was an error here because I was there on official duties, not attending the gala dinner. I was not even at the gala dinner myself. So, I think it was just an unfortunate sentence how it was crafted here by maybe my lawyer.

ADV HASSIM SC: So, you are wishing to amend your paragraph 250?

LT-GEN SIBIYA: To amend, yes. I never attended the gala dinner. I do not attend the gala dinner. I was there on January 8th as we, as the management of the police will be

there to manage the big event that takes place.

CHAIRPERSON: So, oh, yes, yes, Ms Hassim?

ADV HASSIM SC: Sorry, I just want to understand, were you, when in January 2025 were you in Cape Town, what dates?

LT-GEN SIBIYA: It is somewhere from the 5th until the 12th. I think we have got paperwork around that that shows the ...[incomplete].

ADV HASSIM SC: Okay, so, you were there from 5 to 12.

10 You can provide us with that paperwork.

LT-GEN SIBIYA: I have, ja, I have it. You will get it over lunch.

ADV HASSIM SC: Okay, 5 to 12 January 2025 and for what purpose were you there?

LT-GEN SIBIYA: It is meetings with the Minister, including also running over to January 8th and beyond.

ADV HASSIM SC: What do you mean by running over to January 8th?

20 **LT-GEN SIBIYA:** We went there to Cape Town. The whole management of the police was in Cape Town because if there is going to be a big event, a major event, there will be a deployment in that specific province and then some of the meetings and operations will be held from that particular province where there is going to be a big, a major event.

ADV HASSIM SC: Did you attend the ANC gala dinner?

LT-GEN SIBIYA: No.

ADV HASSIM SC: Okay.

LT-GEN SIBIYA: It is what I am trying to correct.

ADV HASSIM SC: Thanks.

CHAIRPERSON: So, would it be accurate to record it like this. I met Mogotsi for the first time in January 2025 when I was in Cape Town from 5 to 12 January 2025 on official business for meetings with the Minister. I did not attend the ANC gala dinner event.

10 **LT-GEN SIBIYA:** Yes, the only correction or thing that may change, Chair, will be the date. I do have it. Last night, I looked at it. I have got it, so, I will make it available, including the signatures of the National Commissioner that authorized me to go there and the hotel bookings. I have got it. So, I was just saying this was a typo that it was at the gala dinner. I have not been at the gala dinner.

20 “So, subsequent to that meeting, Mogotsi and I met on a couple of occasions in Johannesburg. When I say on a couple of occasions, it is two times.”

ADV HASSIM SC: Sorry, General, sorry to interrupt you. I was going to leave it for later, but I actually think I should ask you this now because it is to clarify your own statement and that when you say you met him for the first time in

January, do you remember the date on which you met him, because, initially, when I read the statement, I thought it was around the 8th, but it is not clear to me now.

LT-GEN SIBIYA: No.

ADV HASSIM SC: So, when did you meet him?

LT-GEN SIBIYA: No, around the 8th. Around the 8th. It was the January 8th statement, somewhere there. But, I am not sure whether it may have been on the 8th exactly because, remember, sometimes the 8th becomes on a
10 Wednesday or Thursday, but you find that then the event will be on a Saturday. So, but it was around that. So, I have, let me provide the paperwork, but I met him around that morning before I left because it was the first time I was going to meet him or see him. What happened, you see, I intend now to explain, and I do not want to explain.

ADV HASSIM SC: It is okay. Okay, I just ...[intervenes].

CHAIRPERSON: Ms Hassim, sorry, is it not enough if we just proceed on the basis that it was on one of the days when he was in Cape Town?

20 **ADV HASSIM SC:** That is fine, Chair. I just wanted to know whether there was a date that the witness could give us.

CHAIRPERSON: All right.

ADV HASSIM SC: If not, we will deal with it later.

CHAIRPERSON: I am saying this because I see that

...[intervenes].

ADV HASSIM SC: Yes.

CHAIRPERSON: The General is not able to give us a specific date, ja.

ADV HASSIM SC: Yes. I accept that.

CHAIRPERSON: Thank you. Thank you.

ADV HASSIM SC: You can proceed with your statement.

LT-GEN SIBIYA: -:

10 “On the occasions where I met Mogotsi,
we did not discuss any official policing
business, nor did we discuss any
operational investigative or
intelligence-related matters pertaining
to the SAPS. Our interactions were not
of an official nature, nor did they
involve the exercise of any police
function. The exchange of confidential
information or any discussion related to
my official duties and responsibilities.
20 But save to say that I did explain that
mostly when I met Mogotsi, he
informed me about the danger that I am
facing, that be careful, you are being
investigated yourself.”

And there is a part that I did not want to explain,

Chair, that looks like, for instance, or maybe I will inform the evidence leader at a later stage, because it was not my place to say when to. I can only end it here and say this is where I know him. And then the other part, I will explain to the evidence leader, and then the Commissioners will say, no, you can say it.

“Significantly, at no stage has Mogotsi asked or suggested or attempted to arrange for me to meet Matlala.

10 The inquiry docket and search and seizure warrant.”

ADV BALOYI SC: General, maybe before you proceed there, in that paragraph 250, that very last line where you say, subsequent to that meeting, Mogotsi and I met on a couple of occasions in Johannesburg. Couple, on a couple, couple here meaning twice or ...[intervenues].

LT-GEN SIBIYA: Two times.

ADV BALOYI SC: Or just informal? Twice.

LT-GEN SIBIYA: Two times.

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

LT-GEN SIBIYA: -:

“The inquiry docket and search and seizure warrant. On 7 July 2025, an inquiry docket PHQ2/07/2025 was opened to investigate allegations

arising from a media briefing by General Mkhwanazi concerning the disbandment of the PKTT, with Brigadier Siphon Kunene appointed as the investigating officer. On or about 25th of August 2025, Brigadier Kunene launched an *ex parte* application in terms of section 29(1)(a) of the Cybercrime Act for the issuing of a search, access and seizure warrant. That application identified me and three others as suspects in respect of offences including defeating or obstructing the course of justice, fraud, corruption under the Prevention and Combating of Corrupt Activities Act, and contravention of the Powers and Privileges and Immunities of Parliament Act. Pursuant to that application, Mudau Judge, J, granted an order on 25th of August 2025 authorizing the search and seizure of two iPhone devices belonging to Matlala. On 8 October 2025, Mudau J granted a further order, ostensibly

based on the same *ex parte* application, authorizing a separate warrant 1 directed at me alone. Warrant 1 authorized the search, access seizure of electronic communications linked to my email account and was executed on 9 October 2025 by members of South African Police Service, including
10 Brigadier Kunene. A copy of warrant 1 is attached hereto marked SS35. During the execution of the warrant, my laptop and four mobile phones were seized as well as devices belonging to my wife, children and my protectors.”

I want to correct ...[intervenes].

CHAIRPERSON: Yes, General.

LT-GEN SIBIYA: That my wife’s device was not taken because she was not around. My children, they just looked
20 into their phones and left them. They went through them to see what is inside and they left the one for the children. So, it is something that just needed to be corrected.

ADV HASSIM SC: So, should it read, my laptop and four mobile phones were seized as well as devices belonging to my protectors?

LT-GEN SIBIYA: Yes. Now, I do not know somewhere ...[intervenes].

ADV HASSIM SC: But does the rest of that sentence still hold true?

LT-GEN SIBIYA: It will be true, because even for the protectors, they took their cellphones as well. So, I do not know if it is - I will read.

10 “Notwithstanding that several of those devices were not authorized by the warrant, a further mobile phone was seized from me on 17 October 2025 when I came back from *Ad Hoc* Committee. On or about 21st October 2025, a letter of demand was addressed on my behalf to Brigadier Kunene and the National Commissioner detailing the defects in the warrant 1, recording the unlawfulness of the search and seizure and demanding the
20 immediate return of the seizure items. No response was received. A copy of this letter of demand is attached hereto marked as SS36.”

I must say, till to date, I still do not have my devices and some of the information that I needed was in

the devices I do not have.

“On the 2nd of December 2025, my attorneys were served with a further search access and seizure warrant, warrant 2, authorized on 1 December 2025 by Mudau J, pursuant to a second *ex parte* application launched by Brigadier Kunene under the same case number. Upon consideration of that application, it is apparent that the founding affidavit is, in all material respect, a duplication of the affidavit used in the first *ex parte* application, save that the number of alleged suspects was increased without explanation and additional non SAPS individuals were authorized to participate in the search and seizure operation. Now, on 8 December 2025, I launched an application for the rescission of the order granted *ex parte* by the honourable Mudau J on 1st December 2025 on the basis that the resort to an *ex parte* procedure, particularly in respect of the second *ex*

parte application, was improper and justified and constituted an abuse of process designed to obtain intrusive relief without proper notice or judicial scrutiny. This application is still pending.”

Chair, what I wanted ...[intervenes].

ADV HASSIM SC: [Indistinct]... [cross-talking] sorry, General.

10 **LT-GEN SIBIYA:** What I wanted to point out, Chair ...[intervenes].

ADV HASSIM SC: Sorry, just a moment, General. Chair, it is just past 11. I was not sure whether we should just continue to 11.15 or take a break.

CHAIRPERSON: Thank you, Ms Hassim. Let us just listen to what the General wants to point out and then we will take a break.

LT-GEN SIBIYA: The issue of the, in the previous paragraph that I just read, the issue of the additional non
20 SAPS individuals were authorized to participate in the search and seizure operation, something that I just want to confirm again and ascertain with my legal team when I am back.

CHAIRPERSON: We will take the adjournment at this stage. We would like to see the evidence leaders and the

legal representatives outside right away, please. We will resume at, did I say, at half past. Let us adjourn.

INQUIRY ADJOURNS

INQUIRY RESUMES

CHAIRPERSON: We do see the legible copies of yesterday's documents. Thank you very much, Ms Killian.

ADV KILLIAN SC: Thank you, Chair.

CHAIRPERSON: Thank you. Do you want to tell us, now what the position is?

10 **ADV KILLIAN SC:** Thank you for the indulgence and the extra time allowed to consult with General Sibiya. We have come to the agreement, that is myself, my client and my attorney, that he will continue reading into the record his affidavit. If there are one or two additional things that arise, we will consider a supplementary affidavit over the weekend. It is not casting stone that that is what we will do, because there is just simply too little time to consider each and every subject that should be scrutinised to find its way into a supplementary. If we do resort to a
20 supplementary, my undertaking is that it will be very brief. Thank you, Chair.

CHAIRPERSON: Thank you, Ms Killian. Yes, Ms Hassim?

ADV HASSIM SC: Thank you, Chair. We can return then to the statement. General, you were at paragraph - you had just completed paragraph 257.

CHAIRPERSON: I forgot, Ms Hassim, where all of these should go.

ADV HASSIM SC: I meant to say this is the more legible version of SS28.

CHAIRPERSON: All right, perhaps your junior will mark them for us and stick them, or even the instructing attorney will stick them where they should go.

ADV HASSIM SC: We will ask the attorneys, Chair.

CHAIRPERSON: Yes, yes, yes, thank you. Yes, General?

10 **LT-GEN SIBIYA:** Thank you, Chair. I have the dates of the trip to Cape Town that I maybe should read into the court recording as I proceed. It was from the 5th of January 2025 when we left for Cape Town and arrived in Cape Town on the 5th of January. And then we left Cape Town on the 12th and arrived in Pretoria on the 12th of January 2025. Those are the dates.

CHAIRPERSON: Thank you, General.

ADV HASSIM SC: Thank you.

20 **LT-GEN SIBIYA:** I must read from which paragraph, evidence leader?

ADV HASSIM SC: Yes, you had just completed 257, so you are now on 258.

LT-GEN SIBIYA:

“On the 2nd of December 2025, my attorneys were served with a further

search, access and seizure warrant, warrant 2, authorised on the 1st of December 2025 by Mudua J, pursuant to a second *ex parte* application launched by Brigadier Kunene under the same case number. Upon consideration of that application, it is apparent that the founding affidavit is, in all material respect, a duplication of the affidavit used in the first *ex parte* application, save that the number of alleged suspects was increased without explanation and additional non-SAPS individuals were authorised to participate in the search and seizure operation.”

ADV HASSIM SC: General, were you able to clarify? You were going to check whether this is accurate, the non-SAPS individuals.

LT-GEN SIBIYA: I am able to clarify, and I was clarified and I am quite comfortable with what is in the paragraph.

ADV HASSIM SC: Okay.

LT-GEN SIBIYA:

“On the 8th of December 2025, I launched an application for the rescission of the order granted *ex parte* by the Honourable

Mudua J on 1st December 2025 on the basis that the resort to an *ex parte* procedure, particularly in respect of the second *ex parte* application, was improper, unjustified, and constituted an abusive process designed to obtain intrusive relief without proper notice or judicial scrutiny. This application is still pending. I am advised that both search and seizure applications and warrants are beset by material defects, either in the manner in which the warrant were obtained or in the execution thereof. In my view, these cumulative irregularities demonstrate a concerted and improper attempt to obtain incriminating material against me, rather than a *bona fide* investigative process. The manner in which Warrant 1 was executed, including the disproportionate deployment of force and authority and the associated media presence, gives rise to a reasonable inference that the operation was not conducted in a measured or purely investigative manner. Viewed

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objectively, these circumstances tend to create the perception that the execution of the warrant was calculated to cause reputational harm to me, rather than being confined to what was strictly necessary for the lawful investigative purposes. This event, in turn, resulted in extremely social media reporting and commentary, effectively giving rise to a trial by social media, which...”

I know I said trial by media, but it is a typo. It was meant to be social media:

“Which has been materially detrimental to me, both personally and professionally. Much of this reporting has been inaccurate and misleading and has amplified reputational harm arising from the manner in which the warrants were executed, rather than reflecting a fair or fact-based account of the underlying events.”

Now, I am going to the overall effectiveness or failure of oversight mechanisms within the SAPS. Paragraph 263:

“Part of the terms of reference of this Commission includes an enquiry into the

effectiveness or failure of oversight mechanisms within the criminal justice system, as well as the role played by any member of the national executive responsible for the criminal justice system. This encompasses an examination of whether such persons were complicit in, aided or abetted, or otherwise participated in alleged criminal activities, whether they failed to act on credible intelligence or internal warnings, and whether they derived any financial or political benefit from such activities. In such sections of my affidavit, I accordingly address conduct within the leadership structures of SAPS, which, in my view, warrant scrutiny within the scope of the Commission's mandate.

Overtime Claims in Respect of My Protection. I became aware of an application for overtime payment in respect of the period 1 May 2023 to 31 May 2023, allegedly relating to the protection service rendered to me by Warrant Officers Monageng and Warrant

Officer Sekgodi. Which application was approved by General Senthumule? I attach hereto marked Annexure SS37 a copy of the information notice reflecting this application, as well as the purported hours of overtime allegedly worked. The application records overtime purportedly worked during May 2023 by Warrant Officers Monageng and Warrant Officer Sekgodi for my protection. This is incorrect. During the period in question, I neither requested nor was allocated any protection service, and no protection details were assigned to me. At no stage during May 2023 did Warrant Officers Monageng or Warrant Officers Sekgodi or any other member of the SAPS perform overtime duties for my protection. The overtime reflected in this application was therefore not rendered as recorded. Upon becoming aware of the existence or approval of this application, I referred the matter to the Independent Police Investigation Directorate for Investigation. The application purports

to claim overtime for services that were not requested, not authorised by me, and not performed. The approval of such application, in the absence of any factual basis, raises serious concerns regarding the accuracy and integrity of the approving authority and the lawfulness of the payment claim. The foregoing raises the question as to how General

10 Senthumule approved the overtime claim in the absence of any verification that protection services were requested, allocated, or rendered, notwithstanding that such verification would have been readily ascertainable. As the approving authority, General Senthumule was required to exercise due diligence to ensure that overtime claims were supported by objective proof that

20 services were authorised and rendered. This would ordinarily include verification of protection allocation records, duty rosters, or confirmation from the protected member. None of these appear to have undertaken prior approval of the

claim. The approval of an overtime claim in these circumstances is not a minor administrative lapse. It implicates systemic weaknesses in financial and operational controls, particularly where claims related to protection services, which are sensitive, strictly regulated, and easily verifiable. The approval of such a claim without basic verification raises legitimate concerns about whether oversight mechanisms were functioning as intended. At a minimum, the approval of the application reflects a reckless disregard for the verification obligations attendant upon the approving authority. At worst, it raises the possibility that the approval was granted with knowledge that the service claim had not been rendered. These are matters that properly fall within the investigative remit of IPID.”

Now moving over to governance and oversight issues arising from close personal relationships with the Office of the National Commissioner:

“I have on numerous occasions received

complaints from various members of the South African Police Service regarding allegations of nepotism and preferential treatment within the Office of the National Commissioner. In this regard, I have prepared a presentation which I take the Commission to, and which is attached hereto marked SS38, setting out the familial and personal relationship between certain individuals employed within the Office of the National Commissioner. I raise these issues because the existence of close familial or personal relationships within a single executive office warrants scrutiny from a governance and oversight perspective, not because such relationships are inherently improper, but because of the heightened risk they pose to objectivity, accountability, and the effective functioning of internal controls. Where reporting lines, decision-making authority, or access to sensitive information intersect with personal relationships, there is an increased risk

of perceived or actual conflict of interest, preferential treatment, and weakened oversight in an institution such as SAPS, which exercises extensive cohesive powers and manages substantial public resources. The maintenance of transparent, impartial, and robust governance structures is essential to public confidence and institutional integrity. It is for these reasons that the relationship reflected in Access SS38 warrants careful examination within the scope of the Commission's mandate. In amplification of the above, it is noteworthy that the conduct and role of the other Deputy National Commissioners have not been examined by this Commission, despite the Commission's mandate to scrutinise senior leadership within the South African Police Services and the effectiveness of oversight mechanisms at that level. In particular, the Deputy National Commissioner responsible for policing, General Mosikili, who was implicated in an incident at a

Macro Store in which it was alleged that she attempted to purchase household appliances through informal means and was subsequently deceived by two individuals who allegedly provided her with empty boxes after she had paid them an amount of R10 000. Following this incident, General Mosikili opened a criminal case of theft against the two individuals, alleging that her belongings had been stolen while they were assisting her to load groceries into the vehicle. The two individuals were arrested, after which General Mosikili later withdrew the charges of theft against these two individuals. The matter was thereafter referred to IPID, which commenced an enquiry into General Mosikili's conduct arising from the incident, notwithstanding the referral to IPID and the existence of an ongoing investigation, an internal report prepared under instruction of the National Commissioner subsequently cleared General Mosikili of any wrongdoing.

What is of concern from a governance and oversight perspective is the apparent disparity in the manner in which this matter was addressed. When contrasted with the scrutiny applied to other senior SARP officials, despite the seriousness of the allegations and the fact that the matter had been referred to IPID for independent investigation, an internal report Commissioned at the instance of the National Commissioner purported to exonerate General Mosikili, this raises legitimate questions as to the consistency, independence and robustness of internal accountability mechanisms within the SAPS and whether similar standards of scrutiny are applied uniformly across senior leadership. In or about April 2024, the Public Service Commission issued a report in terms of section 194 of the Constitution concerning allegations of appointment irregularities at the SAPS. In that report, the Public Service Commission concluded that the

promotion of General Senthumule to the position of head, executive support and internal relations was irregular. A copy of the PSC report is attached hereto marked as SSS39. Subsequent engagements took place between...”

