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20 FEBRUARY 2026

DAY 64



PROCEEDINGS HELD ON 20 FEBRUARY 2026

CHAIRPERSON: Good morning, Ms Hassim. Good morning, Ms Kilian. Good morning, General.

ADV HASSIM SC: Morning, Chair. Chair, before we begin with the rest of the evidence continuing from yesterday, we have received a further statement that is relevant for this witness's evidence. You should have it in front of you. It is marked file 10C, and it is also marked CJC81. So it is handed in as an exhibit.

10 **CHAIRPERSON:** It is a file?

ADV HASSIM SC: It is like this.

CHAIRPERSON: I am looking for – thank you, thank you. Yes, we all do see it. Thank you. And has it been shared with ...[intervenes].

ADV HASSIM SC: It has been shared with General Sibiya's legal team, and we only received it late, and we forwarded it on to the legal team at our earliest opportunity.

CHAIRPERSON: But I assume we should put it away so long.

20 **ADV HASSIM SC:** That is right. I think that they would need to use the lunch adjournment to go through it. They have not had an opportunity, sufficient opportunity to read this document.

CHAIRPERSON: Do you think you will be reaching it this afternoon? I am asking because that will eat into their

lunchtime, unless you think you will be using it this afternoon already.

ADV HASSIM SC: Can I get back to you on that, Chair?

CHAIRPERSON: All right, thank you. That will depend on what Ms Killian says.

ADV KILLIAN SC: Thank you, Chair. Good morning. We did receive it approximately 10 minutes ago. We have had no opportunity apart from just establishing who the opponent is, and we will assess our position during
10 lunchtime. Thank you.

CHAIRPERSON: Thank you, Ms Killian. Are we ready to start, Ms Hassim?

ADV HASSIM SC: Yes.

CHAIRPERSON: Thank you.

EXAMINATION BY ADV HASSIM SC

(CONTINUES): Thanks, Chair. General, yesterday, just before we adjourned, we had, at least from my side, I had concluded, I think, my questioning on the letter of the 17th of January. But before I move on from that, Chair, if there
20 are any other questions on the 17th of January letter?

CHAIRPERSON: Okay. Is that letter, let me just find out from the General, is that letter what you refer to as the disbandment plan or not really?

LT-GEN SIBIYA: Good morning, Chair and Commissioners. I was still trying to figure out whether I need this statement,

my statement in front of me. Now, I was looking at this one and see where is my statement in case any question comes.

CHAIRPERSON: I think you do.

LT-GEN SIBIYA: I thought she was still talking to the Chair.

CHAIRPERSON: Yes.

LT-GEN SIBIYA: When the Chair asked me a question, I did not pick it up.

CHAIRPERSON: I think you do need your statement
10 throughout because from time to time the evidence leader, the Commissioners are likely to take you to your statement. So I think it should be somewhere close throughout. Yes. And the letter SS13 in File 2, General, is that what you refer to in your statement as the implementation plan?

LT-GEN SIBIYA: I just want to get to the letter.

CHAIRPERSON: Yes, yes, SS13. Chair, this is not what I refer to the implementation plan because this plan was not followed. The one that was followed is the action plan as was submitted by General Khumalo.

20 **CHAIRPERSON**: So, all right, let me – I just asked you to have the statement close by and I do not have mine close by, but I found it. The page I want to go to – I just want my – in a few paragraphs in your statement, let me for example take you to paragraph 84. There you refer to the implementation plan and you say provided as follows and

you list a lot of things there. Which one are you referring to, SS13 or the one that you say was prepared by General Khumalo?

LT-GEN SIBIYA: Paragraph 84?

CHAIRPERSON: At paragraph 81 as well. You say:

“Consequently, I change the name on the implementation plan to my own and on 17 January 2025, I signed the implementation plan.”

10 So you refer to that at 81, you refer to that at 84, possibly you refer to it elsewhere as well.

LT-GEN SIBIYA: I refer to this one that has got my initials on the body of the – this is the one on 80, it is SS13.

CHAIRPERSON: That is SS13?

LT-GEN SIBIYA: 13.

CHAIRPERSON: So anywhere where you refer to the implementation plan in your statement, you are referring to SS13?

LT-GEN SIBIYA: That is correct, Chair.

20 **CHAIRPERSON:** All right, all right. So before you step off the letter then, if it is the implementation plan, I would like to deal with some aspect of that implementation plan.

ADV HASSIM SC: Absolutely, Chair.

CHAIRPERSON: Yes. Now, General, do you accept that a repository is a place of storage?

LT-GEN SIBIYA: That is correct, Chair.

CHAIRPERSON: You say that in accordance with the implementation plan, I may just as well call it the disbandment plan, the dockets were to be stored in a repository that was to be established by General Senthumule.

LT-GEN SIBIYA: That is correct, Chair.

CHAIRPERSON: Yes. And yesterday you said the plan allowed General Senthumule to establish this repository
10 anywhere in the country, meaning it could be at head office or anywhere else in the country. Correct?

LT-GEN SIBIYA: That is correct, Chair.

CHAIRPERSON: It is only logical then that for as long as the dockets were stored in the repository, detectives could not access them as and when they wanted to. Correct?

LT-GEN SIBIYA: May I understand the question again, Chair?

CHAIRPERSON: It is only logical that for as long as dockets were in the repository, detectives could not access
20 them as and when they wanted to. Is that correct?

LT-GEN SIBIYA: It is correct, Chair.

CHAIRPERSON: Yes. That must mean during the period of storage, however short or long, investigations would be halted. Correct?

LT-GEN SIBIYA: It is correct, Chair.

CHAIRPERSON: In paragraph 84.2 of your statement, you say that the disbandment plan outlined measures to ensure that investigations would not be disrupted. Correct?

LT-GEN SIBIYA: Correct, Chair.

CHAIRPERSON: Do you accept that this was meaningless because storage of the dockets automatically meant that investigations had to come to a halt? Put differently, disruption of investigations was inevitable. Do you accept that?

10 **LT-GEN SIBIYA**: No, Chair.

CHAIRPERSON: Yes, please explain.

LT-GEN SIBIYA: Chair, considering the fact that these dockets were not meant to be withdrawn and be stored and nothing should happen, it was meant for a handing over and when the handing over is happening, those dockets that are in the process of being handed over are kept in a safe space where no one can say I do not know what happened to that docket or that docket.

20 Now, as General Senthumule said, they were meant to be in transit back to KZN and without any waste of time, they were meant to go back. Now, I am giving this example in a sense that when we conduct an inspection, we are able to call for a docket. We are doing docket inspection. For that week, the officials from head office are at the particular province. They are doing docket inspection.

In other words, when they do docket inspection is when they come and the dockets have been put in front of them and they go through the dockets. At that point in time, the investigation is halted because dockets are being inspected or audited.

The idea here was just to make sure that nothing falls in between the cracks and it does not happen that we do not know where is the other docket, but also to account, proper account of the docket in such a way that when you
10 receive a docket, you go through the docket, you make sure that as you inspect what you are being given and you read the investigation diary, you can account for each and every statement that is according to the diary should be in the docket in such a way that you do not find yourself now being given a docket that you think this docket was actually fully investigated and in the meantime, some statements are missing. And this is what was found to be the case. So that is why I had to say just make sure that whilst these dockets are in your hands, they are safely stored where
20 they need to be safe.

CHAIRPERSON: General, you have already accepted and I deliberately made you say correct, correct, correct all the way down. You have already said that it is correct that during the time of storage, detectives would not have access to the dockets. Is that correct?

LT-GEN SIBIYA: That is correct.

CHAIRPERSON: Now, if that be so, that must result in disruption. However long or short, it must result in disruption of the investigative process. Not so?

LT-GEN SIBIYA: It is correct. Unfortunately, it is part of the process.

CHAIRPERSON: It must be so. Now, did you at the time of putting together your implementation plan know how long it would take between the time of the storage and the time
10 of the return of the dockets? Did you have any idea at that stage?

LT-GEN SIBIYA: We had an idea and the idea was that it must move from this signature to this signature and be redistributed immediately, not for the dockets to be stored.

CHAIRPERSON: But did you have any idea how long the process would take? Bear in mind we are talking 121 dockets. Did you have any idea how long the process would take?

LT-GEN SIBIYA: At the time, the process could take three
20 days to a week, Chair, because this is what we do every day, inspection of dockets. And when you give me now 120 dockets to inspect, I can inspect the 120 dockets in three days or in two days. That is doable. And then for the dockets to be sent back to KZN or as it was intended to be.

CHAIRPERSON: General, you say you do inspections of

dockets every day. You have never called for 181 dockets at the same time for inspections, have you? Remember a few answers back, you said that I can call for a docket to inspect it. I would imagine you have never called for 121 dockets for inspection all at the same time, have you?

LT-GEN SIBIYA: I want to respond to the Chair. Let us take it that, Chair, when I say I, I mean my team. Now, they have inspected more than – remember, Chair, a person will have 200 dockets or 300 dockets to inspect. So we have
10 called more than 121 dockets before to inspect. When we go out there inspecting dockets, there are people who has got 600 dockets on hand, 500 dockets on hand. And as we normally send team out to go and inspect, these are the dockets they are inspecting on a daily basis. So it does not necessarily mean that when I inspect 400 dockets, it means that I say I will complete the whole 400 today. But as I am here, because we send them for them to be there and they will be there for three weeks sometimes inspecting dockets per province.

20 **CHAIRPERSON:** But the crucial thing though is your admission that during the time of storage, investigations would be disrupted. You have accepted that.

LT-GEN SIBIYA: I do, I do.

CHAIRPERSON: Thank you. That is all that I wanted to establish. I am going to move to a second point, which I

also think would have disrupted the investigations. Now you say in paragraph 84.3.8:

“PKTT members would be reassigned to other units within SAPS in consultation with General Senthumule.”

I understand that to mean, you will correct me if I am wrong, I understand that to mean that they would no longer necessarily be allocated the dockets that they were investigating within the PKTT. Correct?

10 **LT-GEN SIBIYA**: That is correct, Chair.

CHAIRPERSON: So that must mean that new investigators would now be assigned to those dockets or new detectives. Correct?

LT-GEN SIBIYA: It may mean that, but on the other hand, Chair, when we are talking about court-going cases ...[intervenes].

CHAIRPERSON: No, no, no, let us leave out court-going cases. Let us talk about those that still require the investigation before they go to court.

20 **LT-GEN SIBIYA**: They will be reassigned.

CHAIRPERSON: They will be reassigned?

LT-GEN SIBIYA: That is correct, Chair.

CHAIRPERSON: Do you accept that a new detective would first have to take time to get used to the content of the docket before they actually start investigating? Is that

correct?

LT-GEN SIBIYA: It is correct, Chair.

CHAIRPERSON: And some of the dockets could easily not have been as flimsy as that, but quite thick and complex in terms of content. Correct?

LT-GEN SIBIYA: It is correct, Chair.

CHAIRPERSON: So it would have taken quite a bit of time for a new detective to acclimatise themselves with the content of the docket. And it did not just the content, also
10 broadly what the investigation was about. Correct?

LT-GEN SIBIYA: It is correct, Chair. However, Chair, I just want to say the three questions that the Chair asked, I said and I kept them short to say correct, correct, correct.

CHAIRPERSON: Because you had to, you had to.

LT-GEN SIBIYA: But there is explanation to that, Chair.

CHAIRPERSON: I have not one-stopped you from giving explanations.

LT-GEN SIBIYA: I am trying not to, I have been advised to keep it short and respond to the Chair immediately.

20 **CHAIRPERSON**: Let me ask the question again. I am saying some dockets, I am sure, would have been quite complex in terms of content and in terms of the investigation required and that would have taken the detective quite some time to get used to that content and to know what next steps to take in the investigative process.

Is that correct?

LT-GEN SIBIYA: No, Chair.

CHAIRPERSON: Yes, what is correct?

LT-GEN SIBIYA: Why I am saying no, Chair, is that in the police, we lose members every day, every month, in terms of the attrition, initial attrition. It is a standard practice, it is a well-known fact that members get transferred. Members, some of them, they leave their dockets because they are sent to the task teams. And you will have number
10 of dockets.

It is just like when you just get appointed today, they load with 120 dockets. Or what will happen, Chair, is that to get the first docket, you read the A1. A1 statement is the complainant statement. It gives you the whole background of the case. Now you see the case. And then after that, in A1, then you can see what was the directive of the commander in red pen, and then other statements that were attached.

So it is a normal practice, Chair, that it is not
20 really, it is unfortunates the system and how the system is built and how it works. It does not necessarily mean that only the PKTT. The last example that I am going to give the Chair is this one. Remember, Chair, in December they took the dockets that were being investigated by team from head office.

They took all those dockets, the PKTT. They took all those dockets and themselves they did not consider the fact that what did they expect to have been done in their own docket. They did not consider having to speak to the stakeholders or going through those dockets themselves. They even returned them without having written any instruction on them or having done anything on them.

So what I am saying is that it is a standard practice. It may be some of the weaknesses within the
10 system, but it is exactly like at court and the prosecutor. There are instances where, for instance, the prosecutor is running with a case. All of a sudden either the prosecutor dies or transferred or feel that I am conflicted and this docket now get allocated to a new prosecutor, and it happens on a daily basis, Chair.

CHAIRPERSON: General, unfortunately that does not answer my question.

LT-GEN SIBIYA: Okay.

CHAIRPERSON: All it does is to say that this happens and
20 then you have to bring in a new detective and then the new detective has to then look at the content. It does not answer my question. My question is, when you bring in that new detective, even in the circumstances that you described, which are that this happens all the time. When you bring in that detective, they have to get used to the

content of the docket.

And if the content is complex and what needs to be done by way of an investigative process is also complex, that new investigator will take a bit of time to get used to that docket and also to know what needs to be done. Even in the circumstances that you refer to, which you say happen all the time, surely that must be the position. You cannot walk in and within two hours you know what you need to do, not in respect of a complex docket and complex
10 investigation. This is only logical. Do you agree?

LT-GEN SIBIYA: I fully agree.

CHAIRPERSON: Yes. Now, do you agree that these two, in addition to the earlier disruption which you have accepted, do you agree that these two would be disruptive to the investigative process? The fact that in circumstances where you already had PKTT investigators, you halt everything and you bring in new investigators, that too was going to be disruptive to the investigative process.

LT-GEN SIBIYA: That is correct.

20 **CHAIRPERSON**: Yes. So again, I make my earlier point that your 84.2 was meaningless. Disruption was simply inevitable. You must agree. Based on the other agreements you have already given, it must simply be so. Correct?

LT-GEN SIBIYA: I choose not to agree with the Chair on

this one.

CHAIRPERSON: Yes?

LT-GEN SIBIYA: Chair, in any normal process of exchange or handing over, this outline measures necessary to ensure that ongoing investigations were not disrupted. At least, it should be a plus on my side, Chair, from the Chair to say I agree with you and you did very well here. And dealt with transitional arrangement relating to the disbandment of the PKTT. In other words, I am trying to at all times be mindful
10 that we should not lose the fact that docket must be attended to.

CHAIRPERSON: Okay, perhaps let me leave out the meaningless because it seems that that disturbs you. Let me leave it at the two concessions you have already made, which is the storage of the dockets would result in disruption. The change of investigators would result in disruption. I will leave it at that. Thank you, General.

LT-GEN SIBIYA: Thank you, Chair.

ADV KHUMALO SC: Sorry, can I ask two questions?
20 General, I am worried that you have contradicted yourself or I misunderstood you. Remember on the first day when you came here, I asked you a question. Was your instruction to General Kumano that the PKTT dockets must be transferred to ...[indistinct]? And your answer was yes. Do you remember that?

LT-GEN SIBIYA: I do.

ADV KHUMALO SC: Yes. So there was no instruction that General Senthumule must go to KZN and simply inspect dockets. Do you accept that?

LT-GEN SIBIYA: I do.

ADV KHUMALO SC: The instruction was that they must be taken away from PKTT and be given to Detective and Forensic Services. Correct?

LT-GEN SIBIYA: That is correct.

10 **ADV KHUMALO SC:** Yes. So when you now say to the Chair all that needed to happen was that they needed to go to KZN and simply inspect the dockets and not bring them to Pretoria, that was not the instruction that you gave. Unless you can show us in the documents that are in our possession where your instruction was clear that the dockets are not to leave KZN. Are you able to show us a document that you have penned or written that says the dockets are not to leave KZN?

20 **LT-GEN SIBIYA:** Just to quickly answer on saying no, there is no such instruction where it says the dockets are not to leave KZN.

ADV KHUMALO SC: Now pause there. Where is General Senthumule based? Where is her office?

LT-GEN SIBIYA: She is based at head office.

ADV KHUMALO SC: In?

LT-GEN SIBIYA: Head office.

ADV KHUMALO SC: In?

LT-GEN SIBIYA: In Pretoria.

ADV KHUMALO SC: In Pretoria. So if dockets are to be transferred to her, where would they naturally go?

LT-GEN SIBIYA: The same applies to General Khumalo and ...[intervenes].

ADV KHUMALO SC: No, no, I am not asking about General Khumalo. I am saying if PKTT dockets are to be
10 transferred to General Senthumule, who is based in Pretoria, where would they naturally go?

LT-GEN SIBIYA: Where they would naturally go is to go to the Deputy Provincial Commissioner Crime Detection in KZN.

ADV KHUMALO SC: But General Senthumule is not in KZN. You have just said yourself that dockets were to be transferred to General Senthumule. That was your instruction.

LT-GEN SIBIYA: You see, in all fairness, Chair, in all
20 fairness, what under normal circumstances should have happened was for General Senthumule and General Khumalo to fly down to KZN, do the handing over among themselves, and for General Senthumule to hand over the dockets to the Provincial Commissioner or to the Deputy Provincial Commissioner responsible for crime detection,

under whose command to Murder and Robbery falls. She did not, and she is not the one basically who also brought the dockets to head office. They were brought by Crime Intelligence by General Khumalo himself to head office ...[intervenes].

ADV KHUMALO SC: No, General. General Senthumule and Brigadier Kgobodi Thata went to KZN. We have had that evidence already. My simple question is this. Is there an instruction by you that General Senthumule must hand
10 those dockets to the Provincial Detective Services?

LT-GEN SIBIYA: May I correct the Commissioner? The files were brought by a Colonel Khumalo from KZN to General Khumalo, the Project Coordinator at head office. This was not supposed to be the case. So General Senthumule never went to KZN.

ADV KHUMALO SC: General, remember my question was, can you show us your instruction? Remember in SAPS we work with instructions. So they report to you, you give them instructions. And you have accepted that your instruction
20 was that General Khumalo must hand over the dockets to General Senthumule. Now you are saying to us General Senthumule should have handed them to the head of the detectives in the province. That is what you say. Can you show us your instruction where you say to General Senthumule she must hand them to the head of provincial

detectives? It either exists or it does not. And if it exists, can you please show it to us?

LT-GEN SIBIYA: Commissioner, in a normal working environment, I understand I am now in the commission or before the Commission. Just like when I am in court, maybe the prosecutor or the magistrate or the judge will say show us this. But what happened is that General Senthumule called General Mkoposi [?] to say now we need to take over this docket. And then General Mkoposi said
10 you must please speak to the PC before I sign for this docket. That is when General Senthumule called the PC and the PC said I do not want this docket here. That is how it happened.

ADV KHUMALO SC: So can we leave it at there is no such instruction? Because it is either there or it is not. General, either the instruction exists or it does not exist.

LT-GEN SIBIYA: The instruction that the docket must not leave KZN? I just want to understand that question.

ADV KHUMALO SC: Yes.

20 **LT-GEN SIBIYA**: For the docket to be brought to KZN ...[intervenes].

ADV KHUMALO SC: General, the instruction exists or it does not exist.

LT-GEN SIBIYA: It does not exist.

ADV KHUMALO SC: Yes, thank you.

LT-GEN SIBIYA: Chair?

CHAIRPERSON: Yes, General?

LT-GEN SIBIYA: May I raise a concern?

CHAIRPERSON: Yes, General.

LT-GEN SIBIYA: You know, Chair, there is no wrongdoing whatsoever that happened in the process. But the way I am being pushed into a certain corner that says is there an instruction that says the docket must go to head office or not, I have never given such an instruction. It never
10 happened that I said take the docket from head office to – now, General, it was planned maybe. They decided to take the docket themselves to head office. Now it is on my shoulder and I am the one who must now bear responsibility why they went, they left KZN to head office when in fact I did not give such instruction. That is the only concern I wanted to raise, Chair.

CHAIRPERSON: Thank you. Thank you, General. We will assess the testimony at the appropriate stage and see what we think happened or did not happen. Thank you, General.

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

ADV HASSIM SC: Thank you, Chair. On this same topic, the letter we were going to move to may make this discussion even more clear. Could I ask you, General, to have a look at your letter of the 4th of February, and that is SS17?

LT-GEN SIBIYA: SS17.

ADV BALOYI SC: Ms Hassim, can I just check something?
You are not starting a new topic.

LT-GEN SIBIYA: I have got SS17.

ADV HASSIM SC: It is still related to the dockets and the implementation, Commissioner Baloyi. So SS17, is this letter from you to the Divisional Commissioner Detective and Forensic Services? Did you give this instruction, was this letter sent, this instruction issued at your own instance
10 or was this from the National Commissioner?

LT-GEN SIBIYA: This was from me.

ADV HASSIM SC: Yes, but what made you do this? Was it because you had been instructed by the National Commissioner or were you acting on your own?

LT-GEN SIBIYA: I have never acted on my own. This is part of the implementation of the decision that has already been taken. Now, having been assigned to conduct a particular exercise, I do not always have to receive a letter from the National Commissioner. So this was now my own
20 instance following up or giving orders in terms of what needs to happen.

ADV HASSIM SC: Okay, so this was at your own instance, this letter?

LT-GEN SIBIYA: That is correct.

ADV HASSIM SC: And if you see paragraph 5 of this letter, you direct the Divisional Commissioner Detective and Forensic Services, which is General Senthumule. Correct?

LT-GEN SIBIYA: That is correct.

ADV HASSIM SC: You direct her to engage with General Khumalo. Correct?

LT-GEN SIBIYA: Correct.

ADV HASSIM SC: With a view to do a proper handing over, do you see that?

10 **LT-GEN SIBIYA:** That is correct.

ADV HASSIM SC: And then you say what that handover should include. And in paragraph 5.3, you say all cases or projects, documentation relevant to the Political Killings Task Team. So it is clear from this letter that you are saying to her that she should engage with General Khumalo to hand over to you all cases or projects, documentation relevant to the Political Killings Task Team. And then just to be complete, you say in the concluding paragraph that she is required to ensure that this is done within seven
20 days.

So what I am saying to you is that contrary to what you are saying now that there was no instruction to do it, there does appear to be an instruction for the dockets amongst other things. Because it says cases or projects, documentation, all material, electronic recordings, all

evidential material to be handed over.

