

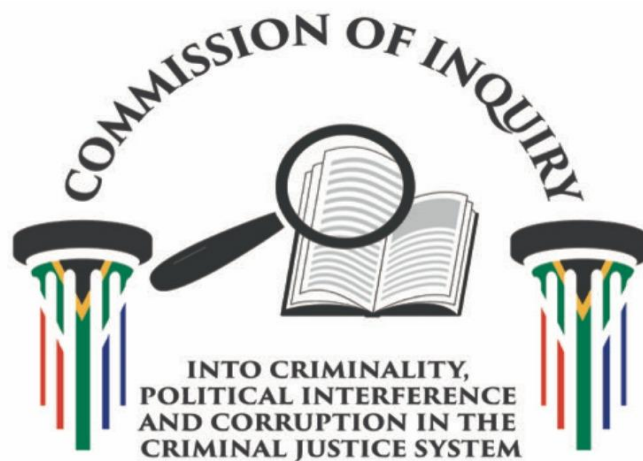
**MADLANGA COMMISSION OF INQUIRY INTO THE CRIMINAL
JUSTICE SYSTEM**

HELD AT

BRIDGET MABANDLA JUSTICE COLLEGE

18 SEPTEMBER 2025

DAY 2



PROCEEDINGS ON 18 SEPTEMBER 2025

CHAIRPERSON: Adv Sello, just one minor housekeeping matter.

ADV SELLO SC: Yes, Chair.

CHAIRPERSON: We called, if I am not mistaken, or rather we labelled the two volumes. Did we say MK1 and MK2?

ADV SELLO SC: We had said both are MK1.

CHAIRPERSON: Both are MK1?

ADV SELLO SC: Yes.

10 **CHAIRPERSON:** I just thought we have an annexure that is MK1 inside. So I am just thinking maybe for all the volumes that we are going to have, let us use the surnames of the witnesses.

ADV SELLO SC: Okay.

CHAIRPERSON: So let us just call this one Mkhwanazi 1.

ADV SELLO SC: So technically it will be Volume 1, then Volume 1 equals General Mkhwanazi, and then Volume 2 will be for the next witness.

20 **CHAIRPERSON:** Did you not say we call it 1, both of them, or what?

ADV SELLO SC: No, I am saying that Volume 2 will be picked up by the following witness.

CHAIRPERSON: All right.

ADV SELLO SC: So Volume 1, regardless of the number of arch-liver files that make up the volume, that constitutes

Volume 1, General Mkhwanazi.

CHAIRPERSON: I think it does not matter if we have Volume 1 in respect of each witness. So this one is just Mkhwanazi 1.

ADV SELLO SC: Okay.

CHAIRPERSON: Another one down the line may be Masemola 1. So we can have a hundred 1s as long as we identify each one of them by surname.

ADV SELLO SC: By surname.

10 **CHAIRPERSON**: We will not get lost.

ADV SELLO SC: We hope not to, once the volume increases, but for the moment we will follow that approach. We will not get lost, no. Thank you very much.

ADV SELLO SC: Thank you, Chair.

CHAIRPERSON: Good morning, General. You are still under oath. Thank you.

NHLANHLA SIBUSISO MKHWANAZI: (still under oath)

EXAMINATION BY ADV SELLO SC (CONTINUES): Thank you, Chair. Good morning, General.

20 **LT GEN MKHWANAZI**: Good morning, Commissioner.

ADV SELLO SC: General, when we parted yesterday, Commissioner Khumalo had posed a question to us regarding some aspects that we had already covered, and you recall that we undertook to answer that question when we start today before we continue with your testimony, and I

propose that we do so now. And Commissioner Khumalo will correct me if I misquote him, but – sorry, I got distracted. The gentleman behind me keeps talking, so it is distracting. If I understood his question correctly, Commissioner Khumalo wanted to understand in respect to the 121 dockets, and I guess for lack of a better phrase, the ownership of those dockets, he wanted to understand whether the dockets that we reference as Eastern Cape dockets are owned by the task team or they are owned by, let us say, the Eastern Cape Police Service, if I understood the question.

CHAIRPERSON: I understood the question differently, but let me let my colleague ...[intervenes].

ADV SELLO SC: Thank you.

ADV KHUMALO SC: Thank you, Chair. The first question – good morning, General Mkhwanazi.

LT GEN MKHWANAZI: Good morning, Commissioner.

ADV KHUMALO SC: Yes. You will recall that – and then maybe while we are at it, Adv Sello, we should just clarify the letter from the Minister containing the directive to disband the task team.

ADV SELLO SC: Yes.

ADV KHUMALO SC: We kept referring to it as the 2 January 2025 letter. It is in fact dated 31 December.

ADV SELLO SC: Indeed, Commissioner, it is the 31st of

December.

ADV KHUMALO SC: Yes.

ADV SELLO SC: 2 January is when he learned of it.

ADV KHUMALO SC: When General Mkhwanazi first learned of the letter.

ADV SELLO SC: Indeed.

ADV KHUMALO SC: Yes. And what I tried to understand or establish, General Mkhwanazi, is your understanding of the instruction to disband the task team and what became of
10 the task team? In other words, the members of the task team subsequent to the instruction to disband it, did they all go back to their stations or to their provinces? What became after you became aware of the instruction?

LT GEN MKHWANAZI: Thank you, Commissioner. Commissioner, as I said yesterday that the instruction was not officially given to me. It would have been sent to the National Commissioner. The National Commissioner did not communicate anything to me, but what I know of is that the team continued working. It never stopped. However, the
20 numbers of members that were deployed in the team were reduced. Now, the reason of the perhaps reduction of the total number of personnel deployed might have been influenced by the budget. Might have been influenced by the budget, but I guess the National Commissioner is in a better position to explain what led into the reduction in

terms of the number of personnel. So there is quite a lot of police officers that withdrew and went back to their stations, whereas others remained.

ADV KHUMALO SC: So if I understand you correctly, until there was official communication to you from the National Commissioner, you did not take steps to disband the task team?

LT GEN MKHWANAZI: That is correct. I did not take steps to disband the task team to date.

10 **ADV KHUMALO SC:** Okay.

ADV SELLO SC: And perhaps then, and thank you for the clarification, it is an aspect that we were going to cover. Might as well then complete it to give a sense of the timeline. As we understand things, the letter is dated the 31st of December 2024 and it is dispatched to the office of General Masemola as the National Commissioner on the same date. The General becomes aware of it on the 2nd of January. He thereafter contacted General Masemola, and General Masemola indicated that he did not participate or
20 contribute to that letter, and that in fact he had been away until the 14th of January. In the interim, a letter is dispatched by General Sibiya that we referred to of the 4th of February 2025. And we dealt with this letter, there are two of them, the 4th of February 2025 and then one for the 24th of April 2025.

In that period, there were engagements, as the witness testified, regarding the possibility of possibly reversing the decision. In the meantime, the work continues, and up until April the task team still has its files. You will recall that the witness indicated yesterday that for this period, they were approved three months of budget, and that was to run in this unclear time until recently when the budget for the entire year was approved. I am not going to testify and answer whether it existed, and I would like to
10 park it there because we are going to lead into other evidence where we demonstrate the confusion that then reigned as to whether the task team is in existence or is the task team not in existence.

You will recall in his evidence yesterday General Mkhwanazi indicated that from his perspective, he did not believe the Minister had the authority to disband. So everything is up in the air, but I think by lunchtime we will have successfully demonstrated what confusion reigned and whether or not it was disbanded, I believe at the end of the
20 day becomes a legal question for us to argue. Thank you. Maybe if I check with the Commissioners, last night in our preparation we had understood that perhaps we rushed through the question of the dockets, and I do not know if you would like us to recap on that before we move to the next point.

CHAIRPERSON: We are in your hands.

ADV SELLO SC: Okay.

CHAIRPERSON: You know best what you want to do and what you want to achieve.

ADV SELLO SC: It would be for your benefit, but it is important that I think that the Commissioners understand the whole issue of dockets, the impact of the removal of dockets, which in turn feeds into the very question that Commissioner Khumalo has posed, the latter being the
10 bigger question. For this purpose, I would like to project what was put up during...

CHAIRPERSON: Yesterday I complained privately, of course, about the fact that my Co-Commissioners do not have these monitors. I do have one in front of me. My Co-Commissioners should have those as well. They should not be expected to turn and look across there.

ADV SELLO SC: Indeed. And we do this on the assumption ...[intervenes].

CHAIRPERSON: May I plead with the Secretary that this
20 should be attended to? Of course, I did not talk to you, Commission Secretary, so I am not blaming you. Thank you.

ADV SELLO SC: Thank you, Chair. I am sorry I did not check. Following discussion after the first hearing, the assumption was that the equipment has since been provided

and therefore they will have, and I do apologise that we are here, but I think this is the only slide that we will have to project for today. Yes. Thank you, Chair. And I was giving the Chair the assurance that I think it is the only slide that we would have to project. The next one would be tomorrow, and I hope the problem would be resolved by tomorrow.

General, if I may ask you to refer to your statement in Volume 1, and in particular to paragraph 87. We dealt with the contents of paragraph 87 yesterday, and there you give
10 a breakdown of the documents as you classify them. 90 parallel cases, and you talk of ad hoc cases, University of Fort Hare, and traditional leaders' investigations. Yesterday, when the chief evidence leader made his opening address, he put up this slide. And on this slide, he indicated, he made a point under the date of the 26th of March 2025, that on that date 118 documents were handed over on the instruction of General Sibiya. And on the 10th of April an additional three were handed over, and bringing the total to 121.

20 So, I want us to start the conversation from there and you explain in the context of what is on the screen, whether or not those – what is happening there? Why we ended up handing them over in two batches? And what is the “ownership” of what you term the Eastern Cape dockets? Thank you.

LT GEN MKHWANAZI: Thank you, Commissioner. It is a limitation from me to explain in details as to the movement of these dockets to the head office because I was not the one that moved them. I believe that the investigating team who handed the dockets to the head office will perhaps come before the Commission so that they can explain their whole process that they followed, including the scanning of the document prior to handing over, and the audit that they conducted when they received them, going back. My
10 involvement, Commissioners, is when I first received a briefing in May, that the dockets are already in Pretoria.

And the briefing I received, which I referred to in my statement, is that 121 dockets are in Pretoria. So, it was not necessary to explain that they went in batches. So, it was said 121 dockets are already in Pretoria and when I asked as to who directed that, and the response was, from Colonel Matlou was that General Khumalo is the one who ordered that those dockets must come out. So the people that facilitated that move, I think they are better positioned
20 to explain. My involvement only is limited to the briefing I get, and the enquiry I started making thereafter.

ADV SELLO SC: [Indistinct].

CHAIRPERSON: Your microphone is off.

ADV SELLO SC: I apologise. I apologise. Thank you for that clarification, and your limitations are appreciated.

Perhaps then we could turn to the question of the Eastern Cape dockets. We tend to refer to them as the Eastern Cape dockets. We appreciated from the evidence yesterday that the mandate of the task team was extended by the President to include investigations into the Fort Hare killings. Am I correct?

LT GEN MKHWANAZI: That is correct.

ADV SELLO SC: So, can you at least explain to the Commission, insofar as the task team is concerned, what is
10 the status of the Eastern Cape dockets? Are they the task team dockets, quote unquote, or what is the real situation there?

LT GEN MKHWANAZI: As I explained again yesterday, Commissioner, in terms of the ownership of a case docket, it is a police station where the docket was registered. So, in this instance, those dockets belong to police stations in the Eastern Cape. Therefore, they fall under the jurisdiction of the Provincial Commissioner of the Eastern Cape. However, because there is a directive that a team
20 must conduct that investigation, which means, therefore, the team have to account for those dockets, they go to the police station, they take over those dockets and they conduct investigation, but they must update a system which is accounted for at the police station because the performance of the docket has to be reflected at the police

station, regardless of where the docket is.

