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

LEGAL TEAM'S OPENING ADDRESS

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INTRODUCTION

- 1 Perhaps the most appropriate point at which to start is 6 July 2025, when Lt Gen Mkhwanazi, the Provincial Commissioner of Police in KwaZulu-Natal, convened a highly significant media briefing which directly prompted the President, His Excellency Cyril Ramaphosa, to establish this Commission of Inquiry.
- 2 Serious allegations of corruption, political interference and criminal infiltration within law enforcement and justice institutions—raised by Lt Gen Mkhwanazi—will be examined openly and impartially. This statement outlines, in broad terms, the investigation’s purpose, legal framework, approach to evidence, a summary of the allegations made public at the media briefing and a broad overview of certain significant events in the form of a timeline to orientate the Commissioners and the public (and related allegations), the planned phases of the Commission’s work and the key issues for consideration.
- 3 The President tasked the Commission with investigating whether there has been political interference and infiltration by organised crime syndicates in the South African Criminal Justice System. The Commission is to recommend actions for prosecutions, disciplinary actions and institutional reform if such interference, infiltration or corruption is found to exist.
- 4 In order to fully comprehend the allegations made by Lt Gen Mkhwanazi, one needs to have an appreciation for the three pillars of the South African Criminal Justice System. These are the Police (including all other law enforcement agencies such as the Metro Police), the Courts and Corrections. These pillars work together to prevent crime, investigate offences, prosecute offenders, and administer punishment within the system.

- 4.1 Police: The South African Police Service (**SAPS**) is responsible for preventing and investigating crime, as well as arresting suspects.
 - 4.2 Courts: This includes the National Prosecuting Authority (**NPA**), which decides whether to prosecute and is responsible for criminal prosecutions, and the Judiciary (judges and magistrates), who preside over court proceedings, determine guilt or innocence, and issue sentences.
 - 4.3 Corrections: The Department of Correctional Services (**DCS**) is responsible for managing correctional centres and community correctional supervision, focusing on the secure, safe, and humane custody and rehabilitation of offenders.
- 5 Infiltration of any of these pillars would enable criminality and cause systemic rot with severe consequences for justice and society.
- 6 On 6 July, Lt Gen Mkhwanazi alleged political interference, corruption and criminal infiltration within law enforcement, the Judiciary, Parliament and the Executive and, in particular, that:
- 6.1 The Minister of Police allegedly interfered with sensitive police investigations and colluded with business people, including a murder accused, to disband the Political Killings Task Team (**PKTT**) based in KwaZulu-Natal.
 - 6.2 A Gauteng task team investigation uncovered a syndicate run by a drug cartel involving politicians, law enforcement, prosecutors, judiciary members and business people.
- 7 These allegations could damage public trust, if true, or indicate poor confidence among police leadership, if false. The Commission was created to thoroughly and independently investigate these claims.

LEGAL FRAMEWORK

- 8 This Commission of Inquiry was established by the President on 23 July 2025. The Terms of Reference (**TOR**) define both the scope of the Commission's investigation and the powers at its disposal. The Commission is mandated to examine whether criminal syndicates (including, but not limited to, drug cartels) have infiltrated or exerted undue influence over key institutions of the criminal justice system, including:
 - 8.1 the SAPS – including specialised units such as the Political Killings Task Team and Crime Intelligence;
 - 8.2 Metropolitan Police Departments in Gauteng, specifically Johannesburg, Ekurhuleni and Tshwane Metro Police;
 - 8.3 the NPA;
 - 8.4 the State Security Agency (**SSA**);
 - 8.5 the Judiciary, including the Magistracy and court administration;
 - 8.6 the Department of Correctional Services;
 - 8.7 any members of the Executive; and
 - 8.8 any other institution or organ of state within the criminal justice system.
- 9 The Commission will examine the extent of criminal influence in each sector, including organised crime activities, interference with investigations, intimidation, corruption of law enforcement and other offences. The Commission will also examine the role of any members of

the Executive, Parliament, the Judiciary and senior officials within the criminal justice system who may have aided or abetted such criminal activities, failed to act on credible warnings, or benefited from criminal syndicates' operations. Furthermore, the Commission will look at the effectiveness (or failures) of oversight mechanisms and the adequacy of current laws and institutional arrangements in preventing and combatting such infiltration, political interference and corruption.