LT-GEN SIBIYA: That is the instruction.

ADV HASSIM SC: That is the instruction, you agree?

LT-GEN SIBIYA: Yes.

ADV HASSIM SC: So it is clear then that General Senthumule was going to take possession of the dockets and all of the evidentiary material.

LT-GEN SIBIYA: That is correct.

ADV HASSIM SC: Okay, and that is at your instruction?

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

ADV HASSIM SC: Thank you.

LT-GEN SIBIYA: May I clarify something?

ADV HASSIM SC: Yes.

LT-GEN SIBIYA: But taking possession by General Senthumule does not physically mean that she is the one who is going to go there, get the docket, get everything, put in the car and bring to head office. It means that now it is under her direct control.

20 **ADV HASSIM SC:** Well, I agree with you. It does not say that she should go and collect it. What you say is that she should engage with General Khumalo to hand it over to her.

LT-GEN SIBIYA: That is correct.

ADV HASSIM SC: Right. And she is, as Commissioner Khumalo put to you, and you have accepted, is based in Pretoria. So the only place where she could receive it is

Pretoria.

LT-GEN SIBIYA: No.

ADV HASSIM SC: You say no?

LT-GEN SIBIYA: Yes.

ADV HASSIM SC: How else would she receive it then?

LT-GEN SIBIYA: If the PKTT is based in Durban and it is about their work in KZN, simplest thing to do was General Senthumule and General Khumalo to fly down to KZN, meet, even if they went with a team, meet, do the handing over in
10 KZN, and then they fly back. It is done.

ADV HASSIM SC: I do not understand how that would work in practice. Where would the dockets go?

LT-GEN SIBIYA: Exactly what I directed to say, let them go to Murder and Robbery Unit.

ADV HASSIM SC: Where?

CHAIRPERSON: No, you said to a repository, please. I am sorry, Ms Hassim. You said to a repository to be established by General Senthumule. I am sorry, Ms Hassim. And you also agreed that that could have been
20 Pretoria. You may continue, Ms Hassim.

ADV HASSIM SC: Thank you, Chair. Your message and your instruction has been consistent in all of these implementations. Your SS13, the 4 February letter. Let me take you to one more letter then. It is SS21. It is the letter 22 April.

LT-GEN SIBIYA: I have got it, Chair.

ADV HASSIM SC: So I think that this makes it, the interpretation that we are proposing to you is made abundantly clear. Here, if you look in paragraph 2 of this letter, the last sentence says, okay, let me read the whole paragraph:

10 “In compliance with the directive of the
 Minister of Police on 31 December 2024
 and subsequent directives on the matter,
 you are advised that this process should
 be finalised by Thursday 24 April 2024.
 This includes the transfer of all dockets,
 closed, currently under investigation, and
 in court, to the Division Detective and
 Forensic Services.”

There is nothing ambiguous about this directive.

LT-GEN SIBIYA: I agree.

ADV HASSIM SC: All of this was to be transferred to General Senthumule.

20 **LT-GEN SIBIYA:** That is correct.

ADV HASSIM SC: So do you still stand by that interpretation that you are trying to contend for today, that it was not that it should be given to General Senthumule to be held in one repository, but that she should rather have gone to KZN to inspect the dockets?

LT-GEN SIBIYA: You see, Chair, I think we are taking one and the same thing. In a sense that when I say do a handing over, get the dockets, make sure that as you do your handing over, and whatever exhibit, whatever that is there that goes with this docket, make sure that they are kept safe in the reciprocal.

It is a logical, formal way of doing a handing over in such a way that you do not lose any material or you do not lose any exhibit and that you can account for every exhibit
10 that goes with a particular docket. It was just a precautionary measure that says make sure that this thing, these dockets, all of them, if there are any exhibits anywhere, make sure that they are also kept safe.

And there is not any other way it could have been done other than to say, if I am to say you are the Division of Criminal Crime Intelligence and you are also doing investigations that falls under the Murder and Robbery Unit, take those dockets to the Murder and Robbery Unit. Now, in between the process, let us make sure that we do not
20 lose exhibits, we do not lose dockets, and we do not have any dockets failing to go to court because of the process. It is just a simple administrative process.

ADV HASSIM SC: Yes, but you see the difference between what you are saying now and what you say in this letter is that you do not say in this letter that the dockets should go

to Murder and Robbery. You say the transfer of all dockets, closed, currently under investigation, and in court must go to Division Detective and Forensic Services.

LT-GEN SIBIYA: Murder and Robbery Unit falls under that.

ADV HASSIM SC: So you are saying what you actually meant was that it should go to Murder and Robbery.

LT-GEN SIBIYA: Yes.

ADV HASSIM SC: That is what you meant when you wrote this?

10 **LT-GEN SIBIYA:** That is General Senthumule.

ADV HASSIM SC: General Senthumule has given evidence to this Commission and testified that she was placed under pressure to collect the dockets, placed under pressure from you to take possession of the dockets. What is your response to that?

LT-GEN SIBIYA: I would agree.

ADV HASSIM SC: Okay. And General Khumalo has also testified and speaks specifically to this period after the 4th of February, the letter, and he said that between 4 Feb and particularly after 4 Feb, he said it was during that period that the Divisional Commissioner, that General Senthumule was pressing him to hand over the dockets to her. So you agree that her understanding was that she must take possession of it.

20

LT-GEN SIBIYA: Can I explain something, Chair? Please

do take into account the fact that there was already a presentation made in Parliament and an action plan was made by General Khumalo himself that says this is the action plan, this is what we are going to do.

ADV HASSIM SC: It was not yet. There was no such thing at this point in February. This period between, I said, after the 4 February letter.

LT-GEN SIBIYA: No, we are in the 22nd of April now.

ADV HASSIM SC: No, I was referring you to the pressure
10 that was being applied on General Senthumule in February to take, as you agreed, to take possession of the dockets.

LT-GEN SIBIYA: I just feel that I am being punished for being effective. In a sense that, if I try to say, let us move and let us make sure that we do not keep things lying around, let this handing over be finalised, it is a problem because now someone was being pressured into bringing the docket. We were working within the official instruction coming from the Minister to the National Commissioner to us. And we are at all material times complying with the
20 National Commissioner's instruction to make sure that we push the handing over process.

ADV HASSIM SC: So now you are saying it was the National Commissioner who gave the instruction to push this process? Because earlier when I asked you about these letters you said no, this was your responsibility. You

took initiative on this.

LT-GEN SIBIYA: But the letter, or the email that was written to me on the 3rd of January was directing me to get involved, communicate the Minister's directive to the relevant team, and then the subsequent meetings that took place, those subsequent meetings were in relation to the disbandment itself and making sure that the Minister's instruction is adhered to, and that was what was happening. Now, everything was happening in the normal course of
10 duty, in the same spirit of we are complying with the instructions. So even if I was acting myself, acting whatever letter that I wrote, it was still within the instruction that I received to say this is where we are going.

ADV HASSIM SC: Would you agree then, I mean, I think what you are saying is no, you did not give this instruction that it should be transferred to the head office. And what did you do then when it was transferred to the head office?

LT-GEN SIBIYA: General Senthumule informed me that General Khumalo came, brought the docket, and then she
20 put the team together to do a handover. And then that is when I started saying, hey, let now this docket. That is when I wrote this letter that says now, because I did not want it to waste time, I said let it go, let this process be finalised within seven days.

Because I was trying to shorten even the date, the

time in between, to say this docket must now reach where they must be investigated within a very short space of time. Now you can see that time for me, time was of essence and so that we do this process and finalise it without any delay, further disrupting the further investigation of the docket.

ADV HASSIM SC: That is not quite what is said in your letter of 22 April, because it says you are calling for the transfer of all dockets, again, closed, currently under investigation, and in court, to General Senthumule. That is
10 what you are calling for?

LT-GEN SIBIYA: Yes, yes, yes.

ADV HASSIM SC: So the point is, if the dockets are with General Senthumule and all of the evidence with General Senthumule, they are not being investigated. They are in a repository.

LT-GEN SIBIYA: That is not correct.

ADV HASSIM SC: And that is in fact what happened.

LT-GEN SIBIYA: No. It is not what was supposed to happen. We are doing this ignoring or leaving out the fact
20 that what caused to these dockets being kept at head office for a particular period of time had it not been the fact that General Mkhwanazi rejected the docket, we would not be sitting here.

ADV HASSIM SC: Can you just be specific? When he rejected the dockets, when?

LT-GEN SIBIYA: Immediately after these dockets, there was a handing over. And they then called him and said we are bringing the dockets, and he rejected them. That is the beginning of the problem.

ADV HASSIM SC: You mean after they were taken to the head office?

LT-GEN SIBIYA: Yes.

ADV HASSIM SC: Okay, and we will come there. For now, what I am trying to establish with you is that your
10 instructions are repeatedly, deliver all of the evidence in these cases under the control of the PKTT, deliver it to General Senthumule.

LT-GEN SIBIYA: Let us not use the word deliver it to General Senthumule.

ADV HASSIM SC: Or transfer. Sorry, you used the word transfer.

LT-GEN SIBIYA: Yes. Transfer to General Senthumule. This thing is very simple, Chair. If this authority is no longer with this Minister but must go to this other Minister,
20 now what happens is that the dockets that were under General Khumalo must be under General Senthumule. It is just a word of mouth, and the dockets have been taken to now the Murder and Robbery Unit.

It is not something that really should be complicated or take too long or affect any service delivery,

even though in between this delay, service delivery was, of course, affected. But within the short period that I specifically gave, it was not supposed to be a major interruption or an interruption at all, because a week or seven days should not be regarded as an interruption because it does happen that a docket goes by for more than a week without being investigated.

ADV HASSIM SC: Have you had any experience in disbanding a task team?

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

ADV HASSIM SC: And have you previously removed dockets from a task team and distributed it?

LT-GEN SIBIYA: Not necessarily because they did not need me specifically, and there was never such an outcry for a task team to be disbanded because it is just a task team. For it to be disbanded is just a word of, either it is done in writing and then the members come back, the local continue with the investigation, so it is not something major, something huge, something big. Not at all.

20 **ADV HASSIM SC**: Right. I was not asking about whether there was an outcry. I am asking about the removal of dockets from a task team and reallocating them to other investigators. We were talking about 121 dockets. They were quite voluminous, those dockets.

LT-GEN SIBIYA: But it is a small number. 121 dockets is

a very small number. I am sitting with more than 6 000 people who are carrying between 200 and 500 dockets.

ADV HASSIM SC: So you say it could have been done quickly, but the inspection, and you referred earlier to the inspection that was done by General Motsepe. General Motsepe says that the time it took just to do an inspection was from 19 May to 30 May. That is the time period during the inspection. Do you recall that?

LT-GEN SIBIYA: I do not, but I will take it.

10 **ADV HASSIM SC:** And you would agree that there is a difference between inspection and investigation. Correct?

LT-GEN SIBIYA: Yes.

ADV HASSIM SC: So in that period of time, all they were doing was ...[intervenues].

CHAIRPERSON: Was your answer yes, General?

LT-GEN SIBIYA: I did say yes, Chair. I am sorry.

CHAIRPERSON: Thank you.

ADV HASSIM SC: And in that period of time, the inspection, according to – in fact, if I will just refer you to
20 what General Motsepe said it might be easier.

ADV KHUMALO SC: Paragraph 20 of her statement.

ADV HASSIM SC: Thank you, Commissioner Khumalo. That is quite right, it is paragraph 20. First of all, let me tell you which file it is at. File 4 of 10.

LT-GEN SIBIYA: File 4 of 10. I am on it, Chair.

ADV HASSIM SC: Paragraph 20, she says:

“I instructed my team to conduct an analysis of the dockets and to prepare a detailed report on their findings. This exercise commenced on 19 May 2025 until 30 May 2025.”

LT-GEN SIBIYA: Paragraph 20, I am at paragraph 20. It says prior to the meeting of 6 March. Is it the one?

ADV HASSIM SC: Are you on page 251?

10 **LT-GEN SIBIYA:** 251. I have got it. Paragraph 20, must I read it?

ADV HASSIM SC: Yes, it is just – I am just referring you to where General Motsepe says the inspection exercise commenced on 19 May 2025 until 30 May 2025. Okay? So that is 11 days just to do an inspection report. No investigation could be done while the inspection was taking place, right?

LT-GEN SIBIYA: Yes.

20 **ADV HASSIM SC:** And what was your expectation then once the inspection was done? What was to be done with it? Did you give any further instruction?

LT-GEN SIBIYA: Before I respond to that, Chair, the 11 days that we are talking about that took to do the inspection, there is nothing untoward in that period in doing the inspection. The inspection is part of attending to the

dockets themselves. It is work on its own. The inspection of the dockets, and it takes that period, which means the dockets are receiving attention.

ADV HASSIM SC: Yes. You see, you said there is nothing complicated in this. It could have been done. You gave an instruction that the whole process must be done within seven days, meaning it must be back with investigators, right?

LT-GEN SIBIYA: The dockets?

10 **ADV HASSIM SC**: Yes.

LT-GEN SIBIYA: Yes, after they receive them for the dockets, yes.

ADV HASSIM SC: Yes. And what I am saying is that just the inspection process alone took 11 days.

LT-GEN SIBIYA: Yes.

ADV HASSIM SC: So it was not quite as simple as, well, it can all be inspected, assessed, determined which station or which Murder and Robbery Unit this should go to within seven days. That was impossible.

20 **LT-GEN SIBIYA**: It is possible, Chair, in this sense. In this sense. The team is doing inspection, but ensure that this whole process is finalised of handing over and whatever that needed to be done is done within these seven days. I do not necessarily mean that it is very difficult to conduct an inspection. I do not know how they got to nine

days, how many people were involved.

CHAIRPERSON: 11, not nine. 11, not nine.

LT-GEN SIBIYA: Yes, yes, Chair. But what I mean is that, Chair, sometimes when we conduct investigation or, let us say, inspection, I can be alone, sit here as a commander doing an inspection, but there can be four of us or five of us and then we share this docket. Then it can be done within a day or two. So if it is done within 11 days, it means that maybe one or two officials were the ones now doing these
10 inspections. I do not know how they did it that led them to taking nine days. But what is very much crucial to note, Chair, that I always do ...[intervenes].

ADV KHUMALO SC: It was eight people.

LT-GEN SIBIYA: It was?

ADV KHUMALO SC: Eight people.

LT-GEN SIBIYA: Yes, yes.

ADV KHUMALO SC: You see that in paragraph 28 of the same statement.

LT-GEN SIBIYA: I know it was eight people, Chair, but it
20 does not necessarily mean that all of them were actually going through the dockets. But what is very much crucial in this regard is the fact that we are talking about dormant cases here that were not being attended to by themselves. So, it is not like the 10 days that we spent versus the three, four years they never attended to those dockets.

ADV HASSIM SC: But, General, whether or not what you are claiming is correct or not, and we can get there, you did not know that at this point in time in any event.

LT-GEN SIBIYA: Yes.

ADV HASSIM SC: You did not know that.

LT-GEN SIBIYA: Yes.

ADV HASSIM SC: What you claim now, that in fact there was no work being done on these dockets.

LT-GEN SIBIYA: I have demonstrated it already.

10 **ADV HASSIM SC:** You did not know that in February. You did not know that in March. You did not know that in April.

LT-GEN SIBIYA: I did.

ADV HASSIM SC: How did you come to know that?

LT-GEN SIBIYA: Remember that the docket came and there was a comment made that they gave us dockets that are actually not, that have not been attended in a long time.

ADV HASSIM SC: Where was that comment?

LT-GEN SIBIYA: Come again?

ADV HASSIM SC: Where was that comment?

20 **LT-GEN SIBIYA:** Where was that comment?

ADV HASSIM SC: Yes.

LT-GEN SIBIYA: It will not be in writing.

ADV HASSIM SC: Okay.

LT-GEN SIBIYA: But the docket was handed over on the – they were collected from KZN, I think on the 27th by Colonel

Khumalo from PKTT to General Khumalo who handed it over to General Senthumule the 28th of March. Now from the 28th of March, General Senthumule already indicated to me that we have received 118 dockets. Now those 118 dockets, the team is after – she says I have instructed the team to just conduct an inspection on those dockets so that we must check under, let us say what circumstances or under, or let us say for instance how far were they investigated those dockets.

10 So it is the normal course of duty or how we do it when you do a handing over. You have got to be able to know that this docket I found it under this condition, this is how it was. Now, they said this docket, if you can look at it, many of these dockets are not politically related cases.

ADV HASSIM SC: Who said that?

LT-GEN SIBIYA: General Senthumule and General Motsepe.

ADV HASSIM SC: And when did she say that? And when?

LT-GEN SIBIYA: It was after the handing over.

20 **ADV HASSIM SC:** How long after?

LT-GEN SIBIYA: It is not a difficult question, it is just that I am listening to this question, how long after? I mean ...[intervenes].

ADV HASSIM SC: I asked you a question because you said look, the fact that it took so long and the inspection it

takes, whatever it is, that period of time, you anticipated me where I am going, I think. You tried to anticipate my question by saying, you know, there was no work being done on these dockets in any event. So what does it matter if an inspection period was 11 days, which is a long time?

LT-GEN SIBIYA: To me, I was given the inspection report that demonstrated that these dockets are very old cases.

ADV HASSIM SC: When were you given that inspection report?

10 **LT-GEN SIBIYA**: Unfortunately, at this point in time, Chair, I am sure, Chair, I have mentioned it before. I am not in office, I do not have gadgets, I do not have anything that can remind me or assist me to remember anything, everything. But the bottom line is that I do have the report, and this report I read. And what I unfortunately even failed to do as I was reading that report was to also see which ones are political, which ones are not politically related.

CHAIRPERSON: Just an approximation then perhaps, General, it was May, it was April, it was June?

20 **ADV HASSIM SC**: And, to be clear, you are referring to the inspection report by General Motsepe?

LT-GEN SIBIYA: By the team ...[intervenes].

ADV HASSIM SC: Led by General Motsepe, because you referred to Motsepe report.

LT-GEN SIBIYA: Chair, can we refer to the letter that was,

or report that was drafted by General Motsepe because it contains the date?

ADV KHUMALO SC: Let me help you, General. General Motsepe says in paragraph 24 of her statement:

10 “Thereafter, on or about 6 June 2025, I compiled a draft unsigned report in the form of an executive summary of the inspection exercise undertaken. The purpose of the draft report was to motivate for a budget allocation for these dockets to be investigated and to get direction from General Sibiya and General Senthumule.”

LT-GEN SIBIYA: Yes, so when is the date?

ADV HASSIM SC: The date is on or about 6 June.

LT-GEN SIBIYA: 6 June.

ADV HASSIM SC: Is when she compiled the draft report.

LT-GEN SIBIYA: Yes.

20 **ADV HASSIM SC:** So, then she says on 7 June, let me just read it to you:

 “On 7 June, I met General Sibiya and Senthumule to give them feedback about our intention and readiness to go to KZN and Eastern Cape to start the investigation of these 121 dockets.”

So it was on 7 June that she met with you. I assume that she would have given you the draft report then.

LT-GEN SIBIYA: It is not the report I am talking about. It is not the report I am talking about. I am taking the one that is on the third of, we call it the Motsepe report. That is what I want to check. We do have it.

CHAIRPERSON: Are we not able to locate that? So that should mean, General, then it would have been later. If this one was, what is the word she uses?

10 **ADV HASSIM SC**: 6 June.

CHAIRPERSON: No, I am saying the word she uses to describe that one.

ADV HASSIM SC: Draft.

CHAIRPERSON: Draft. So if this one was a draft and its date was about 6 June 2025, so the final, the Motsepe report that you are referring to would obviously have been later than the 6th of June, I would imagine.

LT-GEN SIBIYA: What I wanted to read out of that Motsepe report, Chair, is because it gives a background.

20 Out of the background, I was going to get the sentence that I think I need. That tells me that this is what happened.

CHAIRPERSON: Are we not able to locate the Motsepe report?

ADV HASSIM SC: It is in File 6, which we just found.

ADV KHUMALO SC: It is 272, General, in File 6. You will

see the bottom page numbering in red because the top one will say MCM1A2. The very, I think it is the very first document, if not the second.

LT-GEN SIBIYA: I think that is the one, Chair.

ADV HASSIM SC: Do you have it?

LT-GEN SIBIYA: I have got it, Chair.

ADV HASSIM SC: And what sentence did you want to take us to?

LT-GEN SIBIYA: May I read it? May I read:

10 “On 31 December 2024, the Minister's
 Office issued an instruction.”

I will leave this paragraph. And, okay, it says, I will leave this paragraph:

20 “Discussion. On 28 March 2025, at about
 10 o'clock, a meeting was held at Head
 Office Crime Intelligence between the
 Divisional Commissioner of Crime
 Intelligence and Lt-Gen Khumalo and the
 Divisional Commissioner Detective and
 Forensic Service Lt-Gen Senthumule, and
 proof of her acknowledgement is
 available.”

Now, this is now 28 March:

 “A total of 118 dockets under
 investigation were handed over to

Divisional Commissioner of Detective and Forensic Service by Divisional Commissioner of Crime Intelligence. The agreement between both Divisional Commissioners is that the docket management and administration of the dockets will be in three phases, namely docket under investigation, docket pending decision from court, docket, to which are presently with the former political task team.”

But now:

“On 2025-04-23, three dockets under investigation from Eastern Cape were handed to the Divisional Commissioner, Lt-Gen Senthumule.”

And then, during the inspection, I am now going to 3.2:

“During the inspection, Captain Van der Berg established, according to the SAPS5 entries, the last work done on the investigation and instructions given in this specific docket was on 6 January 2024, and the inspection officer was Lt-Gen Khumalo. This docket was investigated together with Mthatha...”

Now, this one is on the Namhla matter. But what I wanted to just say is that when I read the 3.5:

“Lt-Gen Khumalo responded by writing information note signed on 2025-05, indicating that in October 2023, the task team commenced with a comprehensive analysis of both case dockets. During this review, it was discovered that the...”

No, it is okay. It is irrelevant. What I was just trying to –
10 what I wanted to show here, I thought I would come across, where a clear background is provided as to what happened in terms of the timelines.

ADV HASSIM SC: Okay. So, it was not of any assistance to you?

LT-GEN SIBIYA: Not much.

ADV HASSIM SC: Okay. So, that report, however, was – and I think – yes, this is MCM1. So, this is the Motsepe report, which we know at least the draft was only ready on 6 June. So, you would have only received the report
20 sometime after 6 June. Correct?

LT-GEN SIBIYA: No. I think when they have done – it was just before they wrote a letter requesting for the budget, I guess, because I remember at that point in time I was still being given the document, the thick document that shows the one that I presented in terms of all the dockets that

were inspected and the list of case dockets. So, it is around about that time, maybe.