So the team, they are responsible for the docket for the period of investigation. Until investigation is complete, then they give the docket back. So, in terms of the role that the team then plays in this regard, it is a temporal ownership of the docket in as far as the work they are busy doing. But as soon as they complete their work, then they transfer the docket back so that it gets to be filed, and it is accounted for at that particular station.

10 **ADV SELLO SC:** Thank you. Now, on the return of these dockets, you deal with that at paragraph 141 and 142 of your statement. You referenced yesterday an analysis that was conducted on those dockets when they were received back from head office. Can you briefly take us through the process of what subsequently became your understanding of what the team did with the dockets prior to handing them over, and the analysis that was conducted when they were returned?

20 **LT GEN MKHWANAZI:** Commissioner, as I indicated, the movement of the docket to Pretoria did not involve me. But through my enquiry from the team, I was informed that they had scanned every single docket before handing it over, so that they keep record of the status of those dockets when they handed them over. I get involved when the docket has to come back to KZN. And my involvement started with a

meeting, a meeting that was held between myself, the Acting Divisional Commissioner of Detective Services, as well as General Khumalo, and my deputy, Provincial Commissioner Acting Maj-Gen ...[indistinct].

So we had a meeting, all of us, where we discussed how we are going to handle the process of receiving the dockets back. So from that meeting, the agreement that we reached is what we did thereafter, which was to have the very same team responsible from the Political Killings Task Team to hand over the docket, those that has a database of the status of the docket as they handed them over, to come over to Pretoria and meet up with Detective Services, who are in position of those dockets, and go through every single page of the dockets, meaning auditing the status of the docket as they are still in Pretoria, versus the status of the docket as per the scanned copies that they had in their position, just to cross-reference, to check whether is everything still as it was when it was handed over. So that is a procedure, a process that was followed thereafter, and upon agreement, then the dockets were signed off back to the task team in the same form as they were handed over.

ADV SELLO SC: And would it be correct for the Commission to understand that a full audit then was conducted on those dockets, and that there could potentially be a report, an audit report available regarding

the matters you have just addressed?

LT GEN MKHWANAZI: That is correct, Commissioner. A full audit was conducted. Commissioners are going to pay attention, you are going to see later when the audit report is produced, that is going to perhaps, as the team are discussing between the head office and the task team, that the number of dockets differs. It differs in the sense that it is not 121, but is 123. The counting rules of the task team is that when they have a case that involves, which is a
10 priority as per the criteria, typical example, a political leader was killed, a case is registered. And through the investigation they pick up that there is another docket that is linked to perhaps the suspect or the weapon that was used, it becomes a parallel case.

So they take that docket and they merge it with the main one. So it becomes a sub-docket to the main docket. So when the team counts, they count the main docket, they do not count the second one because it is a parallel investigation. It might be finalised and they achieve
20 success on it, take it to court and finalise, but the counting rule is that they count the main docket that was a main focus area. So when the team handed over, there were two of the parallel cases that were attached to the main dockets. So when the team spoke about handing over the docket, they talk about 121. But when the audit is done and

the head office team did not understand the counting rules, they then said but there is additional two dockets that are inside other dockets, which therefore means there must be additional two, which makes the number to be 123.

So there was a discussion and explanation between the team that our counting rules, we count the main docket, we do not count the second one. But when they were scanned to be handed over to the head office, even the sub-dockets were scanned. So everything was as it was
10 handed. So the report will reflect that. I thought I must bring that to the fore so that there is no confusion, but an audit was conducted and finalised and the report was produced as such.

ADV SELLO SC: Thank you. Thank you, General. At paragraph 141 you draw the conclusion based on the analysis that the team conducted and reported to you on that no investigations were done on any of the dockets. Do you see that?

LT GEN MKHWANAZI: Yes, I see.

20 **ADV SELLO SC:** At paragraph 141. At paragraph 142 you give examples, an example of the extent to which there was a complete failure to advance any of the dockets from the time they were taken until they were returned. Could you speak to what is in 142?

LT GEN MKHWANAZI: Commissioners, what I am trying to

reflect here is that as a police officer who knows about the criminal investigations, once a case docket has got an instruction from court to arrest a suspect, and such an instruction must be carried out with speed. Now, for the period when these dockets were handed over to the head office, there were five of those dockets that had instruction to arrest suspects.

Now, because the instruction came before the execution of those arrests, those dockets sat amongst the
10 total dockets in the head office and those arrests were not affected. What is more troubling about this is that the head office detective services had conducted some inspection on these dockets, as I indicated yesterday. In that inspection, they will have seen, and they even confirmed some of them through the entries that they made, that the investigation is complete on the docket and suspects should be arrested. The least that they could have done is to take the dockets and go and look for that suspect and arrest the suspect. The reason why it was not done, I would not know. They
20 were in a better position to explain.

But I believe perhaps it could be that they were not familiar with the case, the content of the docket itself. So it was going to be difficult for them to execute an arrest on something that they do not necessarily know, based on instruction of the Prosecutor, because the dockets, some of

them are in volumes and there is quite a lot of information inside those dockets. So the five that had instruction, those instructions were not carried out. That was an easy thing to prove that there was work done on those dockets. But as the team were auditing it, they could realise that the investigation work was not done on the dockets.

CHAIRPERSON: I think you have clarified there something I wanted to get clarity on. You referred to an instruction to arrest coming from the court, and I wanted to just get clarity
10 on that because I cannot see a court giving that kind of instruction. But later as you went on in your testimony, you referred to a Prosecutor. So did you mean an instruction from a Prosecutor to arrest?

LT GEN MKHWANAZI: When we talk court in our language, Commissioner, we combine both the NPA and the Judiciary. So when we say the docket has gone to court in our language, when we say the docket has gone to court, it does not necessarily mean it has been placed on the roll, it means it is gone to the Prosecutor. So the Prosecutor
20 works on it, and then the Prosecutor decides to place it on the roll. But in our language, we talk about dockets to court, dockets from court. That is our terminology.

CHAIRPERSON: And indeed, in previous years, Prosecutors were closely connected to courts and were even housed in court buildings. So maybe that is something

historical, but you clarified it. Thank you very much, General.

LT GEN MKHWANAZI: Thank you, sir.

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

And you were dealing then with your paragraph 142. Once in 143, I think it is a point you raised yesterday that in this intervening period, you were receiving enquiries from families, concerned members who want to know what is happening with the investigations. That then leads us to
10 the start of today, which is at paragraph 144. We are now at page 49, and I would like you to read paragraph 144 into the record and you refer to an annexure in that paragraph. We will thereafter move into the annexure that you referenced because there is significant work to be done, to work through in that annexure. Thank you.

LT GEN MKHWANAZI: Thank you, Commissioner.

Commissioner, paragraph 144 in my statement reads:

20 'The immediate and adverse impact of the dissolution of the task team cannot be overstated. This is amply and succinctly set out by the Direction of Public Prosecution, Adv E Harrison, in her letter that was written to me on the 10th of June 2025. Adv Harrison points out that the benefit of case

coordination efforts under the auspice of the task team, of which the NPA is a part, which have led to numerous successful prosecutions, will be lost as individual dockets will have to be returned to their respective areas where the crimes were committed. On the happening of such eventuality, the dedicated prosecutorial team, which
10 had been established by the NPA, will have no further role to play and will have to be dissolved. I annex hereto marked MK12 a copy of this letter.”

ADV SELLO SC: Thank you, General. Commissioners, that letter starts at page 194, MK12. And also, General, if you could turn to that Annexure at 194. Thank you, Chair. Perhaps I should warn that this is going to be the main annexure we work with, but as we deal with the issues reflected in this letter, which are many and varied, we will
20 be cross-referring to other annexures. So I hope it does not cause confusion because we keep our finger on this annexure as we go into another until we move on. So we never close the page on this. For the record, if you go to page 198, General, there is one small paragraph there, a signature above a name and a date. Could you read the

name, designation and the date as appear on page 198?

LT GEN MKHWANAZI: Adv E Harrison, Direction of Public Prosecution, KwaZulu-Natal. Dated 10th of June 2025.

ADV SELLO SC: Thank you. If we start then at the beginning of that letter at page 195, Adv Harrison starts her letter by stating the following:

“Your correspondence dated 22 May 2025, refers. The contents thereof are noted.”

10 Do you confirm that you communicated with Adv Harrison on 22nd of May 2025?

LT GEN MKHWANAZI: That is correct, Commissioners.

ADV SELLO SC: Commissioners, that particular letter is not an independent annexure for General Mkhwanazi. It is part of annexures that Adv Harrison has annexed. We can find that letter at page 244. In order to – have you found the letter, General? 244, thank you.

LT GEN MKHWANAZI: Yes, I have.

ADV SELLO SC: In order to appreciate then the response
20 that follows in Adv Harrison's letter, your letter is very short, could you please read your letter into the record and we understand what issues you addressed with her that invites a response, this lengthy response she is about to give.

LT GEN MKHWANAZI: Commissioner, on the date, on the

22nd, on the 22nd I wrote a letter, 22nd of May, I wrote a letter addressed to the Direction of Public Prosecution with the heading Political Task Team Prosecution Guided Investigation Failure to Execute the J50 Warrants. In the letter, first paragraph reads:

10 “This office wishes to apologise for the failure in executing the J50 warrants in dockets amongst 121 case dockets that this office has discovered to have been delivered to Pretoria due to a telephonic instruction received by the Political Task Team leader. It is an unfortunate situation that this office became alerted to on the 20th of May in a docket accountable session to the fact that all prosecution guided since 2025-03-26 has not been addressed. This office assures the Office of the Direction of Public Prosecution that the
20 whereabouts of the dockets is being investigated and the findings will be brought to your attention.”

ADV SELLO SC: And the date you reference in that letter of 20 May 2025 is the date on which you learned officially in a meeting that the dockets, in fact you learned not officially,

you first learned that the dockets had been removed from KZN.

LT GEN MKHWANAZI: I became aware on the 20th of May and I wrote this letter to the Direction of Public Prosecution on the 22nd.

ADV SELLO SC: Okay. Now let us get back to our page 195, which is Adv Harrison's actual letter. I would like you to read the second paragraph that starts with kindly take note into the record and we understand what Adv Harrison
10 is communicating to you in response to your letter that we just spoke about.

LT GEN MKHWANAZI: On the response from Adv Harrison, the paragraph reads as follows:

20 “Kindly take note that the purpose of this correspondence is related to the issue of whether the Political Task Team continues to exist. There have been a number of media reports whereby it has been noted that the Political Task Team has been disbanded. There has been no formal communication to the Office of the National Direction of Public Prosecution as well as my office on this issue. It is of concern that this

office remains unsure of what the correct position is regarding the existence of this team. A Ms Mary de Haas has been very vocal regarding the disbandment of the task team and the fact that it continues to operate. My office has had to indicate to her that I have received no formal correspondence regarding this disbandment. Despite this response, the concern continues to be a problem.”

ADV SELLO SC: Thank you, General. If we can then sum up. We know from your evidence yesterday that you as the Provincial Commissioner and the head of the Political Killings Task Team never received any formal communication regarding the decision to disband it. Am I correct?

LT GEN MKHWANAZI: That is correct, Commissioner.

20 **ADV SELLO SC:** And we learn from now Adv Harrison, from the KZN DPP, that neither was the National Direction of Public Prosecution informed and that she confirms she too, as the head of the KZN DPP, was not informed.

LT GEN MKHWANAZI: That is correct, Commissioner.

ADV SELLO SC: She then, at the third paragraph, informs

you of how she has dealt with the matter and I would like you to read that into the record.

LT GEN MKHWANAZI:

10 “I engaged Adv Xaba regarding the content of your abovementioned correspondence. He has confirmed that members were sent to his office to collect the dockets. My office cannot ignore an instruction when members are sent to collect dockets, as same is the property of SAPS. Upon enquiry regarding the existence of the task team, there was no clear response except that he noted that members of the task team have indicated to him that they will finalise the outstanding cases on the court roll. This is the only information that my office has regarding the issue.”