Chair, I am reading throughout:

10 “Subsequent engagements took place between SAPS and the PSC regarding this finding. This engagement culminated in the preparation of an information note by Lt-Gen Lineo Nkhuoa, the Divisional Commissioner Human Resource Management, in which SAPS records its disagreement with the PSC's conclusion. In the information note, SAPS maintains that the appointment of General Senthumula was affected in compliance with the applicable legislative framework and with the requisite authorisation of the Minister of Police. A copy of the information notes as well as the related correspondence is attached hereto marked as Annexure SSS40. The

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apparent disjuncture between the findings of the Public Service Commission and the position adopted by SAPS management reflects a broader institutional weakness in internal governance control, particularly in relation to senior appointments, compliance with prescripts and a clear delineation of authority. Effective governance within SAPS requires that oversized funding be meaningfully engaged with remedial steps being taken where irregularities are identified and that executive authority be exercised in a manner that is demonstrably consistent with the constitutional and legislative obligations. A further point of concern for me is that General Senthumule has publicly denied having an association with Matlala. This denial is, however, difficult to reconcile. With information that has come to my attention in particular, it appears that Matlala was invited under instruction of General Senthumule to attend the SAPS Service

10 Excellence Award and that the donation was accepted from his company Medicare 24. In connection with that event, I am in possession of WhatsApp communication which indicates that General Senthumule instructed Major General Manamela to extend an invitation to Matlala to attend the Service Excellence Award. In or about 2024, it is further alleged that 10 free refrigerators were accepted by General Senthumule as a donation from Medicare 24. I am also informed that Matlala and his wife were invited to General Senthumule's private residence prior to a trip to Cape Town..."

Not relocation, it is a type.

ADV BALOYI SC: Sorry, General. The refrigerated donation was the SAPS or to her personally?

20 **LT-GEN SIBIYA:** It was to the SAPS during the Award. Those are the fridges that will be given to the best performer when this or that.

ADV BALOYI SC: Okay, thank you.

LT-GEN SIBIYA:

"In addition, it has been alleged that General Senthumule personally benefited

from Matlala in circumstances that were not disclosed. These allegations include that certain elective medical procedures were performed by medical practitioners, the cost of which were paid for by Mr Matlala. I am advised that these benefits were not declared through any formal disclosure. I raise these matters because...”

10 **ADV HASSIM SC:** Sorry General, just before you move on, when you say it has been alleged, who alleges this?

LT-GEN SIBIYA: Firstly, I think we had a witness here that spoke about certain senior managers who received BBL. And then in my case, what I said, I said that because I work with her every day, I had to give her off. Sometimes because she could not sit, even in the car, even in the office, because she could not work. She had to always, at all times, be standing the whole day because she was not supposed to sit. And I even advised her to work from home.

20 So as to the question as to who alleges, sometimes I should not at this point in time maybe disclose who gave me the information. But I am able to give to the Commission if I have to give. I am forced to give it to the Commission. Because sometimes people's lives could be in danger as well.

ADV HASSIM SC: Well, I think you should provide to us where you get information from. Otherwise, it is just this allegation that is written in the passive tense, it has been alleged. So, I would ask that you do give us that information. You can give it to us during the adjournment.

LT-GEN SIBIYA: Yes, may I come back maybe the next morning with that response, Chair, so that I consult extensively in that regard.

ADV HASSIM SC: Continue.

10 **LT-GEN SIBIYA:**

“I raise these matters because if established, they would raise serious concerns relating to conflict of interest, disclosure obligations, and the integrity of governance and oversight mechanism within the SAPS. I accordingly place these matters before the Commission for consideration insofar as they may be relevant to its mandate to examine ethical governance, accountability, and the effectiveness of internal safeguards within the senior leadership of the SAPS. The National Commissioners' Leadership Style. The National Commissioners' approach to conflict resolution has on a

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number of occasions reflected inconsistency and apparent partiality, particularly in matters involving General Khumalo and myself. Although the National Commissioner acknowledged my concerns regarding being undermined and bypassed by General Khumalo, his interventions were largely limited and reactive rather than proactive or corrective. In one instance, I was advised that certain issues should not be raised publicly or in the presence of junior officials. While this guidance is understandable from the perspective of maintaining hierarchy and discipline, its practical effect was that the conduct complained of was not addressed, thereby allowing the situation to persist without consequences. The National Commissioner's approach in these circumstances appeared to have the preservation of longstanding personal relationships over the consistent enforcement of accountability, proper governance, and command discipline.

During a visit to Cape Town, the National Commissioner convened a private meeting with the Provincial Commissioner of Crime Intelligence from the Free State. It was the Provincial Commissioner of Free State and then the Provincial Head of Crime Intelligence and several senior Crime Intelligence officials. Despite my position as the Deputy National Commissioner responsible for Crime Intelligence and notwithstanding that operational oversight of these matters fell squarely within my mandate, I was neither invited nor informed of this meeting. The meeting proceeded for approximately an hour in my absence. This exclusion had the effect of undermining my authority and bypassing established oversight and command structures. It further illustrates a pattern in which informal and decision-making were centralised while institutionally mandated oversight roles were marginalised to the detriment of transparent, accountable, and effective

governance within South African Police Service.”

CHAIRPERSON: You said informal, I think it is information. Three lines from the top, three lines from the bottom.

LT-GEN SIBIYA:

10 “Which information and decision making was centralised while institutionally mandated oversight roles were marginalised to the detriment of transparent, accountable, and effective governance within South African Police Service. A further concerning example of inappropriate conduct relates to the National Commissioner's engagement with my former wife, Ms Christine Bonang Mgwenya. Without my knowledge or consent, the National Commissioner disclosed to her allegations that I was

20 lobbying for his position and investigating the former Minister of Police, Bheki Cele. He further instructed her not to disclose this information to me. This conduct circumvented established...”

ADV HASSIM SC: This conversation.

LT-GEN SIBIYA:

“This conduct circumvented established professional and institutional channels and constituted a clear breach of appropriate boundaries. By drawing a personal relationship into an internal professional dispute, it had the effect of undermining my standing within the service, compromising trust, and exacerbating tensions in circumstances that ought properly to have been addressed through formal and accountable mechanism. The National Commissioner's conduct reflected a pattern of unequal application of accountability standards. While I faced suspension and intense scrutiny, General Mkhwanazi remained in his office despite serious criminal allegations. He consistently protected General Khumalo despite documented complaints and misconduct, allowing him to continue influencing crime intelligence operations without consequences. This disparity in treatment reinforces concerns regarding

selective enforcement, inconsistent consequences management, and the erosion of principled leadership within the service. Overall, the leadership approach of the National Commissioner may be characterised as predominantly reactive rather than proactive, marked by partiality and the protection of personal alliances, decentralisation of decision-making authority, inconsistent communication, and intolerance for the persistence of misinformation and reputational harm. In conclusion, I wish to express my sincere gratitude to the Commission for affording me the opportunity to place evidence before it on matters of significant public importance that affect the country, as well as issues that have had a profound impact on my professional career. I have approached this process in the spirit of transparency and cooperation, mindful of the Commission's mandate to examine systemic weaknesses, accountability failures, and the effectiveness of

oversight within the criminal justice system. This process is grounded in the Constitution of South Africa, which requires that all exercises of public power be lawful, accountable, and transparent, and that institutions entrusted with policing and criminal justice operate without fear, favour, or prejudice. It is my hope that the Commission's findings will assist the President in safeguarding against the use of public funds and state resources for purposes unrelated to the constitutional mandate of the criminal justice system, including the pursuance of personal vendettas, factional interests, or succession battles, but are instead deployed solely in furtherance of the constitutional imperatives of accountability, impartiality, and the public interest. The misuse of state institutions and resources for such purposes undermines the rule of law, erodes public confidence in law enforcement agencies, and diverts scarce

resources away from their constitutional mandate to prevent, combat, and investigate crime. Furthermore, it is incumbent upon leadership not only within the criminal justice system but across the public service more broadly to remain constantly mindful of the people they are entrusted to serve. Public office demands that the interests of the public be placed above personal ambition, factional consideration, or internal contests for power, and that state resources are never deployed to advance such interests. Section 195 of the Constitution requires accountability, ethical conduct, and fidelity to the public interest in the exercise of all public power. I accordingly trust that the Commission's findings and recommendations will assist in strengthening oversight, restoring institutional integrity, and ensuring that the criminal justice system serves the people of South Africa rather than personal or factional agendas. The Bill

of Rights is a foundational pillar of South Africa's constitutional democracy. It affirms the rights of all persons and enshrines the values of human dignity, equality, and freedom, where law enforcement agencies are captured, manipulated, or utilised to shield certain individuals from accountability or to target others for improper or ulterior purposes. The constitutional rights of those unjustly accused are directly and seriously infringed. Such conduct is incompatible with the Constitution and cannot be countenanced as it undermines the rule of law and the legitimacy of the criminal justice system itself. Finally, I trust that the evidence I have presented will assist the Commission in the fulfilment of its constitutional and statutory responsibilities while also providing a fair and balanced context to matters that have had a profound and ongoing impact on my professional career and personal integrity.”

I thank you, Chair.

CHAIRPERSON: Thank you, General.

ADV HASSIM SC: Thank you, General. Now that we have completed this statement and your evidence from your perspective, there are several areas in respect of which we have questions. But let us begin at the top of your statement before we get to the topic of disbandment. You spent some amount of time taking the Commission through a history of complaints or investigations against you. There are about six of them that you have listed going back to
10 2015. Is it correct that each of these complaints against you were brought at different times in different work environments?

LT-GEN SIBIYA: Correct.

ADV HASSIM SC: And if I recall correctly, the first is the dismissal by the Hawks in 2015. Is that right?

LT-GEN SIBIYA: Correct.

ADV HASSIM SC: Then the rendition matter, then the alleged fraudulent travel claims, allegations of high treason, the public protector investigation, the whole investigation
20 into the City of Johannesburg, your appointment, salary, procurement of equipment, and then finally your suspension from the service last year.

LT-GEN SIBIYA: Correct.

ADV HASSIM SC: And I take it you do not suggest, therefore, that there is one person that is orchestrating

these complaints or one group that is orchestrating these complaints against you. Is that correct, if I were to say that?

LT-GEN SIBIYA: It is not correct.

ADV HASSIM SC: So, the reason you provided this is to say there is an orchestrated campaign?

LT-GEN SIBIYA: Yes, and I gave a clear background in that regard, where it stems from, and as a continuation of what happened and the role players, so I substantiated
10 where I come from.

ADV HASSIM SC: Okay, but when you say it is orchestrated, who do you say is orchestrating it? Because you agreed that they all happened at different points in time over the last 11 years, in different work environments, brought by different people.

LT-GEN SIBIYA: Chairpersons, I do not think I need to go any further than to refer the Commissioners to the court papers themselves. Starting from the rendition, starting from Judge Maponyane, all the judges that were involved
20 and their comments about what happened, my involvement, whether I was involved or not, leading up to the city where all the judges, where my matters were presented, ruled in my favour, and based on the fact that there is no evidence against me or I was not even involved.

ADV HASSIM SC: I accept that. I am not saying that you

are guilty of any, I am not commenting on the merits of any of those complaints. I am talking more about the purpose for which you have put it before this Commission. You are saying because it is orchestrated. So that suggests that there is one person or one group of people that is doing this, and I am asking you, and you are saying yes, that is true. Yes. So, who is the person?

LT-GEN SIBIYA: I underlined political interference. Political interference in my judgments. And then now I
10 indicated Commissioners and said, it is this political party, the MK party, that started the marches, that opened criminal cases, that toyi-toyi around my buildings. And then I also even went to an extent of mentioning that the same Minister who was the Minister at the time I was expelled, I am dealing with the same Minister who is actually behind the political party that is actually dealing with my situation.

ADV HASSIM SC: So, the answer to the question is, it is the MK party.

LT-GEN SIBIYA: Well, it is one of them.

20 **ADV HASSIM SC:** And who else?

LT-GEN SIBIYA: One of them, remember there are many role players at different stages.

ADV HASSIM SC: Okay, so there is not one person or one grouping, there are several groupings.

LT-GEN SIBIYA: Yes.

ADV HASSIM SC: Okay, thanks. I just wanted to be clear on that. Then we hear from you on the issue of disbandment, and you have said disbandment of the Political Killings Task Team. When did you first find out about the decision to disband?

LT-GEN SIBIYA: When the letter was circulated in media, we all saw it.

ADV HASSIM SC: When it was circulated in the media?

LT-GEN SIBIYA: Yes.

10 **ADV HASSIM SC:** So that was immediately.

LT-GEN SIBIYA: I think it was on the same day, the 31st.

ADV HASSIM SC: But you also said that you were not surprised with that decision.

LT-GEN SIBIYA: Yes.

ADV HASSIM SC: And the reason you were not surprised is because, for one, you referred to the Marais report. And your evidence was that this was part of the discussion. This was foreshadowed in the Marais report.

20 **LT-GEN SIBIYA:** No, no. I am not basing my response on the Marais report. There was a build-up of a series of meetings that happened, including the Marais report was part of the whole thing.

ADV HASSIM SC: Yes, so I am not saying it is the only thing, I am saying it was one of the events.

LT-GEN SIBIYA: I feel comfortable when you talk about

the fact that there was a build-up. There has been several meetings and consultations, so it never could come as a surprise because it was not just a shock.

ADV HASSIM SC: Yes, but I want to probe further. We have heard you say that, but I want to understand from you that one of the reasons you say it was not a surprise is because it was foreshadowed in the Marais report. And when you first referred to the Marais report yesterday, I asked you to take us to the part of the Marais report where
10 it speaks about disbandment. And then we did not dwell on it because we said we would return. And I am returning to it now. So, if we could just go to the Marais report.

ADV BALOYI SC: What file is that Ms Hassim?

ADV HASSIM SC: File 2A. I think Commissioner Khumalo s housing it.

ADV KHUMALO SC: 776.

ADV HASSIM SC: 776. Let me know when you are there, General.

LT-GEN SIBIYA: Yes, I spent time last night. I marked it.
20 And I marked the relevant sections that I know that maybe the committee is referring to. So, I just want to get to that point. Just bear with me. I want the one I clearly marked. I am almost there, Chair. All right.

ADV HASSIM SC: All right, so, you are going to take us to where it talks about disbandment.

LT-GEN SIBIYA: Chair, I need assistance. I have got it where I marked it. This is where I marked it from the file that I was using at the Ad Hoc Committee. But it is the same document that we have, the one that says evaluation of the implementation.

CHAIRPERSON: I see, General.

LT-GEN SIBIYA: Here is the file. Here is my file.

ADV HASSIM SC: So, General, the document is your concern about page references.

10 **LT-GEN SIBIYA:** And the file, because I can read from here what I have to respond to your question.

CHAIRPERSON: May I make a suggestion, General? I see at the foot of each page there is page 1 of 33, for example, page 12 of 33, and so on, at the foot of the page. So, if you refer to that at the foot of the page, then we can find the relevant pages.

ADV HASSIM SC: Is the pages your concern?

LT-GEN SIBIYA: Page 11 of 33. I want to go to page 10. What was it?

20 **ADV HASSIM SC:** Page 10 of 33.

LT-GEN SIBIYA: Yes, page 10 of 33. We are still talking about the Marais report.

ADV HASSIM SC: Yes.

LT-GEN SIBIYA: I want to go specifically to paragraph 6.4.5.

CHAIRPERSON: And that, for purposes of the record, that is paginated page 785 of the annexures.

ADV HASSIM SC: Thank you, Chair. Yes.

LT-GEN SIBIYA: This is the one that we are looking for. Yes, and then you go to the other one, page 10. Page 10? Yes. I am going to read to you a select. I am not going to go on it, but I am going to select the relevant sections that I think will assist the Commission.

ADV HASSIM SC: Yes, so my question is if you could just
10 take us to where in the Marais report it talks about disbandment of task teams and, in particular, the PKTT.

LT-GEN SIBIYA: I want to go to paragraph 6.4.4. Now, we are at file Annexure page 785.

ADV HASSIM SC: Yes.

LT-GEN SIBIYA: I am reading here paragraph 6.4.4. That says:

20 “It is evident that the historical specialist capacities are better implemented than the newly established unit. The unit that is the best capacity according to the personnel strength, FCS, 70 percent. Now, I want to skip that and say, followed by tax evidence capacity within the murder and robbery environment. But where I am interested is the worst crime

capacity, 25 percent, that is normally better off at 25 percent. Murder and robbery units are at 18 percent, and organised crime, 28 percent.”

Now, when you go to 6.4.5:

“The reason for the establishment of this unit was to ensure that provincial-directed investigations could be conducted with the alternative function to also replace the numerous task teams that were functioning at provincial level.”

Now, when you talk about the numerous task teams that are functioning at provincial task teams, it includes the Political Killings Task Team. Now, next paragraph it says:

“It is necessary to look at the status of this provincial investigation unit capacities and make a decision based on implementation of possibly to close down the capacities at provincial level.”

20 We are talking the task teams, are the capacities at provincial level.

ADV HASSIM SC: You, pause, are you saying, or possibly to close down the capacities at provincial level, you interpret that to mean task teams?

LT-GEN SIBIYA: Yes, because we are building units now,

but we have got these other extra capacities like your task teams that are mushrooming all over, and then they take away a lot of manpower and capacity to make sure that the provinces are strong.

ADV HASSIM SC: So, the plan is to establish these units, the so-called PIUs, provincial investigation units, with a view to then incorporating the work of the task teams into the PIUs?

LT-GEN SIBIYA: Yes.

10 **ADV HASSIM SC:** Okay.

LT-GEN SIBIYA: Now, let me finish my point so that I rest it. So now, there is a paragraph that says:

20 “This would also alleviate the need to establish a capacity without a need in the current circumstances where there are continuous budget cuts, especially for compensation. Closure of the provincial investigation unit would then relieve some pressure on an additional unit that needs to capacitate and resources.”

Now, in other words, if you were to take the money that you are allocating to the task teams, you build capacity, you build your murder and robbery unit to be as prolific as what you say you have as a task team. Or take the same task team, put them in the same unit, let this unit be a unit that

functions, but under normal salary. Now, you have got people, you have got units that are not capacitated, you have got another unit that you put there, this unit that you put there, they collect R35 000, R45 000, overtime, extra money. And then yet you have established the murder and robbery unit.

ADV HASSIM SC: Okay.

LT-GEN SIBIYA: Only in one province.

ADV HASSIM SC: So, the point again is to establish units
10 in order to increase the capacity of these units and that would incorporate the work of task teams.

LT-GEN SIBIYA: Yes.

ADV HASSIM SC: All task teams.

LT-GEN SIBIYA: And throughout the country.

ADV HASSIM SC: And throughout the country.

LT-GEN SIBIYA: Yes.

ADV HASSIM SC: Okay, and that was the plan. That is what this report was proposing.

LT-GEN SIBIYA: Can I read the last?

20 **ADV HASSIM SC:** You can first answer and then you can read.

LT-GEN SIBIYA: What is what?

ADV HASSIM SC: Do you agree that that was the plan that was being proposed in this report?

LT-GEN SIBIYA: In the report, yes.

ADV HASSIM SC: Okay, thanks. You can continue.

LT-GEN SIBIYA: And then when you look at paragraph 6.4.51, it says:

“These task teams should be placed within the murder and robbery unit to capacitate and direct the focus on a permanent structure with the necessary command and control...”

ADV HASSIM SC: Sorry, sorry, sorry, General, I have lost
10 you. Where are you reading from?

LT-GEN SIBIYA: 6.4.5.1, page 11.

ADV HASSIM SC: Yes.

LT-GEN SIBIYA: Now, it talks about the number of task teams that you can see.

ADV HASSIM SC: I did not see what you just read.

LT-GEN SIBIYA: Bullet number 2 from line number 2.

ADV HASSIM SC: That talks about multiple trio task teams. Why do not you start at the beginning of 6.4.5.1?
Okay.

20 **LT-GEN SIBIYA:** Why do not I start with?

ADV HASSIM SC: The beginning. So, 6.4.5.1, what does that read, the first line?

LT-GEN SIBIYA:

“The task teams that are not monitored run rampant for years without

determining or accounting for the gap left, where the members were taken from, mostly at station level. Task teams found operating in provinces are as follows...”