ADV KHUMALO SC: But then to Chair's point, that would be much later, because the letter requesting the budget, General Motsepe signs it on the 23rd of June 2025. It is MCM2. It follows that one that you were looking at.

LT-GEN SIBIYA: Ja. Let me concede in that regard and ...[intervenes].

ADV KHUMALO SC: Maybe you can look at it and confirm
10 on page 287, that is her signature. It is 23 June 2025.

LT-GEN SIBIYA: Same file as ...[intervenes].

ADV KHUMALO SC: You were looking at the same document as MCM1. The one that follows it is MCM2. I do not want you to concede things that are not there. So, maybe look at it and confirm that that is her signature on 287. It is the same file, File 6.

LT-GEN SIBIYA: Yes, this is her signature on the 23rd of June.

ADV KHUMALO SC: Okay.

20 **ADV HASSIM SC:** Okay. So, that confirms Why do you not finish what you were saying? You are confirming that you only received this report sometime after the 6th of June?

LT-GEN SIBIYA: Yes.

ADV HASSIM SC: Okay. So, you had no idea in February

or March or April, any time before, what the status of the dockets were, the 121 dockets, the status of investigations. You had no idea because there had been no inspection done.

LT-GEN SIBIYA: No, it was being done in between, since they received. It was being done. Remember, they received the dockets and the inspection started.

ADV HASSIM SC: Well, the inspection team has already put the evidence before us and they said they started on the
10 19th. It took a team of people. They started on the 19th. They finished on the 30th. They compiled a report. Draft report was done on the 6th of June. At some point after that, you were provided with the report. Right?

LT-GEN SIBIYA: Yes.

ADV HASSIM SC: So, to go back to my question, you, therefore, could not have known what the status of the investigations were of those dockets prior to receiving this report.

LT-GEN SIBIYA: Yes.

20 **ADV HASSIM SC:** Okay. So, you did not know what the status of those dockets were in February, March, April, et cetera, when you were issuing these instructions.

LT-GEN SIBIYA: No, no. It does not mean that when I say yes, I did not know because I did not have the report. But what is important is that, remember, in between this period,

Chair, we have management meetings. We are meeting every day. We discuss these things. I know where they are with what. So, it does not necessarily mean that the fact that there was no physical finalised report given, I did not exactly know what was going on in my house. I get updated on a daily basis what is going on.

So, I knew that we have been given files and the information that was given to me is that in some files, certain statements have been removed. In some files, in
10 terms of the number of years they have not been attended to. So, to me, I was interested to have that final report then.

ADV HASSIM SC: Okay. So, you wait for the final report. Those dockets now have been there since the 28th of March. In all of that time, until it was returned, ultimately in August, I believe, 2025, you would agree that no investigation was done on those dockets. Correct?

LT-GEN SIBIYA: I agree no investigation was done. Chair, may I add? I do not want it to look like I am just
20 being asked one question and I want to still go to Polokwane and come back. But there was no investigation done, I agree. but had it not been the fact that when the docket was supposed to have been taken same time to KZN, the investigation would not have been stalled.

ADV HASSIM SC: Okay. So, you said you were in

constant supervision of your team. What did you do? What did you do before the inspection report? In fact, why did you insist on the inspection report? Why did you not instruct that the dockets go back to KZN? And I am not saying back to PKTT on your version, to the Murder and Robbery Unit, so that it can go into the hands of investigators.

LT-GEN SIBIYA: I think we already passed this stage. I already said that I gave that instruction and General
10 Senthumule spoke to General Mkhwanazi. General Mkhwanazi rejected and then we had to then speak to the National Commissioner, who then said, okay, make a plan. I will attend to it, but make a plan. In the meantime, for the dockets now to receive attention, we were not now in a position to send investigators to KZN to just go investigate.

To put the task team together, now we have to take people who are carrying dockets from somewhere and put them together here. And then to say no, we have to go to KZN, now we need a budget. And now we had to write to
20 the National Commissioner to say, National Commissioner, the KZN PC does not want to accept the docket back. Now, what must we do? We are going to appoint a team to go and investigate.

Then he advised that, okay, now put together a team so that the work must continue. Then we had to do a

budget for the members and the number of teams that we are recommending. It was not our intention to disband a task team and form another task team. But we are now caught up in the middle of a situation where the KZN PC said, no, I do not want this docket in my province. Let them see what they are doing with it.

Now, if that is the case, what other options did I have as the head of investigations was to make sure that work continues. And for the work to be continued, it needed
10 a budget. And it was sent to the National Commissioner and it stayed for quite some days and he only signed it after I was suspended and he signed it and actually said, no, the docket must go back to KZN. That is when the docket went to KZN. Something that the National Commissioner could have actually given that instruction long time ago and said this docket must go to KZN by tomorrow.

ADV BALOYI SC: Well, General, I think it is important how you explain things. You say the National Commissioner said to you, well, then make a plan. That is not what he
20 said. That is not the evidence. The evidence from you, but also from the National Commissioner himself, is that he said General Sibiya is the one that ordered that these dockets should be removed. He should see to finish, basically. He must sort this out.

And that is completely different from the impression

that you are now creating that when General Mkhwanazi refused to accept the docket, the National Commissioner said to you, well, make a plan. And it is important that you express it accurately. He did not give you instructions to make a plan. Even on your own version, he said to you, he will see to finish. Let Sibiya decide what to do. Is that not what happened?

LT-GEN SIBIYA: May I respond, Commissioner?

ADV BALOYI SC: Yes.

10 **LT-GEN SIBIYA**: It is not true that the National Commissioner said I hear rumours that the dockets are here at the head office, what are the dockets doing here at the head office when they must be at the stations, as was discussed? It is not what happened. The National Commissioner would not even say that and say, let General Sibiya see what to do because he is the one who gave instructions that the docket must come to head office. I have never given that instruction that the docket must come to head office.

20 **ADV BALOYI SC**: I am not discussing with you now whether or not you gave that instruction. I am not saying that. I am saying your characterisation of the National Commissioner's response when he was informed or when he came to know that General Mkhwanazi refuses to accept the dockets, his response was not a commander or a superior to

you saying, well, we have a problem, come up with a plan. That is not the evidence that we have had and that was not your account.

When you criticised him, remember in your evidence you criticised how the National Commissioner dealt with this? The account we have from him and from you, at least I thought you agree with that account, that he said let General Sibiya deal with this because he created this.

10 **LT-GEN SIBIYA:** Not because he created this. He said let General Sibiya use his discretion.

ADV BALOYI SC: Yes, absolutely.

LT-GEN SIBIYA: Yes, he must attend to it.

ADV BALOYI SC: Let him use his discretion how to deal with this.

LT-GEN SIBIYA: Yes.

ADV BALOYI SC: Yes, thank you.

LT-GEN SIBIYA: And that was in a positive way, not in a negative way, because we are with him.

20 **ADV HASSIM SC:** Let me give you my understanding of this, the way it appears, and then you can comment. Is that a very serious disruption with the administration of justice occurred in the handling of these dockets. I think you would agree with that.

LT-GEN SIBIYA: I really do not agree with that, Chair.

ADV HASSIM SC: I do not understand why, if dockets are not investigated for months, that is interfering with the administration of justice. And I am not saying, I am not talking about you personally right now, I am just saying as an objective fact, what happened here was very serious and it constituted interference with the investigation of active cases.

LT-GEN SIBIYA: I fail to reconcile the fact that the evidence leader ignores the fact that these dockets were
10 not being investigated since 2018. For a very long time, they were not. But even when you compare three to five years to three months, and you find three months to be the travesty of justice, compared to the five months where those dockets were sitting gathered somewhere ...[intervenes].

ADV HASSIM SC: General, even if it were true, which there is a different version, let me just say, about whether they were being investigated by the PKTT, even if it were true, that is no answer to what I am putting to you.

20 **LT-GEN SIBIYA:** Chair, I will simply not agree that there was a travesty of justice over the three months period or five months period, compared to the five years period. And I still believe that it was also not by our own making, or my own making, because let us accept the fact that someone refused to accept it, to receive the docket or rejected the

docket. That part on its own was not a smart move either from the provincial Commissioner to reject the ...[intervenes].

ADV HASSIM SC: That is why when I began, I said I am not speaking, I am not assigning responsibility anywhere. I am just saying as an objective, from an objective point of view, dockets sitting in head office for that length of time not being investigated is an interference with the administration of justice. And you said you would not agree
10 with that.

LT-GEN SIBIYA: From the neutral perspective, I agree with it. From a person who is neutral watching, not apportioning any blame to whoever, I would say it is true. It is correct.

ADV HASSIM SC: It was very serious interference with the administration of justice.

LT-GEN SIBIYA: I do accept that one.

ADV HASSIM SC: What I would like to next say to you, and this you can comment on, is that if you had not issued,
20 what started this problem is you are issuing these instructions for the transfer of all of the dockets to General Senthumule. That is what started this problem.

LT-GEN SIBIYA: I do not agree.

ADV HASSIM SC: I am saying to you that that is my observation on it, and you are free to disagree with it. Why

is it, why did you instruct that all of the dockets should be transferred, including the court-going dockets, when you knew that that was not part of the plan? I mean, that was not the, what was under discussion in your meetings. Why did you instruct that even court-going dockets should be transferred?

LT-GEN SIBIYA: Just to remind myself, Chair, may I go to the action plan that was suggested by – starting from what was said in Parliament by General Khumalo, and also the
10 meeting of the 6th where he came up with the action plan on what must happen.

ADV HASSIM SC: Yes, yes, certainly, we can go there. It is File 6, and it is HKS2.

LT-GEN SIBIYA: File 6.

ADV HASSIM SC: Page 368.

ADV KHUMALO SC: Advocate Hassim, just check if the action plan he is not referring to is the one in File 2, page 271. Do you remember there was the briefing and the action plan?

20 **ADV HASSIM SC:** I thought he referred to the 6th of March.

ADV KHUMALO SC: Yes, it would have been the same, but there is the action plan, which is the steps that needed to be followed. It may be that it also appears in the same document.

LT-GEN SIBIYA: It is page 10?

ADV KHUMALO SC: Ja, it is the same on page 10, page 375.

ADV HASSIM SC: Sorry, Commissioner Khumalo, I need your assistance. It is file?

ADV KHUMALO SC: The one he is looking at is the action plan in File 6, on page 375.

ADV HASSIM SC: Yes, yes, yes, okay.

ADV KHUMALO SC: But you will see that it is a much later
10 version. The earlier version that I think he wanted to refer to is the one in File 2 on page 271. Because the one we are looking at now, General, you see it even has dates of July 2025. Just look at the last item there and the due date where you were on page 10. Do you see that the last entry there is for July 2025?

LT-GEN SIBIYA: Yes, that is the one that I want to read.

ADV KHUMALO SC: Yes, but this is the much later version, because the earlier version had the action plan that you said was presented on the 6th of March.

20 **LT-GEN SIBIYA:** Chair, let me just have it on the side.

ADV KHUMALO SC: File 2, Advocate Hassim, on page – it has two page numbers. The other page number is 271, the other one is 337.

CHAIRPERSON: 337, it is 337. It is the same.

ADV KHUMALO SC: Yes, it is SS19, I think. SS18.

CHAIRPERSON: 18.

ADV HASSIM SC: Sorry, General, so is this the plan that you are looking at? Is this the document you wanted us to refer to?

LT-GEN SIBIYA: That is correct, Chair. Now ...[intervenes].

ADV BALOYI SC: Maybe before you speak to it, General, this plan, who has prepared this plan?

LT-GEN SIBIYA: It is Crime Intelligence, the project
10 coordinator, General Khumalo.

ADV BALOYI SC: And is your evidence in what you are going to be saying that you then started implementing General Khumalo's plan?

LT-GEN SIBIYA: Yes.

ADV BALOYI SC: I see. Okay.

LT-GEN SIBIYA: Now, I am looking specifically at this one action plan on page 10.

ADV HASSIM SC: On page 10?

LT-GEN SIBIYA: Well, this one, I see it is a new one that I
20 am not aware of. You can see this one, it has got 2025-07-04. No, I am going back to my original one.

ADV KHUMALO SC: That is why I said do not look at page 10, because page 10 is much later.

LT-GEN SIBIYA: Yes.

ADV KHUMALO SC: That is why it has entries for July.

Go to the actual one that was presented in March.

LT-GEN SIBIYA: Yes.

ADV KHUMALO SC: That one you find in File 2, it is SS18.

LT-GEN SIBIYA: I have got it, Chair.

ADV KHUMALO SC: Yes.

LT-GEN SIBIYA: I have got it, Commissioner. Approval of disbandment plan by Minister of Police on 06-03-2025. And then stakeholder engagement with NPA

10 **CHAIRPERSON:** Which page are you reading at, General?

ADV HASSIM SC: I think it is 337.

CHAIRPERSON: Ja. Please, please let us know where you are reading and please go by the page number in top right-hand corner, please, please. So as to guide us.

LT-GEN SIBIYA: Thank you, Chair.

CHAIRPERSON: Thank you.

LT-GEN SIBIYA: May I apologise, Chair?

CHAIRPERSON: No, no need. Thank you.

20 **LT-GEN SIBIYA:** I am reading at page 271, the action plan.

ADV KHUMALO SC: No, General, Chair said the right-hand corner. So that would be 337, not the left-hand corner.

LT-GEN SIBIYA: 337.

ADV KHUMALO SC: Do you see that there are two page

numbers on that page?

LT-GEN SIBIYA: I see. They are confusing, Chair.

ADV KHUMALO SC: Yes. So look at the one on the right and just put it on the record.

CHAIRPERSON: 337. Thank you, General.

LT-GEN SIBIYA: Thank you, Chair. This action plan is the one that was presented on the 6th of March to the Minister. That says approval of disbandment plan, and the responsible person is the Minister on the 6th of March. This
10 is in other words, by the 6th of March, this was the due date set by themselves. Stakeholder engagement with NPA, including prioritisation of the 114 cases. National Commissioner on the 17th of March.

Approval of the new call-up instruction and financial authority, 2025/2026, National Commissioner on the 17th of March. Retaining the docket under investigation to the KZN/Eastern Cape is the NPKTT Project Manager and Division Commissioner Detective ...[indistinct] Forensic, both of them, 17th of March. Provide progress to the
20 Minister, National Commissioner, and Deputy National Commissioner Crime Detection and submit the final ...[indistinct] of report, Project Manager, Divisional Commissioner, Detective Forensic Service on the 25th of March.

And in fact, the very first one did not even have

provide progress to the Minister, National Commissioner, and Deputy National Commissioner. They took me out of that list, the initial, the very initial one. And then I think I asked a question to General Senthumule and said, why am I not part of this but yet I am the one accounting? Then General Khumalo responded by saying that, no, we thought because we account to you and we are the one doing the job, we will not put you here. But then they put me here as well as the implementation.

10 Now, on the 28th of March, that is when the handing over was done. Now, I realised that they have done the handing over and now the dockets are here. They must go to where they need to, where it needs to start to be investigated. I accept that I also then included the court dockets and any other investigation that is running to complete the process of, because I did not want this thing to prolong of disbandment. It just had to be done if it had to be done. Either we do it or we do not do it. So it had to be done. And that is what happened.

20 **ADV HASSIM SC**: But that was not part of the disbandment plan that was discussed on the 6th of March. It did not include cases on the court roll. Is that not so?

LT-GEN SIBIYA: It is correct.

ADV HASSIM SC: So there was a difference of view between you and General Khumalo and the others who

prepared this plan.

LT-GEN SIBIYA: Yes.

ADV HASSIM SC: Yes. So why did you insist that even those on the court roll, that is what I asked you is, why did you insist that those on the court roll should also be transferred when it was not part of the plan as you agree? You have taken us now to 6th of March. And perhaps, you know, Chair, just to be complete on this point, in the same document, if you turn back a few pages to page 334, the
10 last bullet point.

CHAIRPERSON: Are you there, General? 334.

ADV HASSIM SC: The last bullet point says the 114 dockets, and then it is broken down, that are on the court roll will remain with the team that will be scaled down. That is the PKTT that will be scaled down both in KZN and Eastern Cape until the finalisation of the prosecution processes. So this was envisaging that those on the court roll would remain with the team until they are finalised. So why did you act on your own and say, despite the plan,
20 even those on the court roll should be transferred?

LT-GEN SIBIYA: I did not act on my own. We were with the Minister, together with the National Commissioner, when this plan was presented before the Minister. The Minister, when it comes to, because there was one where they say returning the docket under investigation to KZN, they gave

the date, and then there was one that spoke about the court docket.

Then the Minister said this is partially, he said, this is partially approved, but I am concerned about the court cases because they could take five to 10 years to come. And as a result, go and revisit this. So the Minister, I think he even testified, I am not sure, there was this, it was not wholly approved by the Minister as is. He said I am worried about the court cases because they may take 10 years to be
10 finalised, which means the PKTT must still continue for the next 10 years.

Now, Commissioners, you must have heard also General Khumalo talking in Parliament, saying that it takes, if it took seven years to establish a task team, it must take seven years to disestablish task team. It is not how it works. If a task team was established for a particular purpose, to go and extinguish the fire there, once the fire is extinguished, it can be disbanded. You do not need the same number of years.

20 Now, as we speak, in their own version, the cases that were started in 2018/2019, they said are going to be finalised now in 2025. And they said, in Parliament as they presented, they said that they expect that all the cases will be finalised in 2025. Themselves saying all the cases will be finalised in 2025.

To date, I do not think that is the case because it is not how it works at court. So which means, when we say disbandment, and then we say the court cases, the team will remain with the court cases for the next period of time, it may be 10 to 15 years to come. Now, as far as I am concerned, to as far as we are concerned as the detectives, is that if cases are transferred, even the investigating officer who investigated this case can still go with his own investigation. The rules are not strict or hard enough, fast
10 and strict say that ...[intervenes].

ADV BALOYI SC: General, I think the question, you have gone far away from the question that is been asked of you. You referred to page 334 of this plan, which you referred us to, the 6th of March presentation to the Minister. And 334 says that, in that last bullet point, that cases that are, or dockets that are on the roll will remain with a team that will be scaled down. So this is on the 6th of March.

Your letter of April, so you were in a meeting and you seem to now be reconciling with this plan on the 6th of
20 March, but that report or that plan on the 6th of March says the matters on the roll or the dockets on the roll will remain with a team. They will not be taken away from the team. But you, in April, even an earlier date, but in April, you say all dockets must go to General Senthumule.

So your instruction in April contradicts what is

contained in 334. So you have to have an explanation. And that is why I asked you earlier, my question, if you remember, I asked you earlier, is your evidence that you then started implementing General Khumalo's, I call it General Khumalo's plan, but I am speaking to this plan. Is your evidence that, and you say, yes, I started implementing their plan. That is what I was acting on. But that is not what you are doing in April.

In April you give a contrary instruction to what is
10 contained in 334. It is one or the other. You either carried on implementing your plan, which is what SS21, the letter of April, is about. It is your plan. You carried on with that. Because then it does not make sense that you would give the instruction you give in April and still say, well, I was implementing their plan. Please explain that.

LT-GEN SIBIYA: What I am explaining, Chair, is that I think it is important to confirm, and I do have some, I do not know if it is also in my statement, that the Minister partially approved this plan, this action plan, not wholly, not as a
20 whole. He raised concerns when it comes to the court docket and say, if you say the court docket will remain with the task team, it should not be the case because it will take too long.

ADV BALOYI SC: So can we then agree that in April, when you gave this instruction in April, you were not executing

this plan? You were executing a completely different plan as relates, at least for present purposes, as relates to dockets that are going to court. You were not implementing this plan. You were implementing your plan, taking into account what you say, the Minister expressed concerns about dockets that are going to court. Can we at least agree that?

LT-GEN SIBIYA: I want to say, Chair, I was implementing this plan, but I was pushing for completion of this process.

10 **ADV BALOYI SC**: Yes, that is your justification. That is your justification for what you did, that I was pushing. I am not there. I am trying to establish a factual enquiry to get an answer to it. It is, 334 says the dockets that are on the court roll will remain with the team. That is what it says, 334. That is General Khumalo's plan. Your letter of April says differently. It says even those dockets must go to General Senthumule. Can we agree that it is a fact that comes out of these documents? Forget why you did it. I just want us to agree on the fact.

20 **LT-GEN SIBIYA**: We do, Chair.

ADV BALOYI SC: Thank you.

ADV KHUMALO SC: And just to add to Commissioner Baloyi's point, even the much later plan that was presented to the Minister on the 27th of March had the same entry. That is the page 10 you were referring to, on page 372 in

File 6. It also says court-going cases, all 117 of them. Remember the much later plan? You said this one was partially approved, and in March, on the 27th, they had to present a new plan to the Minister. And you referred us to page 10, page 375, in File 6. Do you remember?

LT-GEN SIBIYA: On this, the one on page 10?

ADV KHUMALO SC: Yes, in File 6. Remember?

LT-GEN SIBIYA: You see, Chair, this one, quite honestly speaking, I see it for the first time.

10 **ADV KHUMALO SC**: No, no, listen to me, General. Later in March, remember there was a plan presented to the Minister on the 6th of March?

LT-GEN SIBIYA: Correct.

ADV KHUMALO SC: And you say he partially approved it and told them to go back. And on the 27th of March, they revised the plan and they presented it to the Minister. And we all know that that is the day when all hell broke loose. But the point being made is that on page seven of that 10-
20 page document, on 372, that entry remains that the 114 dockets that are on the court roll will remain with the current investigating officers.

So just to make it clear, it is not new investigating officers. It is the same investigating officers. And the point Commissioner Baloyi is making is that you were not implementing this plan. You were implementing your own

plan because your own plan was that all dockets must come to Detective and Forensic Services. So you cannot say you were implementing General Khumalo and General Masemola's action plan because their action plan did not contemplate court-going dockets being taken from the current investigating officers.

And you can read it for yourself. That is what it says. General, it says that. That is what it says. You can have a justification for why you did what you did, but the
10 action plan is clear, and that is Commissioner Baloyi's point. So you cannot say the action plan was that the dockets were to be taken away from the current investigating officers. That is not what it says.

LT-GEN SIBIYA: May I comment on something, Chair, if you allow me? If you listen to General Senthumule yesterday in the recording when she say, why are they keeping the court dockets? Why must they still keep the same docket and be sleeping in hotels to just remain and keep the court-going docket? What is there to do still?
20 Because it is a court-going docket. Investigation is complete.

Now, which means the court-going docket is a done deal. The way that the investigating officer goes with it or it goes to the next investigator, the bottom line is that it is done. It is not like an investigation that will require. So I

understand the process, what the Commissioners are saying, that I was implementing my own plan. I was implementing the plan that even the Minister raised a concern and said I am worried, however, about this thing of the court docket remaining with the team, because which means if the docket are going to be there for the next 10 years, this instruction is not going to be complied with.