20 And if perhaps we go over leaf and we read the first paragraph.

LT GEN MKHWANAZI:

“In 2026 there will be local government elections. We are aware that all elections are preceded by violent

political activity. This consists of murder, attempted murder, assault, *crimen injuria*, malicious injury to property, et cetera, being committed. The modus operandi differs in that it may involve members from the same political party against each other or between the different political parties.”

ADV SELLO SC: And if I may just clarify your
10 understanding? Yesterday the Chair enquired from you what you meant by intraparty killings. Would you be correct? I think your response was that there are killings of each other by members of the same political party. And this is what she references when she says killings involving members of the same political party.

LT GEN MKHWANAZI: That is correct.

ADV SELLO SC: Thank you. My reading of the letter thereafter then from the second paragraph, Adv Harrison gives a history of the NPA's involvement, KZN, in the task
20 team before she draws some conclusions at page 197. And it is important that we work through the steps that she has set out in this letter, and this is when we start cross-referencing the many annexures. She starts her second paragraph with the wording:

“Upon my assumption of duty in the

province as the Direction of Public Prosecutions in May 2019, parenthesis acting in that time close parenthesis, my office was approached by General Khumalo who requested for dedicated capacity to respond to the Political Task Team.”

Do you see that?

LT GEN MKHWANAZI: That is correct.

10 **ADV SELLO SC:** The General Khumalo referenced here, is it the same General Khumalo we spoke of yesterday who you said was the project leader of the task team?

LT GEN MKHWANAZI: That is correct, Commissioner.

ADV SELLO SC: And the body of that paragraph, she references a document dated the 13th of June 2019. She has marked it as Annexure A. For the benefit of the Commission, that document which is Annexure A to Adv Harrison's letter is at page 199. So if we could turn to page 199, General.

20 **LT GEN MKHWANAZI:** I am there.

ADV SELLO SC: The top right-hand corner of that document is dated the 13th of June 2019. It is on the letterhead of the Direction of Public Prosecutions, KwaZulu-Natal and it is dated all DPP KZN members of staff. In respect of that document, she says at page 198 – we do not

have to go there, I will just remind – because of the increased workload and the demand for prosecutions, this led to my office, Adv Harrison's office, issuing a directive to the KZN Prosecutors dated 13 June 2019, and that is the document we are now looking at, at page 199. The document at page 199 highlights the issues that I think you testified to yesterday. In particular from paragraph 2, it notes the high levels of violence particularly linked to political persons or perpetrated by persons linked to political parties. That was then in 29.

At Item 3 she references the establishment of the Inter-Ministerial task team by the President in the same terms that you testified to yesterday. Overleaf at 200, that is a background to the directives that follow from Item 5 at page 200. I would like you to read paragraph 5 so we can understand what the instruction by the KwaZulu-Natal Deputy Public Protector was to all Prosecutors in the province.

LT GEN MKHWANAZI: Maybe just to correct it, it is the Direction of Public Prosecutions.

ADV SELLO SC: Direction of Public Prosecutions. There are too many acronyms and I mixed them up. I am sorry for the confusion and thank you, General, for pointing it out.

LT GEN MKHWANAZI: Okay. On paragraph 5, it reads as follows:

10 “All cases involving offences either perpetrated by persons linked to political parties or against persons linked to a political party must be considered by the Chief Prosecutor before the matter being enrolled. In potential High Court matters, the provision of Circular 3 of 2000 still applies. Each cluster and unit or office must ensure that a complete copy of the docket is forwarded to my office in the most expeditious manner in compliance with ...[indistinct] and the correspondence must indicate political related cases in the subject line.”

ADV SELLO SC: So, if I understand that correctly, and I want to test if that is your understanding as well, she is prescribing a process that must be followed regarding these political killings cases.

20 **LT GEN MKHWANAZI:** That is correct, Commissioner.

ADV SELLO SC: And that those cases require consideration by the Chief Prosecutor.

LT GEN MKHWANAZI: That is correct, Commissioner.

ADV SELLO SC: She then goes to, if we jump to item paragraph 8, listed 8, still on page 200, if you could read

that.

LT GEN MKHWANAZI:

10 “The decision not to prosecute a person but to use such a person as a witness in terms of section 204 of the Criminal Procedure Act must be made in consultation with the Chief Prosecutor and/or the DPP in potential High Court cases. Section 204 should only be used in exceptional circumstances where it is in the interest of justice to use the provision. A reference must be made to Part 4 of the NPA Policy Manual, section D, headed section 204 witnesses.”

ADV SELLO SC: So then once again, to test my understanding and to see if it accords with yours, that Item 8 seeks to institute a process to manage the section 204 witnesses process.

20 **LT GEN MKHWANAZI:** That is correct, Commissioner.

ADV SELLO SC: I then would like you to go to read Item 10 on the same page.

LT GEN MKHWANAZI:

 “No politically related cases may be withdrawn without detailed and cogent

written notes in the C clip of the docket
or office file.”

So there was a requirement that in respect of the cases that the task team was dealing with, should there be a decision to withdraw against a suspect, that must be done only after a detailed and cogent written report is filed in the docket.

LT GEN MKHWANAZI: That is correct.

ADV SELLO SC: Then we go back to 196, main letter, and we are at paragraph 2. At paragraph 2 it concludes:

10 “This directive set out the challenges
 which General Khumalo had raised.
 Despite this arrangement, there was a
 continued unhappiness regarding the
 task team not having dedicated
 capacity.”

So that was, it would sound like the DPP's attempt to address General Khumalo's concerns and challenges in the province and she concludes here that even that was not enough. Is that your own understanding as well?

20 **LT GEN MKHWANAZI**: That is correct.

ADV SELLO SC: She then looks at a different issue at paragraph 3 and says:

 “I also wish to bring to your attention a
 correspondence with the Minister of
 Police, Mr BH Cele, of which the

Minister of Police, Mr BH Cele, had forwarded to our NDPP Adv Batohi.”

This correspondence is dated 24th of May 2019, and she states that the purpose was to highlight the challenges regarding the successful prosecution of politically related cases allocated to the task team. In this regard, she refers to a document she calls Annexure B, and that, Commissioners, will be found at page 202. And, General, if we could turn to page 202.

10 Now, it is a fairly, well not too long, but it is about six pages. So, if you could just quickly flip through that document and tell the Commissioners what that document is. Then we will work through the detail of the document.

LT GEN MKHWANAZI: It is an NPA internal correspondence from the Direction of Public Prosecution in KwaZulu-Natal. I beg your pardon. It is addressed to the Adv Batohi, and it is from the Minister of Police. If I could check the signature part of it, which is at page 209. It was signed by the Minister of Police, Mr Cele. I think the date is
20 24th of the 5th month 2019. It is just written, it is not quite clear exactly the date, but it is a letter from the Police Ministry to the National Direction of Public Prosecution.

ADV SELLO SC: Yes. And this letter is shared with you by Adv Harrison.

LT GEN MKHWANAZI: That is correct.

ADV SELLO SC: Let us consider the contents of the letter, and we start at page 203. And I take it that you would be familiar with the facts set out in this letter, in this document because on my reading, this letter refers to politically related killings in your area of jurisdiction. Is that a fair assumption?

LT GEN MKHWANAZI: Yes, that is correct.

ADV SELLO SC: Let us look at the challenges at page 203. The letter highlights challenges identified at Item 3.
10 At Item 3.1, he references section 204 witnesses killed while in the witness protection programme, and he gives an example below that. You confirm that?

LT GEN MKHWANAZI: That is correct.

ADV SELLO SC: At Item 3.3, same page, the heading is section 204 witnesses turned against the state and at subparagraph 3.3.1, witnesses who abandoned witness protection programme. Can you shed light as to what the Minister is talking about there?

LT GEN MKHWANAZI: Commissioner, as I have indicated
20 before, the IMC will be receiving a briefing from the team. So part of the briefing to the IMC will be to indicate challenges that the team will experience and some of these challenges are the ones that are listed in this letter. A typical example of a witness that will turn against the state will be a person that will have firsthand information. It

could be the person who was part of the commission of a crime and turned witness and a person who was involved, directly involved.

But because of the delays and challenges, maybe that person is approached by the main suspect. In the hierarchy of this organised killing, you will find a person who is controlling the pests. A person who has got the money will coordinate this killing, will not do the job himself or herself, but will pay someone to find the hitman. So even if we
10 arrest the hitman, the person who hired the hitman, who has received money, is the one that turns out to be our witness. But if that person is compensated somehow, is persuaded somehow not to assist the police, and that is a person who then withdraws his services, but there are reasons of withdrawal obviously differ. At times, it could be through intimidation that leads into that person turning against the state.

ADV SELLO SC: And on the same document, same page, 204 on our – no, same. Overleaf 204, Item 4. There is a
20 table there that flows over to page 205 and that table is headed questionable withdrawal decisions by the NPA. And, Commissioners, we apologise for the poor quality. But to assist, the first column reads station and CAS number, the second column reads decision, And the third column reads Prosecutor. So this table sets out the details of

specific cases and the decisions ...[intervenes].

CHAIRPERSON: The second, the second column?

LT GEN MKHWANAZI: Decision.

CHAIRPERSON: Decision.

ADV SELLO SC: So it is a summary of the decision, or the basis on which they put forward for the withdrawal of the case. And the last column indicates who the Prosecutor was in that matter. So it is called Prosecutor there. It is a list of about, of 11. And just to give the Commissioners
10 perhaps a flavour of the issues that are raised, which lead the drafter of this document to call them questionable withdrawal decisions by the NPA, we will not highlight the names of the Prosecutors who were involved. We will just concentrate on some of the reasons advanced for the withdrawal. So I will ask you to read the reason in respect of case 1.

LT GEN MKHWANAZI: On case 1, the reason suspect placed on the roll and later withdrawn.

ADV SELLO SC: And that was a case, that was a murder
20 case according to this document, column 1.

LT GEN MKHWANAZI: That is correct.

ADV SELLO SC: The next two cases were for intimidation. They too were withdrawn. And please read into the record the reasons advanced for the withdrawal there.

LT GEN MKHWANAZI: The reasons advanced by the

Prosecutor here, I quote:

“You will feel the heat does not amount to intimidation, which resulted in all three cases being declined to prosecute.”

ADV SELLO SC: Then I will turn over to page 205. Again, I pick a different one. Item 9, that was a case of unlawful possession of a firearm. Please read that reason, the reason advanced for withdrawing that one.

10 **LT GEN MKHWANAZI:**

“The owner of the security company does not cooperate to rectify the queries regarding the investigation.”

ADV SELLO SC: And lastly then, item number 11. This is in respect of possession of unlicensed firearm and ammunition.

LT GEN MKHWANAZI:

20 “Unreasonable demanding additional evidence to enrol the case despite overwhelming evidence which link the suspect to the case.”

ADV SELLO SC: Yesterday you testified to the novelty of the task team approach in investigation ...[intervenes].

ADV BALOYI SC: Before you do that, just so that I make sure I understand, the reasons where it says decision in

that column.

ADV SELLO SC: Yes.

ADV BALOYI SC: Are these the notes of the Prosecutor, or this is Minister Cele saying it is unreasonable to demand additional evidence? I am looking at your example 11, right, where it says unreasonable demanding additional evidence to enrol the case despite overwhelming evidence which links the suspect to the case.

ADV SELLO SC: Yes.

10 **ADV BALOYI SC:** Is this the Prosecutor saying that, or it is Minister Cele raising his concern about the decision not to prosecute?

ADV SELLO SC: My understanding of the table we have gone through, as if we consider it in the context of the heading, questionable withdrawal decisions by the NPA. So the decision to withdraw has been taken by the NPA, and the issue is that the reasons advanced for the withdrawal are questionable. So that column that is headed decision seeks, as I understand it, to highlight the reason that was
20 advanced at the time of withdrawal. So I did not read this table to include any personal input or opinion by Minister Cele.