ADV HASSIM SC: Okay, let us just take it slowly. The first sentence is, task teams that are not monitored run rampant for years without determining or accounting for gap left, *et cetera, et cetera*.

LT-GEN SIBIYA: Yes.

10 **ADV HASSIM SC:** So, what this document is talking about is those that are not monitored. The Political Killings Task Team was monitored.

LT-GEN SIBIYA: No, it was not.

ADV HASSIM SC: Why do you say that?

LT-GEN SIBIYA: Because if that was the case, we would not be sitting with so many cases that are not attended since 2018, 2019, 2020.

ADV HASSIM SC: No, that is a separate issue about the status of investigations and the dockets, and we will come
20 to that later on. But we have had evidence, and I am sure you have seen it, which is the number of meetings that take place, oversight meetings of the Political Killings Task Team, including the inter-ministerial committee meetings.

LT-GEN SIBIYA: Commissioners, I am sitting with a budget of over 500 million, and when you look at the

workload and the work done, you cannot compare the two. You cannot account for the amount of money. Let us look for an example. Let me answer ...[intervenes]

ADV HASSIM SC: No, because you are not answering the question. You are talking about something else. I just want to talk about the monitoring of the Political Killings Task Team. There were oversight bodies that steering committees and then the inter-ministerial committee that met that had oversight of the Political Killings Task Team.

10 Do you agree with that?

LT-GEN SIBIYA: I do not.

ADV HASSIM SC: Why do not you agree with that? There are minutes of meetings.

LT-GEN SIBIYA: We are past the ministerial committees now. We are now with the running of the task team. And the running of the task team. I am saying, if I am sitting with a situation where every now and then we are asking for R35 million, R20 million, but when you look at the cases that were started in 2018, 2019, are now being finalised.

20 Now, some of them are still not finalised ...[intervenes]

ADV HASSIM SC: No, you are not. Actually, we will deal with the question of the status of investigations of those dockets that are under the PKTT. We will get there. I am merely talking at this stage about monitoring. And in fact, what is included in that monitoring is the decisions that are

made and that are signed off at senior level within the service.

LT-GEN SIBIYA: I do not agree.

ADV HASSIM SC: I have not even finished. How are you saying you do not agree? You do not know what my question is?

LT-GEN SIBIYA: I really apologise. It will not happen again.

ADV HASSIM SC: There are budget approvals for the
10 PKTT that take place at least every year. Sometimes it is more than once a year, depending on the period for which the budget is applied. And in those budget approvals, there is an assessment of the PKTT. It is included in the information note. So why would the budget be extended for the PKTT if the assessment was that it was not doing its job?

LT-GEN SIBIYA: I really want to answer you, Chair. My problem is that you want one specific answer.

ADV HASSIM SC: I definitely do.

20 **LT-GEN SIBIYA**: And that I do not agree with. I am saying, if you say to me the testing was monitored, and yet I have dockets that according to the coordinator says they were put in a fridge, dockets, a number of dockets were sitting somewhere in a corner unattended. To me, they were not monitored.

ADV BALOYI SC: Perhaps, you know, let us understand your definition or meaning of monitoring. Because we have heard evidence, including documentary evidence, as Ms Hassim says, of meetings, of the structure, of meetings of the IMC, that there were steering committees, approvals of mandate, which include your approving in April 2024 or thereabouts, but in 2024. So, we have had that kind of evidence that suggests that there was monitoring of this task team, right. That is the evidence before us. You say
10 there was no monitoring. Maybe you have a different idea when you say monitoring, and it may be helpful to us if you explain what you mean by monitoring.

LT-GEN SIBIYA: Chair, if you look at all these task teams, 6.4.5.1, all of them as you see them, all of them, are the same task team. They perform the same function, different responsibilities or challenges. Now, what I mean when I say, there is a criticism here when they say task teams have run rampant for a long period, unmonitored ...[intervenes]

20 **CHAIRPERSON:** General, sorry, I am very, very sorry. I apologise for interrupting your mid-sentence. The question by my colleague Commissioner Baloyi is a simple one. At the level of principle, aside of looking at particular or specific units or task teams, at the level of principle, what do you consider to be monitoring? What we expect you to

say is a unit or a task team would be properly monitored if A, B, C, D, E happened.

LT-GEN SIBIYA: Okay.

CHAIRPERSON: It would not be properly monitored if X, Y, Z happened. Just a description at the level of principle.

LT-GEN SIBIYA: Thank you, Chair. As far as I am concerned, if I say a task team is properly monitored, it is when it carries out its mandate, number 1, as they were established for whatever they were doing, and the
10 effectiveness in carrying out their mandate, focussing on what their mandate is, specifically political killings, over and above, attending to all cases reported.

All cases reported, not only selectively and others ignored. And when you look at all those things, there are many reasons that I may mention. That is, when we say there is proper monitoring, there is inspections being conducted, regular inspections conducted, monitoring of their work, and also proper accountability. That is when I say it is monitored.

20 Now, where there is no proper accountability and no regular, I do not know about regular inspections because I have never inspected their docket, but what I can say, if I am sitting with such a high number of dockets that were not being attended to, I cannot say they were properly monitored. So that is based on that. My reason is not to be

argumentative, but it depends on the level of experience and what I know to say. When we say a task team is being monitored, this is what needs to happen. And all those things were not happening all at the same time.

CHAIRPERSON: Ms Hassim, may I, at the risk of sounding like I am directing your questioning in a particular direction, may I ask perhaps that we caution ourselves just on this aspect, just on this one aspect. We caution ourselves not to be sidetracked in this sense. For example, your
10 question, the key issue you want the General to address now is, General, show us where it says the PKTT is to be disbanded.

And the General first took us to the second paragraph of 6.4.5. And when he was done with it, you asked him a question, the upshot of which was this. The General agreed that this was a plan that was being proposed. So, I do not see that to say PKTT must be disbanded. So, I think let the next step be, take us to where we are told that the PKTT is being disbanded. If you
20 - yes, you can come back to the monitoring, and he must take us to where this document says the PKTT is being disbanded. The first one, it says planned, period. I am sorry, I am sorry if I sound like I am directing you.

ADV HASSIM SC: Chair, that is fine. The second point he was talking about is task teams that are not monitored.

CHAIRPERSON: Yes.

ADV HASSIM SC: And that is how this opened up the question of, well, is the PKTT one of those or not?

CHAIRPERSON: Yes.

ADV HASSIM SC: But I am going to return to it if the Chair does not mind. However, let us go to the next question. If this is not the place that says that the task teams should be disbanded. It talks about task teams that are not being monitored, *et cetera*. And then it says:

10 “Task teams found operating in provinces
 are as follows.”

And it lists the task teams, right?

CHAIRPERSON: General, oh, sorry, sorry, Ms Hassim again. General, you took us here, page 786, 6.4.5.1. Show us where, where in 6.4.5.1, this document says PKTT to be disbanded. Show us that, please.

LT-GEN SIBIYA: Chair, when you go to the second line, that says:

20 “These task teams should be placed
 within the murder and robbery unit to
 capacitate and...”

CHAIRPERSON: Where are you reading from?

ADV HASSIM SC: Where are you reading?

LT-GEN SIBIYA: Line number 2 of bullet number 2:

“Multiple trio task teams functioning in

various provinces, these task teams follow the mandate of the murder and robbery units. These task teams should be placed within the murder and robbery unit.”

Now when you talk about multiple trio task teams, it also includes the same mandate.

ADV HASSIM SC: What mandate?

LT-GEN SIBIYA: Like your murders, that is why it must go
10 to murder and robbery, your robbery, your murders.

ADV HASSIM SC: Okay, so I disagree with you because what that, what you just read refers to these, the second bullet, which is multiple trio task teams functioning in various provinces. If you look at one, two, three, six bullets from the bottom, that is where it deals with the political murders team, which the Minister has said is essentially the Political Killings Task Team. Do you agree with that?

LT-GEN SIBIYA: Before I respond, Chair, I want to ask a
20 question. When a study is being conducted, or this study was conducted, it was not conducted in the name of the PKTT alone. It was conducted when they talk about the task teams. It includes the PKTT. Now if I am questioned and expected to say but show me where specifically the PKTT mentioned that it must be disbanded. When they talk about all the task teams, including when you look at this

bullet that says political murder team, which is the PKTT.

ADV HASSIM SC: Yes.

LT-GEN SIBIYA: Yes, now, the study was to say we need to capacitate these units that we are re-establishing, like the murder and robbery unit, so that we take all these teams to the units to build capacity.

CHAIRPERSON: General, I understand the point being made by Ms Hassim to be this. The several bullets that you see under 6.4.5.1 itemise different categories of task
10 teams. That is Ms Hassim's point. And she says bullet number 2 that you just referred to is not the same category as the political murders team bullet. That is a different category. So, it is not the same category that you referred to, which is in bullet two. That is Ms Hassim's point. So, whatever is said in brackets about the task team in bullet 2 is not, or does not relate to political murders team, which is a different category. That is the point.

ADV HASSIM SC: That is quite right, Chair. Thank you for that. And to put it clearly, what you have read in brackets,
20 if it was to apply to all of the task teams, it would have preceded the bullet points, the list of bullet points, right? It would have been an overall heading. Do you understand what I am saying?

LT-GEN SIBIYA: I do.

ADV HASSIM SC: Okay.

CHAIRPERSON: And to show that these are different categories, what precedes the bullet says task teams found operating in provinces are as follows. And then the bullets. So those are different categories. So, the political murders team is not the same as the team referred to in bullet 2. That is a simple point. You may pose your question again, Ms Hassim.

ADV HASSIM SC: Do you agree with that?

LT-GEN SIBIYA: I do not. I do not.

10 **CHAIRPERSON**: You do not agree that these are different categories?

LT-GEN SIBIYA: No, this I agree that these are different categories.

CHAIRPERSON: Do you agree that the category itemised in bullet 2 is not the same as the category itemised as political murders team? Obviously, you must agree. You have already just said you agree with this. You have just agreed that these are different categories. So, bullet 2 and the political murders team are different bullets. So, you
20 must agree. It is only logical. Not so.

LT-GEN SIBIYA: I agree, Chair.

ADV HASSIM SC: Okay, thank you. Thank you. So, where else, then, in the document does it talk about the disbandment of the political killings team?

ADV BALOYI SC: Maybe before you do that, let me just

make sure I understand what the General is saying. General, that bullet 2, multi-trio task teams functioning in various provinces, is that the paragraph you rely on to say that there was a decision, management decision, to disband the PKTT? Is that what you are doing?

LT-GEN SIBIYA: No, Chair. What I am relying on is the fact that when there is a study that is being conducted that says we have got numerous task teams that are operating in different provinces. And these task teams, they take away
10 the manpower from the units. So let us disband the task team and then let the members be in the unit and strengthen the unit. That was the whole idea.

So this whole idea, starting from reestablishment of the task team, because when you look, when you read the first one that talks about the reestablishment, it also places, it talks about those units like your murder and robbery, and then from there it will also give the mandate of each and every one of them, of which it places the Political Killings Task Team under the murder and robbery unit.

20 **ADV BALOYI SC:** Allow me to interrupt you. You took us to that paragraph, and I just wanted to understand what meaning, whether you are saying that is the paragraph in this whole document that authorises or that where it is decided or recorded that the PKTT was to be dissolved. I think your answer, I want to say your answer is no. From

your explanation, it is not the paragraph you are relying on.

LT-GEN SIBIYA: That is correct, that is correct.

ADV BALOYI SC: Okay, thank you.

ADV HASSIM SC: Okay, so then can you take us, is there anywhere else other than the references you gave us thus far in this report where it says that the PKTT should be disestablished?

LT-GEN SIBIYA: Yes, in my case, Commissioners, if there is a decision that says we have provincial capacities that
10 exist in provinces that must be closed down to capacitate the units, to as far as I am concerned, it talks about the people that are at the task teams so that the units can be strong. Now, I do not know if I am allowed to clarify something, like ...[intervenes]

ADV BALOYI SC: Maybe before you clarify, just so that we do not get lost in detail, where is that decision that you have just described now?

LT-GEN SIBIYA: Let us go to paragraph 6.4.5 behind. That says, and I am reading where it says:

20 “The reason for the establishment of
 these units was to...”

CHAIRPERSON: Were you reading General?

ADV BALOYI SC: Where are you reading, General?

ADV HASSIM SC: 6.4.5, are you reading four lines from the top?

LT-GEN SIBIYA: Yes.

CHAIRPERSON: If you are not starting from the beginning of a paragraph that you are referring us to General, you should always tell us the line, please. It makes it easier for us to find where you are reading from. So, we do see it. Please read.

ADV HASSIM SC: But before you read, because we have been here already, you have read this and we established that this is the intended plan, right? That was what this report envisaged taking place. This was the plan. It does
10 not say that the PKTT should be disbanded.

LT-GEN SIBIYA: You see, what I think, firstly, Chair, I think we need to agree that when we talk about the PKTT, let us remove the word PKTT. Let us talk the word task team. Because the moment you bracket me into PKTT, and I am talking about the task teams, I am applying the whole bigger picture, and then the evidence here brackets me and says, no, no, tell me where it says the PKTT.

ADV HASSIM SC: Yes, I will tell you ...[intervenes]

20 **CHAIRPERSON:** You see why that is happening, General, is the topic that Ms Hassim took you to is the disbandment of the PKTT. And she introduced her questioning by asking you where you get, or rather, she said, you say you were not surprised when the PKTT was disbanded. And then she next took you to why that was so. You then said overnight

you studied SS47 thoroughly and that you have notes on it. And then Ms Hassim said, show us where it says, that is SS47, where it says the PKTT is to be disbanded.

You took us to 645. You read the first paragraph. Then you took us to the second paragraph of 6.4.5. After you had read it, she then asked you, but is it not so that what you have just read was nothing but a plan that was, “being proposed”, and you agreed? So it is on that basis that Ms Hassim says now, but how can you again take us to
10 6.4.5 when all that it does is to propose a plan? That is where we are. But now you want to explain, I do not know whether you want to explain around 6.4.5 still.

LT-GEN SIBIYA: Chair, I think where it all started is when I, how I responded was to say there has been a build-up and a series of meetings leading to that. But this is how it all started before we got to that now, the report that was now, where she focused now on the report. But I said how I relied on the fact that I was not surprised because there has been several meetings and consultations before.

20 This is but one of the things that made me comfortable to say in any event, there was a study that was conducted. And this study talks about the re-establishment of the specialised unit. Among others is the murder and robbery unit. Whose mandate will be to look into the political killings, taxi killings, police killings, all those

killings.

CHAIRPERSON: Yes, yes, yes, yes, General. We must start somewhere. Yes, you referred to several meetings and documents and so on. We must start somewhere. So, we have started with SS47. All that we want, and that was indeed Commissioner Baloyi's question, is for you to show us a decision, a decision that says PKTT, you are now being disestablished or being disbanded. Show us that. You have taken us to 6.4.5.

10 All that we are able to glean from that is a plan that was being proposed. You have taken us to 6.4.5.1. There as well. We see nothing, unless you go back to it and show us, we see nothing that says PKTT, you are being disbanded. We do not see that. Show us. Show us. Take us. You said you went through this document overnight and that you did so thoroughly. Show us a decision that says PKTT, you are being disbanded.

LT-GEN SIBIYA: All I can say, Chair, is that in all these documents, re-establishment and this one of evaluations of
20 the implementation ...[intervenes]

CHAIRPERSON: You will take us to others. Let us not be disorganised. You will take us to others. Please, General. Please. Let us deal with 6. Let us deal with SS47. In SS47, show us where there is a decision that says that PKTT is being disbanded. You will take us. We will give

you the opportunity. You will take us to the next one. We will not gag you in this regard.

LT-GEN SIBIYA: Chair, I am trying to respond now to this question in the overall, because these two documents that I am sitting with, there is nowhere where it is written PKTT must be disbanded. All of it. Because the document was not only meant for the PKTT. It was meant for all the task teams, which included the PKTT.

ADV HASSIM SC: Can you take us to where in this
10 document it says that task teams should be disbanded?

LT-GEN SIBIYA:

“The reason for the establishment of these units was to ensure that provincial directed investigations...”

ADV HASSIM SC: Sorry, where are you reading from?

LT-GEN SIBIYA: 6.415, line number 1, 2, 3, 4.

ADV HASSIM SC: Are you reading the same thing again?

LT-GEN SIBIYA:

20 “Could be conducted with the alternative function to also replace numerous task teams that were functioning at provincial level. To replace the numerous task teams that are functioning at provincial level.”

ADV HASSIM SC: Right, and we have already gone

through this.

ADV BALOYI SC: Sorry, Ms Hassim, let me try and do something that I am hoping will be helpful, will get us past this point. General, that 6.45, that paragraph that you referred to, it starts off, it speaks about provincial investigation units. And it says:

10 “The reason for the establishment of these units, which is the part you are reading, was to ensure that provincial directed investigations could be conducted with the alternative function to also replace the task teams that were functioning at the provincial level.”

Now, if you turn to page 796 of the same document. 796 of the same document.

ADV HASSIM SC: Yes, and 8.10 in particular.

ADV BALOYI SC: And 11, both 8.10 and 11. I was going to go to 11. Yes, at 796. Let us start at 8.11. It reads:

20 “The provincial investigating units in the provinces that have been established be closed as discussed in paragraph 6.4.5, 6.4.6, and 7.5.”

So, 8.11, it suggests, it recommends, it is recommendations. It recommends the closure of PIUs that have been established. And then 10, 8.10 says:

“Current task teams be subjected to an impact analysis by organisational development and strategic management in the province to ensure the feasibility of existing teams.”

So, 8.10 puts it beyond doubt that this document does not recommend the closing of task teams at all. It says they must be subject to an impact analysis. And then 8.11 says the PIUs that are referred to in the paragraph that you are referring to, 6.4.5, that have been established must be shut
10 down. So, 6.4.5 is not where you go when you are looking for a decision whether there was a decision to close task teams in general or the PKTT. It is not in 6.4.5. And in fact, 8.10 contradicts what you are saying.

LT-GEN SIBIYA: 8.13, can I read it, Chair? It says:

“The provincial investigation should be removed from the structure of the detective service as a prioritisation as well as cost saving measures as referred
20 to in paragraph 6.4.5, 6.4.6, and 6.75. However,...”

ADV BALOYI SC: That says not, before you go to however, can we agree that the text that I have read, that you have read, that the Chair and Ms Hassim have referred to, all of that text, no way does it speak about the closure

of task teams in general, and no way does it mention the closure of the PKTT in particular. Can we at least agree on the text that we have read?

LT-GEN SIBIYA: I agree, Chair.

ADV BALOYI SC: Okay, thank you.

ADV HASSIM SC: Okay, thanks. And I take it you do not wish to take us to any other part of this report. Can we move off this report then?

LT-GEN SIBIYA: Just one last sentence that I want to
10 make, Chair, in relation to this thing. When I am sitting with a document as approved by the National Commissioner, I understand that the National Commissioner signed it on the 5th of the 6th month. That says implementation to be implemented by the Deputy National Commissioner, Crime Detection and Divisional Commissioner.

Implementation of specialised unit. Specialised unit meaning, including among others, the murder and robbery unit, which is to take care of the Political Killings Task Team. As far as I am concerned, it was actually
20 dealing with the same issue. But if the Commissioners are of the view that as long as there is nowhere that says disband the PKTT, then all this is irrelevant. I will then accept. There is not much I can say about it.

ADV HASSIM SC: Or any task team. The document does not recommend disbanding any task team.

LT-GEN SIBIYA: But this document clearly deals with the rampant task teams that are existing. And it says they take capacity from the – they disempower the units. They impoverish the units. And I am trying to find a gap of explaining something, but I am not - because I do not want it to look like I am just rampant.