- 10 The TOR require the Commission to make findings and recommend actions. If wrongdoing is found, the Commission will suggest that criminal charges be considered, disciplinary actions be taken and also that institutional reforms be implemented where shortcomings are found to exist. If credible evidence implicates current officials, the Commission may also recommend their suspensions pending investigation.
- 11 In summary, this Inquiry has broad authority to investigate corruption in the criminal justice system. The Commission will fulfil its mandate independently, fairly and rigorously.
- 12 In terms of s 5 of South Africa's Commissions Act 8 of 1947, it is a criminal offence to obstruct the work of a commission of inquiry.
- 13 In this regard, any person who wilfully hinders or obstructs a commission in the performance of its functions shall be guilty of an offence and would be liable upon conviction, to a fine, imprisonment for up to six months, or both. This provision serves to protect the integrity of the investigative process and ensure that commissions, established to probe matters of public concern, can perform their duties without unlawful interference.

THE APPROACH TO EVIDENCE

- 14 As stated, the starting point must be the allegations made by Lt Gen Mkhwanazi at the 6 July media briefing. However, this investigation assumes no facts and does not depart from the premise that the allegations made by Lt Gen Mkhwanazi are true. Any findings made by the Commission must and will be based on evidence.
- 15 When the Commission investigates an issue, the legal team remains impartial and will not presume a particular outcome. Witnesses may offer varying or conflicting accounts of events. The Commission's role is to examine and explore all relevant versions and material. As will be explained when dealing with the plan of how the evidence is going to be dealt with, the **first phase** of the Commission will involve witnesses giving testimony on allegations made by Lt Gen Mkhwanazi.
- 16 It is essential to clarify that the Commission does not function as a court of law. The Commission is not conducting a criminal trial of specific individuals, nor is it bound by the procedural and evidentiary rules that govern judicial proceedings. Rather, this Commission operates in an inquisitorial capacity: its primary objective is to uncover facts and establish an accurate record of events, thereby enabling informed recommendations.
- 17 Throughout this process, the Commission will uphold the principles of natural justice and fairness for all parties. The Commission and its evidence-leading team approach these responsibilities without any preconceived agenda, other than the pursuit of truth. It does not advocate for any particular side, and will allow the evidence to guide the inquiry's direction. Should the evidence ultimately prove the accuracy of certain allegations, the Commission will make such findings transparently and accordingly identify and report those responsible.

Conversely, if the evidence does not substantiate the allegations, the Commission will equally make such findings accordingly.

- 18 The Commission's mandate is to establish the facts; not to prosecute. Nonetheless, its fact-finding will be rigorous and thorough, so that, where appropriate, prosecutions or other corrective measures may follow.
- 19 These hearings are, as a default, open to the public and media. The Commission's work is being conducted in the public eye to ensure transparency and to promote public confidence in the process. It recognises that South Africans have a keen interest in whether the allegations made by Lt Gen Mkhwanazi are true. The Commission is committed to keeping the process as open as possible. The only exceptions will be when *in camera* sessions are necessary for protection of individuals or sensitive information, especially given the nature of the investigation which necessarily implicates matters of state security, intelligence and crime detection and prevention. The Commissioners will ultimately decide what testimony and material will not be available to the public. These decisions will be on a case-by-case basis.
- 20 The Commission's approach, in summary, will be to conduct an open, careful, fair and thorough inquiry. It intends to create a full record of what has transpired, test the allegations against the evidence, and do so in a manner that upholds the rights and dignity of all concerned. This approach aligns with the public expectations and the rule of law.