ADV BALOYI SC: Okay.

ADV SELLO SC: He was just reflecting what is already on record regarding these decisions by the NPA.

ADV BALOYI SC: Thank you.

ADV SELLO SC: Thank you.

CHAIRPERSON: This is still confusing though.

ADV SELLO SC: Okay.

CHAIRPERSON: Because I cannot see the Prosecutor saying that they unreasonably demanded additional evidence. So probably it is the Minister here expressing his own view and maybe what happened is that it was the Prosecutor who was insisting on additional evidence and so
10 the Minister is expressing his view that that was unreasonable because there was sufficient evidence. So this one sounds to be an exception to what you are saying, which is what is in that column is the decision, as was recorded.

ADV SELLO SC: I would perhaps ask that we park the issue for the moment. As we work through the document, we will realise that the Minister technically is quoting the information that became available to him regarding all these issues. Because sometimes it gets so specific that
20 information he simply could not have. So clearly the source of the information is reflecting the situation on the ground. He concludes at page 209 with the findings and recommendations. So I understood that document and the table set out therein not to be expressing his view.

CHAIRPERSON: So perhaps to save time, let us just say

my Co-Commissioner, Commissioner Baloyi, did raise this. And let us just leave it at that for now.

ADV SELLO SC: Indeed, I hope by the time we get to the conclusion of this document, perhaps then we will have a better understanding. Maybe just a question of how it is expressed.

CHAIRPERSON: Yes.

ADV SELLO SC: But it would seem to suggest that the last column gives you the name of the Prosecutor who was
10 involved. The second column gives you the reason why it was withdrawn. This particular one seems to have a comment that the case was ready to go to trial, but there seemed to have been further demand for evidence. Now, it may potentially mean that the Prosecutor himself was refusing to take the matter to trial and demanding more evidence when in essence practically the matter was raised.

CHAIRPERSON: Yes, and then someone else says that was unreasonable. And because this is the Minister's document, it is on that basis that we think that it is the
20 Minister expressing that opinion.

ADV SELLO SC: We can flag it.

CHAIRPERSON: But as I say, in the interest of time ...[intervenes].

ADV SELLO SC: We will find out exactly where that comes from.

CHAIRPERSON: Yes, let us move on.

ADV SELLO SC: The next table, still on page 205, deals with what the author calls the questionable decisions by the NPA and the headings there are once again case number and the charge, and the second column should be decisions. Here there are two cases, two murder cases, and if you could just quickly highlight under the column decision advanced in respect of each, General.

LT GEN MKHWANAZI: The first case is Ntuzo Lakez [?],
10 242/10/2012. It is a murder case. The NPA guidance to take the case for formal inquest instead of trial, despite strong evidence of premeditated murder. The second one is Plesses Lakez [?], 235/2018, murder. Unreasonable demanding additional evidence to enrol the case, despite overwhelming evidence which links the suspect to the case.

ADV SELLO SC: And just for completeness, then at page 206 it is a similar table, but this time it speaks to speedy trials delayed. Do you see that?

LT GEN MKHWANAZI: Yes.

20 **ADV SELLO SC:** And it follows the same format. It gives you the name of the accused, the CAS number, and then the decision advanced. Would I be correct to suggest that all these are matters that the task team at the time, regard being had to the fact that this is generated in 2019, that the task team was concerned about, which is delay in

prosecuting matters that have been investigated? Would that be a correct understanding of this document?

LT GEN MKHWANAZI: That is correct.

ADV SELLO SC: Then if we go at 207, under Item 8, accused granted bail whilst on bail. Now that goes over to 208. So that is at 207 into 208. We do not have to read them. You could choose an example to highlight what the concern is here about accused being granted bail whilst on bail. There are six instances, I think, that are quoted in the
10 letter. We will deal with any one of your choice.

LT GEN MKHWANAZI: Yes. 8.1, Sifiso Gadebe, a well-known hitman, was arrested on CAS 91/04/2017, murder of Counsellor Thobela was granted R10 000 bail. While out on bail, he committed another offences as per CAS 869/2018, the discharging of firearm and was granted R1 000 bail. Umzimkhulu CAS 5/10/2018, possession of unlicensed firearm, granted R1 000 bail. And Umzimkhulu 112/10/2018, possession of unlicensed firearm and ammunition, granted R2 000 bail. Bail was opposed on all
20 cases, but it was unsuccessful.

ADV SELLO SC: So the situation is you have an accused, they are charged, they are arrested, they are granted bail, they are released, and then another case arises, they are arrested, they apply for bail, and they get a second bail, and so it goes. It sounds like it is four bails on top of the

first. Is that correct?

LT GEN MKHWANAZI: That is correct.

ADV SELLO SC: Do you agree with what is written at page 207, that that is a concern for you as the head of the Political Task Team and as a police officer? Is that a concern? And if so, why?

LT GEN MKHWANAZI: It is a concern indeed. As I said earlier that this would have been an extract of the briefing that was given to the IMCs about the challenges that we are
10 experiencing with regard to the prosecution of these cases. That when a person has been accused of a serious murder case, arrested, granted R10 000 bail, and you commit other serious crimes thereafter, of possession of firearms, but still giving bails, it simply means that the court is not taking seriously the risk that this individual has in society.

That if he keeps granted bail because of murder and is arrested with a firearm again and is granted another bail, and again arrested because of the firearm charge and granted bail again, it simply means that he is allowed to go
20 out there and carry a firearm and do whatever he wants to do with the firearm. The court does not see the need of stopping this person from doing that, and this has serious consequences towards the witnesses and many other people that are involved in cases that this person is arrested for.

ADV SELLO SC: And perhaps for the sake of completeness, let us look at case at page 208, which is a slightly different case, but in the same vein, under item 8.6, if you could read that.

LT GEN MKHWANAZI: [Indistinct]... Nthuli was arrested, charged and sentenced on Padfontein CAS 50/06/2016 four times attempted murder charges. He appealed and was granted bail. Whilst on bail, he was arrested and charged on four murder cases as per Nongoma CAS 30/04/2016, 10 391/2016, also Nongoma, 88 Nongoma, as well as 127 Nongoma, all of them in 2018.

ADV SELLO SC: Yes.

LT GEN MKHWANAZI: And possession of unlicensed firearm as per Nongoma CAS 285/2017, and Nongoma CAS 147/2018 June, that he is alleged to have committed while on appeal.

ADV SELLO SC: So, this accused is actually charged, convicted, and sentenced, then he appeals. He is granted bail while he is awaiting his appeal and in that period 20 manages to commit four more murders.

LT GEN MKHWANAZI: That is correct.

ADV SELLO SC: Okay.

COURT: Manages to be charged with the commission of ...[intervenes].

ADV SELLO SC: That is more precise, legally correct,

yes. Manages to be charged. Then I think what we have just worked through, which was what the Minister Cele at the time communicated to Adv Batohi, culminates in certain findings and that followed by recommendations, and that is set out at page 209. I think it is important to appreciate the findings made in 2019, because that gives a sense of the situation as it prevailed in 2019, appreciated even by the Minister. So, if you could read the findings under Item 9 at 209.

10 **LT GEN MKHWANAZI**: The findings reads as follows:

“The political related cases, especially murder, are organised in nature with different road players carefully identified, that is hitmen, spotters, coordinators, and individuals at the top who are ordering the hits.

20 Most cases are dependent on section 204 witnesses that were part of the syndicate, especially when the investigation has to be directed against individual on top (politicians, entrepreneurs).

The involvement of politicians and business people possess a threat of attempts to bribe the criminal justice

system personnel. If it fails, then attempts to turn section 204 against the state. If that fails, then they kill the state witness, which results in the case being withdrawn.

The lack of dedicated prosecutors to guide and prosecute unallocated cases. The trial-ready cases being postponed for a longer period due to unavailability of dedicated Magistrates.

10

The repetitive granting of bail to accused who are already on bail.”

ADV SELLO SC: Yes, so those were the findings that Minister Cele drew at the time. Did they accord with your experience and knowledge with the situation as was prevailing in KZN at the time?

LT GEN MKHWANAZI: That is correct, Commissioners.

ADV SELLO SC: And he turns then lastly at Item 10 with, by making recommendations to Adv Batohi. If you could just quickly read those into the record.

20

LT GEN MKHWANAZI: Recommendations, four of them, reads as follows:

“A dedicated courtroom for the processing of the politically related cases.

Dedicated preferable Prosecutors and Magistrates to deal with these cases.

Appointment of a permanent KZN Direction of Public Prosecution.

Urgent appointment or utilisation of police officials to fulfil the function of the security officers in the Witness protection programme as prescribed in the Witness Protection Act 112 of 1998, section 3(5)(a)(iii) and section 6(b).”

10

ADV SELLO SC: And he concludes the letter. Now we go back to...

20

ADV BALOYI SC: Ms Sello, before you leave this letter, you asked the General whether what is under the findings in those bullets accords with his knowledge and experience at the time and he has answered in the affirmative. I want to ask a question, but I do not want to anticipate where you are going to go. I would have done a follow-up of as the date of the letter which disbands or that seeks to disestablish the PKTT, which is what, in December, these factors in bullets one, two, three under the findings, what the position was. I want to ask that, but if you are going to be dealing with it in your own way, I do not want to interfere with it. So you stop me.

ADV SELLO SC: Well, we were prepared to deal with it in another way, but it does not change the course of anything.

ADV BALOYI SC: Okay.

ADV SELLO SC: It can be dealt with now. Now that the Commissioner has put it out there, perhaps the General can respond to it.

ADV BALOYI SC: You can deal with it. Okay.

ADV SELLO SC: No, the General can respond to it immediately.

10 **ADV BALOYI SC:** General, you have heard in 2019, you say that you were aware of those factors in bullet one, two, three, and these are the politically-related cases, especially murder, are organised in that way described there. Most of the cases are dependent on section 204 witnesses, and then bullet three, the involvement of politicians and business people. As at 2024 when Minister Mchunu sends the letter or the instruction to disband the Political Killings Task Team, what in your impression and experience is the position? Is it still the same? Is it any different?

20 **LT GEN MKHWANAZI:** It remains the same, Commissioner, that there is a lot of interference with these investigations in different forms as is listed there, in order to try and close these cases by business people and politicians, and by and large, because they are political cases, the people on the higher level of the syndicates that

are involved are the ones that are behind the closures of dockets, so they influence the docket. It still remains the case to date.

ADV BALOYI SC: Thank you, General.

ADV SELLO SC: Thank you, Commissioner Baloyi. We go back then, General, to Adv Harrison's letter, and we were at page 196 and we are looking at the last paragraph. I invite us to consider the last paragraph of that letter at page 196. She says on 23 August 2019 there was a Steering
10 Committee meeting. There was a presentation done, and that presentation she attaches as Annexure C. For the record, that Annexure appears at page 210 of File 2. However, that copy is not the best, and I would just for the record like to point out that it is the same plan that General Mkhwanazi dealt with as MK5. No, I made a mistake. We are at 210. That is the next one that – I ran ahead of myself. We are dealing with Annexure C, the one at 210. If you could turn to that document, General.

LT GEN MKHWANAZI: Yes, I am there.

20 **ADV SELLO SC:** Adv Harrison says this was dealt with at the Steering Committee meeting, and it is headed Progress Report, Investigation and Prosecution of Political Related Cases, Steering Committee, 23 August 2019. Now, yesterday morning, you recall when you informed of the establishment of the task team, you highlighted the various

governance structures of the task team and the Chair even asked you about the National Steering Committee. My question is, the Steering Committee referenced here, if you could look into the content of that document, do you know that Steering Committee? Is it in any way related to the task team, or is it a different Steering Committee?