ADV KHUMALO SC: General, can we just agree that you were not implementing the action plan, you were
10 implementing your own plan? Can we just agree on that?

LT-GEN SIBIYA: I will agree, Chair.

ADV KHUMALO SC: Yes.

CHAIRPERSON: And at that point, oh, Ms Hassim?

ADV HASSIM SC: I will return to it after the adjournment.

CHAIRPERSON: Let us adjourn and resume at 20 to. Let us adjourn.

ADV HASSIM SC: Thank you, Chair.

INQUIRY ADJOURNS

INQUIRY RESUMES

20 **CHAIRPERSON:** Yes, Ms Hassim.

ADV HASSIM SC: General, we were just dealing with the question of your instruction that dockets that are in court should be transferred before we adjourn, do you recall?

LT-GEN SIBIYA: Yes, Commissioners.

ADV HASSIM SC: And you took us to these disbandment

plans, the action plans, right? And I just want to close up on that. The first version of that plan, which is the one that was presented on 6 March, which we looked at, and which is in file 2 at page 334. It says, just to refresh your memory, that:

10 “The dockets that are on the court roll will remain with the team. That will be scaled down, both in KZN Eastern Cape, until the finalisation of the prosecution processes.”

That was the plan that the Minister, you said, partially approved.

LT-GEN SIBIYA: Yes.

ADV HASSIM SC: And requested that it be amended and brought back to him, right? Correct?

LT-GEN SIBIYA: Yes.

ADV HASSIM SC: And then at the meeting of 27 March, the revised plan was presented. And that is file 6 and the relevant page for this purpose is page 372. Okay?

20 **LT-GEN SIBIYA:** Got it.

ADV HASSIM SC: All right, so, in the Minister's statement to the Commission, and let me take you thereto, I am sorry that it is a lot. You can close the first 6 March version of the plan. But if you look at file 4.

LT-GEN SIBIYA: File 4.

ADV HASSIM SC: File 4 at page 375.

LT-GEN SIBIYA: Here is it. Page?

ADV HASSIM SC: 375.

LT-GEN SIBIYA: 375?

ADV HASSIM SC: Yes, so, this is the Minister's statement.

And what the Minister says is:

10 “On 6 March 2025, the SAPS prepared
and delivered a presentation titled,
Briefing to the Minister of Police on PKTT
Disbandment Plan. This briefing
recorded how the SAPS proposed to
implement my directive on 31 December
2024. The plan - the disbandment plan
of 6 March 2025 *inter alia* recorded as
follows.”

And then he records 184.1 to 184.4. And then he
continues:

20 “The briefing of 6 March also included a
progress report of political killings cases.
The content of the disbandment report
was similar to what was presented in
Parliament on the previous day. I
approved the NPKTT disbandment plan
subject to certain amendments and on
condition that the disbandment be

completed in 2025.”

Right?

LT-GEN SIBIYA: Yes.

ADV HASSIM SC: You see that?

LT-GEN SIBIYA: I just want to check the last one. I approved the plan subject to which page is that?

ADV HASSIM SC: Paragraph 185.

LT-GEN SIBIYA: 185, okay.

ADV HASSIM SC: And then he attaches the revised
10 version of the plan as SM27, okay. And that is the plan that
is, that we are looking at, at page 368, starts on 368. But
specifically on 372, you will see what we discussed just
before the adjournment. That the revised plan contains the
recording that the 114 dockets that are on the court roll will
remain with the current investigating officers, right.

So, the Minister did not disapprove. He never said
that those court roll, those cases that are on the court roll
should be transferred. There is nowhere where the Minister
gave that instruction. In fact, what he puts up in his
20 statement is the revised plan and has no issue, takes no
issue with the 114 dockets that are on the court roll
remaining with investigators.

CHAIRPERSON: But do we, do we know, Ms Hassim, what
the certain amendments that the Minister is referring to
were? Where?

ADV HASSIM SC: The Minister never referred to which amendments. All the Minister did was say, and here was the revised plan. And the revised plan includes the same, the same requirement as the previous meaning.

CHAIRPERSON: Or is there?

ADV HASSIM SC: If it had been an amendment, one of those amendments he required, it would not have remained.

CHAIRPERSON: So, this is a revised plan after the amendments.

10 **ADV HASSIM SC:** After the amendments. So, if he had asked that that has to be removed, then it would not have been reflected in the revision. So, what I am saying to you, General, is that the Minister did not request that that should be removed.

LT-GEN SIBIYA: May I, may I be allowed, Chair, to read this fourth one? Because this whole action plan, I have not come across it. I have not seen it myself. I have always known the action plan that was submitted a day after the meeting at Parliament. The next morning on the 6th, there
20 was this action plan. This one I have not seen. So, I am reading it now. But what I see, handing over of the docket under investigation, I am reading at page 10, page 375 action plan, the latest one, Chair. It is file 6 of 10, page 375.

ADV HASSIM SC: Yes.

LT-GEN SIBIYA: It says:

“Approval of disbandment plan, Minister of Police, now is 27 March. Stakeholder engagement with NPA, including prioritisation of the 114 cases, National Commissioner on 28 March. Approval of the new call-up instruction and financial authority on 2025-2026. National Commissioner, 27 March. Handing over the docket under investigation to the Divisional Commissioner, Detective and Forensic Project Manager, Divisional Commissioner, Detectives on 26 March 2025. Submit quarterly progress report on both the case under investigation and court going 114 cases, Minister, National Commissioner, Deputy National Commissioner, Crime Detection and Deputy National Commissioner, Policing. And the responsible person is Project Manager, Divisional Commissioner, Detective and Forensic Service on the 4th of July and continuously.”

So, as far as I am concerned, the handing over, including the handing over of the court going docket, it had to be

done by the 4th of July and continuously.

ADV HASSIM SC: That is not what it says here.

LT-GEN SIBIYA: What does it say?

ADV HASSIM SC: It says submit quarterly progress reports on both cases under investigation and court going. It is about progress reports on the cases. And there are two individuals who are responsible for this progress report. General Senthumule and General Khumalo.

LT-GEN SIBIYA: Yes.

10 **ADV HASSIM SC:** And the same document that you are looking at now, three pages earlier, at 372, talks about the court going dockets. And it says it will remain with the current investigating officers. So, what I am saying to you is, do you accept that this is the correct reflection of what is in this document?

LT-GEN SIBIYA: I accept that this is a reflection of what is contained in this document. However, it is not a document that I myself was aware of.

ADV HASSIM SC: Okay. All right, that is fine. What I am
20 saying to you is that this, read with the Minister's statement, indicates that the Minister did not request that the 114 court going cases must be removed. Do you see that?

LT-GEN SIBIYA: Yes.

ADV HASSIM SC: So, your instruction for those dockets

that were on the court roll to be transferred to General Senthumule was your own instruction. It did not come from the Minister, and it did not come from the national Commissioner.

LT-GEN SIBIYA: Yes, it was my instruction based on my responsibility as the deputy National Commissioner of crime detection.

ADV HASSIM SC: Yes, but contrary to what this plan says, it was contrary to the plan. It was, you were acting contrary
10 to this plan.

LT-GEN SIBIYA: I do not think I was really acting contrary to the plan because it all went towards disbandment and towards handing over the docket, including the court cases.

ADV HASSIM SC: Okay, do you accept that your instruction that court going cases, that the court going dockets must be transferred to head office, contradicts bullet point 4 on page 372?

LT-GEN SIBIYA: Can we fix this thing that my instruction that the docket be transferred to head office? Because that
20 is not the instruction that I gave that the docket be transferred to head office. I said to the Divisional Commissioner of crime detection.

ADV KHUMALO SC: But General, even that is contrary to the plan because the plan is that court going dockets must remain with the PKTT. That is why the Minister says I

approve the plan subject to the condition that the disbandment be completed in 2025. So even the Minister was happy that the PKTT must continue to exist at least until the end of 2025. And court going dockets were to remain with the current investigating officers, not to go to a different division. Even the Minister says that.

LT-GEN SIBIYA: You know why I am taking time and quiet, Chair? It is like when I juxtapose what is contained in the report, the study that says we need to reestablish the specialised unit, the murder and robbery unit, and to
10 capacitate them, and to make sure that we resource them, resource capacity. And then with this instruction that says, all right, investigate and then the court going docket must remain there.

Now, I am trying, from my angle, in trying to push the performance of the detectives and capacitating the environments that we are talking about. In my case, to me, it was like all rivers leading into the ocean. I was saying we need to capacitate the murder and robbery unit. Because in
20 the murder and robbery unit, you do not have ordinary detectives who are not experienced. And even the same people that were there, they could still be the same people that just taken into the murder and robbery with their dockets.

CHAIRPERSON: General, what started this debate was a

reference by Ms Hassim to the transfer of the dockets to head office of Pretoria. But throughout until then, Ms Hassim has been referring to the transfer of dockets to General Senthumule. So, I think that is what we must understand here to be talking about. And the question is, do you accept that your instruction that all dockets must go to General Senthumule was at odds with what the plan said which was, insofar as court going dockets are concerned, those are not to be transferred to General Senthumule.

10 That is the simple point Ms Hassim is making. Do you accept that? That is, you gave an instruction that was at odds with the plan. Whatever the justification.

LT-GEN SIBIYA: Out of respect of the Chair, I will accept. But under normal circumstances, Chair, I was not going to accept in this sense. In a sense that ...[intervenes]

CHAIRPERSON: You must testify in accordance with what you know, the factual position that you know. It does not matter who the question comes from. Do you accept that your instruction that all dockets, including dockets in
20 respect of court going matters, should be transferred to General Senthumule?

LT-GEN SIBIYA: That was my instruction, Chair.

CHAIRPERSON: Thank you. The answer, Ms Hassim, is that he accepts that his instruction was at odds with the plan.

ADV HASSIM SC: Thank you, General. I think we can leave it there because what that confirms then is that you are acting on your own, not in accordance with instructions from either the Minister or the National Commissioner.

LT-GEN SIBIYA: I was not acting on my own. I was acting in terms of my mandate as the head of detectives.

ADV HASSIM SC: Okay. Before I leave this topic, there may be some further questions from the Commissioners.

ADV BALOYI SC: I do. General, if you would have in front
10 of you your statement in file 2. And then in file 2, you go to that January 17th matter.

LT-GEN SIBIYA: Page?

ADV BALOYI SC: Yes. Commissioner Khumalo says page 205. Yes, that is where you have SS13.

LT-GEN SIBIYA: I have got it there, Chair.

ADV BALOYI SC: Yes, but what I want you to first understand, which is not clear from your statement, you, when you got - so this letter, the disbandment letter, is issued on the 31st. You do say in your statement that it
20 gets sent to you by Brigadier Letogo, I think, and you consider it to come from the office of the National Commissioner.

LT-GEN SIBIYA: General Sebola, not Brigadier Letogo, Commissioner.

ADV BALOYI SC: Okay. But Brigadier Letogo sent you

something.

LT-GEN SIBIYA: Brigadier Letogo sent me the directive that comes from the National Commissioner that says I must communicate the Minister's directive to the relevant team.

ADV BALOYI SC: That is what I am referring to. I am referring to that, that came from Brigadier Letogo. I am not yet at General Sebola yet. I am still discussing Letogo. And what you do in your statement, you explain, so if you look at paragraph 71, you say:

10 “On the 3rd of January, Brigadier Letogo
 communicated the Minister's decision to
 me and directed you.”

Paragraph 71? And the copy of the communication from Brigadier Letogo is SS9. I will - I just want you to keep your finger on that. We will come back to that SS9 because that is really what I want to discuss.

LT-GEN SIBIYA: My apologies, Chair. Page 71.

ADV BALOYI SC: Paragraph - yes, we are in your statement now page 25 paragraph 71.

20 **LT-GEN SIBIYA**: Page 25.

ADV BALOYI SC: Paragraph 71 in your statement.

LT-GEN SIBIYA: I have got it, Chair?

ADV BALOYI SC: Yes, so, that is where you say that you first, this is where Brigadier Letogo sends you. Here is what you say, in fact:

“Letogo communicated the Minister's decision to myself and other officials, right.”

And then gave you certain directions. This is what you say. And then you, if you just page over, and then you say on paragraph - in paragraph 75, the next page, you say:

“On 7 January 2025, your office directed an email to Divisional Commissioner.”

And I am just, at this point, I am still trying to understand
10 the chronology, how things happened. So, on the 7th of January, you write to General Khumalo and brought Brigadier Letogo's communication to his attention. And then at 77, you explain the National Commissioner was on leave. That is on the next page. And then at 78, paragraph 77?

LT-GEN SIBIYA: The Commissioner is running faster than I can ...[intervenes]

ADV BALOYI SC: Okay, I am going to try and just ...[intervenes]

20 **LT-GEN SIBIYA**: I am still stuck at 75, trying to reach, to understand, so that when I go ...[intervenes]

ADV BALOYI SC: Slow me down if you need to. You read 75, and then you can tell me, I can move on.

LT-GEN SIBIYA: I have read 75.

ADV BALOYI SC: Okay, go to the next page. And then at

77, and it is not really of significance, but you say:

“The National Commissioner was on leave at the time, and then you say, I called Maj-Gen Rabie to assist me with preparing an implementation plan.”

Okay, do you see what I am reading?

LT-GEN SIBIYA: Yes, paragraph 77.

ADV BALOYI SC: Yes, sir.

LT-GEN SIBIYA: Yes, to assist me with the preparation of
10 the implementation plan.

ADV BALOYI SC: Yes, okay, and then you say:

“On 14 January, that is at paragraph 78 now, you say, on 14 January, General Rabie sent the implementation plan to Major General Sebola.”

And then you say in the next sentence:

“On 16 January, General Sebola sent an implementation plan to me.”

And then you give us those email addresses. And then in
20 79, you then summarise the sequence. 79.1, you say:

“Rabie sent the implementation plan to General Sebola on 14 January.”

And 79.2, you say:

“General Rabie then sent the implementation plan again to General

Sebola on 14 January at different time.

And then on 16 January...”

At 79.3, in the next page, you say:

“On 16 January at 11.36, General Sebola then sent the implementation plan to Captain Sibongile in your office.”

And then paragraph 80, you say:

10 “General Rabie had cited the author of the implementation plan as the National Commissioner. However, upon discussion with National Commissioner on the said implementation plan, he instructed me to sign it off, because in his view, it was an operational matter, and it was not necessary.”

Now, when you were testifying to this paragraph 80, you said this instruction from the National Commissioner was on the 14th of January, that you should be the one that signed this implementation plan. You remember that?

20 **LT-GEN SIBIYA**: I remember, Commissioner.

ADV BALOYI SC: Okay, and then you say:

“I consequently, I changed the name on the implementation plan to my own. On 17 January, I signed the implementation plan.”

And then you addressed it to General Khumalo. Now, you have given us, and I do not need to get there to refer you to the document, you have given us in file 2, and if you need me to take you there, I will do that, what you say is an affidavit of the National Commissioner in your application. Where he speaks to you coming in when he was in a meeting with General Sebola. You remember that?

LT-GEN SIBIYA: I do.

ADV BALOYI SC: You do not need me to go there. And
10 there, General Masemola says that was on the 15th of January. You accepted that date.

LT-GEN SIBIYA: I accept that.

ADV BALOYI SC: Okay, that is fine. Now, so you have had two discussions with the National Commissioner. The first is on the 14th, and the next one is on the 15th. That is what happened, right?

LT-GEN SIBIYA: I will admit to that.

ADV BALOYI SC: Okay, now you say everything that you did from the letter of the 17th that you sent to General
20 Khumalo, you did it on the basis of an instruction communicated to you by Brigadier Letogo on the 3rd. And that is how, and when communication comes from Brigadier Letogo, you know it is from the National Commissioner. You remember that evidence of yours?

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

ADV BALOYI SC: Okay, and what do you say was the instruction that was communicated to you?

LT-GEN SIBIYA: By Letogo.

ADV BALOYI SC: Yes, you may look at paragraph 71, if it will help.

LT-GEN SIBIYA: Paragraph 71:

10 “On 3 January 2025, Brigadier Letogo
 communicated Minister Mchunu’s
 decision to myself and other officials.
 This communication directed me, the
 DNC for Crime Detection, to
 communicate the deactivation of the
 PKTT to the relevant teams, implement
 the deactivation of the PKTT, and to
 further submit a close-up report by 14
 January 2025 for the National
 Commissioner's consideration and sign
 off.”

20 **ADV BALOYI SC:** Yes, and it is this instruction that you
 rely on to say you acted on the National Commissioner's
 instruction?

LT-GEN SIBIYA: That is correct.

ADV BALOYI SC: Okay, now let us look at SS9 in file 2. It
 is at page 199. File 2, remember I said to you, have your
 statement and file 2 in front of you. Are you there?

LT-GEN SIBIYA: I want to go there, but I have got one thing that, as I am following the Commissioner, where the Commissioner say on the 14th and the 15th we had that meeting.

ADV BALOYI SC: You had a discussion.

LT-GEN SIBIYA: We had a discussion, Commissioner.

ADV BALOYI SC: Yes.

LT-GEN SIBIYA: Yes, but what I do not want to leave behind is the fact that on the 16th, I do not want to get off
10 the subject, but I just want to keep this one on the table that says, if the National Commissioner on the 15th said leave it up to me, but I still get correspondence from the National Commissioner's Office on the 16th, so I did not want to leave that point behind. Even after that meeting of the 15th, on the 16th I still got instructions from the National Commissioner, so I can then go to ...[intervenes]

ADV BALOYI SC: Okay, I am actually not at the 16th, but I accept what you are saying. I mean, it will go on record. I am not going to explore it further. I just want us to go to
20 SS9, but maybe before we do that, still in that same file, we will come back to this. Let me find my place. Okay, what happens when you are dealing with a lot of paper is you lose places. Never mind about that. Let us look at SS9, General.

LT-GEN SIBIYA: I got it, Commissioner.

thing. But there has been a number of meetings. In those meetings where we are sitting with the Minister, National Commissioner, and this point is being discussed, and then we know coming out of that meeting, this is what must happen. So whatever letter that I had to go and write, or that I wrote, it is not like I was just now pushing and running alone in my own lane. Whilst there has been a number of, a series of meetings, considering the fact that at some point the Minister expressed dissatisfaction or
10 unhappiness.

ADV BALOYI SC: Do not go to the Minister. The Minister is in March, the 6th of March. You are far ahead. You have said in your statement and in your testimony that SS9 is the instruction from the National Commissioner on the basis of which you acted. All the steps that you took, you took them on the basis of this instruction. So, where the National Commissioner says he does not know, you are doing your own thing, he is being honest.

You have criticised the National Commissioner,
20 because you say, but I got an instruction from his office, and you have relied on SS9, and SS9 - and you say you prepared an implementation to implement rather, implement the deactivation of the PKTT, hence your letter of the 17th and you sending it to General Khumalo, hence your February letter, and hence your April letter.

You say it is because you were acting on an instruction, SS9. Now, SS9 does not call on you to implement the deactivation of the PKTT, and that is a big issue. It has been a big issue here with previous witnesses, that you went ahead and implemented, gave instructions, this whole debate about moving all these PKTT matters to General Senthumule.

Remember we looked at that letter yesterday in the first paragraph where you say with immediate effect, and
10 you continued to give instructions. You have repeatedly said, I acted on the National Commissioner's instruction, it is communicated to me through Letogo, which is the normal way in which we communicate. Now, all I am putting to you, or that I am discussing with you, is that SS9 does not instruct you or even authorise you to implement a deactivation of the PKTT.

All it does on a reading, simple reading of it, it says you must communicate the Minister's decision to the relevant team, which you do by informing General Khumalo,
20 and then it says submit a close-up report by the 14th of January for the National Commissioner to consider and sign off to the Minister. That is all it says. So, you could not have been relying on SS9 to implement with immediate effect the deactivation of the PKTT.

LT-GEN SIBIYA: May I respond to that?

ADV BALOYI SC: Yes.

LT-GEN SIBIYA: When we read SS9, can we also take it along with SS10, the very next page, which is page 200, meaning all I did ...[intervenes]

ADV BALOYI SC: Sorry, which part? There are two emails.

LT-GEN SIBIYA: There are two emails.

ADV BALOYI SC: Which one do you want us - because the first one, the bottom one, is a repeat of SS9, and then there
10 is a top one from Affinand. Which one do you want us to look at, and which one are you speaking to?

LT-GEN SIBIYA: It is the one of SS10.

ADV BALOYI SC: Yes, I am saying – sorry, I do not mean to interrupt you, really. I just want clarification. There are two emails on SS10 at page 200. Which one do you want us to take into account when we read SS9?

LT-GEN SIBIYA: What I want to demonstrate here, Chair, with respect, is that here is an instruction that comes from the National Commissioner that says:

20 “As directed, DNC is requested to
 accordingly communicate the
 deactivation to the relevant team.”

Now, the same email, and this was on the 3rd of January 2025, 14:07. Now, the same email was sent now on the 7th of January 2025, at 11:22, from Colonel Affinand. And

then, Colonel Affinand is in my office.

ADV BALOYI SC: Yes.

LT-GEN SIBIYA: And addressed to Divisional Commissioner of Crime Intelligence, Khumalo. And now, what I want to refer to this thing is that I am now forwarding the same instruction from the National Commissioner's office, same instruction to the Divisional Commissioner. I am communicating, I am doing that what the National Commissioner says. I want you to do the following. The

10 same email ...[intervenes]

ADV BALOYI SC: What did the National Commissioner say he wants you to do? That is really my discussion with you, General. Just tell us, what did the National Commissioner say he wants you to do through Brigadier Letogo? What did he say he wants you to do on the 3rd of January?

LT-GEN SIBIYA: To communicate the deactivation.

ADV BALOYI SC: Yes.

LT-GEN SIBIYA: To the relevant team.

ADV BALOYI SC: Yes.

20 **LT-GEN SIBIYA:** And that is how I understand it, the deactivation.

ADV BALOYI SC: To communicate it.

LT-GEN SIBIYA: To the team.

ADV BALOYI SC: Yes.

LT-GEN SIBIYA: In other words, inform the team that now

we are embarking on a different road trip. We are now deactivating.

ADV BALOYI SC: Yes.

LT-GEN SIBIYA: Now communicate this to the team.

ADV BALOYI SC: Yes.

LT-GEN SIBIYA: Now, I take the same instruction to General Khumalo in the same – as you can see, it is in the same page, Commissioner. Now it says:

10 “The DNC Crime Detection has directed
that the training email be forwarded for
your attention and the closing report for
sign-off by the 13th of January 2025,
please.”