TIMELINE OF CRITICAL EVENTS

- 21 At the heart of Lt Gen Mkhwanazi's allegations is the PKTT's abrupt disbandment by the Minister of Police, Minister Senzo Mchunu and the 121 dockets that were taken from the Task Team.

- 22 For context, and to give the Commissioners and the public a broad overview of the significance of Lt Gen Mkhwanazi's allegations and events thereafter, a timeline infographic of some of the significant events that you will hear about throughout these hearings has been prepared. The timeline is set out on page 14.
- 23 The Commissioners will hear evidence about all of these events. Some which do not appear on the timelines predate the formation of the PKTT. In fact, as you will hear from Lt Gen Mkhwanazi, his experience with alleged political interference starts from as early as 2011 when he was the Acting National Commissioner.
- 24 The revelations of 6 July 2025, especially coming from a sitting Provincial Police Commissioner, are of significant importance. They strike at the heart of the rule of law and national security in South Africa and the importance of investigating urgently, is self-evident.

THE PLAN

- 25 Given the breadth and complexity of issues at hand, the Commission will conduct its inquiry in **three** general phases. This phased approach is designed to ensure an orderly and fair process and each phase has various stages, the full details of which will not be addressed in this address, but at the relevant stages of the inquiry.

Phase One

- 26 Phase One was briefly touched on earlier. Elaborating on this phase, the Commission will begin by hearing comprehensive testimony from Lt Gen Mkhwanazi himself, as the originator of the allegations. Lt Gen Mkhwanazi will be asked to detail all of his allegations in full, to present any evidence he has in his possession (documents, communications, reports, etc), and to name the individuals and institutions involved, under oath and on record, subject of course to matters of

safety that may necessitate an application for some sensitive or confidential information that might compromise on-going investigations, to be heard *in camera*.

27 Essentially, this phase is about formally placing the “untested allegations” before the Commission. Until now, we have heard these claims via the media interviews, disclosure at the Parliamentary Portfolio Committee on Policing and the media briefing. Lt Gen Mkhwanazi will outline them in this official forum, allowing the Commission to probe his account. The evidence leaders and the Commission will have the opportunity to question him and to clarify and test, among other things, the timeline and specifics of each claim. This phase ensures the proper understanding of the exact nature of the accusations, their scope, how Lt Gen Mkhwanazi came to know of them, what internal steps (if any) he took before going public, and what supporting evidence can be tendered at this stage. This phase, put simply, sets the foundation for the entire inquiry.

28 The Commission will also hear evidence from witnesses who corroborate the allegations made by Lt Gen Mkhwanazi. These witnesses include, but are not limited to, National Commissioner General Masemola; members of the PKTT, detectives involved in the investigations, prosecutors and various experts.

Phase Two

29 In Phase Two, the Commission will proceed to rigorously test the evidence and, where applicable, assess rebuttals to the allegations presented in Phase One. Individuals and institutional representatives implicated by Lt Gen Mkhwanazi’s statements and evidence—including, for instance, **the suspended Minister of Police**—will be invited or, if necessary, compelled to appear before the Commission and provide testimony.

- 30 This phase is dedicated to objectively examining the allegations and allowing those named a fair opportunity to offer their explanations or refute the claims made against them. Each will be called upon to address the specific matters relevant to their conduct. The Commission will carefully evaluate the evidence submitted by these parties; whether to justify their actions or challenge the assertions made. Evidence leaders will subject all accounts to thorough scrutiny, cross-referencing them with the testimony from Phase One as well as any independent material the Commission has obtained.
- 31 This phase is critical for fairness: it ensures that those implicated are heard and that the Commission does not rely solely on one side of the story. It is effectively a process of confronting the allegations and seeing whether the initial claims bear scrutiny.