LT GEN MKHWANAZI: It is a Steering Committee related to the task team.

ADV SELLO SC: So, this is the Task Team Steering
10 Committee. She goes on to say that – perhaps before we deal with that, let us look at that report at page 220, the recommendations. Is my understanding correct that this is what is being recommended by the NPA to the task team for adoption?

LT GEN MKHWANAZI: That is correct, Commissioners.

ADV SELLO SC: Can we just quickly read that and understand what was being recommended? And for the record, I note that this is 25 August 2019 if we refer back to the Minister's letter that is from May of 2019.

20 **LT GEN MKHWANAZI:** There are four recommendations, Commissioners. The first one:

“Dedicated courtrooms times two for the processing of the political related cases, one serving the central and northern regions, and the other court

servicing the midlands and southern regions of the province.”

Recommendation two:

“Dedicated Prosecutors times six, and Presiding Officers times three, preferable from outside the province to deal with these cases without delay, fear, and compromise.”

Third recommendation:

10 “The use of dedicated correctional centre (Ebongweni Kokstad Supermaximum Prison) already identified by the Minister of Justice and Correctional Service for accused of political related cases to minimise the risk of interferences.”

The last recommendation on bullet four:

20 “Utilisation of police officials to fulfil the function of the security officers for state witnesses on political related cases who are on the witness protection programme as prescribed in the Witness Protection Act 112 of 1998, section 3(5)(a)(iii) and section 6(b).”

ADV SELLO SC: Thank you. To your knowledge, this being a presentation to the task team, and the recommendations are being made to the task team, were these recommendations accepted by the task team?

LT GEN MKHWANAZI: It is recommendations that were made, which to some degree were accepted, except the challenges that were expressed regarding the dedicated Presiding Officers on the matter, which was required at the Department of Justice, at the courts especially, although
10 the Minister was part of these meetings, but there was no Chief Magistrate as part of the team. So that is what the NPA was going to escalate to the courts.

ADV SELLO SC: And before at least the 31st of December 2024, what was the prevailing position within KZN insofar as these recommendations are concerned? What had been implemented after the task team accepted some of these recommendations or were able to implement them?

LT GEN MKHWANAZI: I must indicate, Commissioners, that when the team was working up until that period, there
20 has been challenges in some of the Presiding Officers which led into one complaint against one Presiding Officer, a Magistrate that was registered through the right channels ...[intervenes].

ADV SELLO SC: General, I apologise to interrupt. Can we give the Commissioners a moment? Oh, you are not?

Okay, thank you, Commissioner. You may proceed.

LT GEN MKHWANAZI: I was still saying that there had been some challenges with some of the Presiding Officers in handing these matters of the task team, which led into one complaint that was registered in Pietermaritzburg against one of the Presiding Officers. But, by and large, the close working relationship between the SAPS and the prosecution team on these cases, the involvement of Chief Prosecutors as directed by the Direction of Public
10 Prosecution, of which I must say when we started she was acting and she became permanent. And when she was permanent, then the structure started functioning well, which happened after the letter of the Minister's request to the NDPP.

And when the structure started working well, then we started seeing cases being enrolled in court, cases not being postponed for a lengthy period as it used to be before, and the majority of cases are being finalised in court within a short period of time. So, the improvement,
20 the performance of the courts supports the investigation and the team is satisfied at this present moment with regard to how the matters are handled in court, and also how the prosecution is involved in guiding the team. And those concerns that the Minister had written in the letter, which was referred to earlier to the NDPP, citing the challenges

that we are experiencing with regard to the decision of the Prosecutors on matters that we are presenting before them, has been eliminated in that as we are investigating, the prosecution is part of this investigation.

So by the time we get to court, we are ready for prosecution. Unlike before when we were raising these concerns that we are investigating and then hand it over to the Prosecutor, and the Prosecutor might want to withdraw the case citing different reasons that made the investigation
10 team to be unhappy, but that has been mitigated by this close working relationship between us. So, the situation has vastly improved as a result of these dedicated Prosecutors that are part of the team.

And also, the involvement of Correctional Services as reflected on the third one, as the Minister of Correctional Services, and Minister of Justice and Correctional Services had indicated that the maximum prison of Kokstad would be made available, and as well as a close working relationship between the other facilities in KZN, that has made it easier
20 for the detention and the control of access to the suspects in those detention facilities. And the courts, the correctional facilities are playing a critical role in also monitoring the activities that are happening around the people that are arrested.

Visitors that are coming to see them, they are able to

share with the team that there was this person who came to visit the person that has been detained, and that allows the team to investigate further the involvement of those people, so that it helps us to link them to such a person. There has been a lot of success as a result of that, which we thank Correctional Services for playing that critical role to help with this investigation, not only just to detain the people, but to assist also with the interviews, making the facilities available for the team to have easy access to correctional facilities, to allow the team to be able to investigate.

ADV SELLO SC: Thank you, General. Before we move to the next point, Commissioners at 196, when I confuse myself because I ran ahead, please make a note for yourselves that Annexure D referred to there, it appears at page 223. It is in black and white, but it is the exact document that we have as MK5, which is in colour, and therefore more legible. If then we could turn over to page 197, General, and I invite you to read into the record paragraphs 2, 3, and the one-line paragraph, no, in fact 4 and 5, before we get to conclusion. So you can skip the first paragraph on that page. I would like to draw your attention to the second paragraph, if you could read from there to just the last paragraph before the heading conclusion. Thank you.

LT GEN MKHWANAZI:

“All of the above indicates the amount of work which went into ensuring that the work of the Political Task Team was coordinated so that there was better case coordination and management of same by NPA, but above all, to deal with the prosecutorial challenges that the team and the Minister of Police has raised to the NDPP. I was instructed to have a dedicated prosecutorial capacity, which was provided as per the request. The dedicated prosecutorial capacity is headed by the Deputy Director of Public Prosecution, who has advocates under his management who are assigned to guide the investigations, make prosecutorial decisions, and prosecute these matters where there are murder and or attempted murder charges. A database has been retained since the inception of this dedicated capacity. There have been numerous successful prosecutions. There are several high-profile political-

related matters or cases on the court roll. Some are in High Court and others are in Regional Court. The dedicated Prosecutors continue to provide their prosecutorial dedication to these cases. However, they are also not certain as to what is the position regarding the existence of the team and new cases reported. The task team has its own resources, which assisted with the fast-tracking of the investigations. All of the information above has been set out to show the seriousness that this office made to address the challenges which the task team and SAPS as a whole had raised.”

ADV SELLO SC: I understand from what you have just read that it is the office of the DPP speaking through Adv Harrison about the concerns on the part of the DPP and the NPA office as regards the so-called disestablishment of the task team and the loss of effort made since 2019 to address political killings.

LT GEN MKHWANAZI: That is correct, Commissioner. As the head of the prosecution in KwaZulu-Natal, she was

expressing the concern that not only affects her only, but the prosecutors that are working with the team.

ADV SELLO SC: And then she draws conclusions, and if you could just read that into the record, please.

LT GEN MKHWANAZI:

10 “It is requested that you assist with providing my office with a response regarding whether the SAPS Political Task Team still exists. The dedicated capacity needs to respond to the dedicated task team. If there is no dedicated task team, then the dedicated prosecutorial capacity will be dissolved and all new cases will have to be reported to the Chief Prosecutors in the area where the crime is committed. This office cannot retain dedicated capacity where there is no dedicated SAPS task team. Your

20 correspondence will assist as the unit has to plan for the year 2025/2026. It has its own priorities as per the NPS/AOP. As we are all aware, organised crime has become the new focus or priority and this office needs

to plan. I am unfortunately not able to complete the planning because the issue regarding the existence of the task team has not been communicated. At this stage, the only information which one has is that in the media. Your urgent response to the above issue will be appreciated.”

Signed by Adv Harrison, dated the 10th of June 2025.

10 **ADV SELLO SC:** And the signature is as Director of Public Prosecutions KwaZulu-Natal.

LT GEN MKHWANAZI: That is correct.

ADV SELLO SC: Just for the record, this letter is addressed to you. Did you have opportunity to respond thereto?

LT GEN MKHWANAZI: Besides a telephonic conversation that I had with her, I did not formally respond to the letter, Commissioners, because it was a time when I was busy trying to intervene with regard to the decision of the
20 Minister to dissolve the team, trying to facilitate that this decision must be reversed in order to mitigate these challenges which, of course, it had not happened and I can safely say without jumping forward that the further engagement we have had with the DPP in relation to this and the decision of the team has led into the criminal case

docket being registered, which we cannot discuss it now. It is subject to all this which has happened.

ADV KHUMALO SC: Sorry, Adv Sello. General, having regard to the content of this letter, can you just tell us whether you shared similar concerns as those expressed by Adv Harrison in the letter?

LT GEN MKHWANAZI: That is correct, Commissioner. Commissioner will recall that when she starts her letter, she refers to my letter to her. In my letter to her, I am
10 apologising for the failure to carry out her task, instruction of arresting that we are failed to do as the police and explaining the challenges as a result. That is why then she is writing, expressing the same concerns to me. Really what she summarises on her letter are the concerns that the team shares with the Prosecutors that are working under her. So she is just elevating that to bring it to my attention so that I can, when I engage with my principal, be able to show what the Prosecutors are saying with regard to this decision of the Minister.

20 **ADV KHUMALO SC:** And then the consequences going forward, the letter also mentions new cases and what consequences will be in relation to new cases going forward.

LT GEN MKHWANAZI: That is correct. The engagement I have with her was that as and when the cases are coming,

we will still allocate them to the team and I will still expect the Prosecutors that are dedicated to continue. The fortunate position that we are in is that although some of these 121 dockets were taken to Pretoria, quite a lot of other dockets were still in court and the very same prosecution team was involved in those dockets. So they are still engaged with the team on that level. Not necessarily taking new dockets, but they are still engaged with the team in as far as the dockets that are in court.

10 But as soon as we engage and then they understand that it is not the IMC that took a decision to disband, it is not the National Commissioner that took a decision to disband, the team is still on the ground, albeit that it is not taking new cases. And what I am starting to do as a complainant in this matter, by registering a complaint officially for criminal investigation and explaining to her from what we have discovered as to what is the cause of this instruction.

20 And she took comfort in that of saying then her Prosecutors will remain in the team. She understands that this might be another crime that is committed on the side to try and frustrate the work that the team is doing. But as we explain later in our statement during this course of this Commission, the picture is going to become clear as to why we end up continuing taking this decision of saying the

Prosecutors remain in the team, because there is an understanding of what is really going on that leads into this letter.

CHAIRPERSON: You referred to a case that has been registered, but of course you said you are not going to go into any detail in that regard, but can you please just describe fully what that case is about?

LT GEN MKHWANAZI: Commissioner, it is a defeating the ends of justice case. There is an investigation that is
10 underway.

CHAIRPERSON: You say you are the complainant in it and the complaint being against whom?

LT GEN MKHWANAZI: Defeating the end of justice case that I reported against the people that were involved with regard to the stopping of this investigation. I could mention the people that I am suspecting, I am accusing of this, but maybe I would be in a better position towards the end of my appearance before the Commission that I could conclude and say, therefore, these are the people.

20 **CHAIRPERSON:** Okay.

LT GEN MKHWANAZI: After having put reasons as to why I am putting – if I put them up now, it might be a problem.

CHAIRPERSON: That is enough. I just wanted to get an idea of what the case is about. That is enough for my purposes. Let us take the tea adjournment and come back

at 11:15. Let us adjourn.

INQUIRY ADJOURNS

INQUIRY RESUMES

ADV SELLO SC: Thank you, Chair. General, I would like to invite us to consider a different document now that we have concluded with Adv Harrison's letter, and that is MK13 in File 2, and it starts at page 254.

ADV BALOYI SC: Ms Sello?

ADV SELLO SC: Yes, yes, Commissioner.