In other words, the National Commissioner, because he was coming back on the 14th of January, he wanted me to come and brief him on the 14th of January. So, in my case, I had to be ready by the 13th. So that when he comes, I already have the report and I have discussed it. Then the next morning, I present it to the National Commissioner. All I
20 wanted to say was that I did not just, out of my own act, something triggered and directed me to act. And I acted as per the directive from the Office of the National Commissioner to the relevant team. That is what I did.

ADV BALOYI SC: Yes, General, you said in paragraph 71 and consistently in your evidence that that email from

Brigadier Letogo was the National Commissioner's office or the National Commissioner himself instructing you to implement, to implement, in fact, you say to communicate the deactivation, which is paragraph 1 of this email. So that you discharge.

But then you then say to implement the deactivation. That is the second thing that you say the National Commissioner instructs, to implement the deactivation of the PKTT. And then 3, to submit a close-out
10 report by the 14th of January, right? And what I am saying to you is looking at this Brigadier Letogo email, it does not give you instruction to implement the deactivation. It says only two things. It says communicate and submit a close-out report. The implementing part is not in that. It is not the basis on which you could have acted because it is not part of that email from Brigadier Letogo.

LT-GEN SIBIYA: To start with, Chair, I believe that the moment I begin - let me put it this way. When the Minister wrote a letter to the National Commissioner to say, this is
20 what I see, how I see it, and this is what I want done. The moment the National Commissioner implemented the - or forwarded it to the next person lower, the National Commissioner is beginning to act on the Minister's letter.

ADV BALOYI SC: That is the way you see it.

LT-GEN SIBIYA: That is the way I see it. That is now

beginning to implement. That is the implementation now. Because if the National Commissioner was not in agreement, it was going to have to bounce back from that level back and say, can I engage? But now in this case, the fact that now it had to cascade further down, it means that we are now in an implementation stage.

ADV BALOYI SC: Can we agree, I think it is easier, if we agree that that SS9, which is also repeated in SS10, does not say to you, implement the deactivation. It does not say
10 that when you read it. Just in the face of it, General, and it really should be easy for you to accept that.

LT-GEN SIBIYA: What makes it difficult for me to accept is that a close-up report, the word close-up report, it is a big word.

ADV BALOYI SC: No, it may be a big word, General. You say three things. You know you are distinguishing between, in your paragraph 71, you distinguish between a close-up report and implementation of the deactivation. So, you understood it as you are drafting this 71, paragraph 71, that
20 those two are different. So let us not now conflate them and try and make them to mean the same thing or implementation flows from a close-up report.

You understand and you express it that way in paragraph 71, that he instructed you to do three things. You do not say in 71, he said, communicate and prepare

close-up report, and because he said prepare close-up report, I started implementing. That is not what you say. You say, he said implement. And so, where he says he never gave me instructions to implement, he is being dishonest.

That is what you said, consistently. And what I am putting to you or what I am simply discussing with you is you could not rely on SS9 and insofar as you are trying to rely on SS10, you cannot for the instruction to implement
10 because they do not say to you, implement. They say only two things, close-up report, communicate.

LT-GEN SIBIYA: I think, Chair, at this point in time, and I beg for your indulgence on this one, Chair. In this sense, if myself, I get this email and I give it to my legal team who assists me to craft the statement, who also understand it the same way and say, all right, in crafting and the word to implement was used. To as far as I am concerned, this is how I understood it to me. But if I was wrong, or maybe in the eyes of the Chair or the Commissioners, it is two
20 different words.

I will accept it without being argumentative. But as far as I am concerned, the intention was not to deviate from the National Commissioner's instruction because to me, to as far as I am concerned, I thought it means exactly the same thing. So, I just want to say, Chair, that communicate

the deactivation to the team and prepare a close-up report. Already we have crossed the line of, we are now implementing. That is what I thought. But if I am wrong, Commissioners, I will give up on this one.

ADV BALOYI SC: So, I just want to be clear, and it is not about what we prefer, or the mistakes made by lawyers, if that is what you are suggesting. I am looking at SS9 and all I need you to, or what I am testing with you is, do you, and I expect you should accept that SS9 on the face of it
10 does not contain an instruction, does not contain three instructions.

It contains only two instructions, and it does not contain an instruction to implement the deactivation, just on the face of it. You have read it into the record. You may have read in your head, interpreted it and decided it does contain an instruction to implement. That is a conversation for another day how you would have gotten there. But I am simply now discussing with you that on the face of it, it does not tell you to implement the deactivation of the PKTT.
20 On the face of it.

LT-GEN SIBIYA: Chair, if I was arguing with a person at my level, I was going to take it further, but at this point in time, I want to cut it short.

CHAIRPERSON: Earlier, earlier, General, I said your responses should not depend on who is engaging you. So

please give the response that you want to give. I am sorry for the interruption. So please respond, General.

LT-GEN SIBIYA: Chairperson, I do not want to really sound as if like I am, and I do not want to anger the Commissioner as well. I want to leave it at that.

ADV BALOYI SC: General, no, please speak freely. You make our job easy when you speak freely because we need to get to the bottom of the facts. You should not, not say things because you do not want to make me angry.

10 **LT-GEN SIBIYA:** If I was talking to my lawyer, she was going to say that is semantics.

ADV BALOYI SC: Try it with me. Maybe I will say the same thing.

LT-GEN SIBIYA: Yes, she was going to say to me, I mean, it is one thing. You implemented, you want the close-up report. We are saying close. Implement. And now the Chair is holding me onto a word and say this word does not mean this, but when you look at the ultimate goal, we are going to the same direction.

20 **ADV BALOYI SC:** General, maybe that word means - this word means that, whatever you mean with that. All I am asking you ...[intervenes]

LT-GEN SIBIYA: I want to apologise, Chair, that I said that I hope it is not going to be used against me anyway.

CHAIRPERSON: No, no, no, all that we will do is to

assess the evidence. Be assured of that, General.

ADV BALOYI SC: General, all I am seeking from you is, do you accept on the face of SS9 that it does not contain an instruction to implement? It does not contain - maybe let me simplify it. Do you accept, and I think you must, that on the face of SS9, there are no words that read, which is in your paragraph 71, there are no words that say, implement the deactivation of the PKTT? I want to keep it simple. Do you accept that? On the face of it?

10 **LT-GEN SIBIYA:** I accept that, Chair.

ADV BALOYI SC: All right, thank you. In fact, when you tend to - still in that same bundle, if you go to page 211, this is a document that you gave us, and I think you said it is an affidavit, that it is SS14. I think you said it is the affidavit that the National Commissioner filed in your application in the High Court. Page 211. It starts at 210, SS14. You see that? There, the National - are you there, General?

LT-GEN SIBIYA: I am there at ...[intervenes]

20 **ADV BALOYI SC:** At 211. There ...[intervenes]

LT-GEN SIBIYA: SS14.

ADV BALOYI SC: Yes, and then go to paragraph 8.5 of that document. Then the National Commissioner says, on 14th of January, I had a discussion with the applicant, being you and he presented a plan on how to close the task team

in line with the Minister's directive. You see that? So, he says on the 14th, he gave him a plan:

“I was, however, not satisfied with the proposed plan and informed the applicant that it would be irresponsible to summarily disband the task team and remove the case dockets from them as it will have a detrimental effect on the investigation of the cases.”

10 That is what he tells the court. And then at 8.6, just for completeness, the National Commissioner says:

“The applicant informed me that the task team should be closed down similarly to the way the Scorpions – to the way the Scorpions and explained how they were closed down, saying they were individually called into the office with their dockets. They signed for handing over and management signed for receiving the dockets.”

20

He says, that is your discussion. Thereafter, each officer received a new deployment. And then he says:

“I told him that it would be irresponsible and advised him to consult with Maj-Gen Rabie on the 14th.”

That is what the National Commissioner says. So now we know how – and then he says:

“I called General Rabie to assist him with a face-out plan.”

So, we know how you get to speak to General Rabie according to General Masemola. And then he says that:

10 “On the 15th, whilst I was consulting with Maj-Gen Sebola, applicant presented me with an amended plan directed now at the Divisional Commissioner, facilitating the immediate closure of the task team and handing over of the case dockets and requested me to sign. The proposed plan once again negated my instruction that there must be a gradual wind down of the operation of the task team and I was not prepared to sign the document.”

20 That is what the National Commissioner says happened, that you have presented one plan on the 14th, which was an issue that, again, I found quite confusing from your statement because in your statement, you do not tell us that you presented a plan on the 14th which the National Commissioner rejected and then you went and presented another one on the 15th. You do not tell us that. But that is what he says. You had two plans. The second one, again,

he rejected it because he wanted an immediate disbandment. And then just for completeness, in the next paragraph of that document, he then says:

“He then went to General Khumalo and asked him to prepare a plan.”

And that is the plan. The 6th of March document that we discussed and the later plan. That is a General Khumalo document. All it comes down to, and this is what I want to put to you, all it comes down to is you did not have an
10 instruction from the National Commissioner to implement a disbandment a deactivation plan. He did not give you that instruction on the 3rd of January.

On the 14th, he rejected your plan which you do not tell us that in your statement. You do not say that you reject, I gave him my plan, and he rejected it saying he does not like immediate disbandment. On the 15th, he rejected your plan and this is documents that you have provided, by the way, the affidavit to prove that General Masemola has set these things on record. On the 15th, he
20 rejected your plan. And you do not tell us that. On the 17th, you then issue this much debated letter which is SS13. You issue it on the 17th and in your evidence, you issue it on the strength of Brigadier Letogo's email.

LT-GEN SIBIYA: Forgive me, Chair.

ADV BALOYI SC: Yes.

LT-GEN SIBIYA: Forgive me Chair. When Commissioner Baloyi referred me to a paragraph and I read the paragraph, in my mindset, I begin to formulate the response. And as I formulate the response, she goes on to the next one and she goes to the next one and to the next one. I am struggling to follow on her because if she goes too deep and I am lagging behind in terms of formulating how I want to respond, it gives me a problem in a sense that I end up not now knowing how to craft my response.

10 So, I just wanted to say, I was on the 14th of January 2025, the one that was where the National Commissioner, I had a discussion with the applicant and he presented a plan. It is page 211. Now, what I wanted us to first agree, Commissionera, is that the same plan that the National Commissioner says he rejected comes from the National Commissioner's office.

 Because General Rabie's in the National Commissioner's office. Even if I signed, I know we laboured at that point yesterday that it is now your plan. But the
20 National Commissioner does not deny that he asked General Rabie to assist me. And if it comes to General Rabie going to the National Commissioner through General Sebola to me. Now, I just want us to settle this one, that the same plan that the National Commissioner says he rejected. It is still his own plan because it comes from his

office.

ADV BALOYI SC: I thought we settled that yesterday when you were debating with, you were discussing with Ms Hassim and the Chairperson where you accepted that this is your plan. SS13. I thought we settled that. It is not the National Commissioner. It took a long while to get you to accept that it is your plan. You may have been assisted by General Rabie, but it is your plan. I thought that was settled.

10 **LT-GEN SIBIYA:** Just to get this one clear, Chair, so that I do not do this mistake again and go come back to it again. Now, even though this plan comes from the National Commissioner's office that prepared by General Rabie, I own it, I agree. The fact that the National Commissioner's office is the one that crafted it. Is it being thrown completely out of the window and forgotten about it?

It is my document as I am the one who signed it. Since the National Commissioner said, let General Sibiya sign it. So is it completely now thrown out, completely and
20 forgotten, even though he is the one who said, General Rabie, assist General Sibiya to prepare this document. And they prepared this document that he says he rejected. Now, this is the document that comes from the office of the National Commissioner that he says he rejected. I agree.

It was laboured for a long time yesterday, but I just

want to make sure that now I should not ever again say, all right, I am the one who signed it. I own the document because I should have. Because the National Commissioner did not to me say, no, I do not like it. So, I am just worried that the fact that the National Commissioner has had a contribution in the crafting of this document through General Rabie is not being taken into account.

ADV BALOYI SC: General, what all I am checking with you, and maybe let me do this. Do you disagree with the
10 National Commissioner where he says he had a discussion with you on the 14th of January where you presented a plan and he said to you, go and prepare a different plan. You did not accept the plan that you gave him on the 14th. Do you disagree with that?

LT-GEN SIBIYA: I disagree.

ADV BALOYI SC: Okay, what do you say happened?

LT-GEN SIBIYA: What happened is that he said, let General Sibiya sign it because it is operational and that is addressed to the Divisional Commissioner. That is why.
20 That is why you will see now on the 16th ...[intervenes]

ADV BALOYI SC: No, you are now at the 15th. I am still at the 14th. Remember? 8.5 is the 14th of January. That paragraph we are looking at in his affidavit. That is where you went. You stopped. Remember, you stopped me and then you said, I want to respond to the 14th of January. So,

I am asking you with everything that you have said now about this comes from the Office of the National Commissioner and therefore it is the National Commissioners. I am asking you just so that there is clarity what your evidence is. 8.5 says:

“On the 14th, I had a discussion with the applicant. He presented a plan/letter on how to close the task team in line with the Minister's directive.”

10 Do you disagree that happened? That is just what I have read. Just look at it, General 8.5. Do you disagree what he did? That first sentence. Do you disagree what the National Commissioner describes there happened between the two of you?

LT-GEN SIBIYA: I totally disagree, Chair.

ADV BALOYI SC: Yes.

LT-GEN SIBIYA: Even this example of the Scorpions.

ADV BALOYI SC: No, do not go to the Scorpions yet, General. We will finish quicker if you go with me step by
20 step. I am doing it step by step so that we do not misunderstand each other.

LT-GEN SIBIYA: Okay.

ADV BALOYI SC: Do not misunderstand your answers, but also that we finish quicker. 8.5, I have read for you the first sentence. Because I am trying to understand what you

disagree with in that paragraph, right? So, 8.5 I have read the first sentence which is:

“On 14 January 2025, I had a discussion with the applicant, being you, the applicant is General Sibiya, and he presented a plan letter on how to close the task team in line with the Minister's directive.”

My question is, is that correct what he is saying? Is that
10 what happened? You presented a plan on the 14th of
January 2025?

LT-GEN SIBIYA: That is correct.

ADV BALOYI SC: Okay, great. And then he says:

“I was, however, not satisfied with the proposed plan and informed the applicant that it would be irresponsible to summarily disband the task team and remove the case dockets from them as it will have a detrimental effect on the
20 investigation of the cases.”

Do you agree, disagree with what he is saying there?

LT-GEN SIBIYA: I disagree with this one.

ADV BALOYI SC: Okay, what happened? What do you say happened?

LT-GEN SIBIYA: The National Commission never raised

any such concern that you cannot just close the task team summarily like that.

ADV BALOYI SC: Okay.

LT-GEN SIBIYA: It never happened.

ADV BALOYI SC: What happened, in fact?

LT-GEN SIBIYA: What happened is that, okay, no, I understand. I think you can sign it. It is operational.

ADV BALOYI SC: Okay, all right. Then on 8.7, look at 8.7:

10 “The 15th of January, whilst I was consulting with Major General Sebola, the applicant presented me with an amended plan directed at General Khumalo facilitating the immediate closure of the task team and handing over the case dockets and requested me to sign the instructions.”

Did that happen, what he is describing there? Did you submit an amended plan to him? We know that you did see
20 him when he was with Brigadier Sebola on the 15th because you have said so much. Did you present him with an amended plan on the 15th?

LT-GEN SIBIYA: No.

ADV BALOYI SC: What happened on the 15th?

LT-GEN SIBIYA: What happened is that, because this was

not between the Office of the National Commissioner and General Rabie, and even when you look at the correspondence, General Rabie had to fix certain things that the National Commissioner wanted fixed. And as a result, when General Rabie was done, had to send the document again to General Sebola.

ADV BALOYI SC: I thought you saw the National Commissioner on the 15th when he was with General Sebola.

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

ADV BALOYI SC: That was your evidence?

LT-GEN SIBIYA: Yes.

ADV BALOYI SC: So why are you talking about Brigadier - General Rabie when all I am asking you is, on the 15th, did you meet with the National Commissioner when he was with Maj-Gen Sebola, as he describes there?

LT-GEN SIBIYA: I understand.

ADV BALOYI SC: Yes.

LT-GEN SIBIYA: Now I understand.

20 **ADV BALOYI SC:** Yes.

LT-GEN SIBIYA: I did meet with the National Commissioner.

ADV BALOYI SC: And you presented him with an amended plan because that is what he says?

LT-GEN SIBIYA: Yes, we presented with a plan.

ADV BALOYI SC: Amended plan.

LT-GEN SIBIYA: Yes.

ADV BALOYI SC: Okay, all right, thank you. That is what I wanted to establish. Now, let me go back to what I was doing when you said I am moving too fast and you are not getting the chance to answer. All I was doing was presenting to you what it looks like happened. And in the end, I would have given you the chance to comment. But please do stop me if you think I am overloading you with
10 information.

So, here is what it looks like happened. On the 3rd of January, Brigadier Letogo forwarded you the deactivation letter and that instruction that you are supposed to communicate. That is what the document says, in fact, to communicate and then have a close-up report by the 14th for the National Commissioner to sign off. That is the first thing that happened.

You then have this engagement with the National Commissioner on the 14th. That is the second thing that
20 you communicate to General Khumalo. Let me not skip a step. On the 7th, your office forwards Brigadier Letogo's communication to General Khumalo and others. That is the second thing that happens. The third thing that happens is on the 14th of January the National Commissioner comes back from leave.

You then present a plan to him which provides for the immediate disbandment of the PKTT. That is the third thing that happens. And again, keep in mind, I am saying I am drawing what the picture looks like to me. And then on the 15th, and the National Commissioner on the 14th is not happy with your plan. Then he says to you, I do not like this plan.

I want you to prepare an amended plan with the assistance of General Rabie. That is the 14th. On the 15th,
10 you present an amended plan which you have just admitted. When the National Commissioner is with General Sebola, you present him with an amended plan now directed at General Khumalo. The National Commissioner refuses to sign it on the 15th.

On the 17th, you then send SS13 to General Khumalo, signed by you. You now send SS13 and SS13 now gives instructions what is to be done, and it directs the immediate disbandment. You follow up that with a letter in February and a further letter in April. And your evidence
20 has been that all of that you did on the strength of SS9, which is Brigadier Letogo's email to you on the 3rd of January.

That is what your evidence has been. And what I am positing to you or proposing to you is the implementation that you carried on now from the 17th of

January and all the follow-ups that you were doing were in fact of your own decision and initiative. It did not flow from any instruction of the National Commissioner because SS9 does not contain any instruction to implement. Now you can comment.

LT-GEN SIBIYA: What happened is that the National Commissioner, after I received this email from Brigadier Letogo, I did speak to the National Commissioner telephonically and he said to me, just make sure that you
10 prepare that report because the Minister wants it by the 20th, but at least let me get it by the 14th when on my return to work.

And I said, no, no, it will be ready. And then I have also approached General Rabie as advised and then he said, okay, I will also give him a call, which he did give him a call. Now, I want to say that whatever that I implemented, it was just based on a common understanding that we are acting on this directive by the Minister. At that point in time, no one ever expected that this could lead to this
20 mountainous problem that we are now dealing with because it was just all in the performance of our duties at that point in time.

And I believe you me, Commissioners, the National Commissioner of the South African Police Service, what he says is final. There is no way I will argue with the National

Commissioner at any given moment, in his office, in his absence, telephonically or what, because once he may ask you to say, can you please, but it is an instruction. So, all I am saying is that whatever that he says, I would not deviate from what the National Commissioner said.

ADV BALOYI SC: I accept that. I think what is important in what you have said, General, is you say everything that I did, I acted on the common understanding that we are giving effect, we are all giving effect to the Minister's
10 decision. That I can accept, that is how you acted, if indeed that is how you acted.

LT-GEN SIBIYA: Yes.

ADV BALOYI SC: What I was taking issue with and debating with you is it is a misrepresentation to say Brigadier Letogo's email contained an instruction from the National Commissioner to implement the deactivation. That is the issue that I was taking with you. And I take it because in that document, nowhere does it say that. So, we are back to you saying things that are not reflected in a
20 document.

That is really what my debate is with you. If you say I acted because I was just doing my job, the Minister has given an instruction, and I thought we are all on the same team. We all want to implement immediately and deactivate. That is why I went ahead and gave instructions.

That is your story. That is your explanation of your behaviour.

What you cannot do is, for that behaviour, you cannot rely on SS9 and then use it to say the National Commissioner is being dishonest when he says he did not give me instructions to implement immediately, because that is what you are doing. And it is problematic for that reason, that he did not say that to you. Not on SS9, maybe on the phone.

10 If you want to say on the phone, that is what you told me, or in an email, that is what you told me, then we will say to you, fine, let us see the email. But if you are relying on SS9, which is what you have been doing since you sat on the stand and in your statement, if you are relying on SS9, no, SS9 does not give you that instruction. You drew it from somewhere else, not from SS9.

LT-GEN SIBIYA: May I comment?

ADV BALOYI SC: Yes, you may.

LT-GEN SIBIYA: These words that say the National
20 Commissioner is not being honest when he says that, if many will remember, after the 6th of July press briefing by General Mkhwanazi, at some point the National Commissioner was asked by the media, were you aware that he is going to make such a press conference? He said, yes, he told me. And did you give such order that this thing

be disbanded? He said, I never gave anyone any instruction. And then based on that, from my side, knowing that I have an email that directed me, that is how I approach it, to say, but the National Commissioner is not being honest yet, because ...[intervenes]

ADV BALOYI SC: Right, the email, if you have another email, point us to it. Let us stop doing this secular discussion. If you have another email, by all means, introduce it. SS9, and now I am putting it to you, now I am
10 putting it to you, SS9 does not instruct you to implement the deactivation. It does not. If that instruction was ever given by the National Commissioner, it is contained somewhere else.

And you are free to refer us to that, but we cannot keep doing this where you are insisting that the National Commissioner told me to implement the deactivation and he did that in SS9. It does not. And it is problematic that you insist that SS9 contains such an instruction. It does not. Any construction, it does not.

20 **LT-GEN SIBIYA:** Just a last comment for me on this one, if I am allowed, Chair.

ADV BALOYI SC: Yes, you are, you may comment.

LT-GEN SIBIYA: If there was this letter from the Minister, then there is the email that comes from the National Commissioner's office, and there is a presentation in

Parliament that speaks about the fact that we are, the Minister has issued an instruction to the National, the directive to the National Commissioner, and there is been several meetings and consultative meetings held, and that we are now implementing, and this is how it is going to happen.

As far as I am concerned, there has been an agreement all the way that this is emanating from that letter, going to the directive by the National Commissioner, going to, even up to Parliament, and coming up with an implementation plan. To me, the cycle is completed, but if it is rejected by the Commissioners, I will accept it as well.

ADV BALOYI SC: General, the National Commissioner implements with General Khumalo, we know that. He goes to General Khumalo and says, prepare a plan for me. So, he is doing something arising from that letter from the Minister. You do your own thing, and what you do is not based on anything that the National Commissioner asked you to do.