ADV HASSIM SC: There are two points here. The first is that it says that current task teams must be subject to an impact analysis. Right? Right? So, presumably, once an
10 impact analysis is done, there will be an evidence-based decision of which task teams are to be disbanded. Correct?

LT-GEN SIBIYA: Yes.

ADV HASSIM SC: And this document was only signed off in June 2025, right?

LT-GEN SIBIYA: Yes.

ADV HASSIM SC: And that was well after the decision was made.

LT-GEN SIBIYA: Yes.

ADV HASSIM SC: Six months later.

20 **LT-GEN SIBIYA:** Yes.

ADV HASSIM SC: Okay, so, the second event that you said ...[intervenes]

CHAIRPERSON: Just before that. General, also, you remember yesterday I asked you a question whether you accept that there is a difference between task teams and

units. And you accepted that there is a difference.

LT-GEN SIBIYA: Yes, yes, Chair.

CHAIRPERSON: What my colleague Commissioner Baloyi took you to, that is paragraphs 8.10 and 8.11, they do not deal with the same subject matter. 8.10 deals with task teams. And it does not say task teams are to be closed or disbanded. It says they are to be subjected to an impact analysis. And then 8.11 says provincial investigation units that have been established be closed. So, units.

10 So, there is a conscious distinction by the drafters to refer to task teams and to units. And task teams under which the PKTT falls are to be subjected to an impact analysis. So, there is simply no question of a recommendation for the disbandment of the PKTT or any other task team for that matter. So, your problem seems to be that you use task team and unit interchangeably, which is wrong. Do you accept that?

LT-GEN SIBIYA: Can I ask a question?

CHAIRPERSON: No, no, please respond to mine.

20 **LT-GEN SIBIYA:** That I cannot distinguish between a task team and a unit.

CHAIRPERSON: Maybe you can, but in the testimony, you are giving now, you are simply using the two terms interchangeably. I am not suggesting that you do not know which is which. 8.10 addresses task teams and those that

are to be subjected to an impact analysis. And 8.11 addresses provincial investigation units in respect of which the recommendation is that they should be closed. So, simple point is nowhere, nowhere do we see anything that recommends closure in respect of task teams, a category under which the PKTT falls.

LT-GEN SIBIYA: Just, Chairperson, let me accept and move on.

CHAIRPERSON: Please, thank you.

10 **LT-GEN SIBIYA**: Thank you.

ADV HASSIM SC: Chair, it is 1 o'clock. It might be an opportune time.

CHAIRPERSON: Let us adjourn and resume at 2 pm.

ADV HASSIM SC: Thank you.

INQUIRY ADJOURNS

INQUIRY RESUMES

CHAIRPERSON: Yes, Ms Hassim?

20 **ADV HASSIM SC**: General, we are still dealing with this question about your explanation of why it was no surprise that the PKTT was disbanded. We have dealt with the Marais Report, but in your statement you also rely on what you call another event, which is a meeting that was held with the Minister on the 1st of November. So, let us go there, because you were provided with the draft minutes, and can you please take us to where in the draft minutes it

speaks of the disbandment of the PKTT? And, Chair, it is at File 6, page 499. 499.

CHAIRPERSON: There are two page numbers, General, one red and another one black. So, the red is 499, the black is 96. Got it?

ADV HASSIM SC: Can you tell us where in the minutes it refers to the disbandment, if there is a decision to disband, or a pending decision?

LT-GEN SIBIYA: In this document, Chair, you will never
10 find anywhere where they say disband. But what you will find is the consultative discussions where the topic of the disbandment started, and where, in fact, the National Commissioner himself was saying it was just a task team that was meant to evolve into a unit. It can be done. That is all.

ADV HASSIM SC: So, it was just a discussion about – sorry, can you just repeat? What did the National Commissioner say?

LT-GEN SIBIYA: Let me call the National Commissioner
20 verbatim from the statement, from the minutes.

ADV HASSIM SC: But that would be useful, thank you.

LT-GEN SIBIYA: General Masemola indicated that the matter of the – he further indicated that – okay, there is an inspectorate. I want to go specifically to a specific – he further explained that a political killing capability that is in

place ...[intervenes].

CHAIRPERSON: Where are you reading from now, General?

LT-GEN SIBIYA: My apologies, Chair. That is now the last sentence. May I proceed?

ADV HASSIM SC: Yes.

CHAIRPERSON: Yes, yes, General.

LT-GEN SIBIYA:

10 “He further explained that a political
 killing capability that is in place was in a
 form of a task team and not a fixed unit
 establishment.”

This other one is just too dark for me to read, but what I know from that meeting, from the minutes that I have, he said that it was meant to evolve into a unit and that it can be done.

CHAIRPERSON: Is there any reason we are not projecting this?

20 **ADV HASSIM SC**: So, General, just – sorry, you took us to
 the last line of page 502, right? Right, and it says, and that
 he is the National Commissioner, General Masemola. He
 further explained that a political killing capability that is in
 place was in the form of a task team and not a fixed unit or
 establishment. That does not say anything about
 disestablishment or anything. It is a statement of fact that

what is in place was a task team and not a unit. It does not give us any information about a discussion for the potential disestablishment of the task team. Do you agree?

LT-GEN SIBIYA: What gives me a little bit of a challenge, Chair, is that because I have been with the ad hoc as well and my file is marked as underlined, now because of this present moment, when I take a file like this and then I have to go through, now I have to start looking for what I want. So that is why I take a little bit of ...[intervenes].

10 **CHAIRPERSON:** But for now, General, Ms Hassim is asking you about the sentence you read. So I am sure you are able to find it because you read it just now, now, now.

LT-GEN SIBIYA: What is the question, ma'am?

ADV HASSIM SC: It is the sentence you just read, the last sentence on page 502, right?

LT-GEN SIBIYA: Yes.

ADV HASSIM SC: You have read it. I have read it out to you. I will read it again:

20 “He further explained that a political
 killing capability that is in place was in a
 form of task team and not a fixed unit or
 establishment.”

LT-GEN SIBIYA: That is correct.

ADV HASSIM SC: That is a statement of fact, right?

LT-GEN SIBIYA: That is correct.

ADV HASSIM SC: It does not say anything about disestablishment of the task team, correct?

LT-GEN SIBIYA: The paragraph, the sentence that I read, yes.

ADV HASSIM SC: Okay. So is there anywhere else in this minute that it does talk about the disestablishment? And if you wish to – sorry, Commissioner. If you wish to look at your copy and then cross-refer to the page number that we have, whatever works, that is acceptable.

10 **LT-GEN SIBIYA**: I would rather do that, Chair, because I do know that this is the first consultative meetings in the executive meeting where the National Commissioner actually indicated that it can be done.

ADV HASSIM SC: Okay. So you can have a look at your copy.

LT-GEN SIBIYA: Yes.

ADV HASSIM SC: Okay. So where in your copy, if you just take us to the page. So you will see that these minutes at the bottom right, they have page 3 of the 1 of 15 all the
20 way up to page 15 of 15. So you can use that page reference for the purposes of your answer.

LT-GEN SIBIYA: Chair, so that we do not waste time, can I come back to it? Can I do that or should I – I do not want to avoid to respond to your question, but all I know is that I will find it somewhere in the statement. But if I cannot find

it now, then let me then read and ...[intervenes].

CHAIRPERSON: When you say statement, are you referring to these minutes?

LT-GEN SIBIYA: Yes.

CHAIRPERSON: All right, all right.

ADV BALOYI SC: Ms Hassim, I think the idea to project was with reference to page 503 in particular. The general said, I cannot see, and the same for me. But I think it may be important, in fact, what is there. Because when you look
10 at the structure of this document, and I am going to take you back. If you turn to 501, the heading is slide seven, micro-organisational structure.

And then you have a discussion that is recorded. And then it concludes at page 503, where it is blue. It says decision objective. And that is the format. And then the next heading is slide eight. And if you page through, you see that some decisions are made and directives, and I think we should look – we are now looking at what the General has read in isolation of the discussion under slide
20 seven, under the heading slide seven. And I think we do need to see what those dark parts are and what the decision is.

ADV HASSIM SC: So there are two ways to do it. First of all, it is projected. But also, I think your copy would not have these highlights. So it would be easier to read. Is

that so? Or do you also have that on your own copy? Your personal copy? Because as Commissioner Baloyi says, the relevant slide in this meeting is slide seven.

LT-GEN SIBIYA: Slide seven?

ADV HASSIM SC: Slide seven. So it starts on page – let me refer to page 2 of 15. It starts on page 2 of 15 and it goes to page 4 of 15. And it ends with decisions under that topic of macro-organisational structure and what you have taken us to is part of the discussion before the decisions.

10 **LT-GEN SIBIYA**: Chair, when we go to page 3 of 15, page 99 of 502, and then you go to the first highlighted one where they say – this is paragraph three now:

20 “The Minister further indicated that there must be reconsideration and review of certain capabilities, such as the Political Killings Task Team, which are primarily about address serious crime. He stated that SAPS should guard against creating structures/units based on specific category, whilst this duplicates the existing capabilities such as taxi-killing, political killing, all being about murders.”

So this is where the discussions were also, Some of the discussions were taking place. Remember before there were some emails that were being sent between the

National Commissioner, Mary De Haas, and other people. But then this was an executive meeting called by the Minister in the boardroom, executive boardroom, with the top management of the police. And this is where this subject was ventilated as well, with the National Commissioner as well, not really against such. Hence, I asked yesterday for the recording.

ADV HASSIM SC: Ja.

ADV BALOYI SC: Can I just? Sorry, I do apologise.

10 **ADV HASSIM SC:** Go ahead.

ADV HASSIM SC: That, General, in that very last paragraph, what you have read, the very last sentence, this is General Masemola speaking:

“He further explained that a political killing capability that is in place was in a form of a task team and not a fixed unit/establishment.”

Now, if you keep that line in mind, and then you go back to the earlier highlighted paragraph where the Minister was speaking and the Minister referred to creating structures, units based on specific category was to duplicate the existing capabilities, and then he refers to taxi killings, political killings, all being about murder. It would appear that General Masemola was, in fact, clarifying the Minister that the PKTT is not a fixed unit.

20

It is a part of the establishment where, in fact, the Minister had referred to it as part of the structures and units based on specific things. So that is all the significance of that very last line. It is General Masemola clarifying to the Minister that it is a task team, not agreeing to anything, just saying it is a task team. It is not part of the fixed structure. I think if you read the two together, you will see that what appears to have been happening here.

But importantly, to the question of Ms Hassim about
10 the decision, we have a recordal of the decisions that were made in that meeting under the slide seven, where the PKTT and task teams got mentioned. In that decision recorded at 503, there is no decision to shut down the task teams and PKTT in particular. Otherwise, it would have been recorded there.

CHAIRPERSON: You may look at the screen behind you.

LT-GEN SIBIYA: Perhaps we can just read the decisions, and you can then answer.

CHAIRPERSON: Ja.

20 **LT-GEN SIBIYA:** [Indistinct]... I am sorry, Chair.

CHAIRPERSON: So what comes before that, that is what has the yellow highlights, is the discussion. And then the decisions on that are what Commissioner Baloyi has just referred you to. Do you follow that?

LT-GEN SIBIYA: I follow, Chair.

CHAIRPERSON: Yes. And Ms Hassim now is saying, do you see that there is no decision there? Or was it, Commissioner Baloyi? That the PKTT must be disbanded, where they are, the actual decisions now.

LT-GEN SIBIYA: It was at that point in time, Chair, it was not a decision taken that says disband or it must be disbanded at all. It was a discussion to say there must be a reconsideration. This is now the foundation and the beginning and the momentum as it started gaining, to say
10 there must be a reconsideration of this, because now we are duplicating resources.

ADV HASSIM SC: So there is no, in the decisions, would you agree that there is also no decision that is recorded for a review to take place of task teams, including the Political Killings Task Team?

LT-GEN SIBIYA: Unless I do not read English well. Because when I see here, it says the minutes have further indicated that there must be a reconsideration and review.

ADV HASSIM SC: Yes.

20 **LT-GEN SIBIYA:** Of certain capabilities.

ADV HASSIM SC: Yes. So that, we have read that and we have, you know, this is clearly the discussion that took place. But the minutes reflect the decisions, and they are three bullet points. And what I am saying to you is that not only are you correct that there was no decision to disband

taken in that meeting, but there was also no decision that a review should be conducted on the Political Killings Task Team. Because if there was, it would be reflected in the minutes. Do you not agree?

LT-GEN SIBIYA: I agree.

ADV HASSIM SC: And would you agree that, even apart from these minutes, no review was taken of the Political Killings Task Team before 31 December 2024?

LT-GEN SIBIYA: Because there was already a document
10 that is in circulation. So there was no review.

ADV HASSIM SC: There was a document in circulation?
Which document?

LT-GEN SIBIYA: This one of – the one that we read earlier.

ADV HASSIM SC: The Marais Report?

LT-GEN SIBIYA: Yes.

ADV HASSIM SC: Okay, but the Marais Report we have already established was talking about proposals for the future. I am saying, was there a review ever undertaken?
20 A review of the capabilities and value of the Political Killings Task Team before the decision on 31 December? Between this meeting and 31 December.

LT-GEN SIBIYA: I thought that I responded, Chair, I do not want to be evasive. I want to answer questions honestly.

CHAIRPERSON: Was there, General, was there a review undertaken pursuant to the meeting of 1 November 2024?

LT-GEN SIBIYA: Not pursuant to the meeting of the 1 November.

CHAIRPERSON: That was your question?

ADV HASSIM SC: Yes, thank you. That answers the question.

CHAIRPERSON: You want to say something, General?

LT-GEN SIBIYA: What pains me is that I am being pushed
10 into a corner of saying, was there disbandment instruction, yes or no? Was there a review? There was a document that is in circulation where I also signed, where finally the National Commissioner at his own time then also signed and say implementation must be done by the General Sibiya. So I would not expect that there should be another review on top of a review that is running, that is already in place.

CHAIRPERSON: General, please, please understand what is going on here. We want to get the full facts. This is not about pushing you in any direction. If, as you say, there
20 was something decided in accordance with the Marais Report, you have said that, you have dealt with it. Now we are dealing with the minutes of the 1 November 2024, and you have read the highlighted part where, part of which says the Minister indicated that there should be a reconsideration and review.

Now, you are being asked a different question now. It is no longer about the Marais Report. It is about the meeting of the 1 November 2024, and you are being asked a different question. Was there a review? Because we want to get all the facts, the full facts. Was there a review pursuant to the 1 November 2024? We are past the Marais Report.

That is why you have already responded to the question. I am just giving this explanation to disabuse your
10 mind of this idea that you are being pushed in to any particular direction. That is not the idea. These are different facts. You have dealt with Marais. We are now dealing with the 1 November 2024. Thank you.

ADV HASSIM SC: Thank you, Chair. The reason we are dealing with the minutes of the 1 November 2024 is because you drew to our attention that this was a significant event that led to the disbandment decision of the 31st of December. Just to explain why I am taking you to the minutes. Now, we have dealt with the minutes. There is no
20 decision in the minutes to either disband or to undertake a review of an analysis and an evaluation of the Political Killings Task Team that we have established. But my next question is, was there, despite this, was there any review taken of the PKTT between 1 November and 31 December?

LT-GEN SIBIYA: The answer is no.

ADV HASSIM SC: Okay, thank you.

LT-GEN SIBIYA: But can I clarify? Can I clarify something?

ADV HASSIM SC: Yes.

LT-GEN SIBIYA: This, remember that this was a consultative process because there was a statement made by the National Commissioner that there was no consultation. So this document was meant to demonstrate that, no, there has been meetings, several meetings, 10 consultative meetings. It may not be the meeting that says disband or a decision taken that now we are disbanding. But this thing was discussed, ventilated in several meetings, of which the 1 November was one of them. Thank you, Chair.

ADV HASSIM SC: But would you agree that in order to make the decision to disband and for a proper consultation to take place, there would need to be an evaluation, an impact analysis of the PKTT?

LT-GEN SIBIYA: I do not agree.

20 **ADV HASSIM SC:** So on what basis then would the decision be made? How does one assess then that there is no value being added by the PKTT?

LT-GEN SIBIYA: When a decision is taken to disband a task team, under normal circumstances, in every task team, this is not the process that we follow, or that is being

followed.

ADV HASSIM SC: You just, who makes the decision? Let me start there.

LT-GEN SIBIYA: The Provincial Commissioner can make a decision, or he who established a task team can make the decision.

ADV HASSIM SC: Yes.

LT-GEN SIBIYA: Yes.

ADV HASSIM SC: No, I accept that, but I am asking you
10 whether there would be a review. There would be some basis. There would be a reason to make that decision. You do not just make a decision without reasons.

LT-GEN SIBIYA: Yes.

ADV HASSIM SC: Okay.

LT-GEN SIBIYA: And do you accept that in 2024, the, let me call it the sort of state of knowledge amongst the senior members of the service was that the PKTT was doing very good work?

ADV BALOYI SC: According to their reports, General.

20 **LT-GEN SIBIYA:** Yes.

ADV HASSIM SC: And that was, and you shared that view, that they were doing good work?

LT-GEN SIBIYA: Yes.

ADV HASSIM SC: Okay. So, what then do you say was, but you say that there, therefore, does not need to be any

review. So, if in 2024, you say they are doing good work, in fact, I think you agreed they were outstanding in their work, what changed?

LT-GEN SIBIYA: What changed is the fact that from where I am sitting, I am focussing nationally. I am not focussing only on KZN. Now, as far as I am concerned, from where I am sitting, the capacity that is in KZN does not exist in Cape Town where I am sitting with gang violence, where people are dying every day, Eldorado Park, Westbury, many
10 other areas.

I have also instances where other political killings that are taking place throughout the country, like in Mpumalanga, where they are not being attended by the PKTT. So, which means we are focussing the resources, a lot of money, a lot of budget, only on one particular task team that is serving the interests of only one province. So, I am national, looking nationally at all the provinces.

ADV HASSIM SC: I am not sure what the answer is, but let me leave it at that with your response and ask you this. Did
20 you consult? You say there were consultations. Did you consult with the head of the PKTT, General Khumalo?

LT-GEN SIBIYA: Remember, I am not the one that was doing the disbandment, because in my case, I was just carrying out the National Commissioner's instruction. So, in my case, it was just to relay the message that I received

from the National Commissioner to General Khumalo.

ADV HASSIM SC: Sure, but I am not there yet. I am still before 31 December 2024. What consultations were there with the head of the PKTT before the decision was taken? We know there was no impact analysis, but was there consultation with the head of the PKTT?

LT-GEN SIBIYA: These meetings, including the 1st of November, those were the consultative processes that were taking place. I personally did not have to consult with
10 General Khumalo because I was not part of it. I was not involved in it.

ADV HASSIM SC: Are you aware of any consultations with General Khumalo on the issue of disbandment?

LT-GEN SIBIYA: He was part of the meetings.

ADV HASSIM SC: Was he part of this meeting on the 1st of November?

LT-GEN SIBIYA: Yes, all the meetings, he was part.

ADV HASSIM SC: And in those meetings, concerns had been raised?

20 **LT-GEN SIBIYA:** Yes, and he even presented in Parliament.

ADV HASSIM SC: In November 2024?

LT-GEN SIBIYA: No, no. I say there was consultation and he was in agreement.

ADV HASSIM SC: He was in agreement?

LT-GEN SIBIYA: Yes.

ADV HASSIM SC: With the disbandment?

LT-GEN SIBIYA: Yes.

ADV HASSIM SC: General Khumalo?

LT-GEN SIBIYA: All of them.

ADV HASSIM SC: I find that very hard to believe because General Khumalo has testified at length here as to the shock when he saw the letter, the instruction on the 31st of December 2024.