10 **ADV BALOYI SC:** You went through that letter with the General, the letter from the Minister Cele then, which has those tables and it lists areas of concern.

ADV SELLO SC: Indeed.

ADV BALOYI SC: The significance of what you were discussing of that letter is not clear as it relates to the terms of reference, just so that it is not lost on us. You know, it is one thing to read an interesting document, but what is sought to be conveyed in the evidence of the witness and how it speaks to anything that we are
20 concerned with is not clear. Will you be dealing with that at some point? No, I will not. I am ready to address it now.

ADV BALOYI SC: Okay, please.

ADV SELLO SC: To locate it in its proper context, the annexure that the General put up is annexure MK12, which is the letter from Adv Harrison. It is Adv Harrison's letter

which has got annexures to bolster the points she makes in her letter, and that is what caused us to go to these annexures, including the one that you referenced written by Mr Cele. So if you will recall, Commissioner, Adv Harrison in MK12 sets out the history and the issues that had been identified and the response to those challenges. So Minister Cele's letter technically captures the challenges as were communicated to the NPA. And thereafter, then we deal with the next document, which was the DPP's response
10 in KwaZulu-Natal to those challenges, culminating in their participation in the task team to find a solution to the very challenges that were highlighted.

ADV BALOYI SC: I understand its significance. Thank you.

ADV SELLO SC: Thank you.

ADV KHUMALO SC: Sorry, can I just follow up? So it is all about the coordination?

ADV SELLO SC: It is all about the coordination.

ADV KHUMALO SC: Between the task team and the NPA.

20 **ADV SELLO SC:** Yes. And in fact, read in the context of Adv Harrison's letter, it gives a perspective from the NPA standpoint as to the logic and justification for the very coordination you referenced. Up until we dealt with Adv Harrison, we considered that coordination from SAPS' perspective, from the Police perspective, and Adv Harrison

gives us the same view, but from the NPA's perspective. Thank you. So then, General, I had invited us to go to our next chair, MK13. It starts at page 254. Before we deal with the contents of this document, can you just identify for the record what it is?

LT GEN MKHWANAZI: Commissioners, this is the memorandum between the South African Police Service KwaZulu-Natal, as well as the NPA in KwaZulu-Natal, with the intention to improve the working arrangements and the
10 performance between the two entities, or two departments.

ADV SELLO SC: If we turn then to page 257.

ADV BALOYI SC: Before you do that, Ms Sello.

ADV SELLO SC: Yes.

ADV BALOYI SC: At page 255, General, the very last line, it says NPA/SAPS KZN. What is P-O-F-R-E-O-F-N-D-E-O-F?
F?

LT GEN MKHWANAZI: Commissioners, the EOF stands for Efficiency Optimisation Forum. The letters that are preceding those EOFs really refers to the area of operation.
20 The P stands for province, the R stands for region, and the D stands for district.

ADV BALOYI SC: Thank you, General.

ADV SELLO SC: General, I thought I was interrupting. Commissioner, by the way, I would like to refer you to page 264 of that same document. 264, and that is the list of the

acronyms used in this document, and that includes the acronyms you referenced at page 255.

ADV BALOYI SC: Thank you.

ADV SELLO SC: Thank you, Chair. General, I had refer you to page 257 of that document. It is a signature page. Could you confirm the date of signature and who appended their signatures on that page?

LT GEN MKHWANAZI: The first signature on the page is the signature of the Director of Public Prosecutions in the province of KwaZulu-Natal. At the time, she went by the same name, Zungu, and she is now Harrison. So, but it is the same person that signed that, and together with myself, as the Provincial Commissioner of KwaZulu-Natal.

ADV SELLO SC: And when was this document signed?

LT GEN MKHWANAZI: This document was signed by both parties on the 26th of August 2022.

ADV SELLO SC: There is a paragraph there preceding these signatures. It reads:

20 “The signatories hereof, being duly authorised thereto, determine an issue here by the official terms of reference for successful coordination of NPA and SAPS operations outcomes.”

LT GEN MKHWANAZI: That is correct.

ADV SELLO SC: I then would like you to – we went briefly

through this document, and for this purpose I would like you to turn to page 259 and just to read into the record Item 1. This is under the heading Establishment and Responsibility of Efficiency, Optimisation Forums. This is Item 1.

LT GEN MKHWANAZI:

10 “The established forums are to be known as KwaZulu-Natal, NPA, SAPS, Efficiency Optimisation, and Oversight Forums for the consideration of NPA and SAPS performance.”

And still on the same page, further down in the middle of the page, composition of the District Efficiency Optimisation Forums, DEOF, the last – that paragraph sets up the composition of the forums and highlights that the NPA, under item F, the NPA will retain all chairmanship of the forums. Is that correct?

LT GEN MKHWANAZI: That is correct.

ADV SELLO SC: My question is, that was as of the date of signature which was, you said, in 2022.

20 **LT GEN MKHWANAZI:** That is correct.

ADV SELLO SC: Up until the attempt at disestablishment, was that situation prevailing? Was it still the NPA that retained the chairmanship?

LT GEN MKHWANAZI: The situation still prevailed up to that date and beyond.

ADV SELLO SC: And if we turn overleaf at page 260 under the objectives of the forums, if you could read those objectives into the record.

LT GEN MKHWANAZI:

“The objectives of the Forum are to:

- a. Ensure that all courts achieve the targets in terms of outcome three, outputs, and operational objectives.
- b. Monitor progress with regard to the achievement of joint targets.
- c. Identify and address challenges encountered in meeting targets.
- d. Identify and address specific crime types, modus operandi, crime trends and hotspots.
- e. Optimise performance of the NPA and SAPS in the KZN province with the end result of the people of this province being and feel safe.”

20 Those objectives, as were established in 2022, are they still applicable to the forums as we speak, whether or not legally their task team has been disestablished?

LT GEN MKHWANAZI: These objectives are still applicable to date, Commissioners.

ADV SELLO SC: And lastly, on this document, page 261,

under the heading Meeting of the District Efficiency Optimisation Forums, I just want to highlight items 1 and 2 if you could read those.

LT GEN MKHWANAZI:

“The meetings of the forums shall take place monthly. If any urgent matter arises, the Chairperson may convene a special meeting to discuss such a matter.”

- 10 So it was anticipated at the time that the meeting will take place once, at least once a month, and could be more.

LT GEN MKHWANAZI: That is correct.

ADV SELLO SC: If they need a rose. That is as far as I want to engage with this document, General, but before we move on, is there anything you want to highlight to the Commissioner regarding this particular document, this Memorandum of Understanding?

- LT GEN MKHWANAZI:** Commissioners, as you will see on the signature on this document, as I had read on the record
20 or indicated on the record, as it is reflected on page 257, that is dated the 26th of August 2022. I had indicated yesterday that I was appointed as a Provincial Commissioner in the province of KwaZulu-Natal in April 2021. So on top of the challenges that we experienced with regard to the workings of the task team, we also had

challenges in general with regard to the cooperation between the Police and Prosecution in order to achieve the same objective in the province.

That is why we felt it is important for us to have a formal structure of working between us and the NPA, which is not only applicable at the provincial level, which is not only focused on the task team work alone, but on the working arrangement from the local level to the regional level, as well as the provincial level between the South
10 African Police Service and the NPA. So this is what led into the development of this document using both legal teams of the SAPS as well as the Prosecution. That allows us to have this better understanding and a good working relationship between the two of these departments in the province of KwaZulu-Natal.

ADV SELLO SC: Commissioner Baloyi?

ADV BALOYI SC: Yes, in that page 261 where you read Item 1 and 2, Item 10 states that:

20 “Minutes are to be forwarded monthly to the DPP, the SAPS Provincial Commissioner and the Deputy Provisional Commissioner Crime Detection.”

Why was this considered necessary? What was the purpose of having that?

LT GEN MKHWANAZI: The Commissioner will notice that there is a district, there is a region, and there is a province, EOF. So what is happening in the lower forums, whatever they are discussing in the lower forums, it is important for the higher structures to get to know, meaning they will have sat and engaged and deliberated on matters at the district level. And whatever the meetings that they have held and the discussions that they had amongst them, it must be elevated to the higher structure, which is myself and the
10 DPP because we have to monitor whether there is any compliance with the directive and this MOU that we have put together so that when we meet in our forum, we take into consideration matters that already came from the bottom and we can also intervene early enough if there are challenges in those structures at the bottom.

That is why what you just read, Commissioner, is the lower level. When it says these minutes must be forwarded to the higher structures, you will see the higher structures is reflected on the same document, the following page, 262,
20 the Provincial Optimal Forum. So that is where whatever minutes discussed on these two lower structures will end up in that forum. And that forum, the chairmanship will rotate between myself and the DPP as we are managing this process.

ADV SELLO SC: Thank you, Commissioner. General, we

have now dealt with the fact as they stood on the ground regarding the functioning of the task team, the coordination with the NPA, and basically the establishment of a formal structure to govern that relationship. Yesterday, we dealt with a number of reports that you stated the task team had filed. Are there any comments you want to make before we move to the next topic as regards all the information you have provided about the task team and its efficiency?

LT GEN MKHWANAZI: Commissioner, I think for me as the
10 head of the Police in the province of KwaZulu-Natal, I felt it is important to demonstrate that my efforts starting from the day I became aware of the letter of the Minister leading up to the 6th of July were all aimed at making sure that I protect this working arrangement of ours to administer justice to the communities out there. That when we try by all means to make the system work between the South African Police Service, the Prosecution, the Courts, and the correctional facilities, that entire value chain does not get disturbed. So we must understand the challenges in
20 between, and we put measures in place to try and mitigate those challenges.

But if you have another superpower structure coming from outside and want to disturb this process, or there are players within the system that are in cahoots with the people that are supposed to be our clients outside that want

to disrupt the working of this justice system, it is therefore important for us to do something about it. So that is basically what I was trying to communicate in all what we have discussed thus far with regard to the team's formation and how it has been working, and what is the general working arrangement between us as the Police together with the NPA, the courts, and correctional facilities in the province of KwaZulu-Natal.

ADV KHUMALO SC: General, if we can just go back to
10 page 186.

ADV SELLO SC: And for the record, if I may, for the record now, that is the ...[intervenes].

ADV KHUMALO SC: The letter, yes.

ADV SELLO SC: [Indistinct].

ADV KHUMALO SC: Are you there, General?

LT GEN MKHWANAZI: Yes, I am there.

ADV KHUMALO SC: The last paragraph says:

20 “A preliminary report has to be submitted to the Minister by the 20th of January 2025. The final and closing report must be submitted to the Ministry Management Executive Committee meeting late January 2025, the date of which will be communicated as soon as possible.”

As far as you know, were those reports generated and submitted to the Minister?

LT GEN MKHWANAZI: Commissioner, I will be lying if I say I know because I never engaged with a Minister on this and as a person heading Policing in the province of KwaZulu-Natal where this task team is located, I was never asked to finish any report that is going to be directed to go to the Minister. So perhaps maybe the project manager, which is General Khumalo, might have been approached by
10 the National Commissioner. And if that happened, I do not know. However, I am aware that there has been meetings between the Minister and the National Commissioner and General Khumalo regarding the same subject, which one of the meeting took place just after my Parliamentary appearance, which took place on the 6th of March. I am told. I was never invited to that meeting. So I would not really know what they were discussing. Thank you.

ADV SELLO SC: Thank you, Commissioner Khumalo. We are now at technically page 50 of your statement, General,
20 if we could turn to that. And we have dealt with up to and including paragraph 145. We turn to a new topic now, and it is the efforts to stop the disbandment. With regards to what you set out in paragraphs 146 to 150, can you make some comments? What steps you took?

LT GEN MKHWANAZI: Commissioners, as I outlined here

on what I have tried in terms of me trying to deal with, which I became aware of on the 2nd of January regarding the letter of the Minister and the task team, and this up until the 6th of July. My efforts have been made to stop the eventual disbandment of the task team, which has a direct impact in how we administer justice in the province of KwaZulu-Natal, which will have a negative impact if it is not addressed.

