

COMMISSION OF INQUIRY

JUDICIAL COMMISSION OF INQUIRY INTO CRIMINALITY, POLITICAL INTERFERENCE AND CORRUPTION IN THE CRIMINAL JUSTICE SYSTEM ARISING FROM THE SPECIFIC ALLEGATIONS MADE PUBLIC BY LIEUTENANT GENERAL NHLANHLA MKHWANAZI ON 6 JULY 2025

WITNESS STATEMENT OF ADVOCATE ELAINE HARRISON

1. I am an adult female and an admitted Advocate in the National Prosecuting Authority (NPA), having been so admitted on 12 September 2003. I am currently holding the position of Director of Public Prosecutions (DPP) in the province of KwaZulu-Natal.
2. I joined the NPA on **01 June 2000** as an Aspirant Prosecutor. I was permanently employed by the NPA on **1 December 2000**. Throughout my career as a public prosecutor, I have held various positions.
3. I was appointed to act as the Director of Public Prosecutions for KwaZulu Natal during **12 May 2019**. At that stage, I was still utilising the surname of "Zungu". I have since thereafter changed my surname and now use my maiden surname "Harrison". As a result, some correspondence or documents still bear the surname of Zungu and others bear the surname of Harrison.
4. I was permanently appointed as the Director of Public Prosecutions for KwaZulu Natal on **1 November 2019**.

5. It is significant to state that as a prosecutor and occupying a position of Director of Public Prosecutions, I have always carried out the constitutional mandate of the National Prosecuting Authority as stipulated in Section 179 of the Constitution of South Africa on behalf of the Public.
6. In respect of KwaZulu-Natal, by virtue of my position and in terms of Section 179(3) of the Constitution read together with Section 24(1) of the National Prosecuting Authority Act 32 of 1998, I have powers and responsibilities as set out hereunder:
 - 6.1 power to institute and conduct criminal proceedings and to carry out functions incidental thereto as contemplated in section 20(3) (of the NPA Act);
 - 6.2 supervise, direct and co-ordinate the work and activities of all Deputy Directors and prosecutors;
 - 6.3 supervise, direct and co-ordinate specific investigations; and
 - 6.4 carry out all duties and perform all functions, and exercise all powers conferred or imposed on or assigned to me or under any law which is in accordance with the provisions of this National Prosecuting Authority Act.
7. I have always exercised the mandate of NPA without fear, favour, or prejudice.

8. As the DPP KwaZulu-Natal, I have considered the Political Killings Task Team **(PKTT)** as an essential and necessary structure for the province of KwaZulu-Natal and the country as a whole. This is so as the Team was precisely aimed at dealing with politically motivated and related crimes that gained momentum, and threatened to destabilise the province and to spiral to other provinces.
9. When I was on leave over December 2024 / January 2025, I heard of social media reports about the disestablishment of the task team. At the time, I thought that this was fake news.
10. Then, after my return to the office in January 2025, I was informed by Advocate Gcaba (the dedicated prosecutor for Task Team matters) that the social media reports may well be true, because the team had been informed by Gen Khumalo only to continue with matters that had already been enrolled or were waiting for decision.
11. At no stage, however, was any formal communication addressed to my office notifying us of the disestablishment of the task team.
12. On 22 May 2025, Lt General Mkhwanazi addressed to me the letter that has been attached to his statement at p 244 of Annexure **MK12**.
13. Lt General Mkhwanazi's letter did not refer to the disestablishment of the task team but rather to the removal of dockets.

14. When I received the letter of Lt General Mkhwanazi, I was frustrated as is reflected in the response that I addressed to him on 10th of June 2025, which has been attached to his statement as Annexure **MK12**.
15. The source of my frustration was:
- 15.1 First, had been was no formal communication to me about the disestablishment of the task team itself other than what I saw on social media.
- 15.2 Second, Lt Gen Mkhwanazi had not addressed the disestablishment of the task team in his letter. He had referred only to the removal of the dockets.
- 15.3 Third, an enormous amount of work had taken place to ensure the necessary co-ordination by providing a dedicated prosecutorial team to address all the challenges that had historically been raised in responding to the work of the task team
- 15.4 Fourth, news of the disestablishment emerged at the time that all of the work that had been put in was clearly bearing fruit and the co-ordination was producing the desired results.
16. These frustrations informed my response to Lt Gen Mkwanzazi, and the annexures that I attached to my letter.
17. The first annexure that I attached was the directive that I issued on 13 June 2019 barely a month after I assumed my position as Acting DPP on 12 May 2019. This directive was my first attempt to co-ordinate processes around the investigation and prosecution of cases relating to political killings.