10 **LT-GEN SIBIYA:** When we are to believe that, that is what he was supposed to also demonstrate in Parliament on the 5th of March, to say that I was in shock when that was discussed, but that is not what happened. He said the Minister gave a directive to the National Commissioner, there have been several meetings held, and the disbandment will take place in phases, and then the cases will be taken to the Murder and Robbery Unit. The provinces, all the nine districts have stabilised. Only the eThekweni District is still the one. So all I am saying is that
20 if he was not in agreement, together with the Provincial Commissioner and the National Commissioner, they were in the meeting in Parliament and they did not ...[intervenes].

ADV HASSIM SC: Okay, but that was after the decision was taken, General. So I just want to stop you because I am really only dealing with this small period in 2024. We

have on record that the evaluation of the task team, the agreement was that they are doing outstanding work in the middle of 2024. And then somewhere along the way, something changes, and that is the period I am talking about.

And what changed was towards the end of 2024. I am trying to understand, at that point, were there consultations with General Khumalo, and you are saying there were, and you are saying that he agreed that it should
10 be disbanded. And I am saying to you that cannot be right because he has testified at length that that is not the case.

LT-GEN SIBIYA: But the fact that he testified and said what he said does not mean that in the meetings with the Minister he did not really participate, nor also raise concerns there or disagree. Because if there was any such disagreement, it would have been recorded in the minutes themselves, that he was also not in agreement. But there is no such records.

CHAIRPERSON: Just to make sure you are not talking
20 past each other, give us the timing. What time are you referring to? What period are you referring to, General?

LT-GEN SIBIYA: Chair, I am referring to all the meetings that were held since this topic was introduced in a meeting by the Minister.

CHAIRPERSON: Minister Mchunu?

LT-GEN SIBIYA: Mchunu, in a meeting.

ADV HASSIM SC: Meeting of the 1st of November?

LT-GEN SIBIYA: The 1st of November. So all the management were there, and this topic came to the fore and it was discussed, responded to positively ...[intervenes].

CHAIRPERSON: By topic, by topic, are you referring to disbandment?

LT-GEN SIBIYA: Disbandment, referring to the reconsideration and review of certain capabilities such as
10 political killings and inspectorate.

CHAIRPERSON: But my understanding is that Ms Hassim is asking you about disbandment, General.

LT-GEN SIBIYA: I cannot hear the Chair.

CHAIRPERSON: My understanding is that Ms Hassim is asking you about disbandment, not the reconsideration and review that we dealt with earlier.

ADV HASSIM SC: That is correct.

CHAIRPERSON: Ja.

ADV HASSIM SC: Because we have moved off from review
20 and reconsideration and those things. The question is about disbandment.

LT-GEN SIBIYA: Yes. All I can say is that he has never visibly indicated that he does not want to comply or he does not agree, he has not done that.

ADV BALOYI SC: General, can I just ask, maybe I am

trying to see if we can get to the answer of the question that you are being asked. This meeting is on the 1st of November.

LT-GEN SIBIYA: Yes.

ADV BALOYI SC: The disbandment letter is the 31st of December. What do you say happened after the 1st of November? Because on the 1st of November the Minister says there must be reconsideration and review. He expresses that view. And then we know it is not in the
10 decision. The decision is not made.

When you say there were discussions, what meetings or what forum after the 1st of November before the 31st of December were held where a discussion about the disbandment of the PKTT was raised, and where do we find a record of that discussion? Because it is an important topic, so I would imagine that it is recorded somewhere, and it would have been in a formal meeting.

So I think you do need to be specific, more specific than saying it was discussed. You need to say there was
20 this meeting and there was that meeting and this is what was discussed, and this is the decision, and there has to be a minute of that meeting.

LT-GEN SIBIYA: All I know, Chair, is that there was that meeting of the 1st of November, and then from there, it was just what was placed on the table. We all did not expect

that there will be a letter written, but on the 31st, the letter came. But in between, I am not in a position to tell what happened.

ADV BALOYI SC: You are not aware or you know there were no meetings between the 1st of November, at least none that you participated in, meetings between after the 1st of November. There is no meeting that you know of or that you participated in that discussed the PKTT and made a decision it will be disbanded. Is that what you are
10 saying?

LT-GEN SIBIYA: What I am saying is that I have never been in any other meeting. I have been in all the meetings where this was discussed, but between November and ...[intervenes].

ADV BALOYI SC: Sorry. Those meetings are before the 1st of November. Remember, we are talking about a defined period. From the 2nd of November to the 31st of December is what we are trying to establish, whether there was a discussion and a decision from the 2nd of November, and to
20 a date before the letter of disbandment.

LT-GEN SIBIYA: There was no other meeting that I can think of now from the top of my head, leading to the 31st.

ADV BALOYI SC: Thank you.

ADV HASSIM SC: Thank you.

ADV KHUMALO SC: General, can I ask you a question?

Looking at paragraph 63 of your statement on page 23.

LT-GEN SIBIYA: Page 23 of my statement?

ADV KHUMALO SC: Ja.

LT-GEN SIBIYA: Yes, Chair.

ADV KHUMALO SC: I do not see any inconsistency between your statement and the minutes of 1 November 2024, but my question is really this. Was there a review by the SAPS Executive Committee as contemplated in paragraph 63 of your decision? Because you are part of
10 that Executive Committee, not so?

LT-GEN SIBIYA: It is correct.

ADV KHUMALO SC: You are. Was there a review by that Executive Committee which you are a part of?

LT-GEN SIBIYA: Not at all.

ADV KHUMALO SC: So we know this did not happen.

LT-GEN SIBIYA: This did not happen.

ADV KHUMALO SC: So what was your expectation as far as the existence of the PKTT was concerned after this meeting? So what is the next thing that you expected after
20 this meeting?

LT-GEN SIBIYA: What I expected was that since in the meeting the Minister raised about the disbandment or the closure of the Inspectorate and the PKTT, it was now a subject for discussion that at some point is going to happen.

ADV KHUMALO SC: And that did not happen. There was no discussion at some point.

LT-GEN SIBIYA: There was no discussion in between because the National Commissioner raised certain concerns in relation to your Inspectorate and said it can be done, however, it is going to cost one, two, three.

ADV KHUMALO SC: So the next thing you saw was the Minister's letter?

LT-GEN SIBIYA: On the 31st.

10 **ADV KHUMALO SC:** Before there was a discussion?

LT-GEN SIBIYA: Yes.

ADV KHUMALO SC: And before there was this review by the Executive Committee?

LT-GEN SIBIYA: That is correct. Since the 1st of November to the 31st.

ADV KHUMALO SC: Yes. So then why do you say General Masemola is feigning surprise when he says, when he saw the letter he was taken by surprise? If you yourself expected that there were going to be discussions, there was
20 going to be a review, is it not a surprise that a disbandment letter that directs that the PKTT be disbanded immediately comes before this discussion has taken place or before even the Executive Committee of SAPS has said to undertake the exercise which you say would have been the next step?

LT-GEN SIBIYA: I would be surprised if this topic or this subject was never at any given moment discussed. I just saw a letter on the 31st. But if I knew that at some point there was this meeting held and my contribution was this, then when that decision comes and it comes as a surprise, then as the National Commissioner, I will then take it up with the Minister, revert back without pushing it further. So I am saying to me, he cannot say it came as a surprise because it was not the very first time he came to hear about
10 the matter.

ADV KHUMALO SC: Not the review, the disbandment. Remember, the first time he is hearing of the disbandment is when he sees the letter. He might have heard about a suggested review, a suggested impact analysis, but that is different to a disbandment decision. The first time he hears about a disbandment is in the letter because the minutes do not say anything about disbandment. They talk about a review.

Marais, on the 6th of March 2024, talks about an
20 impact analysis. So the first time the National Commissioner sees the word disbandment is when he sees the letter of 31 December 2024. And that is the subject.

LT-GEN SIBIYA: When the Chair starts looking at me like that, I feel threatened now because I know what is coming.

ADV BALOYI SC: Well, can I say that I would expect,

given how you have explained in this discussion with Ms Hassim and Commissioner Khumalo, where you accept that the executive management was mandated or was going to have a discussion, that did not happen. And the next thing you became aware of is when that letter came.

If that is so, on that version, I would expect you to say, I was also surprised. Because we had a meeting on the 1st where the Minister spoke about reconsideration and review, and then we as executive management were tasked,
10 oh, we are going to have a discussion about this. We never had that discussion.

The next thing that happened is there was this letter. That is what you said to us. The next thing there was this letter. I would expect you to say, the letter also caught me by surprise. Unless, of course, you knew that that letter is coming, and you would have known not through the formal processes and not through the documents that are in front of us. Somehow you would have known it.

But you have told us, I knew nothing about it. The
20 last time we had this discussion was on the 1st of November. And after that, there was nothing. Executive management did not discuss it. I expect you to say I was surprised.

LT-GEN SIBIYA: Quite honestly speaking, Chair, I was not surprised for simple reasons. Remember, there are a trail

of emails that were exchanged, even some of them sent from the National Commissioner's Office to the Minister in relation to the Political Killings Task Team and the suggestion that it be disbanded. However, in the meeting where the Minister raised ...[intervenes].

ADV BALOYI SC: And you would have been copied. And remember, we are talking about the period from the 2nd of November. Let us not go back there. We know you had a meeting on the 1st. It had a particular outcome. So we are
10 looking at from the 2nd of November up to the date that letter came out. What happened?

Right? So if you say there were a trail of emails, it has to be – because that is a discussion we are having now. We are talking about from the 2nd of November. And my question is, if that is the period you are referring to, when you say there were a trail of emails, my next question would be, were you copied? Is that how you come to know about it? From the 2nd of November up to the 31st, were you copied in those emails? Can we have copies of them if you
20 were copied? If not, how do you come to know about them? But it is a specific window that we are discussing.

LT-GEN SIBIYA: In between the meeting of the 1st of November up to the 31st, I know of no meeting or no consultation. I was never involved in any form of discussion. I also saw that letter as it was circulating now

on the media.

ADV BALOYI SC: Thanks, General.

ADV HASSIM SC: Thank you. There is another peculiarity I want to raise with you. The letter of the 1st of November, we are staying in that period. But it is, in fact, not inconsistent with the Marais Report. The discussion on the 1st of November was not only about the Political Killings Task Team. The Political Killings Task Team was cited as an example. So was there any consultation on any other
10 task team, any review that was done on any other task team other than the Political Killings Task Team after 1 November?

LT-GEN SIBIYA: It was the inspectorate. It is not a task team. It is a division.

ADV HASSIM SC: No, but I just want you to confine your answer to task teams, because do you agree that in the meeting of the 1st of November, the discussion was about task teams and the Political Killings Task Team was cited as an example?

20 **LT-GEN SIBIYA**: No. It was specifically about the Political Killings Task Team and the inspectorate in that meeting.

ADV HASSIM SC: Okay. And if you look at the minutes, let us just see the language of the minutes. It says there must be reconsideration and review of certain capabilities such as the Political Killings Task Team, which are primarily

about, I think he means addressing serious crimes. So it is cited there such as, as an example.

And then if you look at the second sentence, he says, he states that the SAPS should guard against creating structures or units based on specific category while these duplicate the existing capabilities. Example, taxi killings, political killings, or being about murders. So he referred to the Taxi Killings Task Team. So this is what I am saying to you, is that what was under discussion for review was not
10 only the Political Killings Task Team, right?

LT-GEN SIBIYA: Yes. I am aware that in the Eastern Cape, I think Umtata, there was one, now I am not sure whether it was disbanded or just established, but there was a political, there was a taxi violence killing. We sent a team down there that had to be disbanded as well.

ADV HASSIM SC: When was that?

LT-GEN SIBIYA: It could be around about the same period. I may not be right. I may not be accurate with my date, but I will confine myself to the question in relation to
20 the task team to say it was set as an example.

ADV HASSIM SC: It was as an example. So, which to me would also give one a reason to think that it is, let me put it this way. I would have thought you yourself would also be surprised that it was only the Political Killings Task Team that was being disbanded out of all of the task teams. You

were not surprised by that. Is that right?

LT-GEN SIBIYA: No, I was not surprised.

ADV HASSIM SC: Why not? When the discussion was about task teams, not only the Political Killings Task Team.

LT-GEN SIBIYA: I think I did explain that I have got a bigger priority. This task team is just a task team. I have a bigger priority to address the murders in the country, throughout the country, where people are dying in numbers. So this was just part one of a small task team that is taking
10 a bigger budget that could be used to address a bigger picture. So to me, when that happens, it suits the programme of making sure that we create a capable state throughout the country.

ADV HASSIM SC: There are other task teams with big budgets, do you agree?

LT-GEN SIBIYA: Yes, I agree.

ADV HASSIM SC: Some with bigger budgets than the Political Killings Task Team.

LT-GEN SIBIYA: Yes, I agree.

20 **ADV HASSIM SC**: And why then was this one singled out in your view? Because it was singling out, we can see that, of this task team.

LT-GEN SIBIYA: I think there is a difference in the sense that when you talk about the one for illegal mining, it is a continuous phenomenon which is far bigger than the issue

of the task team and it is funded from CARA fund and its handling is not only provincial, it is throughout certain provinces that has got a legal mining problem.

ADV HASSIM SC: Okay, but other than the illicit mining task team, what about the other task teams with bigger budgets?

LT-GEN SIBIYA: I am not aware of any that will have a similar amount of money because, in fact, we were crafting all the extensions and then the request for funding for the
10 budget in terms of the millions. Sometimes they would be requesting for 37 million just for one month. Now, I am saying, to me, I was interested in making sure that I capacitated the Murder and Robbery Units. Because this Murder and Robbery Unit, the same task team could just be plunged into the Murder and Robbery Unit. Then you still have the same capacity doing the same job, but not in the form of a task team, but you having it as a unit with the same capacity.

ADV HASSIM SC: Okay, I am going to leave it there. I am
20 going to say to you that it seems very peculiar that only one task team is singled out of many where others have bigger budgets. Some have been going on for longer than the Political Killings Task Team, have been in existence for longer than the Political Killings Task Team ...[intervenes].

CHAIRPERSON: Before you move on, just one question in

the hope that there will not have to be follow-ups. General, on your point about why General Masemola could not have been surprised and why you were not surprised, you rely in the paragraph 63 on the minutes of the 1st, or rather the meeting of the 1st of November 2024, and you then refer us to those minutes.

What I want to know, because we have seen that the decisions themselves which you were referred to, the highlighted part in the minutes, you saw there that there is
10 nothing about the disbandment of the PKTT. Now, what I want to understand is your understanding of the words reconsider and review, which you use in paragraph 63 and which I used in the minutes as well.

Fine, I am engaging you at the level at which you debated or argued. That is not in the decisions. It is in the discussions in the minutes. But I will engage you regardless of the fact that reference to reconsider and review is not in the decisions. I just want to engage you at the level of your reliance on the discussion. Now, what is
20 your understanding of the meaning of reconsider and review? Reconsider or review.

LT-GEN SIBIYA: Chair, when I say reconsider your decision, I mean, I would be saying that you want to reconsider your decision because your decision that you have taken, I do not think you need that. You want to

reconsider. Now, I am saying reconsider. Just think twice or think again whether you really still need this.

And when I say review, I say you took a decision that you might have to go back to and review because as far as I am concerned, this is no longer really serving all the people of South Africa equally or it is not making the necessary impact or it is not giving us value for money and you have it and it is continuing. You want to review that decision that you have taken. That is how I understand it,

10 Chair.

CHAIRPERSON: Without suggesting that the two words are synonyms, do you accept though that both words admit of the possibility that the person being asked to reconsider or review may decide not to change their decision? You accept?

LT-GEN SIBIYA: I do. I do, Chair.

CHAIRPERSON: Thank you.

ADV HASSIM SC: General, you said that there were emails also after 1 November. In response to the question
20 from the Commissioners about the surprise of the National Commissioner, you said he should not have been surprised because there was the Marais Report, there was the 1st of November and there were emails and he was copied on those emails. What emails are you referring to?

LT-GEN SIBIYA: I need assistance because we do have

them here. I must just refer to them now because...

CHAIRPERSON: Emails during what period, General?

LT-GEN SIBIYA: It will be before November.

CHAIRPERSON: Sorry? Sorry?

LT-GEN SIBIYA: It will be before November.

CHAIRPERSON: From when? Before November.

LT-GEN SIBIYA: I take it that it will be before November because you asked me what emails.

CHAIRPERSON: All right, okay.

10 **LT-GEN SIBIYA**: That forms part of the build-up towards that meeting, towards the disbandment.

CHAIRPERSON: All right, okay.

LT-GEN SIBIYA: Chair, am I expected ...[intervenes].

ADV HASSIM SC: You are referring to your – would you like to look at your statement again? Are you referring to the complaint by Ms De Haas?

LT-GEN SIBIYA: That one and many others that were even referred from the Office of the National Commissioner by Brigadier Lethoko and said this one must be dealt with by
20 the Minister. So those type of basic emails were there. And given the time and chance now, I can look at it. It is just that at this point in time, I am concentrating on responding. Now, it is been taken to another, now I start looking, I look confused, but I have those emails. In the meantime, maybe my team can assist me in the meantime

as I am responding.

CHAIRPERSON: Ms Hassim, should we not leave them for the General to try to find and perhaps produce, ja, perhaps overnight?

ADV HASSIM SC: Well, he refers to it in his statement and it is the annexures to his statement. So maybe I could assist the General to find it. Paragraph 69 of your statement, you say:

10 “On 6 November 2024, De Haas's
 complaint was circulated to the Office of
 the National Commissioner.”

And you say a copy of the correspondence at the end of the paragraph is attached as SS7. So maybe we could go there. Is that what you are looking for?

LT-GEN SIBIYA: 67 talk about the 31 October Mary De Haas. I just want to get to all of them. This one is not.

CHAIRPERSON: SS7 is File 2. That is page 192, I think. There is some superimposition there, but I think it is 192.

ADV HASSIM SC: It is 192, Chair.

20 **LT-GEN SIBIYA:** Yes.

ADV HASSIM SC: Is that what you are looking for?

LT-GEN SIBIYA: That is correct, Chair. This is what I am looking for. But I see all of these ones from Barbara Mbengo [?], 4 November.

CHAIRPERSON: And Ms De Haas is SS6.

ADV HASSIM SC: SS6 is the complaint itself.

LT-GEN SIBIYA: Yes. Is that one in those that went to Parliament? It is before November.

ADV HASSIM SC: Well, it looks like the emails, the correspondence that you are referring to is on 6 November. She seems to, if you look at page 193.

LT-GEN SIBIYA: Page?

ADV HASSIM SC: 193. It is an email from Ms De Haas to several recipients and then that is forwarded to the
10 Minister.

LT-GEN SIBIYA: Yes, I see, Chair.

ADV HASSIM SC: Okay, so is this the correspondence you were referring to?

LT-GEN SIBIYA: I think this is the correspondence I am referring to.

ADV HASSIM SC: Okay. And what did you want to say about this correspondence, that there was a complaint?

LT-GEN SIBIYA: Yes, what I wanted to just say or indicate is that this discussion, the meeting of the 1st of November
20 was not the real first discussion to discuss this issue. There is paperwork and build-up towards the meeting of the 31st because there were some complaints and there were some exchange of emails regarding the Political Killings Task Team.

So, as far as I am concerned, if this communication

started as early as November, with few emails being exchanged, and then some of which was being sent to the Minister by the Office of the National Commissioner, to as far as I am concerned, it was now a subject that was being discussed or under discussion.

Now, if on the 31st of December, I see a letter circulating like that one, it was something that I saw and we all did not expect it, but it happened. But to say I was surprised, I cannot say I was surprised because it was once
10 discussed, so it came. And the fact that even in the meeting of the 1st of November, the National Commissioner just indicated that this is just a task team, not a permanent unit. It was meant to involve a permanent unit, maybe. That is why I did not get the shock of my life because it was already a known subject.