So I have indicated in the past, last week, yesterday,
10 and previously this morning, that I had engaged the National Commissioner upon becoming aware of the existence of this letter and the National Commissioner who indicated that he was not aware about the directive, where the directive come from ...[intervenes].

CHAIRPERSON: Sorry to interrupt you, General. Why do you not perhaps ask specific questions with regard to what you may want to do to direct the General's mind to? I am thinking there was some detail on this yesterday.

ADV SELLO SC: Yes.

20 **CHAIRPERSON:** I am just trying to avoid a situation where we have a repetition.

ADV SELLO SC: Indeed, Chair.

CHAIRPERSON: For example, I contacted the National Commissioner and then I asked the National Commissioner to make contact with, and with, right up to even the

President. So I just want to avoid a repetition of all that. I am by no means suggesting that there are not issues that you may be wanting to cover on this topic. So that is why I am suggesting that perhaps go to the specifics and ask questions that relate to the specifics.

ADV SELLO SC: I shall, thank you, Chair. I do take the point. The question was really leading us to paragraph 151 in the context of his evidence from the afternoon yesterday and this morning, and the steps he took by engaging
10 internally with the SAPS' internal structures. It then leads to paragraph 151, and a particular conclusion drawn in paragraph 151. Are you there, General?

LT GEN MKHWANAZI: Yes, I am, Commissioner.

ADV SELLO SC: Perhaps the best would be for you to read that paragraph into the record.

LT GEN MKHWANAZI:

20 "On the 27th of January 2025, during the Police Day celebrations, I was interviewed by the ENCA media who were present in these celebrations. During this interview, I mentioned that I believe that the Minister issued the directive to disband the Political Killings Task Team because someone had whispered in the Minister's ear that

the team was investigating cases that might link his or her associates, the Political Killings Task Team should be disbanded. My conclusion in this regard was informed by the fact that objective evidence within the police structures militated against the disillusion of the task team. I concluded, therefore, that the decision was influenced by information other than that at the disposal of the police and served the interest of those impacted by the ongoing investigations.”

And perhaps I should ask you to read 152 and 153 because that will conclude this chapter.

LT GEN MKHWANAZI:

“In that interview, I also stated that there should not be someone from head office influencing the Minister to destroy or attempt to halt investigations. In other words, the PKTT was now fighting criminal syndicates involved in the political killings, on the other hand, and at the

same time had to contend with forces within the state apparatus indirectly fighting the PKTT through the executive, the Minister, and highly-placed members of SAPS with a view to sabotage critical investigation. I was aware that after this interview, the target on my back had grown exponentially. However, I simply could not keep quiet and allow the Minister to take his drastic action. At this stage, I did not yet know the person I mentioned in the interview, Mr Brown Mogotsi, who it has since been confirmed by the Minister himself is an associate of the Minister, was linked to Mr Matlala, who is a prominent cartel member currently under investigation in Gauteng and the direct target of the Organised Crime Unit investigating as assisted by the members of the task team as part of GCI Ops.”

10

20

So, if we understand you correctly, the point you make in those three paragraphs is that based on the information you have now shared with the Commission regarding the

Political Task Team, the Minister's decision to disband in the light of that, all that information, or the Minister's decision is inconsistent with the weight and the value of the workings of the task team as you have shared with the Commissioners. Is that correct?

LT GEN MKHWANAZI: That is correct.

ADV SELLO SC: We turn then to your briefing of the 6th of July and we start that conversation from page 52, and that is under the heading Allegations Advanced Against Various
10 Arms of Government, Functionaries, and Other People. Do you see that?

LT GEN MKHWANAZI: Ja.

ADV SELLO SC: At paragraphs 154 to 158, you make some preliminary comments before you engage with the specific allegations, and I would like you to highlight those key comments, which, in my understanding, invite the Commission and the listeners to consider the allegations that you will now be addressing in a particular context. You do not have to read everything that is there. If you could
20 just highlight?

LT GEN MKHWANAZI: On the 6th of July, I made these allegations of impropriety and criminality on the part of some against the person serving in the different arms of government and within the entire law enforcement, and that includes some members of business communities and

perhaps some politicians. So these allegations I made after the careful consideration of the facts that were in my disposal and those facts were supported by the investigations that were ongoing and the reports that were in those investigations, which then suggested that, indeed, there are some people that are involved in trying to frustrate the police work that will involve politicians and evidence that shows police officers that are involved, as well as some people within the higher office of our justice system, which are in courts. That include Prosecutors that are involved, that are involved with these criminal syndicates operating in South Africa.

ADV SELLO SC: From page 56 you deal then with the allegations as they relate to politicians. And just to give us a context, at 56 you break up politicians into two groups. The one is headed Parliament at page 56, and then at page 61 there is a subheading, the Executive. Do you confirm that?

LT GEN MKHWANAZI: That is correct.

20 **ADV SELLO SC:** And insofar as Parliament is concerned, you raise concerns regarding two members specifically in this.

LT GEN MKHWANAZI: That is correct.

ADV SELLO SC: You had stated that in your paragraph, I think you had indicated that in respect of each category,

you will highlight one instance or one person who falls under that particular category, but it should not be understood that the complaint is confined specifically to the one person. So when we deal with politicians, much as you highlight two here, your contention is that the problem spreads beyond the two and that there are actually more. Is that correct?

LT GEN MKHWANAZI: That is correct.

ADV SELLO SC: And that the evidence of subsequent
10 witnesses to follow will deal with the detail of the other persons per category. Is that the approach adopted?

LT GEN MKHWANAZI: That is correct.

ADV SELLO SC: With that in mind then, let us turn to page 56 under politicians, and specifically Parliament. Please explain the contents of your paragraph 165. You explain how you intend to deal with this issue.

LT GEN MKHWANAZI: On this specific paragraph, Commissioners, I want to focus my address in part to the role that is played by Mr Fidel Adams, who is a member of
20 Parliament. And briefly, I will also touch on the role played by Ms Kohler Barnard, who is a member of Democratic Alliance.

ADV SELLO SC: At 166 you summarise the concerns you have regarding Mr Adams.

LT GEN MKHWANAZI: That is correct, Commissioners.

ADV SELLO SC: Can you read that into the record so we appreciate?

LT GEN MKHWANAZI:

“The main concern with Mr Adams are mainly two. The first one is the unauthorised access to the Intelligence information and his reckless use thereof. The second one is the abuse of his...” ...[intervenes].

10 **CHAIRPERSON:** Apologies, apologies, General. At this stage, because there are specifics about individuals who, according to the General, are implicated, I think I should place it on record and make this public announcement.

ADV SELLO SC: Yes, Chair.

CHAIRPERSON: That because of time constraints, as I understand from the evidence leaders, and on my understanding the statements having been finalised the day before the hearings, it was not practical for implicated notices to go out timeously and before the hearing, but the
20 evidence leaders have undertaken that notices will go out. Transcripts of the evidence relevant to each implicated person will also be sent out to the implicated persons. So in that sense, the implicated persons will not be prejudiced.

ADV SELLO SC: Indeed, Chair.

CHAIRPERSON: They will be able to have a look at the

evidence that has been led, and indeed, even the statements themselves will be shared with the witnesses for them to consider their positions and to address the implication insofar as it relates to each one of them as best they can. So they will be afforded a full opportunity as to how to address what implicates them. Am I recording the position correctly?

ADV SELLO SC: Absolutely correct, Chair, I confirm. And to point out that the provision of the rules which require us
10 to the extent that we are able to, to notify of implication before the witness is led. This is one of those rare instances when it was not possible. As the Chair will recall, the witness's statement was dated the 16th of September, which is the day before we started. They were prepared, the difficulty was the service in that short period of time, so they were struggling with service. Had we insisted on complying with that aspect, then we would have had to postpone the hearings, and we understood that was a factor ...[intervenes].

20 **CHAIRPERSON:** That was a no-no.

ADV SELLO SC: Indeed, Chair. So it is in those circumstances that we found ourselves having to lead General Mkhwanazi without the notices having been received by the respective persons. And we do undertake, as the Chair correctly points out, to provide all the facts

and material that support the implications that General Mkhwanazi advances to each specific person that is dealt with in General Mkhwanazi's statement as soon as his testimony is done, Chair.

CHAIRPERSON: You may continue, General.

ADV SELLO SC: Thank you, Chair.

LT GEN MKHWANAZI: Thank you, Commissioner. I was still reading the second concern that I have, the abuse of his seeming influence on the police structures at the
10 highest ...[indistinct].

ADV SELLO SC: So you deal with the first part, with the first concern, which is unauthorised access to Intelligence information and his reckless use thereof, from paragraphs 168 to 173. If you could just highlight to the Commissioners what your concern is and why you contend that he had unauthorised access to Intelligence information and that he dealt with such information in a reckless manner.

LT GEN MKHWANAZI: Thank you, Commissioner. Maybe before I continue this, I think it is important to remind the
20 Commission and the public in general on my opening comment yesterday, which is on my statement, I think it is on page 6, where I indicated that as the Police are investigating crime and we analyse information that is presented in the evidence before us, a certain picture or a particular trend emerges and that trend force us to

investigate further.

So as we investigate further, we begin to see a certain trend that we pick up that is involved in that criminal investigation we are conducting. And once we see that picture, and in this case the picture that we see that seems to undermine the administration of justice in the Republic, it is for that reason that we then are in this state here before the Commission to try and explain the picture that we have been seeing so that one does not wonder or question, why
10 do we jump to that specific politician? It is due to this analysis and investigation that we are conducting that brings us to these individuals so that you can flag and see for the Commission to assist us, whether our conclusion is justified or not.

But we are convinced that it is justified, that what we are presenting. So Mr Adams appear to have come into the position of an Intelligence information and this information is classified on its nature that Mr Adams should not be in possession of. So it is an information that is intended for
20 another structure of Parliament. If it comes to his possession, and as a lawmaker, as a person who is serving in Parliament, he ought to know that when I am in possession of information from Crime Intelligence that is classified, it must be handed over to the joint standing commit of intelligence so that it can be interrogated,

regardless of the status of that information. So that is expectation that one has towards a lawmaker, such as Mr Fadiel Adams, who is currently serving in Parliament.

Because this classified information we are referring to here, it is involving personal information of individuals that is deposited at Crime Intelligence or extracted by Crime Intelligence when the Crime Intelligence is conducting the vetting process for security clearance for individuals. It is a very sensitive information because it
10 digs deeper to your personal information, your relatives, your criminal records, and everything that the state wants to test in order to confirm whether you qualify to be given a security clearance certificate or not. Such a clearance will then allow you to be in position of sensitive material.

The same applies to the members of the Joint Standing Committee in Parliament. It is only those members of Joint Standing Committee in Parliament that are vetted, and their information is in the disposal of this Intelligence structure. And once they pass the vetting,
20 certificates are issued to them, and that is the entry for those politicians to become members of the Joint Standing Committee. It is not open for everyone. So Mr Adams, unfortunately, does not serve in the Joint Standing Committee. I do not know what is the reason that he is not part of the Joint Standing Committee. Perhaps that he

might be able to answer himself.

But in this regard, we know that he serves in the Portfolio Committee of Police, which is an oversight structure of government and he is there as a public representative that hold us accountable on how we perform our function as a Police on an open account of this that is allocated to the South African Police Service. But on the use of any funds on a secret account, the accounting role for that is within the Joint Standing Committee of
10 Intelligence as regulated by the National Strategic Act of Intelligence that regulates how matters of state secrets must be handled, including the budget resources and otherwise. So Mr Adams is not part of it, but recklessly he handles Intelligence information, not only within Parliament, but he takes it out to the public.

ADV SELLO SC: Understanding your concern then, and you pointed out that he does not sit on the Intelligence Committee within Parliament.