18. The second annexure that I attached was the letter of Minister Cele of 24 May 2019 that was forwarded to me, outlining the problems caused by a lack of co-ordination. My directive of 13 June 2019 was an attempt to respond to these problems.
19. The third annexure that I attached was a PKTT presentation to a steering committee meeting of 23 August 2019.
20. The fourth annexure that I attached was the integrated strategic plan adopted for task team matters in August 2019.
21. The fifth annexure was a letter from the Minister of Justice and Correctional Services, dated 10 September 2019 asking the Department of Justice and Constitutional Development to find a central court to try all political killing matters in the province and referring to a meeting of 5 August 2019 where the need for such a court was raised. The letter of 10 September 2019 also emphasized the need for co-ordination in the housing of inmates on trial for political killings.
22. All of the annexures to my letter pointed to decisions that were taken in an effort to improve the efficiency of investigation and prosecution of cases relating to political killings and the extraordinary effort that went into trying to improve co-ordination in relation to these cases.
23. The interventions discussed in my letter were introduced in 2019. Prior to Covid, increased efficiencies were already visible. Covid then interrupted matters in 2020 but by 2021, it was clear that the improved co-ordination of

these matters was producing speedier enrolment and finalisation of political murder trials.

24. In this context, the uncertainty relating to the continued existence of the task team and the ongoing failure to clarify the status of the task team was disconcerting.

INVESTIGATIVE AND PROSECUTORIAL METHODOLOGY IMPLEMENTED

25. In my view, the single most important innovation that improved co-ordination and efficiency was to have a single dedicated unit within the KZN NPA with dedicated capacity to handle all political killings cases. In practice this allowed Prosecutor Guided Investigation (PGI) in relation to political murders within one centralised unit that was able to avoid the delays and challenges that had historically plagued the prosecution of these offences.
26. Under the PGI approach, the process followed is / was that every new case brought by the PKTT is registered, perused by the DDPP and is then allocated to one of the prosecutors at **OCC** (Organised Crime Component – the dedicated unit within the NPA for the PKTT matters).
27. Before any new matter is taken to OCC for registration and allocation, the matter is presented at a case progress meeting and as a team, the PKTT and the OCC determine whether any further investigation is required. Once there is satisfaction that most of the investigation has been conducted, the matter is then to be registered at OCC and allocated to a prosecutor.
28. After registration, the prosecutor allocated with the docket peruses the docket and thereafter meets with the investigating officer and they discuss the

remaining investigation which needs to be conducted. This is also noted and agreed upon. As the PKTT has a multi-disciplinary team, the investigations can be finalised at a faster rate e.g. ballistics, cellphone analysis, tracking of suspects and / or accused, profiling etc.

29. Since the disestablishment letter of 31 December 2024, Adv Gcaba who is the DDPP holding the portfolio in the OCC has reported that the PKTT no longer has all these functionaries and this is affecting their investigation turnaround times, resulting in the decisions now being delayed. This is a concern because when the whole process of requesting dedicated capacity was made, the PKTT and the Minister had complained that the prosecutors were taking too long to make decisions and this had then been corrected.

HOW DID THE TEAM FUNCTION AFTER THE DOCKETS WERE REMOVED?

30. After the correspondence dated **22 May 2025** was from Gen Mkhwanazi, I approached Adv Gcaba regarding these cases. He advised that all PKTT cases which were not in court had been taken from them and that the unit was left with the court going cases only. This meant that no prosecutorial guidance on investigations could proceed on cases not in court. Effectively this meant that the prosecutors were dealing only with PKTT cases that were on the court roll.
31. I was further informed that there had also been dockets removed which had J50 warrants issued but which had not yet been executed.
32. After the return of the dockets from Pretoria, a J50 was executed on one of the PKTT cases, and the matter was enrolled. Since the dockets have been

returned, the PKTT and the prosecutors are now working again on guiding the investigations in the case dockets which had been previously taken away.

CONCLUSIONS

33. There was no consultation with me prior to the decision to disestablish the task team. Had I been consulted, I would have strongly motivated against disestablishment. In my view the team was working well and to disestablish it would be both counterproductive and also destructive of vast amounts of work that had gone into shaping the systems and structures that were now working well.
34. I still do not have any official confirmation regarding the disestablishment of the PKTT. The OCC continues to respond to the work of the PKTT as is expected.
35. This statement has been prepared on very short notice and only on the basis of a narrow request
 - 35.1 to respond to the correspondence between me and Lt General Mkhwanazi forming part of Annexure MK12 to his statement, and
 - 35.2 to describe the functioning of the PKTT both before and after the removal and return of the dockets.
36. If it is necessary to address other issues or to provide fuller details, I reserve my right to do so in a further statement.

A handwritten signature in black ink, appearing to be 'ELAINE HARRISON', written over a horizontal line.

ELAINE HARRISON

DATE: 25 SEPTEMBER 2025