ADV HASSIM SC: Okay, I am not going to go back to the 1st of November because we have dealt with that and we have said that the minutes do not reflect a decision. And I am not going to reopen that unless you want to say
20 something, you want to change what you have said earlier. I think we had closed that off. I was trying to probe with you what other, because you said there were other emails. Now, we know that the emails you have just referred us to is this complaint from Ms De Haas. Would the appropriate thing not have been to investigate the allegations that were

made in the complaint? That would be the appropriate next step. Would you not agree?

LT-GEN SIBIYA: I agree that the allegations needed to be investigated.

ADV HASSIM SC: And it could not be a basis to disband the task team without an investigation. The fact that a mere complaint is laid, and I do not say mere in a dismissive way, the fact that a complaint is laid against any unit or any task team or any person in the SAPS, any member of the
10 service, is not sufficient to take action against that person or that team.

LT-GEN SIBIYA: I think if I was the decision maker, I was going to be able to respond my way. Because this was the Minister's decision ...[intervenes].

ADV HASSIM SC: I want you to respond your way, because I want to understand why we are talking about why you were not surprised. You said you were not surprised because there was this complaint. It was already there on the table. So the question is, the appropriate response to
20 this would have been to conduct an investigation into the allegations.

LT-GEN SIBIYA: Yes, but it would not still be a, what shall I call it, a game changer. In the sense that the fact that there is this complaint, among the many complaints that existed because people have been complaining, some of

them maybe had a complaint about the PKTT. And if there is a decision that says, look, we have a study, we have conducted a study that says we need to recapacitate the Murder and Robbery Unit. To me, I am looking at it my way, Commissioners. My way was, I want to capacitate and strengthen capacity in all the Murder and Robbery Units. So to me, disbanding this PKTT would be a first prize.

ADV HASSIM SC: Would be first prize?

LT-GEN SIBIYA: Yes.

10 **ADV BALOYI SC:** General, why not disband the Taxi Killings Task Team for that same reason? You are concerned about budget. You want to capacitate other units. You have the taxi killings, and the Minister does say in that 1 November meeting that they, like the PKTT, are doing work that involves murder. And in his testimony before us, he said all murder is the same. So why were you not thinking, oh, it is even obvious that the Political Killings Team should be dissolved as well because you are concerned about budget?

20 **LT-GEN SIBIYA:** Thank you very much for that question, Commissioner. It actually leads me and assists me in being able to respond, actually. Because, first and foremost, how many politicians get killed? Let us take one to six months. No one, or one. Taxi killings people die almost every day or every week. When you look at what is happening in the

gang violence, your Cape Flats, everything, where people are dying every day ...[intervenes].

ADV BALOYI SC: Sorry. So you disagree with the Minister's suggestion in that meeting? Because remember, on the 1st of November, the Minister mentions the Political Killings Task Team and the taxi, what he calls the taxi killings. So he did not just say the PKTT. He referenced also that Taxi Killings Task Team, that there has to be a reconsideration and a review to collapse them into the
10 Murder and Robbery Unit.

How you are starting now about the Taxi Killings Task Team, is that you saying you do not agree with the Minister that there needed to be a reconsideration even of the Taxi Killings Task Team?

LT-GEN SIBIYA: No. What I was basing my answer on is that the Political Killings Task Team is actually not such a busy task team because politicians do not die every week or every second week, but we are maintaining it and we are spending millions on a daily basis in hotels. Now I am
20 saying, from where I am sitting, we could use the budget better.

ADV BALOYI SC: In April 2024, you approved the allocation of further funds, which suggests to me, at least, that this position that you have now adopted and are justifying about disbanding the PKTT is an afterthought.

Certainly you were not thinking that in April 2024 because you would have refused to make the recommendation to support the request for funding, or you would have made notes expressing your reservations, even as you recommend. But you do not do that. You give an unqualified support for request for funding. That is in April 2024.

ADV HASSIM SC: To be precise, Commissioner, 26 March 2024 was the date of the General's signature.

10 **ADV BALOYI SC:** Yes. So in March 2024, you support a request to fund the PKTT. The very one that you say, well, I need the money. They are just sitting in hotels. I need the money, but you support it without qualification. You have to be able to reconcile that. Otherwise, it is a later change of mind about the PKTT, what you are now telling us, because your conduct in March 2024 suggests you did not have the concerns that you are now expressing after it is disbanded.

LT-GEN SIBIYA: Let us look at the first date. Is the?
20 When I recommend it? It is March 2024?

ADV HASSIM SC: 26 March.

LT-GEN SIBIYA: 26 March. And at that point in time it was, in fact, the very first time I am included even in the correspondence or communication of saying we need budget. I cannot stand on the way when they say we need

budget. It must be via my office. It was the first time. It has never happened like that. Now it comes to me. I cannot say no and I cannot question it because this thing is being brought to me that must go to the National Commissioner for signature. I say, yes, they are doing a good job. They are signed, and it goes.

However, when the issue of the study then comes to me at the later stage, remember, when is my signature now on the evaluation document, it is at the much later stage, in 2024, when I signed. When I signed and said that I have read, I have gone through these documents, and I see that the Political Killings Task Team's ...[indistinct] incurred under Murder and Robbery Unit.

Now, I have Murder and Robbery Units everywhere in the country. We also have Murder and Robbery Unit in KZN. But we also have a duplicate unit, a task team that is running on its own when we have a Murder and Robbery Unit. Take this capacity, put it in there. That is what, in my mind, came through.

20 **ADV BALOYI SC**: But in March 2024, when you signed, are you saying you did not realise that what the PKTT, which you are approving at that time, they do work with false under murder and robbery? Is that what you are telling us?

LT-GEN SIBIYA: I did not have the benefit of that report at

that point in time.

ADV BALOYI SC: Ja, but I am assuming you know that there is a political killing. Unless you say you did not know that there is a Political Killings Task Team and that it is tasked to look into political killings, that it is the product of an initiative, an instruction directive of the President to an interministerial committee. Surely you knew all of those things, even before you were asked to sign for the first time. You must have known. Maybe let me take it step by
10 step. Before the 26th of March 2024, did you know about the existence of the PKTT?

LT-GEN SIBIYA: I did know about the existence of the Political Killings Task Team and that it was a door no other person was supposed to open.

ADV BALOYI SC: Did you know what they were formed, constituted to do?

LT-GEN SIBIYA: To investigate political killings.

ADV BALOYI SC: You knew that?

LT-GEN SIBIYA: Yes.

20 **ADV BALOYI SC:** And you knew that the political killings that they were formed to investigate are matters that even the Murder and Robbery Unit can investigate? You knew that?

LT-GEN SIBIYA: I knew that.

ADV BALOYI SC: Okay. So you knew all of that on the

26th of March 2024?

LT-GEN SIBIYA: Yes, that is correct.

ADV BALOYI SC: And you still signed and approved funding, even though you knew that?

LT-GEN SIBIYA: That is correct.

ADV BALOYI SC: Okay, thank you. Thanks, Ms Hassim.

LT-GEN SIBIYA: Sorry, can I raise one little thing?

ADV HASSIM SC: Just, sorry, I would like you to come in, but because it is linked to what Commissioner Baloyi was
10 saying, you might want to respond to both. Because it was not only political killings. The PKTT was also looking into the killings of traditional leaders. They had their mandate extended to cover that aspect. And then they were requested to, of course, go to Forte Hare. So to just put it in perspective, it was a national task team looking at several areas of concern, not just the political killings in KZN.

LT-GEN SIBIYA: Actually, that is where I was going when I wanted to say something. Remember that, and I
20 mentioned it in terms of percentage, to say that political related, I do not know whether it is 18% or 24%. There are drugs related. In other instances, it is not political related. In other instances, there is so many. When you look at the death document that we wrote, all these cases are cases that were put in a fridge that were not being attended to.

Most of them, only something like 69 or 60 were political, but the rest are not political.

Some will be land issues, but some will be – it does not necessarily mean that when a child of a councillor who was killed at the shebeen is politically related, but it would be something like those. So you will have some cases where they are not politically related. It is just plain matter. And then in some, they will say it is ad hoc cases or parallel cases. Now, you have a unit that is just investigating
10 everything when, in fact, there are units.

ADV BALOYI SC: No, General. There is no disagreement with you that you had units that did their kind of work that now got assigned to be carried out by the PKTT. There is no disagreement. The same way with Taxi Killings Task Team. There is no question about that. The issue, at least, that I am discussing with you is you now think PKTT is a bad idea. It is a waste of money. Let us put the money elsewhere.

And all I was seeking to establish with you was that
20 that must be a view that you formed only after the 26th of March 2024. It has to be because you sign and recommend or support funding for them for another period in March 2024. So it is a view you formed after March 2024. And I think we have agreed that. You said up to that point, you knew they were there, you knew their purpose, and the work

that they did and you supported that.

You give an explanation that, well, I did not know anything. The National Commissioner, it had to go to the National Commissioner. I could not say no. It is difficult to accept that, that someone at your seniority, if they hold real, genuine views when they are given a document to sign, they would not look into it and say, what is this? Even if you did not know. But you knew about the PKTT.

So what I am checking or what I am discussing with
10 you is something changed with you after the 26th of March. It has to be something changed that you now hold a different view about the PKTT that makes you say, of course, they had to be disbanded.

LT-GEN SIBIYA: Can I respond?

ADV BALOYI SC: And the question here, in your response, I would like to hear, what is it that changed?

LT-GEN SIBIYA: Chair, what I want to say is that I was promoted to the rank of a lieutenant general with effect from the 1st of July 2023. Now, you counted the months leading
20 to March when I signed. When you are still getting comfortable in a new position where now you are looking into various documents and various how to improve service delivery or how to improve your office in such a way that it is able to be effective.

Now, after that March, to where it was, I am now in

the system. I now know what I want to achieve. I now have the benefit of being to Eldorado Park myself, Hanover Park. I have had a lot of experience of what I see and I have now a report in front of me that says we have had this study that looks into these task teams.

Because there is something that is attached to that that I want to say that make me more support the idea of the task team is not a good idea, is that I have this member carrying 600 docket, 800 docket, 500 docket, 400 docket.
10 Now, they are no longer working on this docket, but they are tired of this docket. But what they want to do, the shortest route is to say I wish they can send me on a task team. And someone goes on a task team and they leave those dockets there.

And those dockets must now go to the station, to the branch commander who must redistribute them to other members who are carrying a lot of docket. Sometimes they say, oh, you think he is clever. He is going to a task team, he leaves this docket. They put them there. When you
20 come back after two years, three years, your dockets are still there and they never worked on those dockets.

So to me, the issue of the task teams, the task team is meant to go and extinguish the fire. Now, get it over and done with, come back to where you belong. Not to be a permanent thing for years. So, the issue of the task

team of keeping dockets, because even where these people that are in the task team left, you cannot replace them because it is their positions.

You run short of manpower, they are there doing something else, but you cannot replace them here. Because, and you remain empty here.

ADV BALOYI SC: And that is not unique to the PKTT, right? You are not saying that, that cannot be a justification. And certainly the Minister does not rely on
10 that. And in the documents you have referred us to, there is no such discussion as a consideration. But more importantly, yes, it is a concern and there is probably merit to that concern that you are raising, but that is something that is not unique to the PKTT.

When you create task teams, which the SAPS has a lot of, we were told. When you create task teams, that is the consequence, right? You get people leaving dockets, somebody else looks at it. So, it could not be a justification for the PKTT's disbandment.

20 **LT-GEN SIBIYA:** I would not want to get into that space, because in my case, I do not want to speak on behalf of the Minister as to whether it was a reason or not. But to me, it was a decision that I really did not have a problem with.

ADV BALOYI SC: Okay. Thank you. Thanks, Ms Hassim.

ADV HASSIM SC: I just want to – did I hear you correctly

when you said you signed on 26 March 2024 without applying your mind to it? Is that what you were saying?

LT-GEN SIBIYA: I do not remember saying without applying my mind.

ADV HASSIM SC: So, it sounded like that. Can you just clarify? You said you just signed it on 26 March 2024.

LT-GEN SIBIYA: I have never even also said I just signed it. I said I was just arriving. I was still getting comfortable within my position, still looking at issues and where to
10 improve service delivery, which is what works and what is not working. But at that point in time, it was the very first time that I got involved into the PKTT.

I have attended the meeting of the PKTT only once in KZN because I was with the National Commissioner. We went there to KZN. But there, I have never known about their operations and no other person was allowed to know what is going on inside there. So, that is why I say, to me, even when they put this document in front of me, I signed. I had to sign because they say to you this is for the extension
20 of the PKTT for the political killing and this is because we are facing elections, we are facing that, we are facing that. So, I had to sign.

ADV HASSIM SC: You did not have to sign, of course. You could have, well, one, you did not have to recommend. You could have not recommended if there were reasons to,

or you could have recommended with qualifications. You gave a blanket recommendation, and that is the difference. You could have had qualifications attached to your signature, like other signatories have had.

LT-GEN SIBIYA: The fact that this time, I applied my mind and then signed what the National Commissioner gave me to do, it tells you that at this present moment, I was now working, applying my mind. I did exactly what the National Commissioner asked me to do, and I gave it in.

10 **ADV HASSIM SC**: Which one are you referring to? Signing the?

LT-GEN SIBIYA: Like, for an example, whatever that happened, I just complied with the National Commissioner's instruction. So, when you say I did not need to sign, I was going to be regarded as now defying.

ADV HASSIM SC: No, no. Sorry, you misunderstood me. I meant that you either recommend, it is not that you do not sign, you either recommend, that is the power that is given to you from the position that you hold, which is a very
20 senior office, and there is a reason why it has to go through you before it goes to the National Commissioner, because the National Commissioner's signature comes after yours. So, he is relying on others to have looked at it from their perspective to see what your views are for him to give final sign of. So, when you receive it, your task is to apply your

mind to it and make a decision whether to recommend, not recommend, or recommend with qualifications. Do you agree with that?

LT-GEN SIBIYA: No. Let us look at the current situation on what I am going through now. Let us look at the current situation where...

ADV HASSIM SC: Sorry, I am getting a note passed to me.

LT-GEN SIBIYA: Let us look at the current situation.

ADV HASSIM SC: Okay. Answer the question and then I
10 will address the note. Thank you.

LT-GEN SIBIYA: Let us look at the current situation where there is an instruction to disband, and it says immediately. And then, personally, having disbanded units, having participated in many disbandment, we disband task teams on a daily basis. We move people around. Because of natural attrition, people die, resign, get promoted, transferred.

To me, to disband immediately is not really a critical challenge or issue. Now, and then you also get the
20 National Commissioner saying, ja, but I said, let us wind down and then you decided that, no, this thing can be done now. Look at where it put me now, at home. So, the sentiment that says you are a senior manager, you could apply your mind, does not work.

Because as a senior manager, I said, but in

disbanding the task team, there was an instruction from the National Commissioner and General Khumalo himself that says those members of the task team that have been trained from different environments, let them be sent to stations so that they can implement what they have been trained to do ...[intervenes].

ADV BALOYI SC: General, you are not answering the question. You are discussing something that comes much later. The question was, you are a signatory, you sign, rather. You are one of the people who are making a
10 recommendation, have an option to make a recommendation. I do not support, I support. I recommend, or I recommend with qualifications.

Now, we know from evidence that General Dimpene did put in a note. She supported, but made a specific recommendation, a suggestion that these must be for budgeting purposes, to regularise budgeting. This task team should be regularised into a unit, something to that effect.

20 **LT-GEN SIBIYA**: Discontinued.

ADV BALOYI SC: Something to that effect. And the National Commissioner had a response to that in that same form. So you had the option at that point to say, I support because you say I am new, I do not know this environment, but this work belongs, rightly, is work that the Murder and

Robbery Unit should be doing and maybe consideration should be given to that.

I think that is what Ms Hassim is putting to you, that you did have an option on that form to sign and recommend because you do not want to get into trouble with the National Commissioner, as I understand you, and you do not quite yet have an understanding of what things are like, but you at least know the work that they do and you know that it falls within the Murder and Robbery.

10 So you could have said something, but you signed without qualification, which is what causes this debate. But on paper you had no problem with approving that funding request. You had no problem with it on the documents that you signed.

LT-GEN SIBIYA: Yes.

ADV BALOYI SC: And it is only later that you pick up problems with it.

LT-GEN SIBIYA: I agree.

ADV BALOYI SC: Okay.

20 **ADV HASSIM SC:** Thank you, Commissioner. Chair, I think it might be best if I ask your permission to let Ms Killian address you on the note, rather than me addressing it directly with you.

CHAIRPERSON: Yes, Ms Killian.

ADV KILLIAN SC: I am a bit surprised as to what I should

address.

ADV HASSIM SC: Okay, the note that was...

CHAIRPERSON: Ja, let us just...

ADV HASSIM SC: Okay.

CHAIRPERSON: A few minutes. You will indicate when you are ready for us.

ADV HASSIM SC: Thanks.

CHAIRPERSON: Let us adjourn.

INQUIRY ADJOURNS

10 **INQUIRY RESUMES**

CHAIRPERSON: Yes, Ms Hassim.

ADV HASSIM SC: Thanks, Chair. Sorry, General, just one last question on your response that you were orientating yourself when you took the position. You said earlier that the work-study, the Marais Report, in other words, you were aware of that already by 2024 before you signed it in September 2024. Is that not so? Because it was in existence for some time.

20 **LT-GEN SIBIYA**: No, I was not aware of it because part of my complaint is the fact that documents sit for too long in offices. So if you see the date on which I signed, it is much deeper in the year. So I was not aware of that Marais Report at that point in time.

ADV HASSIM SC: So when did you become aware of the Marais Report for the first time?

LT-GEN SIBIYA: I think I needed a week to read it, go through it and then sign it. So it will be around about a week.

ADV HASSIM SC: Around about a week. You were not aware of the work-study. It started in 2019. You were not aware of the concerns and the proposals that were raised until September, you say, 2024.

LT-GEN SIBIYA: Yes, I remember I was not in the employee of the SAPS at that time.

10 **ADV HASSIM SC**: Okay. Chair, I am going to move to a new topic. So if there are any other questions on the issue of disbandment and the decision, now is the time. Thank you.

CHAIRPERSON: Please proceed.

ADV HASSIM SC: Okay. So, General, I would like to move now to post-31 December to the issue of implementation. You said you became aware of the decision when it was circulating on social media.

LT-GEN SIBIYA: That is correct.

20 **ADV HASSIM SC**: But when did you get official notification?

LT-GEN SIBIYA: On the 3rd of January from the Office of the National Commissioner.

ADV HASSIM SC: And I just want to take you to your letter of 17 January, and that is SS13, page 205. These are your

files.

LT-GEN SIBIYA: Where is my files? This one. SS13?

ADV HASSIM SC: Page 205. Let me know when you have it.

LT-GEN SIBIYA: I have SS13 here. This is SS13 of my statement. I do not see page 205. I am at SS13, so I am looking at the other file. Okay. Yes, I can see it. Then I am far from the mic, so I will have to...

ADV HASSIM SC: Well, you can use your version, and
10 what you can do is just refer to paragraph numbers.

ADV HASSIM SC: Can I just be assisted so that I focus on the mic? Otherwise, I am going to ...[indistinct]. I have got it, Chair.

CHAIRPERSON: Thank you.

ADV HASSIM SC: So, if you wish to reference any part of this letter, General, you can refer to the paragraph numbers or the page numbers at the bottom. The small numbers in the bottom middle of the page. Okay, so this letter you prepared, is that right? Well, this is the letter that you say
20 you prepared with the assistance of General Rabie.

LT-GEN SIBIYA: Correct.

ADV HASSIM SC: But you also said that you read the letter and you agreed with all the contents of the letter.