He asked you to communicate, which you do. You communicate. Two, he says, prepare an activation plan, which you do. You present it to him on the 14th, but you do a third thing. You implement immediately. You give instructions to implement and deactivate. That is not contained anywhere in writing that we have seen. It is not

in SS9. So far, you have relied only on SS9.

If that is the only thing you are relying on, what I am putting to you is, SS9 does not give you that instruction, so you acted without instruction, because that is what you are relying on. It follows. You acted without instruction, and that is what it is, General. You can comment, lastly, whatever the Chair allows you to do, but I do not think there is any point in doing this, because we are going around the circles. You insist that you acted on the basis of SS9, and I
10 I guess we will evaluate it for what it is, but that is your evidence. I guess we have to accept your evidence is you acted on SS9.

CHAIRPERSON: Feel free to comment, General.

LT-GEN SIBIYA: I feel oppressed, Chair.

CHAIRPERSON: No, feel free to comment.

LT-GEN SIBIYA: I feel oppressed in the sense that this is an official process. It is not a private process. It is an official process coming from the Minister to the National Commissioner to me. We are all in it. Now, when the
20 National Commissioner chose to do something with General Khumalo, which he never elected me to, he never said to me, leave it, I will do it, and then went and did it somewhere with General Khumalo, when I do not know, and I kept on communicating and doing things, hoping that I am doing that, what the National Commissioner also expects

me to do, and then in the meantime, later, it transpired that, no, no, he was doing his own thing, but what pains me the most is the fact that even the same letter that I know is going around the circle, but even the same letter, this letter, comes from the National Commissioner's office.

Now, although I own it because I had to sign it, it just kills me to see how the Commissioners are rejecting it, that it comes from the National Commissioner's office, it was prepared from the National Commissioner's office, even
10 though I signed it, I accept that, but with that disadvantage, I accept, and I do not want to really make the Commissioners angry, I accept this point, and whatever direction it takes, I will accept it, Chair.

ADV BALOYI SC: Thank you, General. Thank you, Chair.

CHAIRPERSON: Should not we perhaps take the adjournment at this stage? Are we moving on to a new point?

ADV HASSIM SC: I had one last thing to round up on this, and then move on to, so I am in your hands, Chair.

20 **CHAIRPERSON:** That is in order, that is in order, please proceed.

ADV HASSIM SC: It is just one, let us say three questions that I had forgotten at the end of my last round of questioning, and it is this. It is about the implementation.

CHAIRPERSON: And we all know that three end up being

50.

ADV HASSIM SC: I am happy to do it after lunch, Chair.

CHAIRPERSON: All right, let us adjourn and resume at 2 pm. Thank you.

INQUIRY ADJOURNS

INQUIRY RESUMES

CHAIRPERSON: Ms Hassim.

ADV HASSIM SC: Thanks, Chair. All right. Okay, are you ready, General?

10 **LT-GEN SIBIYA:** I am ready, Chair.

ADV HASSIM SC: I just wanted to, on the issue of the implementation and the instructions that you, that we have already discussed, the various instructions that you had issued, you recall you issued the instructions and you required immediate action. You said it is for immediate compliance. Do you recall that?

LT-GEN SIBIYA: That is correct, Chair.

ADV HASSIM SC: And you also said that what you anticipated was that the dockets would be at some point
20 transferred to the murder and robbery unit to investigators in that unit to take over. Is that right?

LT-GEN SIBIYA: That is what was supposed to happen.

ADV HASSIM SC: And at any point before issuing that instruction that that should happen, well, first of all, we have not seen that instruction. Let me just be clear. You

say that is what you expected, but we do not actually see an instruction from you that it should go to murder and robbery, right?

LT-GEN SIBIYA: I think it is contained in the letter. I need to just remind myself.

ADV HASSIM SC: We do not need to detain ourselves on that. Let us say that was your expectation. Did you satisfy yourself that there was capacity within the murder and robbery unit to absorb these dockets?

10 **LT-GEN SIBIYA:** Yes, all I know is that there is a murder and robbery unit in KZN.

ADV HASSIM SC: All you know is that there is a murder and robbery unit in KZN that, in your view, had the capacity to absorb these dockets?

LT-GEN SIBIYA: Very much so.

ADV HASSIM SC: You satisfied yourself as to that?

LT-GEN SIBIYA: Yes.

ADV HASSIM SC: So why then, in July 2025, did you have to make a request for funding for a new team to be
20 established to handle the dockets? Why did you not at that point send it to the murder and robbery unit that you say had the capacity to handle it?

LT-GEN SIBIYA: Chair, we discussed this point, and I did mention that because of the fact that the National, I mean the Provincial Commissioner rejected the docket, we had to

come up with a plan. And in coming up with a plan, we could not just call people and say, go to Durban to go and conduct investigations. You needed to put a budget together because people must be accommodated, because they would be coming all from outside KZN. They do not even know KZN, so you also need protection, because if the Provincial Commissioner say, I do not want them in the province, and the National Commissioner allowed him to say that, now from head office, we had to make sure that there
10 is continuity and in so doing, we had to put a budget together.

ADV HASSIM SC: So you had to constitute a new task team to deal with the dockets?

LT-GEN SIBIYA: Yes, yes.

ADV HASSIM SC: Okay, thank you. That was my question on the dockets, as far as implementation goes ...[intervenes].

ADV KHUMALO SC: Can I just ...[indistinct] [cross-talking]
General, before all that, why did you not wait until the
20 detectives that were already part of the PKTT were assigned to the murder and robbery unit in KZN, because if I understood you correctly, you said because they were already in KZN, the detectives who are members of the PKTT, they could continue with their investigations, but they could do so now being part of the murder and robbery unit.

Is it not a sensible thing to do before you remove dockets and you reallocate them, to actually reallocate the detectives, so that once you know that there are detectives in place in KZN who are able to continue with their investigations, they are no longer part of PKTT, they are now part of the murder and robbery unit, only then do you withdraw dockets and assign. Is that not a sensible thing to do?

LT-GEN SIBIYA: Chair, may you allow me to respond it in
10 this way. If we all agree, let us say, let us take for a moment that we are all in agreement and this is what we want to do, we are not in defiance, we want to implement this decision of the Minister and then I wrote that letter that says by this time it must happen or it must have happened. All what will happen is that even, because we are all, it is all system go.

We all agree. And then from there, what will happen is that General Senthumule and General Khumalo will do a handing over. General Khumalo will say, okay,
20 murder and robbery Unit Commander and Deputy, let us have a meeting. They will have a meeting and say, now that the decision has been taken to disband that side, now all these dockets now become to the, to murder and robbery unit. Branch Commander, here are your dockets now signed over, hand over.

Then all the investigators, the resources get also attended to in a sense that let us say the decision that was to be taken was that, okay, in any event, they all work in KZN. Let us take them all and make them part of the murder and robbery unit. The work still continues as normal. But if that is not the case, others will need to go back to Limpopo, North West, wherever they come from. We are still strengthening the other murder and robbery unit in those respective environments. But the fact that the
10 docket could be handed over to the Branch Commander or to the Deputy Provincial Commissioner to sign for, it really does not change or make impact that much, because let us say you die today as an investigator who was having 400 cases, we still have to take your cases and redistribute them or take them and make a plan on those dockets.

I am just giving you a clear example of a member who die now, having so many cases, those dockets, they are not left somewhere, they are just dealt with the normal way. So even the PKTT's approach when you disband, it is
20 not like there was any commission of crime in the manner in which it was being done or any irregularity or any, something that was not supposed that is happening that is constituting a breach of some sort of law or standing order. It was all in the name of work, the processes.

If where there was an error of judgment, maybe

perhaps I will accept it, Commissioners, where the Commissioners will say, ja but did you agree that there was a disturbance in terms of the attendance of those dockets and then why did you do this. Some of the things may be an error of judgment, but normalized intent, was intended. It was just all in the interest of work and making sure that this process does not take too long. Thank you, Chair.

ADV KHUMALO SC: After that long explanation, do you accept that the proper thing to do is to first plan for what is
10 going to happen with the dockets and then you remove and reallocate dockets because you cannot reallocate them to non-existent detectives. When you reallocate them, you must know that there are detectives there who are qualified who will take over the investigations. Do you accept that the planning must happen before the removal of the dockets? Simple.

LT-GEN SIBIYA: I do accept, Commissioner, and also the fact that this document that, the one that I signed makes provision for that they must then go to be transferred to
20 another ...[intervenes].

ADV KHUMALO SC: No, General, let us not go there. You accepted that your document was rejected by General Masemola. He went with Khumalo's plan. So it does not help to keep going back to a document that was rejected. It was not accepted. You were at the parliamentary briefing.

You were at the 6 March briefing. You know that it was not your document that was presented. It was something else. You know that. Thank you, Ms Hassim.

ADV HASSIM SC: Thank you. Sorry, General, did you want to respond?

LT-GEN SIBIYA: Chair, what I know is that what was presented to Parliament, is that what was saying we are disbanding. That what was presented in Parliament, is that what was saying we are disbanding. That is what I know,
10 and there was no objection from any direction.

ADV BALOYI SC: Ja, but, General, the big difference between what was presented and what you did was how you are going to go about it. Your document is immediate disbandment, as we discussed it. You immediately said things now fall under General Senthumule, and you gave all of those instructions of things that should happen, and you continued to do that in your subsequent correspondence, when, in fact, the National Commissioner's position was we are going to do this gradually.

20 So you are right to say there was no, in Parliament, there was no disagreement with the disbandment, at least what was presented in Parliament. It was about how it is done, and we having this big debate with you, and suggestions have been made about your motives, why you approached it in a certain way. It is this big difference that

you were going for immediate disbandment when the National Commissioner wanted a gradual winding up, and so you were implementing, the two of you were implementing different strategies.

LT-GEN SIBIYA: No, Chair, after, at some point, I began to, especially after Parliament, I began to realize, because I was there, that, okay, this is how it is going to be undertaken, and then I fell into the same line of thinking. The only difference became now, when the dockets now
10 were at head office, then I say, all right, now that the dockets are at head office, let this docket then be transferred immediately, let this process take place.

Maybe I must accept that, for me then to have said also, let them also, the members reporting back to their respective environment, maybe I must accept there that it could have been an error of judgment there, and I am taking that part responsibility.

ADV BALOYI SC: But that is not the only difference. It is not about when the dockets had now arrived. We went
20 through your different letters, and the presentation in Parliament, which is that gradual way of doing things. This is the General Khumalo presentation, and you say you were present. You still went and issued a letter in April that contradicted something that was in that plan, and that is something, there was an endless discussion with Ms Hassim

this morning about it, where the plan was the court going dockets should remain, should not be part of what is handed over, they should remain with whoever the investigators, I think it is, and you offered, you gave a contrary instruction in April. So there was, you did fundamentally differ with what was done, or what was preferred by General Masemole.

LT-GEN SIBIYA: Yes, Commissioners, I do hear and understand, but for the court dockets, when we talk about
10 court dockets, you are talking about investigation that has been concluded, it is a court docket. Now, those ones, it is not the reason why you should still keep the task team still alive, because these are dockets that have been investigated, even if a person is to go ...[intervenes].

ADV BALOYI SC: Let me stop you. Stop. You do not misunderstand me. I am not saying that is why the task team should have continued. I was just dealing with you saying the only difference was about the dockets, that you know, the dockets were brought up to General Senthumule,
20 and as soon as you found out, you ordered they should go back, and I was just correcting that, that no, no, there was another point of difference between what you were doing and what the National Commissioner and General Khumalo were proposing and approved by the Minister to be done.

One example is this issue about the court-enrolled

dockets, I think that is what it is called, you said even those must be given to General Senthumule, when in fact, the plan that ultimately, in that 6 March meeting, the Minister says, I was okay with it, he said those should remain with the investigators. So that is another point of difference between your plan and what you were doing, and General Masemole / General Khumalo's plan, and what they were proposing. That is all I was pointing out. You can comment, General, if you want to, I do not want you to

10 ...[intervenes].

LT-GEN SIBIYA: We were, I want to comment, but I wanted to finish ...[indistinct] We were all on a transition, or transitional period, where we are saying task teams must be disestablished, and we must capacitate the units that are established, and for the murder and robbery unit to function, at some point we need to bite the bullet and make sure that we capacitate once and for all murder and robbery units to be effective.

And that is, from my angle, I was moving from the

20 person who is actually managing the performance of the detectives, from my angle. I am just trying to ask the Commission not to limit the performance of my responsibilities to the mistakes that might have happened or taken place only because of the portion of the PKTT, but in my case, in capacitating the murder and robbery unit, we

needed to make sure that we need all the capacities, that we have all the experience that we have in those structures, so that we have a capable state.

ADV BALOYI SC: Okay, General, thank you.

ADV HASSIM SC: Thanks. Can we move to another topic, and this is just to address something that you have raised on multiple occasions, and that is that when an inspection was done of the dockets that were brought up to head office, what was found was, in fact, they had not, they had
10 been gathering dust with the PKTT. There had not been investigations for many years of those dockets. Am I summarizing what you said correctly?

LT-GEN SIBIYA: Correct.

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

CHAIRPERSON: But, of course, you did not mean 100% of the dockets.

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

CHAIRPERSON: Yes, yes.

LT-GEN SIBIYA: Chair, I am referring to the 121 dockets.

20 **CHAIRPERSON:** Yes, yes.

LT-GEN SIBIYA: And even ...[intervenes].

CHAIRPERSON: But what I am saying is you did not mean 100% of the 121. You referred to examples 20, I think 17, 18, 19, 20, and so on, but not 100% of those dockets. Yes, Ms Hassim.

ADV HASSIM SC: Thank you, Chair. Are you aware that only 92 of the dockets were audited, 92 of the 121? Are you aware of that?

LT-GEN SIBIYA: I cannot agree with it, Chair, and why I say I cannot agree with it, I am basing on what I have, that is the document. Personally, I have never seen even a single docket, so if the question is how can you not agree when you have never seen a docket, I will accept. But with the list that we have here, and where I am told that this is
10 the list of the dockets that we inspected, if this is the list of the dockets that we inspected, I will take it that these are the dockets that were inspected. And instead, maybe rather, if the Chair could say, can then General Motsepe come and bring all those dockets here so that we see, because they made entries in those dockets.

ADV HASSIM SC: We have already gone ...[intervenes].

CHAIRPERSON: Sorry, Ms Hassim. I just need clarity on one thing, just to make sure that you are not talking past each other. General, is there a difference between auditing
20 dockets and inspecting dockets, do you know?

LT-GEN SIBIYA: Yes, there is a vast difference. There is a difference between auditing and inspecting.

CHAIRPERSON: What is the difference?

LT-GEN SIBIYA: The difference when you inspect a docket is when you inspect a docket, but when you audit

...[intervenes].

CHAIRPERSON: No, no, you cannot define a term by using the same term, General. You cannot say when you inspect a docket, you inspect a docket.

LT-GEN SIBIYA: When you inspect a docket, the Chair, is when you take a docket and then you look into compliance, you look into, you have many, because there is a, in terms of the National Instructions, inspection, the management of case docket, and how you manage a docket, and then we,
10 so when you inspect a docket, you check that this docket is being run or managed in terms of the National Instructions.

In other words, when the docket is opened, was it put forward for 24-hour inspection? In other words, when a docket gets opened today, the very next morning it must be before the Commander, who must read it and then give instructions and give a broad forward date and say, bring this docket again on this date, I want to see it. And then you keep on giving instructions and directions as well. So this is now a docket inspection.

20 Now, when you do auditing, is when you look at the number of dockets that are there, that you have, the number of dockets that have been closed, the number of dockets that are in court, the number of dockets that are being closed as undetected. It is a whole lot of them that you can say, this is docket, you audit now the numbers and a lot of

things. It may include compliance, according to the standard of maybe the Auditor General, how they also choose to audit in terms of their work.

CHAIRPERSON: Oh, when you referred to the process that was engaged in, which yielded the results that X number of dockets were last investigated on these dates, was that an inspection or an audit? That is the process in terms of which you became aware that some dockets had last been investigated in 2017, 18, and so on. Was that an inspection
10 or an audit?

LT-GEN SIBIYA: It was both, both in terms of the number of dockets and when you look at the, let us say, your C5 document, your investigation diary, you look at the number of statements that were obtained. And then you look at, you read, you count the statements, and then you see according to the annexures listed there, now you know that, okay, in this docket, we received 20 statements and they are all accounted for, put one side.

CHAIRPERSON: Thank you. Ms Hassim, I just, because I
20 think the General had been using inspect, inspect, inspect, and you used audit, so I just wanted to make sure that you are talking about the same thing. Now you have heard his explanation, you may proceed with your questions.

ADV BALOYI SC: Maybe before that, Ms Hassim, I do not know if it might not help the discussion you want to have.

Paragraph 28 of General Motsepe's statement, maybe you want to look at that.

ADV HASSIM SC: Thank you, Commissioner. So what General Motsepe refers to is an audit.

CHAIRPERSON: Which is exactly the term you used.

ADV HASSIM SC: Which is the term I used, because she was in charge of that process.

CHAIRPERSON: Yes.

ADV HASSIM SC: And she says that she conducted an
10 audit of the 121 dockets, and then she says who the team was made up of. She did not, she says she was not directly involved in the audit exercise, but she did a few spot checks of the dockets, okay. Now, it is that audit that I am referring to, that of the 121, in fact, when we looked at it, only 92 were audited. Did you find something different? Did you look at each of them?

LT-GEN SIBIYA: I indicated earlier, Chair, that I have never seen a single document or docket. However, whether it was 92 or it was 121, still the same thing in terms of the
20 process that we are looking at.

ADV HASSIM SC: Sure. I am just, all I am saying to you is that 92 dockets were audited.

LT-GEN SIBIYA: Still fine.

ADV HASSIM SC: Sorry?

LT-GEN SIBIYA: It is still okay.

ADV HASSIM SC: It is okay. All right. And of those 92, 46 were related to the traditional leader killings. Are you aware of that?

LT-GEN SIBIYA: Chair, I will be shooting from my head, unless I am to be assisted to agree with it, but I do not think there is anything I want to really deny in this regard.

ADV HASSIM SC: I will help you with it. Just, I do not want you to agree to something if you are not comfortable agreeing. So, let us just go to the record so you can see it.

10 It is in file 6. It is actually from the reports that were being prepared for the Minister. So, if we just go to file 6, page 371.

LT-GEN SIBIYA: File?

ADV HASSIM SC: 6.

LT-GEN SIBIYA: On the same breadth, Chair, may I make a request that on the same breadth, are we going to also look into how many were not political related and how many were drugs and how many were political killings?

20 **ADV HASSIM SC:** Well, ja, it is very clear from all the presentations that have been made to you and the Minister in these reports.

LT-GEN SIBIYA: Page? Page?

ADV HASSIM SC: 371.

LT-GEN SIBIYA: I have got it, Chair.

ADV HASSIM SC: Okay. So, you will see traditional

leadership related cases at the top of the page and it says 51 in total. Do you see that?

LT-GEN SIBIYA: Ja, traditional leadership related cases, 51, yes, I see.

ADV HASSIM SC: Okay. But it is broken down further in that table below the heading and the number that concerns us is the one under blue because those were the ones that were under investigation and had been transferred. It is 44, plus one, plus one, so 46. Do you see that?

10 **LT-GEN SIBIYA:** I see.

ADV HASSIM SC: Okay, so, 46 of the 92 that were audited were traditional leadership killing cases. Now, the importance of that is that the mandate of the political killings task team was extended to include the traditional leadership related cases from 1st April 2024. And just for the sake of the record, you will find that extension in the same file 6 at page 609.

LT-GEN SIBIYA: Can I comment?

20 **ADV HASSIM SC:** Sorry, did you say you want to comment?

LT-GEN SIBIYA: Yes, yes, yes.

ADV HASSIM SC: Okay.

LT-GEN SIBIYA: Can I?

ADV HASSIM SC: Yes.

CHAIRPERSON: Yes, General, yes.

LT-GEN SIBIYA: At the same time, I like this example that you are giving me, program, evidence leader. You are saying to me, all the cases, traditional leadership related cases is 51. And then we are saying murder is 44, one attempted murder, kidnapping one. Now, we are saying pending DPP's decision is only two, court going cases only three out of 51 and we are saying this is a good work. So, I just wanted to point that angle.

ADV HASSIM SC: No, sorry ...[intervenes].

10 **LT-GEN SIBIYA:** Ja.

ADV HASSIM SC: But if you let me finish, then you will understand why what you are saying now is actually absolutely incorrect and it is gratuitous, because you are intent on attacking the work of this task team, or else you would not make that comment. So, let me finish. 46 of the 92 dockets that were audited were traditional leadership related cases, okay. I was taking you to the mandate. You find that on file 6 at page 609, okay.

LT-GEN SIBIYA: Six, page 6?

20 **ADV HASSIM SC:** 610. Well, 609.

CHAIRPERSON: Or 610.

ADV HASSIM SC: 6 or 9.

CHAIRPERSON: That is that red 609, bottom of the page.

ADV HASSIM SC: At the bottom of the page, Chair.

LT-GEN SIBIYA: I am on it, Chair.

ADV HASSIM SC: So, you will see the first bullet point on that page.

LT-GEN SIBIYA: I see there.

ADV HASSIM SC: It says:

“The mandate of the task team has been extended with effect from 1 April 2024 to include the investigation of cases involving the killings of traditional leaders in KwaZulu-Natal.”

10 Okay. So, this ...[intervenes].

CHAIRPERSON: And that was approved by you, General.

LT-GEN SIBIYA: Not, no, no. No, you recommended.

CHAIRPERSON: What? Ja, ja ...[intervenes].

ADV HASSIM SC: It was recommended by General Sibiya.

CHAIRPERSON: Yes, yes, yes. At page 610.

LT-GEN SIBIYA: Ja.

ADV HASSIM SC: Yes. Do you see that?

LT-GEN SIBIYA: I hope we are dealing with the financial authority, not the extension of the mandate.

20 **ADV HASSIM SC:** Yes, you approved the budget.

LT-GEN SIBIYA: Okay.

ADV HASSIM SC: To be expanded because of this extended mandate.

LT-GEN SIBIYA: Yes, yes.

ADV HASSIM SC: Yes. So, the team was only, the

mandate of this team to take on these cases was only extended on the 1st of April. In fact, the signatures here are later in April. So, although it starts from 1st of April, by the time dockets would have been transferred to this team would have been sometime after signature of this document that we were just looking at. Correct?

LT-GEN SIBIYA: Yes.

ADV HASSIM SC: And at the time that the audit was done, so this is 2024, April 2024, okay, and the audit is done a
10 year later. So, the team had only been, had only received these dockets for a short period of time. Do you agree?