Phase Three

- 32 In the third and final phase of the hearings, the Commission will once again hear from Lt Gen Mkhwanazi, as well as any other key witnesses, to address the perspectives and counter-allegations presented by those implicated during the preceding phase. This phase will provide Lt Gen Mkhwanazi the opportunity to respond directly to any conflicting accounts, clarify points of contention and, where necessary, offer additional evidence or context. Should there be aspects where he recognises errors or omissions, this will be the appropriate juncture for such acknowledgements.
- 33 The primary objective of Phase Three is to ensure comprehensive examination and resolution of any outstanding factual disputes. It serves as a “right of reply” for Lt Gen Mkhwanazi, particularly if his credibility or version of events has been challenged. Additionally, should new witnesses or evidence emerge during Phase Two that warrant further scrutiny, the Commission will address them in this concluding phase.

- 34 By close of Phase Three, the evidence leaders aim to provide the Commission with a full and balanced evidentiary record, having duly considered all perspectives and resolved outstanding questions as far as possible.
- 35 Throughout all phases, the Commission will remain adaptable, following investigative leads as they arise. While the phased approach is intended as a structural guide, it is not inflexible; for example, should Phase Two reveal the necessity for additional expert testimony or in-depth review of particular case files, the Commission will make the appropriate accommodations to ensure thoroughness and fairness.
- 36 After the conclusion of evidentiary hearings, the Commission may invite final written submissions from interested parties or their legal representatives, offering them the opportunity to highlight specific evidence or legal arguments for consideration. The overarching objective is to facilitate a fair, exhaustive and impartial inquiry, ensuring that every material aspect is addressed prior to the final drafting of findings and recommendations.

FINDINGS, REPORTS AND RECOMMENDATIONS

- 37 At the conclusion of its investigative hearings and the detailed analysis of evidence, the Commission is mandated to produce formal reports of its findings and recommendations. In accordance with the established legal framework, the Commission is required to present an interim report at the three-month mark and a final report upon the completion of six months, both of which are to be submitted to the President.
- 38 The interim report shall be delivered prior to the conclusion of all hearings. Its function is to provide a comprehensive update on the progress of the Commission's work, including any preliminary findings that may be made at that stage and initial recommendations. The TOR

stipulate that each report—interim and final—must include actionable recommendations that can be implemented without delay.

- 39 No findings have been reached at this stage. As the hearings commence, the Commission proceeds without any predetermined conclusions. The matters before it remain allegations and have yet to be substantiated. The eventual determinations will be made solely on the basis of evidence rigorously tested and critically analysed throughout this inquiry. The Commission undertakes its responsibilities with impartiality, neither presuming the accuracy of Lt Gen Mkhwanazi's statements nor presupposing the involvement of any individuals that may be implicated. Such decisions will be arrived at only after the comprehensive evaluation of all evidence by the Commissioners.
- 40 The Commission wishes to encourage all individuals who possess information pertinent to this Commission—whether members of law enforcement, holders of public office, or private citizens—to come forward. The Commission has established secure channels to enable whistle-blowers and potential witnesses to convey relevant information. Furthermore, the Commission appeals to those summoned as witnesses to approach this process with integrity and a commitment to the national interest. This inquiry does not constitute a witch-hunt but rather a pursuit of the truth. The Commission shall treat all witnesses fairly and respectfully and, in return, it requests their candour and good faith.
- 41 It is important to acknowledge both the limited timeframe and the substantial scope of the inquiry. The Commission has been afforded only a few months to address matters of considerable complexity and significance. It is cognisant of concerns regarding the feasibility of conducting such a broad investigation within a six-month period. The Commission does not underestimate the magnitude of the challenge; nonetheless, it remains resolute in its intention to meet all deadlines without compromising the thoroughness and integrity of its work.

CONCLUSION

42 With all of this being said, the evidence leading team is ready to present the first witness,
Lt Gen Nhlanhla Sibusiso Mkhwanazi.

Thank you, Commissioners.

TIMELINE