LT-GEN SIBIYA: That is correct.

ADV HASSIM SC: And in paragraph 2 of this letter, in the

second sentence, you said this decision, meaning 31 December 2024, was informed by an assessment that the task team no longer significantly contributed to policing efforts. What assessment were you referring to here? Because, as we know, you have said there was no review or analysis of the task team. So, what assessment are you referring to here?

LT-GEN SIBIYA: This letter, I think, must be read in conjunction with the Minister's comment on that meeting of
10 the 31st, on the 1st of November, considering the fact that this letter that we are talking about comes from the office of the National Commissioner, as directed by the National Commissioner, to assist me to craft this thing. So, this letter.

So, even though I signed this letter, I think there is a general agreement and understanding that this letter was signed by the office of the National Commissioner. So, Commissioners, to be really bound on to certain words and say, what were you meaning, what were you referring to on
20 this document that was prepared by the Office of the National Commissioner, and then saying that I can sign it because it is directed to DivCom Intelligence. I will respond, and I will attempt to respond, but to be fair, this letter, from the very onset it is known that I am not the author of this letter.

ADV HASSIM SC: So, again, we have a signature by you on a document that is a lengthy document, but you disavow the authorship of this, the ownership of this letter. Can you comment on that?

LT-GEN SIBIYA: It is not a difficult question that you are asking. I am just worried that we all agree that it comes from the Office of the National Commissioner, and that it can be signed by me. And when I read it and I went through the contents, to me, it was a plan on how to go about in
10 disbanding. I signed it.

ADV HASSIM SC: That does not sound like a full and candid response, General, because what you have said, first of all, let me just say, this letter is not a letter that is prepared like an information note is prepared, and you see who the author is of the note, and then you have a signature that recommends, you know, you endorse it, in other words, a letter that is, a document that is prepared by someone else.

It usually then says it is prepared by somebody
20 else. That is the first thing, right? You agree this is not that kind of letter. It is not an information note kind of letter where it says it is been prepared by someone else. Right?

LT-GEN SIBIYA: It is that kind of a letter that it is prepared by someone, because it was sent to my office from

the Office of the National Commissioner.

ADV HASSIM SC: Well, no, no. It was a draft that you had prepared together with General Rabie. General Rabie was assisting you. That was what you testified to yesterday, and that is what is in your statement, that General Rabie was tasked to assist you to prepare this, and you explained why it would involve General Rabie because of the nature of the letter, et cetera, and that is completely acceptable. There is no problem with that, but you have to satisfy
10 yourself that you are happy with the instructions that you are giving, because this instruction does not come from General Rabie or from the Office of the National Commissioner. It comes from you. It is not on the National Commissioner's letterhead. It does not have his signature. Only yours.

CHAIRPERSON: It goes out. Simply put, it goes out as your letter, General.

LT-GEN SIBIYA: It is true, Chair.

CHAIRPERSON: The signature at the end is yours. You
20 are not recommending to anybody. You are signing a letter that is yours, and even at the top under enquiries, it is Lt-Gen Sibiya. It is your letter.

LT-GEN SIBIYA: That is correct, Chair.

CHAIRPERSON: Yes, Ms Hassim.

ADV HASSIM SC: Thank you. So can I go back to now the

contents of this letter and ask you questions about it, because it is your letter?

LT-GEN SIBIYA: Yes.

ADV HASSIM SC: Okay. So the first question I had was, what was the assessment in paragraph 2? What was the assessment that was done that concluded that the task team no longer significantly contributed to policing efforts?

LT-GEN SIBIYA: That is a question that is based on the – can we go to the letter itself that was written by the
10 Minister, because I think the words originate from that letter itself.

ADV HASSIM SC: Okay. So you are saying that this is a reference to the Minister's assessment?

LT-GEN SIBIYA: I think so. So we need to get to that letter. Yes, yes.

ADV KHUMALO SC: Page 198, same file. General, did you find it?

LT-GEN SIBIYA: I found it.

ADV KHUMALO SC: That is on 197.

20 **LT-GEN SIBIYA**: Yes, I found it, Chair, Commissioners. I need to get the one that is written in because this one is a very small font, very small. Either I can see it here or a document, the real document, because this one you cannot read.

CHAIRPERSON: Blow it up a little bit more, please.

ADV HASSIM SC: Is that legible?

CHAIRPERSON: General, do you want to look there?

LT-GEN SIBIYA: Yes, I can. Yes, I can.

CHAIRPERSON: You may then indicate whether to scroll up or down.

LT-GEN SIBIYA: Can I? Let us go to the first sentence:

10 “I made observations on a number of
important aspects on the SAPS and
policing. For purpose of this letter, I am
focussing on the three aspects that
require very urgent attention to address
some of the challenges at hand.”

Now, as far as I am concerned, Chair and Commissioners,
to say:

20 “I trust this correspondence find well in
this festive season, in the past few
months, towards the end of this year
2024, I have made observations on a
number of important aspects on the
SAPS and policing. For the purpose of
this letter, I am focussing on three
aspects that require very urgent
attention.”

Now, we can go to the one of the political killing, number
three:

“Management Executive Committee meeting later in January 2025, key reference points to include, but not limited to the following. A comprehensive analysis of the current challenges of scrutiny.”

Now, this is the point of entry.

ADV HASSIM SC: It is point three.

CHAIRPERSON: Point three.

10 **LT-GEN SIBIYA:** I want the one that speaks to political killing.

CHAIRPERSON: Point three.

LT-GEN SIBIYA: Yes:

“In 2019, a directive was made to the National Commissioner of Police following the Marais Commission report. Even though not flowing directly from such that an inter-ministerial task force be established, the key mandate was stopped.”

20

What?

ADV KHUMALO SC: Can I suggest that you go to the next page? It is clearer on the next page. That one.

LT-GEN SIBIYA: Yes:

“In 2019, a directive was made to the

National Commissioner of Police following the Marais Commission report. Even though not flowing directly from such that an inter-ministerial task force be established, the key mandate was to stop, investigate, resolve, unresolve murders of politicians in the country, especially in KwaZulu-Natal. My observation in this regard, as indicated above, is that further existence of this team is no longer required, nor is it adding any value to policing in South Africa. I therefore direct that the Political Killings Task Team be disestablished immediately. Further, that a preliminary report in this regard be submitted to the Minister by the 20th of January 2025. The final and closing report must be submitted to the Ministry Management Executive Committee meeting late January 2025, the date of which will be communicated as soon as possible.”

So, this paragraph, to me, responds directly to the question asked by the evidence leader, I think.

ADV HASSIM SC: Okay, you say that the assessment that the task team no longer, What you mean is the observation by the Minister?

LT-GEN SIBIYA: This is the Minister saying this is the observation that the Minister made.

ADV HASSIM SC: Okay. No, that is fine. That is clear. What he had said in his letter was it was an observation. In this letter, you detail steps that need to be taken in order to ...[INTERVENES].

10 **LT-GEN SIBIYA:** Just to go back to the letter.

ADV HASSIM SC: SS13. It starts in 205.

LT-GEN SIBIYA: SS13, all right. You need a big one.

ADV HASSIM SC: Do you have it, General?

LT-GEN SIBIYA: Ja. I am back to the same problem, but it is okay. I will try to hold on.

ADV HASSIM SC: What is the problem? Perhaps we can assist.

LT-GEN SIBIYA: No, because the document is in front of me.

20 **ADV HASSIM SC:** No, no, you are looking at the wrong page. It is page 205.

LT-GEN SIBIYA: I am okay. Thank you very much.

ADV HASSIM SC: This is the letter that we began with.

LT-GEN SIBIYA: Yes.

ADV HASSIM SC: Right. We have now dealt with your

answer to the question that I asked pertaining to paragraph 2. Okay. And this letter is a detailed set of instructions for compliance with the Minister's directive. Is that correct?

LT-GEN SIBIYA: That is correct.

ADV HASSIM SC: And I just want to ask you some questions based on this. In paragraph 3.4 on page 206, you say:

10 “All case dockets must be hand-delivered
to a location designated by the Divisional
Commissioner for Detective and Forensic
Services, who must establish a secure
repository for case files and evidence to
ensure continuity and prevent any loss or
tampering. These dockets will then be
reallocated to appropriate investigative
units with the capacity to continue the
investigations.”

20 So this was a requirement that the dockets be delivered to
the Divisional Commissioner, Detective and Forensic
Services. Is that what one should understand by it? Is that
right?

LT-GEN SIBIYA: That is correct.

ADV HASSIM SC: Okay. And where would that be? In
head office?

LT-GEN SIBIYA: No.

ADV HASSIM SC: Where is the Divisional Commissioner for Detective and Forensic Services?

LT-GEN SIBIYA: I think I said predetermined by the Divisional Commissioner.

ADV HASSIM SC: So it could be any place in the country?

LT-GEN SIBIYA: It could be any place between in KZN where the dockets are.

ADV HASSIM SC: So it would be removed and be taken to a location where there would be a secure repository?

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

ADV HASSIM SC: Okay. And you say you did not mean that it should go to the DivCom Detective and Forensic Services, at head office?

LT-GEN SIBIYA: No, I said it must go to her.

ADV HASSIM SC: Yes, but not physically delivered to head office?

LT-GEN SIBIYA: I never indicated the place where.

ADV HASSIM SC: Okay. And then you ask for ...[intervenes].

20 **CHAIRPERSON:** But it could have been head office as well.

LT-GEN SIBIYA: It could have been head office as well.

CHAIRPERSON: Thank you. Thank you.

ADV HASSIM SC: And then in paragraph 4, you ask for a comprehensive closing report to be submitted by 16

January, confirming compliance with the aforementioned directives. Now, I think this has come up before. This letter is dated 17 January, but you ask for the report to be delivered the day before. Do you want to comment on that?

LT-GEN SIBIYA: I think at a much earlier stage I did indicate that at some point, because it looked like I gave them a day or two, because it was signed on the 17th, and then here the date was the 16th. In other words, it came – I do not know what caused the confusion in between when I
10 received this and when I signed this, but I accept the typo or the error that exists here, because I said on the 16th, but I signed on the 17th. So, quite honestly speaking, I am lifting my hands high up in the air on this one.

ADV HASSIM SC: Okay. Then you ask, then you detail what the report should look like, what the report. how the report should be structured. And in 4.1, you say it should, let us just start from before:

“The report should be structured according to the following guidelines.

20 4.1. Executive summary.”

In the second bullet, you say:

“Summary of key considerations that resulted in the decision to disband the task team.”

Now, this letter is addressed to the head of the task team,

who did not support the disbandment of the task team. How would he have been able to prepare a report? And I have got a few questions on this, but my first is, how would you expect him to prepare a report that explains the considerations that underlined the decision, that were informed the decision of the Minister? How would he know?

LT-GEN SIBIYA: Earlier, I indicated that he never really indicated that he does not support, at all. Even the National Commissioner never indicated that he is not in
10 support. So, he never indicated that he does not support.

ADV HASSIM SC: You are saying General Khumalo never indicated that he did not support the disbandment of the task team that he was the leader of?

LT-GEN SIBIYA: Yes, he never.

ADV KHUMALO SC: Sorry, General Sibiya, when you drafted this letter, you could not have known that because you had not engaged with General Khumalo at this point. So, when you drafted this letter, how did you expect him to comply with the second bullet in 4.1? Accepting that in
20 March, when you did engage with him, he did not express a disagreement. You signing this letter on the 17th of January and you have not spoken to him at all about the PKTT.

LT-GEN SIBIYA: That is correct.

ADV KHUMALO SC: So, how did you expect him to comply with bullet two when you signed this letter? That is really

the question.

LT-GEN SIBIYA: Because, when I write this letter, I write it as positive as possible, knowing that this is an official document with the Minister and the National Commissioner's blessing. So, I write it to him. And then, if he himself was not in agreement, he would have responded to this letter also, in writing and say, I see you wrote this letter to me, but I am not in agreement. But, instead, we do not have that. So, he never indicated that he is not in
10 agreement.

ADV HASSIM SC: But you had a discussion with General Khumalo about the decision between 31 December and sending this. Did you have a discussion with him informally or formally, or pick up the phone, anything to say, this is a decision that needs to be implemented?

LT-GEN SIBIYA: I did respond earlier that I never had a discussion with him. And considering the fact that it was also around about the festive period when everyone was still at home and some had not come back yet at work and
20 some of us were all over the country because it was still within the festive period.

ADV HASSIM SC: Okay. So, you do not really know what his state of mind was regarding the decision?

LT-GEN SIBIYA: I did not know.

ADV HASSIM SC: Okay. Now, how would he, even if he,

let us assume that he had no problem, he did not make the decision to disband the team. So, how would he come up with the reasons? Why was it expected of him that he must provide the reasons for the decision?

LT-GEN SIBIYA: Normally, in the South African Police Service when you get an instruction to write a document, whether you come up with an information note on behalf of the National Commissioner or the Minister, you will pen down a document that is just going for the signature for the
10 National Commissioner or the Minister. You will then take this document, go sit with the National Commissioner and discuss with him.

So, now, in this case, since this is what was discussed and clear guidance given and him submitting the reasons, it is what is contained in the reason, in the document, guided by the fact that the author of this document, I do only the document because I signed it, but as assisted by a person who is dealing with reports in the South African Police, who is at strategic management and
20 who has done organisation and work study, and say this is the format that you need for you to have a complete document that actually represent or present a close-up report.

It needs to have the following topics. Now, those topics that are written here, we are all guided by an expert

in this document, myself and General Khumalo.

ADV HASSIM SC: Would this not be in a report that is written before the decision is taken?

LT-GEN SIBIYA: No. No, because it is not a question of we were all expecting that there will be a document coming that says we are closing down. So, nobody would have known that now I need to start writing, preparing the reasons for close-up because we did not expect this to happen.

10 **ADV HASSIM SC**: But in the normal course, before a decision is taken, would the decision not be underpinned by reasons, and those reasons would be located somewhere before the decision is taken?

LT-GEN SIBIYA: It is true. But when I look at the letter of the Minister, the few lines that are written in the document itself, from the Minister's point of view, whether as a Minister of police who determines policy for the police, he gives reasons from his own understanding and where he comes from. And now, which means the National
20 Commissioner, before we get to this point, was in fact the one who was supposed to immediately when he received this letter, take the same letter, go back to the Minister and say, Minister, I want to understand where you are coming from. I do not agree with one, two, three, four. Can you hold on until I come back, or make me understand? But the

National Commissioner instead forwarded it and said, prepare a close-up report. He is already on board by so saying, and said prepare a close-up report. So, this is a late question, as far as I am concerned.

ADV HASSIM SC: General, this is a letter that you signed and that you send to General Khumalo, and you ask him to give you the reasons for the disbandment of the task team. Does that sound like a reasonable request?

LT-GEN SIBIYA: We are not asking him to give us the
10 reason why the task team should be closed. We are saying prepare a close-up report. In the close-up report, it must include the following topics. Where General Khumalo needed to ask a question, it was then for General Khumalo to make necessary enquiries with the Office of the Ministry or myself, and say, General, you just sent me this document, and then how do you expect me to write this when I do not know?

In my case, I would also have to go back to the Minister and say, Minister, General Khumalo wants to know
20 the following, so that we can then provide the reasons. But at this present moment, I am dealing with a letter that came from the Office of the National Commissioner, brought to me by a strategic management executive manager who said, General, from the National Commissioner's Office, and say, the NasCom says, no, no, you can sign this thing.

CHAIRPERSON: I guess, General, the substance of the question is, as you are writing this letter, I will not bother about referring to General Rabie, is it?

ADV BALOYI SC: Ja.

CHAIRPERSON: As you are writing this letter, because it is your letter, what key considerations or reasons did you, as the writer, expect of General Khumalo? It is a simple question.

LT-GEN SIBIYA: To me, Chair, I was following the
10 guidelines, the guidance by General Rabie from the Strategic Management Office. And this letter is a letter that I know that even the National Commissioner saw. So, as far as I am concerned, I signed it because it had the blessing of the National Commissioner.

CHAIRPERSON: But it goes out under your hand. And in response to a question of mine earlier, you said you accept it is your letter. So, bullet 2 of 4.1 is basically written by you and you are asking for key considerations, which I read to be reasons. So, what reasons did you expect of General
20 Khumalo? Because bearing in mind that he did not disband the PKTT.

LT-GEN SIBIYA: This letter, Commissioners, as General Rabie wrote this letter, he gave guidance. It is a guideline that says a comprehensive close-up report must be submitted by 16 January confirming compliance with the

aforementioned directives. The report should be structured according to the following guidelines. Guidelines.

Now, it gives different topics. It is guidelines. Now, which means you are not necessarily expected to even provide the reasons for disbandment. If you do not have them, or if it is something that you cannot write, or you could either write back and say may I be clarified on the following key issue? So that we are able to then guide you further.

10 **CHAIRPERSON**: Thank you, General. Ms Hassim?

ADV HASSIM SC: Thank you. So, it was free to General Khumalo to not do that if it was not something that was within his knowledge, which, of course, it is not in his knowledge. Right?

LT-GEN SIBIYA: I suggest so.

CHAIRPERSON: Ms Hassim, it is a quarter past four. Let us adjourn at this stage.

ADV KILLIAN SC: I have no objection if we continue or adjourn.

20 **CHAIRPERSON**: Now you want me to look lazy.

ADV KILLIAN SC: I want to stay neutral.

CHAIRPERSON: General, should we continue?

LT-GEN SIBIYA: Let us pull through. Let us continue.

CHAIRPERSON: Okay. Let us adjourn at 5 PM then. Let us continue.

ADV HASSIM SC: Thank you. All right, Chair. So, let us continue to the letter. You then request, I am going to move over to the next page, 4.5, input from key stakeholders in response to the announced disbandment of the task team. For example, comments by NPA and SSA. Now, would there not have been consultation with these key stakeholders prior to the disbandment of the decision? Decision to disband.

LT-GEN SIBIYA: This letter serves as a guideline and all
10 the necessary important exercises that need to be done or what needed to be considered or done. Now, in this case, the consultation with key stakeholders was one of the key issues to attend to. And as General Khumalo later indicated in his correspondence that they also made use of this same document, they took certain key topics out of that and then also allocated action plan and then they allocated such an action plan to the National Commissioner in terms of consultation with stakeholders, but they were all guided from this document.

20 **ADV HASSIM SC**: That does not answer my question. My question is, would there not have been consultation with the key stakeholders? So, the input from the stakeholders would be sought prior to the announcement of the disbandment, right?

LT-GEN SIBIYA: The answer is really the same answer

because this document, no one expected disbandment. No one expected this letter. There would not have been any prior consultations with nobody, because the answer would remain the same. For as long as we are still sticking to was not there or was not there supposed to be a consultation, the answer is the same.

ADV BALOYI SC: General, maybe Ms Hassim as well, if you look at 3.7, paragraph 3.7 at page 207, it says, so this is, as I read this letter, the whole of paragraph 3, it is steps
10 that must be taken. The whole of paragraph 3. And then 3.7 says:

“Stakeholder communication. All internal and external stakeholders must be notified in writing about the disbandment, the transition plan for ongoing cases and the future protocol.”

That is in 3.7. And then the paragraph that Ms Hassim is now discussing, 4.5, stakeholder feedback. It is feedback on the task in 3.7. It does not answer the question, Ms
20 Hassim's question, that should there not have been stakeholder engagement before. But I think 4.5 makes sense when you look at 3.7, because after disbandment, the plan says now tell all your stakeholders what your transition plan is and future protocols. And then 4.5 requires your report to state what their feedback is.

ADV HASSIM SC: Thanks, Commissioner Baloyi. The question remains the same because it would mean that there would only be communication to stakeholders after the decision is made. So my question is, and this is an important question because the PKTT was made up of multiple stakeholders itself.