LT-GEN SIBIYA: No, I do not agree. They come back a long way with the political killing, I mean, with the political killing. Since 2018, 2019, this traditional cases was also really, also being investigated or unless I do not understand the question.

ADV HASSIM SC: No, it was not being investigated by this task team. There would have been, these were dockets that were assigned to the task team. These were not dockets
20 that were being investigated by the task team prior to April 2024.

LT-GEN SIBIYA: I do not agree.

ADV BALOYI SC: General, what does it, what do you understand it to mean that their mandate was, they were granted a mandate on the 1st of April 2024 then to deal with

the killings of traditional leaders?

CHAIRPERSON: Not even that.

ADV BALOYI SC: It is actually the 16th, yes. What do you understand that to mean?

LT-GEN SIBIYA: It mean that their mandate now has been extended to also begin to investigate the traditional killing cases.

ADV BALOYI SC: And until that mandate is given, did they have authority to investigate the killings of traditional
10 leaders before this mandate on the 16th of April?

LT-GEN SIBIYA: I would say yes.

ADV BALOYI SC: From where?

LT-GEN SIBIYA: The Provincial Commissioner decides on what matter to allocate to who.

ADV BALOYI SC: So are you saying it did not matter, they actually did not need a mandate to be given to them on the
16th of April?

LT-GEN SIBIYA: For me to accept this point, Chair, may
20 we go to the list, the one that contains the inspection that was conducted, all those – remember, where I was saying the last date of inspection was this, because it tells us the case number, the case numbers.

CHAIRPERSON: General, I am very sorry to interrupt my colleague. In response to Commissioner Baloyi's second last question, you said the effect of the mandate was to

allow them to, “begin”, investigating these matters as well. So they cannot begin if they were already doing it, General.

ADV BALOYI SC: General, what is your answer to that?

LT-GEN SIBIYA: Personally, I feel that, Chair, the involvement into them investigating traditional leaders' cases did not start with the effect from this date.

ADV BALOYI SC: When did it start, General?

LT-GEN SIBIYA: That is why I want to ask Commissioners to refer to that document whilst we are still on the subject.

10 **ADV BALOYI SC:** No, I can suggest to you that that will not help us because you have already said let us look at the case number. We know case numbers, cases get open and they have an earlier date. We are now talking about on the 16th of April 2024, someone thought for them to now investigate these cases, these old cases as you referred to, we need them to be given a specific mandate to do that.

LT-GEN SIBIYA: You see, the problem that I think the Commissioners need to be aware of is that each and every motivation they are putting in to request for funding, they
20 write one and the same wedding, one and the same wedding. Even when you look at the other ones preceding this one, they will still write the same wedding.

ADV BALOYI SC: But in this case, General, we are concerned about the date when they were given a mandate. Forget the other paragraphs in this motivation. This

motivation for funding tells us when they were given the mandate to investigate the killings of traditional leaders. And what Ms Hassim is discussing with you is that effectively the earliest they had authority, a mandate, the earliest is the 16th. But you have agreed with her that dockets would have been given to them later beyond this date, which seems to now you are changing that and say well, they always had the dockets, they could have investigated them.

10 But put that aside. That is what she is seeking to discuss with you and I do not understand how you have a difficulty with just simply giving the straight answer that, yes, the authority to investigate, they only got at some point in April 2024. I am not sure, not that I am sure, I do not understand why you have a difficulty with that.

LT-GEN SIBIYA: Chair, are we able to look into the document that I am referring to so that I can also feel comfortable around that, the response I have to, because it is binding.

20 **ADV HASSIM SC:** Which document would you like to look at?

CHAIRPERSON: May I just establish this before you take us there. Do you agree that upon its inception, the PKTT was mandated to investigate political killings?

LT-GEN SIBIYA: I accept that, Chair.

CHAIRPERSON: And do you accept that that mandate was extended at a later stage to investigate something else that is, or rather, in addition to political killings, the PKTT was now to investigate something else as well. Do you accept that?

LT-GEN SIBIYA: Traditional leader, I accept that, Chair.

CHAIRPERSON: Yes. But between inception and the date of extension of the mandate, it could only investigate political killings. Do you accept that? That is, before the
10 extension. Between inception and extension, it could only investigate political killings. Do you accept that?

LT-GEN SIBIYA: They could only, but it does not necessarily mean it was what they, what happened or what they were doing.

CHAIRPERSON: So are you saying they were able to go beyond their mandate even before their mandate was extended. Is that what you are saying?

LT-GEN SIBIYA: Yes.

CHAIRPERSON: And you say the answer for that lies in
20 the document you want to refer us to?

LT-GEN SIBIYA: That is correct.

CHAIRPERSON: Please take us there, and I hope we will find that.

ADV KHUMALO SC: You are looking for SS19, file 2, 339. So, General, this is the handover report when the dockets

were delivered on the 28th of March.

LT-GEN SIBIYA: I am getting there, Chair. Let me get to this one. Yes, this one, the file 3 of 10, Chair?

ADV KHUMALO SC: 2. No, no, file 2.

LT-GEN SIBIYA: Oh, 3. File 3 of 10, SS23. When we look at number 2, Mpophomeni matter it is a murder case, not politically related. When we look at 3, Dannhauser, it is a house robbery and theft, not politically related.

CHAIRPERSON: But, General, are you aware that there
10 were parallel cases, which would not necessarily be political killings, but parallel in the sense that they are related to political killings. And because they are parallel, it would make sense for those cases to be investigated separately, so they would be lumped together and be investigated together. Are you aware of that?

LT-GEN SIBIYA: I am aware, Commissioner, or Chair. I am aware. However, Chair, the document specify, that says, when you look at the one at Kwanongoma number 4, it is taxi related. Now, I do understand and accept that there
20 will be a parallel case. Sometimes it becomes taxi related, but I do not know how it will add to political, or how it will be a parallel case to political. But, in some instances, you find that it is a traditional, or it is a politician's son or relative that was killed. For any other reason, that is not political, or that has got nothing to do with the work that is

being done by ...[intervenes].

CHAIRPERSON: But, you see, General, the problem is, it does not assist us for you to just randomly pick cases that on their face appear not to be political cases, without at the same time telling us that I know for a fact that this particular case was not a parallel case. If you cannot do that, the exercise you are engaging us in does not assist at all.

ADV BALOYI SC: General, can I, as a follow-up to this,
10 just maybe to try and see if you are able to make your point, if you go to case number 5 in that same document, case number 5 at 357, it is at the extreme, it says traditional leader cases. Do you see where I am looking?

LT-GEN SIBIYA: I am, Chair.

ADV BALOYI SC: Ja, can we then get back to what is the point that you want to make? Keep in mind the question that you were asked by Ms Hassim, which is, the PKTT only got the mandate in April 2024, and by the time the, April 2024, by the time the audit was done in 2025, it was only a
20 year later and so she was saying, but it is a short time. And your answer was, no, but they have always had these cases. They could have investigated them. Let me show you.

LT-GEN SIBIYA: Yes.

ADV BALOYI SC: So I have referred you to that case, and

it has a case number. Let us take it from there. What is the point that you are seeking to illustrate?

LT-GEN SIBIYA: It is cases like this one, Chair, that caused me to say, no, no, the mandate did not start only in 2024. That was extended. They were in any way doing it long before. That is what I was trying to do to explain.

ADV HASSIM SC: But where in this document do you find support for what you have just said, because you asked us to go to this document.

10 **LT-GEN SIBIYA:** Evidence leader, I do not know, do you have the same document that we are at?

ADV HASSIM SC: Yes.

LT-GEN SIBIYA: Number 5?

ADV HASSIM SC: Yes.

LT-GEN SIBIYA: Mudén, and it says traditional leaders. And when you look at the CAS number, is that of 2021?

ADV HASSIM SC: Yes.

LT-GEN SIBIYA: So I am saying they were in any event doing it.

20 **ADV HASSIM SC:** No, I think you are misreading this. The CAS number is 2021. The case itself, the docket, was only allocated to the PKTT when its mandate was extended. So this is a docket that was already in existence. It was from Mudén, and it was transferred to the PKTT. So you will find many dockets here with CAS numbers that go back in time

and there is an explanation for it and let me just not use my own words, but use the words of the PKTT members who came to testify. Just ...[intervenes].

ADV KHUMALO SC: Ms Hassim, before you leave. General, just to show you that even the audit is wrong, just look at Muden on number 5, on 357. Do you see that it classifies the case as a traditional leader case?

LT-GEN SIBIYA: Yes.

ADV KHUMALO SC: But that is wrong, because I had
10 asked you to go to file 2 in the handover report. Now, in the handover report, you will see on 340, Muden is classified as case number 57, CAS 74/12/2021, pointing of a firearm. It is a parallel docket. It is not a traditional. See, and this is the problem with relying on an audit that you did not do, and dockets you did not see, because the handover report does not describe that case as a traditional leadership case. You can go and look at it yourself.

LT-GEN SIBIYA: The last one, so that I can move out of this document?

20 **ADV KHUMALO SC:** Are you on page 340 of file 2?

LT-GEN SIBIYA: 340?

ADV KHUMALO SC: Three four zero, file 2. Remember, the beauty of a handover report is that it is signed by both General Khumalo and General Senthumule.

LT-GEN SIBIYA: Yes.

ADV KHUMALO SC: Right?

LT-GEN SIBIYA: Yes, Chair.

ADV KHUMALO SC: Whereas an unsigned draft audit report, nobody has signed it, and we do not know who produced it. Now, in that unsigned SS23, it says Muden is a traditional leader case, and then it says it is a murder case, 74/12/2021. But if you go to the handover report on page 340, you see that there are parallel dockets, and it is 16 of them. And then case number 57 it is Muden, same
10 case number, but it is the pointing of a firearm. It is not a murder case and it is not a traditional leader case. Do you see that?

LT-GEN SIBIYA: Just, just to parallel cases, Muden case 74/12/2021, pointing of firearm.

ADV KHUMALO SC: General, these are your annexures. There is no way I can take a quicker time to understand them than you do. You know what I am talking about.

LT-GEN SIBIYA: No, I do not deny, because it is something that I also see, that has been pointed out to me
20 now, that I see now. But, and I accept, Chair, whatever weaknesses are there, exists, or mistakes exist in the document. But what I wanted just also then point out in conclusion on this one from my side, I want to say, when you look at number 7, Umar ...[intervenes].

ADV KHUMALO SC: No, before we do that, can you accept

that Muden is a parallel docket, and it is a pointing of a firearm case according to the handover report?

LT-GEN SIBIYA: I accept, ja.

ADV KHUMALO SC: And if you go to the next page, 341, starting from number 74, those are traditional leadership cases. Do you see that?

LT-GEN SIBIYA: 345, box 3.

ADV KHUMALO SC: No. General, where are you?

LT-GEN SIBIYA: I am at page 345, looking at
10 ...[intervenes].

ADV KHUMALO SC: No, we are in file 2. Remember we were in file 2 on page 340 and we were looking at the Muden case.

LT-GEN SIBIYA: What is file 2?

ADV KHUMALO SC: Item number 57.

LT-GEN SIBIYA: Which file, Chair?

ADV KHUMALO SC: File 2, page 340.

LT-GEN SIBIYA: 340.

ADV KHUMALO SC: And General, I apologize for being
20 impatient. I assumed that these are your annexures, that you attached to your affidavit, and that you knew them. This is a handover report. You must look at it. Go to page 342. Are you there?

LT-GEN SIBIYA: I am at 342.

ADV KHUMALO SC: Now, when the dockets were handed

over by General Khumalo to General Senthumule on the 28th of March 2025, do you see that they both signed that document?

LT-GEN SIBIYA: I do, Chair.

ADV KHUMALO SC: Confirming that these are the dockets that were handed over.

LT-GEN SIBIYA: I do.

ADV KHUMALO SC: And they are classified according to type of case. If you go back to 339, 56 of them are
10 politically related. Do you see that?

LT-GEN SIBIYA: The page?

ADV KHUMALO SC: 339.

LT-GEN SIBIYA: 339.

ADV KHUMALO SC: Are you there?

LT-GEN SIBIYA: Yes, sir.

ADV KHUMALO SC: So you see that it is 56 politically related dockets?

LT-GEN SIBIYA: I see, Chair.

ADV KHUMALO SC: Yes. And then you go to the next
20 page, which was Chair's point, it is 16 parallel dockets. Do you see that?

LT-GEN SIBIYA: I see.

ADV KHUMALO SC: And the first one is Muden.

LT-GEN SIBIYA: I see.

ADV KHUMALO SC: Yes, you go to the next page, you

have got the *ad hoc* dockets, it is one from Estcourt.

LT-GEN SIBIYA: I see, Chair.

ADV KHUMALO SC: And then traditional leadership is 45,
on page 341.

LT-GEN SIBIYA: 345.

ADV KHUMALO SC: 341. The next page.

LT-GEN SIBIYA: I have got it.

ADV KHUMALO SC: Yes, so you cannot rely on the case
numbers, because a case number simply reflects the case
10 number from the station of origin. It is not a docket opened
when it is handed over to the PKTT. So when you see a
CAS number that says 2019 in 92, case 92, you know that it
does not mean PKTT was looking at that from 2019. It
simply means in the station of origin that docket was
opened in that year.

LT-GEN SIBIYA: Now, firstly, Chair, we will need, I think
both of us, Chair, we will need to ascertain that fact from
the case docket itself, because now for me to just give in
and say, yes, I agree, it was just only transferred after this
20 request for funding, when in fact it may not be the case. So
but what I wanted to just point out, Chair, is that what is
important, what I see here as pointed out, it was a mistake
that the one, the Muden case that the Chair ...[intervenes].

ADV KHUMALO SC: And there are many of them.

LT-GEN SIBIYA: Yes.

ADV KHUMALO SC: Because I have analysed that audit report. There are many of them.

LT-GEN SIBIYA: But yes, where I want to take the Chair to is the fact that both General Khumalo and Senthumule signed for it.

ADV KHUMALO SC: No, they did not sign the audit report. They did not sign the audit report. They signed the handover report. The audit report you are relying on is SS23. It is not signed by anybody. It is just a document
10 that starts from nowhere and ends nowhere. And you have annexed that to your affidavit in this Commission to justify your attack on the PKTT.

LT-GEN SIBIYA: It is unfortunate that, Chair, that the Commissioner Khumalo sees it as an attack on the PKTT when in fact me, from where I am coming from as an employee of the South African Police Service, in my capacity as the Deputy National Commissioner responsible for detectives, been given an instruction by the National Commissioner to get involved and do 1, 2, 3, 4. At a later
20 stage then it gets turned into that I am attacking, my actions or attacking the PKTT.

CHAIRPERSON: But General, I am sorry Ms Hassim. General, you say you cannot accept the proposition that political, I am sorry, the killing or traditional killings matters could only have been handled by the PKTT from April. You

say we would have to look deeper or further into the matter to establish what the true position is.

I just do not understand that because you have accepted what the mandate was when the PKTT was established and you have accepted that that mandate was for the investigation of political killings. And we know from the documents that my colleague, Commissioner Baloyi, and indeed before that, Ms Hassim, drew your attention to, that the mandate to do political cases, I am sorry, traditional
10 killings is extended only in April of 2024.

So I just do not understand this idea that before April 2024, possibly as you seem to suggest, the PKTT could have investigated traditional leader killings even before the mandate was extended. I just do not understand that. Can you explain?

LT-GEN SIBIYA: Chair, from my work environment that I know is that long before the request for funding, they were already investigating such cases of traditional leaders. It did not just only start last year. They were already
20 investigating it. It is a point I am prepared to lay my neck on the block and say they did not start now.

CHAIRPERSON: But you see, you took us to the document that my colleague, Commissioner Khumalo, was engaging you with, and you randomly showed us this case and that case and that case to make this point that you are making.

And then I said to you, but, General, you do not seem to be distinguishing between the fact that the PKTT would also investigate parallel matters and there is a logical reason for that. You cannot split related cases or parallel cases and to have them investigated at separate places. So there was a reason for that.

Now you randomly show us cases in a manner that suggests that you are not drawing that distinction. So now you are saying, but I do know that even before. I said, if
10 you remember, I said, you seem to suggest that we will get an answer from a certain document that you were referring us to. We have gone to that document and that is when you randomly pointed at cases in a manner that suggests that you are not factoring this distinction, the distinction between political killings and cases that are parallel to political killings.

So that is why you have not really shown us the difference you sought to show us. Now you are saying, but I know for a fact that they had started long ago, and yet you
20 had said the answer for them starting long ago is in this document. And thus far, this document has not assisted you. So where else or from what other document or from what other evidence or, yes, evidence do you base the longer goal?

LT-GEN SIBIYA: May I just ...[intervenes].

ADV BALOYI SC: General, as you prepare to answer that question, keep in mind also that your testimony yesterday was that you had nothing to do, you knew nothing about the PKTT, their operations, what they were doing until you were now suddenly introduced to this. You remember we did that exercise about what did you know, at which point did you know, but your evidence yesterday was you had nothing to do with the PKTT until you were asked to sign this recommendation in April 2024. So if you say I know for a
10 fact they were investigating, you need to explain how would you have known that in your position. And as the Chair says, where do we see that in the documents that they were in fact investigating?

LT-GEN SIBIYA: You see, Chair, the line of questioning by the Commissioners worries me in this sense. The Chair asked me a specific question that I must respond to specifically, and just when I am about to, because now as the Chair speaks and I frame how to respond, then Commissioner Baloyi says, before you respond, then come
20 up with a different angle, and then that goes also deeper into a different subject, or that is not going to, it is not ...[intervenes].

ADV BALOYI SC: I withdraw my question. Answer the Chair's question, and then I can ask you my question after that.

CHAIRPERSON: No, no ...[intervenes].

LT-GEN SIBIYA: That is what I wanted to ask, Chair.

CHAIRPERSON: No, no, no, the two are related. The two are related. You are saying long before the mandate was extended, you know for a fact that they had already been investigating traditional leadership killings. Now, all that Commissioner Baloyi is saying, the knowledge that you are referring to, or rather, bear in mind as you show us how you know, bear in mind that you have said you were not
10 involved at all with the PKTT until the time that you were asked to sign the document on funding in 2024. So that is all it adds. It does not change the complexion. It does not change the picture. It just says, where do you get this knowledge from, bearing in mind the fact that you say you were not involved with the PKTT?

LT-GEN SIBIYA: Chair, from my side, as when this question came initially, what I remembered in my mind is that I have seen a number of these cases, and that are dated as far back as 2018, 19, 20, 2021. So it could not
20 have been. Then the Chair comes and says, all right, but did you also believe that it does not necessarily mean that these ...[intervenes].

CHAIRPERSON: When you say these cases, are you talking about traditional ...[intervenes].

LT-GEN SIBIYA: Ja, traditional.

CHAIRPERSON: Yes.

LT-GEN SIBIYA: So, then the question comes that says, but it does not necessarily mean that because of the fact that this case number is 2021, it means that they started with the PKTT in 2021. Now, my point was trying to demonstrate and say they have been investigating various other cases that are not political in nature, and that are also not traditional in nature. And I wanted to give an example of that case in Umkomaas case number 7, because
10 this one is about drug-related. Now, I do not know whether the drug-related, it is also a parallel case to either political killing or to traditional land affairs. That is what I wanted to point out.

CHAIRPERSON: You will recall, though, you will recall that earlier when we engaged before my colleague, Commissioner Khumalo, started engaging you, you will recall that I said, it does not assist us to, for you to randomly point at, or itemize cases without, as you sit there, being able to tell us that, and I know for a fact that
20 this is not a parallel case. It is an exercise in futility that does not assist us at all.

Do you get my point? Do you get my point, General? If you are able, I will be with you 100% if you say to me, they were already investigating cases that were outside of their mandate, and here are examples, and the

examples I am giving you are not parallel cases. I know that because, and then you give reasons. But if, as you sit there, you are not able to do that, I say to you, that is a futile exercise. Do you get my point?

LT-GEN SIBIYA: I hear what the Chair say.

CHAIRPERSON: Thank you. Ms Hassim, I am very, very sorry.

ADV HASSIM SC: No, no problem.

CHAIRPERSON: We interrupted your line of questioning.

10 **ADV HASSIM SC:** No, no, you have advanced it. Thank you. I just, General, by your reasoning, there are case numbers in this report and by the report here, I am talking about, I think, ja, this is your annexure, SS23. There are, if you look at the very first case on that table, page 356.

LT-GEN SIBIYA: Page 356?

ADV HASSIM SC: Yes, page 356.

ADV BALOYI SC: SS23.

ADV HASSIM SC: SS23, it is in file 3. It is the same one that the General took us to for the Muden case.

20 **LT-GEN SIBIYA:** I have got it here, Chair.

ADV HASSIM SC: Ja. The very first case is a 2016 case.

LT-GEN SIBIYA: That is correct, Chair.

ADV HASSIM SC: Ja. And if you just, and I am doing a very random look here, if you look at page 416 of the same document.

LT-GEN SIBIYA: I have got it, Chair.

ADV HASSIM SC: Case number 112 is a 2011 case. Do you see that?

LT-GEN SIBIYA: Yes.

ADV HASSIM SC: Those were cases, the PKTT was not in existence in 2011. PKTT was not in existence in 2016. So these case numbers, as we were trying to say, are cases that originated elsewhere and were then allocated to the PKTT. Do you see that?

10 **LT-GEN SIBIYA:** I see and I do not agree.

ADV HASSIM SC: Well, the PKTT did not exist in 2011.

LT-GEN SIBIYA: In 2016, it did exist.

ADV HASSIM SC: Not this PKTT that we are talking about now. It did not exist.

LT-GEN SIBIYA: The PKTT did exist and there were some challenges about that one apparently that says it worked in silos and then closed down and a new one started.

ADV HASSIM SC: That is right ...[intervenes].

LT-GEN SIBIYA: But it did ...[intervenes].

20 **ADV HASSIM SC:** That was a different task team. It was a different task team.

LT-GEN SIBIYA: It was a political task team.

ADV HASSIM SC: Yes, but the mandate, this task team, came about in 2018 when there was a request by the President for a task team to be established to deal with the

problem once and for all, because it was an intractable problem. That was in 2018.

LT-GEN SIBIYA: I take, I understand.

ADV HASSIM SC: Okay, thanks. So you cannot rely on these cases, case numbers is the first point. The second thing is if you look at Colonel Khumalo's statement, and in fact, you do not need to go there, let me just tell you what he says for now.

ADV KHUMALO SC: Can I do this again just to illustrate
10 the point? I am sorry to do this to you. Even that Mpopomeni 112 case, the audit is wrong because on page 339 of the other file, that is a 2017 case and not a 2011 case. So just a simple analysis of this audit report, so, you will see if you go to file 3, it starts well, item 13. It says CAS number 76/11. So you know it is the same one. But then there it says 2017. Now in the audit report, it says 2011.