CHAIRPERSON: Before the question, please hold your thought on it. I just want to make an observation, General, on the last thing you said just now. You said you did not
10 expect and you are not referring only to yourself, but I think you are referring to everybody, that you did not expect this letter and you said it twice, now, now, now.

LT-GEN SIBIYA: Yes.

CHAIRPERSON: And you have said it twice already before. I think the first time you mentioned it, you said we all did not expect the disbandment.

LT-GEN SIBIYA: Yes.

CHAIRPERSON: And then you said it again later. You have said it four times.

20 **LT-GEN SIBIYA**: That is correct.

CHAIRPERSON: I find it rather odd that you say you were not surprised and that General Masemola should not have been surprised when all of you, you say four times, did not expect this. I am just making that observation and to have it on record. You may continue. But if you want to

comment, General, you may.

LT-GEN SIBIYA: I really wish, I want to comment, Chair. And it is with respect as well. I am not going ...[indistinct] Chair. When I say General Masemola cannot say he was also shocked or surprised, I am just banking on the fact that it was not the first time we all saw a letter just drafted having not had any discussion prior at all.

CHAIRPERSON: But you do not expect it and I would think you must be surprised when you see it when you did not
10 expect it. That is the point I am making.

LT-GEN SIBIYA: If the Chair calls me one day into a meeting and says, General, I am concerned about one, two, three, four that is happening and I think we really need to re-look into this situation and that and that, and then go think about it but we need to reconsider this or to review this, look into that one. And then I indicate and say, no, no, but I do not think it will make any problem, there is any problem in this regard ...[intervenes].

CHAIRPERSON: You see, there was not – okay, continue,
20 continue.

LT-GEN SIBIYA: Then I say I do not see any problem, I think it can be done. Then it all goes quiet. It is festive season now. We are all over the country doing festive season. Later in the year, in the end of the year, the 31st, I see a letter coming through. It will come as a shock, but

not surprised because I know about it. It was once raised. And then my job will be to then call the Chair and say, Chair, I see this letter and I am surprised or I am shocked ...[intervenes].

CHAIRPERSON: You see, you cannot avoid saying you are shocked, you are surprised. You cannot avoid saying that because that is actually what should ordinarily happen in those circumstances. You yourself cannot avoid being shocked or surprised, General.

10 **LT-GEN SIBIYA**: Thank you, Chair.

CHAIRPERSON: Thank you.

LT-GEN SIBIYA: My advocate warned me and said, do not go for the second time with the Chair. Just remain. Once you see it is something, do not repeat it. So I am taking a short left now.

CHAIRPERSON: Thank you, General. Yes, Ms Hassim.

ADV HASSIM SC: Thank you, Chair. So, you know, that is not unrelated to this letter that we are looking at. And maybe I should cut through, actually. You know, this is
20 your letter. It requires communication with the stakeholders. It requires the summary of the reasons for the decision to disband. It requires an analysis of the task team's effectiveness, an impact on crime reduction, an account of controversies, a cost-benefit analysis, all of these things.

All of the contents of these guidelines that you send to General Khumalo and say, prepare a closing report. All of this points to a report that is trying to justify the decision. Do you agree? All of these items that I have just read out, and you can look at it more closely if you wish to.

LT-GEN SIBIYA: May I ask to please repeat the question?

ADV HASSIM SC: So the guidelines, all of these guidelines that you are talking about, you are saying these are guidelines, and I refer you to some examples. One
10 would be in 4.1, the summary of key considerations that resulted in the decision to disband the task team. 4.3, the bullets under operational review of the task team and its effectiveness. 4.4, any controversies and issues that arose during the task team's operation. 4.5, input from key stakeholders. 4.6, cost-benefit analysis of the task team's operations. 7, legal and compliance review, summary of any legal challenges, compliance, or governance issues encountered. 4.7, data and security management. All of this, these that I have read out, are guidelines for a
20 document that is intended to justify the decision.

LT-GEN SIBIYA: No. No.

ADV HASSIM SC: This is not about implementing. Okay, explain your no before I go to the next question.

LT-GEN SIBIYA: It is not an attempt to justify because remember, this document was not crafted by the Minister or

myself. The bottom line here is that as much as I am the signatory of this document, it went past the eyes of the National Commissioner. We cannot really take out the National Commissioner from this letter because it was discussed with him.

Even before it was sent to me, it went past his hands. He saw it. It came to me. I owned the document because at the ultimate end I had to sign it. But if this document came from General Rabie straight to me, I would
10 take absolute full responsibility. But if it went via the Office of the National Commissioner, brought to my office by a general working with General Masemola to me, we are both in this thing together.

So all I am saying, Chair, is that I accept the responsibility for drafting this letter, but because of the fact that my commander, my boss, saw it and was satisfied with it. If he saw it and he did not agree with it, General Masemola was wrong to bring it to my office.

ADV KHUMALO SC: Can I test my observation with you,
20 General? Looking at this document, here is my observation. What it contains is guidelines that are usually followed when you close down a task team or a unit. And in the normal course, all of these things would have happened before the decision is taken, correct?

LT-GEN SIBIYA: That is correct.

ADV KHUMALO SC: So that when you then prepare this report and you give them two days to submit it, they already have in their possession feedback from the NPA, feedback from the other stakeholders. They already have a breakdown of resources. They already have a summary of legal challenges.

But if you produce a document like this after the decision is taken, it does not make sense because you are saying to them within two days, go to NPA and get NPA's
10 feedback. Go to State Security Agency and get their feedback and response. And that is impossible to do it in two days.

ADV HASSIM SC: Before you answer, to the tail end of that, the question was, I had asked about the NPA and the SSA and I said specifically in the context of this task team, because they were part owners of the task team. They had a very serious role to play. They were members of the task team, the SSA and the NPA. So consultation would have been before the ...[intervenes].

20 **ADV KHUMALO SC:** Remember, it was a multidisciplinary task team. It was not just the police. It was other disciplines, including NPA, including State Security Agency, including other role players. So the simple observation I make is that in the normal course, how you shut down a task team or a unit, you would have done these things in

advance so that when you ask for a closeout report, it can be produced because you have all these things in the normal course.

LT-GEN SIBIYA: In the normal course, it is what ought to have happened.

ADV KHUMALO SC: Yes.

LT-GEN SIBIYA: Firstly, I want to raise this issue. The fact that I signed it on the 17th, I said I am raising my hands, that I made a mistake. It was the date, maybe. I do
10 not know how it happened ...[intervenes].

ADV KHUMALO SC: General, stop there. I even gave you a benefit of a doubt and said maybe you were expecting a response by the 20th. Because remember, a report was ...[intervenes].

LT-GEN SIBIYA: Yes.

ADV KHUMALO SC: So assuming that 16th is a typo, you were really expecting all these things by the 20th. So you sign it on the 17th. When would anybody get input from NPA, input from SSA, input from – in a space of three days,
20 that is impossible. So hence I say what this document shows to me at least, not to my co-Commissioners, is that you have taken a guideline that is normally used to shut down units and task teams. And you have tried to apply it to a situation where the Minister surprised all of you by shutting down a task team without your knowledge and you

are now really trying to do a close-out report after the Minister has made a decision.

LT-GEN SIBIYA: I accept that, Commissioners. And then I want to say that if we all are to accept that this was a guideline and that was sent to, let us say, General Khumalo, who is the project coordinator, under normal circumstances what General Khumalo ought to have done was to look at it and say it looks like there is a mammoth task here, there is a lot of work that still needs to be done
10 that may take actually 30 days or two months and this is my schedule in complying with the Minister's instructions.

Considering the fact that I think it was a preliminary report, the close-out report, it was not the final, because the final report was going to be submitted at a much later close-up report. Even when I spoke to General Khumalo, he did raise these issues. He said to me, General, there are a lot of people that are involved here that must be consulted and everyone else. And having consulted with everybody, and then the report will include all the information, including
20 the doctors that are at court and everything.

So it was not expected that this thing would close like tomorrow or just by the 20th it will be closed. It was not expected like that, but it kick-started the discussions to say that this thing is now closing. So for General Khumalo, all he was supposed to do was to just go and sit down and

craft a response that suits what he needs to achieve and how he is going to achieve it and then present it before the Minister or to me and then I go to the National Commissioner again and say I received this from General Khumalo, and this is how he sees this thing working.

And then if we were to then thereafter say to him, no, no, no, no, no, we say it will close by tomorrow, then we would have overstepped the mark. But if it was given to him and then he did not see it fit that he should respond, 10 instead, they did comply and wrote a report. Although I was not favoured with the copy, it just went to the Minister. So the same thing they did ...[intervenes].

ADV HASSIM SC: No, General, can I pause you there for a moment? Because it is a long answer. I was trying to allow you to finish, but it is taking too long because you are really not answering the question. And from my side, you are talking about what General Khumalo should have done. My question on this letter comes from an interest of what you should do and what is reasonable conduct by you. Why did 20 you think sending this letter with all of these requirements or guidelines, as you put it, why do you think it was reasonable to request that?

It is not an answer to say, well, General Khumalo should have come to me and told me this is not reasonable, it cannot be done. I am asking why did you issue it in the

first place? Why did you think it was reasonable?

LT-GEN SIBIYA: You see, Chair, when you work in the OD, Organisational Development, or you have done work study and then you learn how to write a report, report writing, and they give you to say when you write a report, firstly you start with the background, then the introduction, the background, factors that lead to the investigation, then you come to a point that you need to raise, like when you do a thesis or whatever, there is a format.

10 Now, as General Rabie, you say, all right, I am writing this document, I am expected to guide the organisation in coming up with a closing-up report. I suggest that here are the guidelines. Work within these guidelines. Now, these guidelines that I am sending, I am sending to where they belong.

 Now, the person who must then respond is the one who must now begin now the action steps. And how you begin the action steps is that you will say, you can write, even write back and say, all right, I have received the
20 guidelines, and then this is my programme on how to implement these guidelines that you have sent. Then you bring all those guidelines.

 And as you bring all those guidelines, I will take the same guidelines and you will go back to the Minister and say, Minister, this thing is not as easy as you think. There

is more work that needs to be done, and the following will be done. So that is why I take it that we all have the responsibility to bring our side.

In my case, it came, it was sent to me to sign, I sent. But from the side of General Khumalo, supposed to acknowledge, look at it, and say right, I have gone through this letter. This one is possible, this one is possible, this one is possible. This one will need so much time to do, to achieve. This cannot be done. And this is how I also
10 suggest it must be done.

Let us say even the winding down. Then you will write the same letter and say I suggest that it must be done in phases. Now, you are openly responding to this letter, because it is an official letter that comes from the Office of the National Commissioner to me to send to General Khumalo. So I am still believing that it could have been handled that way.

ADV BALOYI SC: Except, General, at paragraph 3.2 you give an instruction that has immediate effect. You say:

20 “Effective immediately, all investigative personnel must report and directly accountable to the Division of Commissioner for Detective and Forensic Services until they are reassigned to alternative units.”

So even if the rest of it, you say, it is a guideline, and I can see why, in parts, why you would say that. But that is not all there is in this letter. You give a direction that is effective immediately, that must be implemented. You are changing the reporting structure, effective immediately. That, to me, does not seem like a matter that is open for debate.

It is the same as the Minister's letter, which says, immediately disbands. It does not allow for back and forth
10 with the Minister. The same is that your accountability, paragraph 3.2.

LT-GEN SIBIYA: If the Chair remembers very well, or Commissioners remember very well, there was at some point a newspaper article that says the Minister sent them packing. Where, for an example, there was a meeting held and then in that meeting what was expected in terms of giving feedback on the progress in terms of the complaint with the instruction was discussed, and only to find that not much was done or nothing happened. And the Minister
20 expressed his dissatisfaction around that issue, and then when he expressed his dissatisfaction around that issue.

Now, the small boy there is me. It is the Minister and the National Commissioner. Both of them, CI and DivCom report to me. I am the one who accounts when we are sitting in that space. When we are sitting in that space,

where is the Minister, the National Commissioner, the two DivComs, and myself? I am the one now accountable who must respond.

Now, in my case, when I realise that now, it looks like I am now the one failing because the National Commissioner is quiet in the meeting. He is not objecting to anything. He is not disagreeing with anything. Now, I am sitting here being told that, but you guys do not listen. This is what was needed and I am not being taken serious.

10 Now, it looks like I am the one not taking the Minister serious or the National Commissioner serious, because even the National Commissioner was not really objecting to anything.

So, where I begin to also strengthen my hand to say let this happen, let this happen, let this happen, is to try now to be hands-on and say let us move. Let us not delay ...[intervenes].

ADV BALOYI SC: No, General. We know that this letter was sent to General Khumalo before that meeting with the
20 Minister that you are describing. We know that. It is the first thing that comes out of your desk. Yes, assisted by General Rabie, but your first act, and you say in your statement that from, I think, General or Lieutenant Letoko you received this 31 December letter and with an instruction to prepare a close-out report, you say all of that, and then

this is what you prepared with the assistance of General Rabie.

And what I am pointing out to you is that which you prepared, your first act on this in 3.2, was to order with immediate effect a different accounting line. You say PKTT with immediate effect is now accountable to Divisional Commissioner for Forensic Services until they are reassigned to alternative units.

LT-GEN SIBIYA: I am just going through the letter again.

10 **ADV BALOYI SC:** Okay.

LT-GEN SIBIYA: May I respond?

ADV BALOYI SC: Yes.

LT-GEN SIBIYA: In an attempt to make sure that we do not lose track or anything falling in between the cracks, you end up having to tie this thing to somebody. To say that now that we are in the process of disbandment and we are saying if we are saying effective immediate in terms of the disbandment, now we are talking about the issues of the case docket now having to report to go to Murder and
20 Robbery Unit.

So that is why, in my case, I came up with that this effective immediately was just to comply with the instruction of the National Commissioner and then was to say effective immediately and then the person who will now be in charge of the workload, it will be the DivCom detective services.

And those that of intelligence will continue doing their part to put into where they belong.

ADV BALOYI SC: Thank you. Ms Hassim?

ADV HASSIM SC: Thank you, Commissioner. I just want to – you have not answered the question why you thought it was reasonable. You gave a very long response, but you did not say why you thought this was a reasonable request to issue this letter with all of these guidelines. And it is not just that it is lengthy, and it is not just that it will take time,
10 but it is that what is being requested is to provide the reasons for a decision from someone who did not make the decision. So, I would like your response on that because I am saying to you that is not a reasonable request.

LT-GEN SIBIYA: I thought, Commissioners, how I responded was that this was a guideline. This was a guideline. And it being a guideline, it needed to be treated as a guideline. Where Commissioner Khumalo, General Khumalo had a different approach or response to it, or opinion, different opinion, he would have also responded as
20 such, in such a way that he also brings his side of the story.

ADV HASSIM SC: So he could have come back to you to say this is just not possible to be done, and you, when you sent it, you expected that that would be the kind of ...[intervenes].

LT-GEN SIBIYA: Yes, he has done it before.

ADV HASSIM SC: It does not make sense because it does not tally up with what Commissioner Baloyi was putting to you about you requesting immediate action on this, nor does it tally up with the requirement in the Minister's letter that a closing report must be provided by 20 January, which was three days after you sent this letter. You can comment on that if you wish.

LT-GEN SIBIYA: Chair, my mind was still locked into a previous discussion when she was talking. And when she
10 was talking, she said it does not make sense, and then I am thinking of certain things. Now she says no comment on that.

CHAIRPERSON: Please repeat the question.

LT-GEN SIBIYA: I apologise.

CHAIRPERSON: No problem, General, no problem.

ADV HASSIM SC: What I was saying to you, General, is that your last response to me, which is that they are just guidelines. You did not really expect that it would be done in three days. In other words, that was your response to my
20 question, surely this is not reasonable. You said, well, you know, you did not expect he could have come back and said it is not going to get done.

And I am saying that does not make sense in the light of the contents of this letter which require immediate action, or in the context of the letter from the Minister which

required a closing report on the 20th of January, three days after you sent this letter. So that is what I am saying to you that is a comment I am making. That is an observation I am making about your response to me about reasonableness. And I am saying to you, do you wish to comment?

LT-GEN SIBIYA: Yes, I wish to comment. In our work as police officials, it would make sense and it would be easy to comply with. In your world, maybe from where you are coming from, it is something that may need to take six
10 months. But in our world, if I give an instruction, it can be done in three days. It can be done in a week. It can be done in two weeks.

So as far as I am concerned, there have been instances where they say this must happen by tomorrow 8 o'clock and it happens, and the rest will follow. This is how it works in the police. Maybe even in the Defence, but it does not necessarily make it create a situation where we can say it does not make sense.

ADV HASSIM SC: Okay, so you are saying it is reasonable
20 within the police services, this is how SAPS works, it is reasonable within the SAPS to send a request to a person for reasons for a decision that that person never took. Because that is what this is. It is saying give us the reasons. It is a whole report that justifies everything up until 4.8 of this letter. The bulk of this letter, four pages, is

a report that is written in order to explain a decision. And you are saying it is reasonable in the SAPS to ask the person who did not make the decision to write that report.

LT-GEN SIBIYA: What I am saying is that it is doable in the police and to consult with stakeholders and we are talking SSA and NPA, it takes one telephone call or one email that says there needs to be this meeting where we have to discuss the Minister's letter. Are we able to meet on such and such a date when you are consulting with the
10 stakeholders.

And then they all will compare their diaries and then agree that, okay, in a week's time there is going to be that meeting with those stakeholders. Because you do not need to go meet each and every prosecutor on the ground. What happens is that from General Masemola, the National Commissioner, as it was his responsibility to ...[indistinct], he was just going to meet, let us say, the National Director of Public Prosecutions. Or send me to go meet the DPP or send the Provincial Commissioner to say, go meet your
20 counterpart and the DPP there and discuss this matter of the National Commissioner.

Now that can be done to say, what are the dynamics, what are the challenges, so that whatever that is being raised, then it gets put in writing, then there is a response back or feedback to the National Commissioner to

the Minister. So all I am saying is that it is doable, it is possible, it is not a question of it could not be done. It is just a question of really, there is not really that much of a crisis.

Disbanding this task team, it is a small task team, by the way, it could just easily be done, easily. And confirming with the stakeholders to get a meeting of the stakeholders is easy. There are instances like where, for instance, you have to get a forensic establishment, where to
10 get Public Works, get the Department of Justice, get that one, get that one, into a meeting to go and discuss an urgent matter, it happens. So all I am saying, I am not downplaying or undermining the process, but what I am just saying is that it is doable.

ADV BALOYI SC: General, can you just look at 4.9, I mean, this letter is a very confusing letter for purposes of what was sought to be achieved. In 4.9, the heading, you say:

20 “Closure plan, detailed implementation plan for the orderly disbandment of the task team, steps for transferring or archiving, reallocating resources and managing personnel transition.”

What in fact were you saying in that 4.9 supposed to happen? Practically, what would have happened?

LT-GEN SIBIYA: A detailed implementation plan for the orderly disbandment of the task team, steps for transferring or archiving of data, reallocating resources and managing personnel transitions. And this is what I think I see also in that action plan that was crafted by both General Khumalo that was submitted to the Minister and approved by the Minister partially, where they said on this date we are going to do this, on this date we are going to consult with stakeholders, on this date we are going to hand over the
10 dockets, on this date we are going to write the final report.

ADV BALOYI SC: So that is what you were contemplating in 4.9?

LT-GEN SIBIYA: That is correct.

ADV BALOYI SC: Thank you.

ADV HASSIM SC: I am going to move off this letter, Commissioners, unless there are any questions from...

CHAIRPERSON: Perhaps let us start a new topic tomorrow. Let us adjourn and resume at 09:30.

ADV HASSIM SC: Thank you.

20 **LT-GEN SIBIYA:** Thank you.

INQUIRY POSTPONED TO 20 FEBRUARY 2026

INQUIRY ADJOURNS