LT-GEN SIBIYA: What I just must indicate, Chair, whilst I
20 see the pointing out by the Commissioners, even myself, I relied on this document as it was provided to me and it has been used in every platform. And I may still do the same and say, let us take the one that was provided by, let us say by, let us say, Colonel Khumalo or themselves. If someone else was to look at that document also and to look for mistakes or loopholes, you may still come across one or two

mistakes. So I do understand. I do understand and accept.

But I am saying a person is able to draft something, but you will find that the next person who must also look at it sees a mistake or two and that the other one could not pick up. So I now see, I do see, and unfortunately, this is what I have in front of me at this point in time.

ADV HASSIM SC: That is fine, thanks, General. Just to close up on the traditional leader-related cases, what Colonel Khumalo says is that by way of example, we
10 received 50 traditional leader-killing dockets in late April 2024, so after the extension of the mandate of the PKTT to include this category of crime. He says they received 50 traditional leader-killing dockets. Some were not new matters and thus difficult to find new leads. So 50 dockets, traditional leader, were assigned in late April 2024. And in the handover, 45 or 46 of that audit were made up of traditional leader cases. Do you see the point?

LT-GEN SIBIYA: I do.

ADV HASSIM SC: So your contention that there was a
20 delay in investigation, first of all, your reference to the CAS numbers, we have dealt with that. Second, where you refer to traditional leader cases to show these cases were just not, there was no progress on it, they only received it in late April 2024. So they had very little time to work on that, is that not so?

LT-GEN SIBIYA: I still do not agree with it because even if you receive them in late 2024, the bottom line is that if that was the case, still in each and every docket, we need to see that you have done something on those specific dockets, not that you will find that the last entry made was in 2018 or 2019.

ADV HASSIM SC: Okay, let us deal with that. Have you consulted, did your team or yourself consult with the PKTT when you were doing this audit to understand how these
10 cases were investigated? Did you consult with anyone? Did you say, can we talk to you about it?

LT-GEN SIBIYA: I find the question very unfair in the sense that in my case, it is at the point when I was actually being suspended, I think. The atmosphere was already not a normal atmosphere where the question can say, did you consult. It was during that period when I got to be suspended myself.

ADV HASSIM SC: When was the audit done, in May?

LT-GEN SIBIYA: Yes.

20 **ADV HASSIM SC:** When were you suspended?

LT-GEN SIBIYA: I was suspended in July.

ADV HASSIM SC: Right.

LT-GEN SIBIYA: But this, I did not get long before that. I got it around about that time as well.

ADV HASSIM SC: When did you get it?

LT-GEN SIBIYA: Somewhere around July or June, somewhere there, just before ...[intervenes].

ADV HASSIM SC: Before you were suspended?

LT-GEN SIBIYA: Yes.

ADV HASSIM SC: And this was done in May?

LT-GEN SIBIYA: Yes.

ADV HASSIM SC: The audit report. Okay. If you did not consult directly, do you know whether your team consulted?

LT-GEN SIBIYA: I take it, because it was under General
10 Senthumule and with the team, Brigadier Kgopoditata[?], I think themselves. I was not directly dealing with the process. General Senthumule was working with General Khumalo, so I was not directly involved.

ADV HASSIM SC: So, you see, the problem is that you hold a view and you have come to the Commission to say, there are dockets that are in this state, there are dockets where there was no investigation, but you were not involved in it. You do not actually know, so you are speculating and you did not engage with the investigators on any of those
20 dockets to clarify or to get information from them about how they were investigating it, right. You come to make contentions based on that audit report ...[intervenes].

LT-GEN SIBIYA: I do not agree.

ADV HASSIM SC: But then you say you were not involved in it, and so you cannot answer certain questions.

LT-GEN SIBIYA: I really do not agree with you, unfortunately, evidence leader, because you cannot say I am speculating and I come here and I talk about things that I do not know. I am part of this process. I am part of the management. I may not have been the one who conducted the inspection, but the report come to me. It is as good as you are saying to the National Commissioner, you cannot talk about these things because you did not see this, you did not check this, you were not involved in this. It is not a
10 fair question.

ADV HASSIM SC: No, it is not that you cannot talk about it, it is that if you come and make a claim, that your claim must have some basis.

LT-GEN SIBIYA: It does have some basis, because I do have, unless I am proposing that these dockets be here, so that when I talk about specific, copies were made, when I talk about a specific case and say here is this case, this is the last entry that was made, then we put it aside. Then it will not be regarded as a claim, because it will be showing
20 documentary evidence.

ADV BALOYI SC: General, can I just ask this. Now that you know that General Khumalo says they received 50 dockets of killings of traditional leaders in April 2024, we know that now from his statement, and for purposes of my question, let us accept that to be correct for purposes of

this engagement, do you still persist in your criticism, comment, whatever you want to call it, that in fact they did no work on this? You are criticising them that they did no work after they got the dockets in April. Do you still persist in that position?

LT-GEN SIBIYA: I still persist they did no work in those cases.

ADV BALOYI SC: From April?

LT-GEN SIBIYA: From, I do not know since when they
10 have been having those dockets.

ADV BALOYI SC: He tells us that they were given the docket, they got the mandate in April, and they got 50 dockets in April. So let us keep those facts constant, right, that the mandate was in April, they got the dockets, 50 dockets. Let us go with what he says. That is how I am formulating my question.

Knowing that, or even for purposes of this discussion, accepting that, let us assume that he is correct, that they got 50 dockets in 2024, not before that, in 2024,
20 are you saying you still persist in your criticism that from 2024, when they got the dockets, to the day that the dockets were removed from them, they had not done any meaningful work and so they are open to criticism?

LT-GEN SIBIYA: Once again, Chair, I want to put something on the table. It look like everything that comes

with General Khumalo or General Masemole is a gospel truth, and it is accepted, and it is the truth. And anything that comes, that negates that, and that refuses or does not agree is a claim or why do you say this. To me, it is a problem in a sense that what General Khumalo says, and what we say, now for the Chair to make a good determination, we need other witnesses or other dockets or evidence in front of us.

ADV BALOYI SC: Let me stop you. What from my
10 question makes you say that? What in the way that I formulated my question makes you say that I have taken what General Khumalo as gospel truth, and what you are saying is questioned? And I am asking not to be argumentative, because I really am interested in an answer to my original question, so I want to clarify to the extent that you tell me what it is in my question makes you say I take it as gospel truth. I want to clarify myself so that you understand that is what I am doing.

LT-GEN SIBIYA: In responding to the Commissioner's
20 question, I want to start it from where the evidence leader is saying, reading from Colonel Khumalo's statement, and say this is what you say ...[intervenes].

ADV BALOYI SC: Ja, no, no, General. No, I have to stop you. Please forget what the evidence leader has said. All she has read, she is read what she says is contained in a

statement of General Khumalo. I formed my question this way. I said assume, for purposes of our discussion, let us assume that is true, that let us not, and at least from where I sit, it is not an indication that I accept the truthfulness of that statement. That is why I said let us assume, for purposes of our discussion, that he is correct when he says they only got 50, they got 50 dockets in April.

Would, on that assumption, assuming that to be correct, and maybe it is not correct, that is what an
10 assumption means, when I say assume, the converse of it is I am not taking it as truth. Assume that what he tells us is correct, or is the case, they got 50 dockets in April, mandate extended in April, therefore the budget allocation happens sometimes after you have approved an extension of allocation of budget.

Do you still say that from that period when they got the dockets and got their mandate, and when the dockets were audited, do you still say, well, too much time passed in that window? Too much time passed, there should have
20 been more than this, so they are useless. Do you still say that?

LT-GEN SIBIYA: That is what I am saying, Chair.

ADV BALOYI SC: Okay. I had asked you what is it in my question that made you say that, or think, that I am accepting his statement as the gospel truth. Are you able

to answer that, even after I have said to you, let us assume?

LT-GEN SIBIYA: It is when the Chair says to me, when the Commissioner says to me, to me it appeared as though the Commissioner believed in what General Khumalo is saying, that says we only received or started this mandate in 2024. And when I look at their existence over a period of time, there are many investigations that ...[intervenes].

ADV BALOYI SC: I think you have answered me.
10 Remember, you tend to go, you tend to answer things that are not flowing from the question that is been asked. I think the last question I asked you was, what is it in what I have said that made you believe that I have taken his statement as gospel truth. That was my question, and I think you say, you repeat from what I have said. That is fine. That is what the answer is. Thank you. Ms Hassim?

ADV BALOYI SC: Thank you, Commissioner Baloyi. General, my question about whether there had been any discussion with the members and the investigators in the
20 team is because there is an explanation that is provided for those dockets where either, where it appears that there has been no movement, with reference to the C-clip, or where there genuinely has been no movement in a case and the explanations for it and I just want to tell you what these explanations are.

And for this purpose, we go back to Colonel Khumalo's statement, and I am not going to read through in detail. I just want to highlight the few points because this question was obviously, or this issue, this accusation was obviously something that they took seriously and provided a statement in which they analysed the dockets, and there are a few things that he said. The first is that:

10 “The dockets that are handed over to the PKTT are particularly complex due to the nature of the cases, which are often linked to political assassinations, where the true orchestrators of the hits remain concealed.”

So the first thing he says is, bear in mind that what we are being given are complex matters. That is why the task team was ...[intervenes].

ADV KHUMALO SC: Advocate Hassim, where are you reading from?

20 **ADV HASSIM SC:** Colonel Khumalo's statement. It is ...[intervenes].

ADV KHUMALO SC: You said General, that is why.

ADV HASSIM SC: Sorry, I thought I said Colonel. Sorry, it is page 265, paragraph 4. It is paragraph 4. Second, he says at paragraph 5, do you have it, General?

LT-GEN SIBIYA: Paragraph?

ADV HASSIM SC: 5.

LT-GEN SIBIYA: No, not yet. Which file?

ADV HASSIM SC: It is also projected on the screen if that is of any ...[incomplete].

LT-GEN SIBIYA: I have got it.

ADV HASSIM SC: Okay, paragraph 5, he says:

10 “It is important to note that dockets are sometimes transferred to the PKTT after they have already been opened at their station of origin. In many instances, these cases only reach the task team when the originating police station has failed to detect meaningful leads or progress in the investigation. This means the PKTT inherits dockets that have already encountered significant investigative challenges.”

In paragraph 6, he says:

20 “Additionally, it should be noted that sometimes the cases assigned to the PKTT are quite old, which makes the process of trying to find new leads even harder.”

And then a little bit further down in the same paragraph, he says:

“In these cases, we do not close the case because it is undetected. Instead, we pinpoint distinguishing features of the murder like weapon used, vehicle used, modus of the perpetrators. Once we see these features in another crime, we investigate the old and new docket together, what they have described
10 elsewhere as the signatures.”

And then finally, if you go to paragraph 28 of the statement.

LT-GEN SIBIYA: Can I ...[incomplete].

ADV HASSIM SC: Finally, when you go to paragraph 28.

LT-GEN SIBIYA: Can I comment before we get there?

ADV HASSIM SC: Let me just finish his reasons, and then you can comment.

CHAIRPERSON: Perhaps let him comment, Mr Hassim.

LT-GEN SIBIYA: Ja, because I am not writing, Chair, and I
20 lose the trail of thought.

CHAIRPERSON: Yes.

LT-GEN SIBIYA: Now I want to comment on this, and if you go along with something else, that I also need to comment on, so please allow me.

ADV HASSIM SC: Okay, go ahead.

LT-GEN SIBIYA: You see, there is a manner of managing a docket, a case docket, docket management, and how the manner of closure, on how we close the docket. In an attempt to qualify or justify why the dockets are not attended to, to say we do not close the docket, remember how General Khumalo put it in Parliament, he says, we do not put docket in a fridge, in a freezer. We put them in a fridge. In a detective language, there is nothing like that.

You close the docket undetected, or you file the
10 docket, but you do close the docket based, if you close the docket, and you put it away. And then when there is a hit, the hit will automatically be created by the system that will prompt the investigating officer to go and pull the docket, and then insert the docket and charge the person.

So you do not keep the docket somewhere in a corner, and then you say, no, we keep them, we are looking for, to compare whether with a murder weapon or looking for other features. It is not how, you will not be able with your naked eye or your thinking, just expect that, okay,
20 because of this *modus operandi*, and that *modus operandi*, it will automatically look like this docket.

Then you pull it. You close the docket if it is undetected. If, or if it is a docket that needs to be closed, or let us say you file it, or it is withdrawn, you close it. Then you do not keep them with you. Then they are stored.

You run with the cases that are alive, that you are investigating. Now, should you come across, let us say for an example, the same weapon that was used at a particular scene of crime, the system, when the ballistic picks it up, the system will hit.

And as it hit, then it tells you that this weapon was also used at that particular, that is when the docket get pulled and used. So that is why, what I want to comment and say, the reasoning here also does not really make
10 sense to me, but I will accept it as being read by the Commission, but it does not make sense.

ADV HASSIM SC: No, I accept that. I think that this task team has a particular operational method that they spend some time talking about, which is their method. And you may not agree with the method, and you might even say it is not proper, the method, that is not really why I am citing these reasons to you that were provided by Colonel Khumalo.

The purpose of it is to say that, and as it goes on,
20 including paragraph 28, is just to explain, and again, not commenting on whether it is a good method of investigation or not, but that they were investigating. And he put up the taskings from their weekly meetings and described it. So the only point of this is to say, there was a long explanation of the methodology.

And when I asked whether there had been any discussion with the task team or individual investigators, the reason is that in a conversation, things might have become clearer to say, well, okay, so you were investigating, and maybe there needed to be some other action taken to say that this is not the proper way of investigating, but it is not that there was no investigation. But you would not know that, and the team who did this would not know that because they did not consult with the
10 investigators. That is really what I am putting to you.

LT-GEN SIBIYA: Can I comment?

ADV HASSIM SC: Absolutely.

LT-GEN SIBIYA: Chair, I know that General Khumalo came here and spoke about methodology, the methodology we use. The methodology they are using is very raw and far from being right, because, and he also mentioned it, and he says, to us as the PKTT, we all own a docket. Nobody can actually work alone on a docket. Yes, I agree. This is when you work with projects like in the DPCI or the old
20 Scorpions or maybe IDAC. Now, there you work in teams.

Now, you cannot all own one docket. If, for an example, in the world of investigation looking at the whole country, with each and every investigating officer having between more than 100 to 300 cases, 300 to 400, 500 to 600 cases, that methodology is not working, because you

cannot all own, you have got 100, you have got 200, you have got 500, you have got 600. Now, we cannot all say we are owning this docket.

ADV BALOYI SC: Ja, but General, what is the point you are addressing? They have a methodology. They have reported successes. They, you disagree with their methodology, but they have given reports that they have succeeded. You are the one witness, and you can correct me if you are aware of another witness, you are the one
10 witness that is saying, oh, they have not been that successful after all. I am told General Motsepe also said the same.

But they have reported successes. You approved funding. It must be, because you are accepting what you were told, that they were successful. We know they started out with 612 case dockets. By the time you took the dockets from them, or you said they must go to where General Motsepe, not Motsepe, Senthumule designates, we were now at 121 dockets.

20 So we know, you know, on the evidence before us, work was done and I do not think you can speak for as long as you want, and in whatever way you explain it, you cannot change the facts, whatever they signify. You cannot change the fact that when they started out, they had 612 dockets and by the time the dockets were taken from them, the

dockets were at 121.

Some of them were ready for the prosecutor and all of that. That is what we are concerned about. We are not being asked to evaluate their methodology. And I am not sure you are explaining how bad their methodology is, how good yours is, helps any of the questions that we are required to answer. The simple proposition that was being put to you by Ms Hassim is that you have expressed a view that they sat with dockets, look at the age when the last
10 recording of what was done is. Look at that. The docket has been sitting since 2019. They have not looked at it.

That is the basis of your criticism or your comment. Ms Hassim says, here is an explanation. They have given an explanation for it. You may not like their explanation. You may not like their method of putting dockets aside until they get a hit. But they have given an explanation of how they work and we are not evaluating whether the way they work is good or not. It is certainly not our terms of reference.

20 So I am not sure, unless you explain why we should spend more time with you explaining how investigations are done, how dockets generally are dealt with, if you do not explain why that is relevant to our terms of reference, I am not sure that we are using the time usefully. You may comment if you want to.

LT-GEN SIBIYA: Personally, Chair, I do not think this is really helping the police in building capacity for the police, because let us attempt to have the same capacity that we have in KZN in all the provinces and same budget in all the provinces, same *modus operandi*, method, methodology they are using. I do not know if it is sustainable and it will actually work.

ADV HASSIM SC: Okay.

LT-GEN SIBIYA: But at this point in time, because it is
10 now a small team that is based in KZN and well-resourced and supported, and that is the, it seem like it is a recommended methodology that should be implemented throughout the country. But as far as I am concerned, it is not helping the police at all.

ADV BALOYI SC: I understand the point that you are making. Thank you.

ADV HASSIM SC: I am not sure anymore where you are, General. My question to you is just in relation to, it is not about whether the methodology is a sound one or not a
20 sound one. It seems to be effective. You yesterday said that yourself, that all the nine districts have stabilised that they had under their purview. So it seems to be effective. But I am not sure that I want to take this any further, Chair. I think we can move on.

ADV KHUMALO SC: Advocate Hassim, I think you wanted

to take us to 28.5. I think it is useful that you ...[intervenes].

ADV HASSIM SC: Oh, sorry, did I leave something out?

ADV KHUMALO SC: Yes.

ADV HASSIM SC: Oh, I did want to go there, but then I got distracted.

ADV KHUMALO SC: Yes. Sorry about that.

ADV HASSIM SC: At 28.5, what Colonel

10 Khumalo says is: “Just because the C-clip does not have an entry, it does not mean work has not been done. If the handing over of the dockets had been done with some consideration and planning, these task lists could have been included in the dockets to show the true status of the investigations.”

ADV KHUMALO SC: And then maybe 28.4. Sorry about that, because it explains what a task list is.

20 **ADV HASSIM SC:** Yes. In fact, it is actually, I went to paragraph 28, because it starts from, we dealt with the traditional leader, and then it is the signatures for each dockets and how they generate the leads. And then 28.4 is:

“Considering the investigation diary alone is not a basis to include that no work is being done on a particular

docket.”

That is what he is saying. You cannot consider the investigation diary alone.

10 “As noted earlier, dockets are analysed together with all the various specialties around the table. We then develop a task list with daily, weekly reporting. This list is what we use to track activities and progress on the investigations. An example of a task list is attached as Annexure NPK5. I have also prepared an example based on cases where it may have looked like there were no investigations in the last year or two. The extracted task list is attached as NPK6.”

And then in 28.5:

20 “Just because a C-clip does not have an entry, it does not mean no work has been done.”

And I think for me, this is really the important point that I was trying to put to you. It is the following:

“It is like if the handing over of the dockets had been done with some consideration and planning, these task

lists could have been included in the dockets to show the true status of the investigations.”

So that is really why I had asked you the question, is that this was a very rushed and hurried process. And in the absence of having a planning and a considered and a collaborative, cooperative process, these task lists and this information was not made available to the team that did the audit report. Had it been made available, the picture or the
10 comments of the Motsepe report might have been different. You can comment on that.

LT-GEN SIBIYA: My problem is that you, evidence leader, what Colonel Khumalo is saying there is not correct, and he is not an investigating officer. He is not a trained detective. But I am saying why I am saying also that what he is saying is also not right, you cannot say that the fact that the investigation diary is not written does not necessarily mean that work has not been done. It cannot be.

As a detective or as a policeman, you have got a
20 pocketbook and you have got the investigation, you have got your docket and you have got your diary. You will write your diary, but you will also make sure that whatever investigation that you do per docket, you make entries in whatever that you need, all step of the way. All the time you work on this docket you do write something on the

docket.

So now I just want to say that the fact that no entries were made in a case docket does not necessarily mean that work was not done. It can be correct and can be accepted as well.

ADV HASSIM SC: No, I hear what you are saying, that that is not proper. I hear that and I am not commenting on that at all. All I am saying is that there is the improper or not, there was information to show that investigations had been
10 ongoing. And if there had been a consultation process, that would have been made available. I mean, you must agree with that, that there would have been a discussion on that.

LT-GEN SIBIYA: No. Let us say you have the docket. The investigation diary is not written. It happened that all of a sudden when you go home, you get knocked by a car and you die and you know what work was done, but the docket, nothing is written in the docket. No work was done. According to us, when I run to the investigation diary, the only person when we are going to allocate the docket, I am
20 going to allocate the docket to a new investigator.

When he opens the docket, he sees what work was done up to where you ended. Now the fact that you ended since in 2020, then you say, no, it does not mean that no work was done. Whatever work was done that was in your head, you are gone with that work.

ADV HASSIM SC: Let me just stop you there, because that is not what he said. It was not in his head. There was, he produced the, so they capture it in a different way, not in the C-clip. So it is not that it is not captured. It is captured in a different way and in quite a lot of detail. So that was the point he was making. And all I am saying to you, again, I do not want to get into a debate, it is certainly not my province about what is appropriate investigation methods and what is not. The only point I am making is that if there
10 had been a considered process, there would have been a discussion with the team about the status of the investigations. That is all.

LT-GEN SIBIYA: I think the purpose, and I must have indicated that they must sit together, General Khumalo and General Senthumule, exchange information, do a proper handing over. That will include those type of discussions, if there is any. To as far as I am concerned, the purpose for General Senthumule and General Khumalo to meet was to now come up with a way forward on what and how do we
20 take the process forward, including them sitting together with investigators and consulting with one another to make sure that they update each other and do what was necessary. So that, it never happened. Really, I cannot account for that part.

All I know is that those that reported to me at that

time is the two that I spoke to that had to meet. And in my meeting with them, they met and they did the handing over. My role is done, other than just to oversee now that the process is finalized.

ADV HASSIM SC: Okay, no, that is fine. But you agree that that would have been a better process?

LT-GEN SIBIYA: Yes.

ADV HASSIM SC: Okay, that is great. Thank you. Chair, I am going to move on to an entirely different, I am leaving
10 the topic of the disbandment and dockets and all of that entirely. But I see that it is quarter to 4.

CHAIRPERSON: Do you want to start it now, or Monday, because we just must adjourn at 4 o'clock. I do not think, it is 15 minutes to go. It is an entirely new area. As reluctant as I am, I think it is probably better to keep it.

CHAIRPERSON: Today, I am not risking by asking Ms Killian because she just, again, might say we must go on.

ADV KILLIAN SC: [Indistinct]...

ADV HASSIM SC: I think to only to be fair to me, Chair, I
20 think that today, because yesterday you asked Ms Killian and not me. So I think today I should carry the vote.

CHAIRPERSON: So let us adjourn and resume at 9:30 on Monday.

ADV HASSIM SC: Thank you.

INQUIRY ADJOURNS TO 23 FEBRUARY 2026