CHAIRPERSON: May I ask this of you, Ms Sello, to what
20 term of reference does this testimony relate?

ADV SELLO SC: It relates to the second part of what he will be dealing with, which speaks to the concern about – it is basically access to unauthorised information, and as a Parliamentarian dealing with that information in a manner inconsistent with the position he holds. But then it leads to

the second aspect at 166.2, which is the use of that same information to abuse his seeming influence on the Police structures at the highest echelons. That will then lead to, quote unquote, triggering a process through the Minister of Police to take certain steps that the General believes is abuse of office, and it interferes with the workings of the Police.

The Chair will recall that when General Mkhwanazi started and explaining the various arms of government, of
10 the Police, he referenced Crime Intelligence, which though is located within the Police, it is regulated in terms of the Intelligence Act, and it is the abuse he believes is perpetrated by some people.

CHAIRPERSON: Maybe let us leave it.

ADV SELLO SC: Okay.

CHAIRPERSON: Perhaps at some stage, whether it is when you make submissions, or after all the evidence has been led, we will see how the strings will be pulled together.

20 **ADV SELLO SC**: I am happy with that approach.

CHAIRPERSON: But I have raised that question.

ADV SELLO SC: Yes, it is noted, it is noted, Chair. My question to you, General, was how then would you suggest that this specific Parliamentarian ought to have dealt with that information?

LT GEN MKHWANAZI: Well, as a Parliamentarian who is a lawmaker, it is a person that is supposed to know the law. The National Intelligence Act is the law that lawmakers must know and comply with. It would be expected that he knows that this information, it is an information that is supposed to be deposited to a different structure or an oversight body of Parliament, and so that it can be handled with sensitivity that it desires. But unfortunately, he did not do that.

10 **ADV SELLO SC:** And from paragraph 173 onwards you deal with how you say Mr Adams actually dealt with that information. Can you take us through that?

LT GEN MKHWANAZI: Commissioners, as I am outlining again here, I have said when I started, we investigate the picture emerged that caused for further investigation. So this Commission is here to help us answer the question of how involved are the politicians and other private people, including police officers, how are they involved in interrupting the work of the security cluster in administering
20 this criminal justice system? This is but one that you are going to see at the end, how Mr Adams' action is impacting to the work that the team is doing.

And again, I pause to say this with respect, I had indicated that when we were discussing in length, we were talking about the Political Killings Task Team. We

mentioned that Khumalo is the project manager there. Khumalo, who is a Divisional Commissioner of Crime Intelligence. We presented that Khumalo at Crime Intelligence becomes aware about what is happening in Gauteng province and he registers a case internal within Crime Intelligence that is running as a project inside Crime Intelligence that he is in charge of. It is that case that links to this high profile, the Molefes, the Matlalas that get arrested.

10 As you are going to see the picture late, it is an operation within Crime Intelligence, the GCI Ops, not the PKTT. These actions that follows from there onwards, how they are going to link to the work of the GCI Ops, that is a picture we are going to show you towards the end, Commissioners. So, but what we know here is that we were tracing steps back as when an incident happens, we go back and we ask, we investigate, what led into this going back?

20 So, although we are explaining it here where it started, but not how we investigated. We investigated by starting at the results of something and we backtrack to establish like a crime scene. We were going to come to court and say so-and-so killed that person, but we start by attaining the crime scene. We collect evidence, we track back everything until we find the reasons. Then we say this

is the suspect who conducted this crime.

So, this is exactly what we were doing now. We are telling you who did what, which eventually will result into the interruption of the criminal justice system, which this Commission is assisting us to investigate. So, Mr Adams, on the 29th of October in 2024, he went to Cape Town Police Station and he opened three cases. And these cases I am going to invite you should be public record to even look at what is contained on his complaint. It does not even
10 warrant the registration of a case. There is no elements of crime on his complaint.

But nonetheless, he opened the complaint. And the complaint is really about the vetting procedures within Crime Intelligence, a space that he ought not to play in. So, he takes this sensitive information and he goes to the police station and he goes and opens a case at the police station, which therefore means he has access to the records within Crime Intelligence of the secret information that he should not be in possession of. But he takes that
20 information, he goes to a police station, he opens the case about that.

And this information, as I said, the vetting procedures of the South African Police Service with the allegations that the police is manipulating systems within the vetting process and he is a person that, as I said, Commissioner, is

not within the Joint Standing Committee of Intelligence in Parliament. He is in an open committee, but he speaks, he opens a criminal case about the matters of Crime Intelligence. Mr Adams further claims that there is an abuse of the secret fund account. He does not have an oversight, he does not have a budget allocated because he is not part of the committee, but he claims that there is an abuse of the secret fund account at Crime Intelligence. So his accusation, his allegation is that this secret fund
10 account, these funds have been channelled to places where they are not supposed to go, including the procurement of vehicles for a Political Task Team in KwaZulu-Natal.

We demonstrated yesterday about the budgetary expenditure and everything from the team where it comes from, but he claims here that this money from the secret fund account is used to purchase vehicles of the Political Task Team. Surely, as a complainant, you would provide proof for this. I like to believe that as a complainant he should be able to demonstrate that he has an evidence that
20 this money was spent here for this resource.

He further claims on his complaint, Commissioners, that this Political Task Team is a private entity that provides service to the former Minister of Police, Bheki Cele. That is what he puts on the documents, on the A1 statement that he deposited at the police station. He accused that the team is

basically an armed force of General Cele. That is his accusation. And the other case that he opens, Commissioners, is that he raises concern, or is challenging the appointment of one Ms Mokwele, who was appointed as a technical support service at the Crime Intelligence Division. So he claims that this appointment was irregular and it should not have happened.

So these cases are registered on the 29th of October in Cape Town, 29 October 2024 in Cape Town. Two days
10 later, Commissioners, on the 31st of October, Mr Adams, he raised the same complaint and he lays the same charges exactly identical at Orlando Police Station in Johannesburg, two days later. 29 and 31. And these are records on our case files in the Police we have. They can be obtained by the Commission if you so wish. He complains that – he raised these complaints to Gauteng and they are registered on the 31st. Three cases are registered in Orlando Police Station. 29, 31st.

On the 1st of November, Mr Adams sends an email
20 directly to the Minister of Police, Mr Senzo Mchunu. He is complaining to the Minister and his complaint says that there are efforts to undermine investigation related to these cases and therefore is requesting the Minister to intervene. His email is attached as a reference that he sent to the Minister of Police.

ADV SELLO SC: General, if I may assist? That email you reference at paragraph 176 of your statement and that is MK14, starting at page 265.

LT GEN MKHWANAZI: That is correct.

ADV SELLO SC: Thank you, you may proceed.

LT GEN MKHWANAZI: So these are the timelines that I am putting it before the Commission, that 29 October, three cases in Cape Town. Two days later, 31st of October, three cases, similar complaint in Orlando and Johannesburg,
10 some 1 500 kilometres apart. A day later, a complaint to the Minister that the two cases, or the two provinces where he registered cases, there is some efforts to undermine investigation. So he has got evidence that there is an effort to undermine investigation on both of these provinces. So that is why he then sends a complaint to the Minister of Police.

So it is interesting indeed to know that this claim that Mr Adams presented in Cape Town, he claims on his email that he knows that there was an interception of the
20 investigation and the dockets had been intercepted. So I really do not know what does that mean, that you register a case in one instance, Commissioner, a complaint is a statement is deposited at two o'clock in the afternoon, the case is registered at eight o'clock in the evening, but two days later he claims an interception. Perhaps even by the

time he claims that docket has not even been allocated to the investigating officer, but he is already moving to another province to complain about it.

So this is what he puts in the complaint to the Minister, that there is interception of the docket in Cape Town and he further claimed that he had been notified that the Gauteng Police Department had followed the same modus operandi as the Western Cape Provincial Commissioner and is interfering in the investigation
10 process. So this is one man, a member of Parliament, that is convinced that within the period he has opened the case, there is an interference already and he leaves the one province, he goes to another one, he opens the case and 24 hours later he raises a complaint that they are following the same modus operandi as Cape Town.

So how he concluded to this, I really do not know. Perhaps he will be invited here to come and explain why he reached this conclusion. But as we investigate Commissioners, you are going to pick up some linkages of
20 his involvement in this work that the team are doing in uncovering the criminal syndicates within the Police. So this is the build up to such. That is why we are focussing on this.

This complaint upon landing at the Minister's office, first he sends an email to the Minister, and after that

follows another email to the Chief of Staff of the Minister of Police and other people that he copied the emails to, but the first one was directly to the Minister of police.

Subsequent to that, the Minister's office directed this complaint to the office of the National Commissioner. This is a complaint that comes on the 1st of November. The Minister's office direct this to the National Commissioner's office, and they request the National Commissioner to respond by the latest the 4th, which is three days later.

10 They must give a response into these allegations of Mr Adams. The National Commissioner's office acted on that complaint by directing a division in the Police that is responsible for dealing with complaints, which is a division Inspectorate.

They let the report from the Divisional Commissioner, Lt-Gen Jacobs, is attached and marked MK15 in this regard. This General Jacobs and the team, upon receiving this complaint, they acted upon by trying to reach out to the complainant, Mr Adams. They were not successful in trying
20 to get him to come and elaborate on this complaint and they read through the complaints and the dockets that he has registered at the two different provinces. They could not find anything that justify his complaint to say there was an interference with the investigation.

And as a result, in their conclusion, General Jacobs,

which is summarised in the report that he sent to the National Commissioner, of which the National Commissioner responded to the Minister, was that the complaint of Mr Adams was premature and the Police should be allowed to first investigate this matter. And upon the investigation, and maybe the further analysis can be done whether there is any interference or not. But the biggest problem on this is the fact that the complainant himself does not avail himself when he is contacted by the people who are now
10 investigating his complaint. He does not avail himself to be engaged in order to form the basis of his complaint in this matter.

ADV SELLO SC: And if I may, General, for record purposes, the report of General Jacobs is Annexure MK15 to General Mkhwanazi's statement, and that starts at page 270, Commissioners. Thank you.

LT GEN MKHWANAZI: Can I proceed?

ADV SELLO SC: No, he wanted to know if he may proceed. The Commissioners were engaged, so he thought.

20 **CHAIRPERSON:** No, no, no, he may.

ADV SELLO SC: He may, okay.

CHAIRPERSON: Just engaging with MK15, ja.

ADV SELLO SC: Okay. Before you, turn to page 270 please, that is MK15, and please explain who you say the author is, Lt-Gen Jacobs. Who is he? And just highlight

the date of that report, then you can deal with its conclusions.

LT GEN MKHWANAZI: The report from General Jacobs is dated the 30th of July 2025.

ADV SELLO SC: And you say who is – what position does General Jacobs hold and in what body?

LT GEN MKHWANAZI: Commissioners, if you allow me to indicate on this, it is a report that comes out from General Jacobs as we were interrogating on what he did back then,
10 which then supports the response to the office of the Minister, which eventually a response that the National Commission had provided to the office of the Minister with regard to the fact that they were struggling to get hold of Mr Adams and they could not therefore finalise their report.

In the same reference, because I want to answer this question of the date of the report, there is a – on page – in the same annexure on page 285, page 285, the Commissioners are going to see that that is an information note that General Jacobs, I will say that is a report, if I
20 understand, that General Jacobs sent via the office of the National Commissioner to the Minister of Police. And in this one, in this report, the person who signed is the Acting Divisional Commissioner who is Maj-Gen Dladla and this Acting Divisional Commissioner was acting in the position of Jacobs at the time.

You will see that one is dated the 4th of November in line with the Minister's timelines of dealing with the complaint. Remember the complaint Mr Adams registered on the 1st of November and the Minister's office asked that the response be provided, the outcome of the investigation be provided to his office on the 4th of November. So this was complied with, the response was provided on the 4th of October as it was signed by the Acting Divisional Commissioner and confirmed by the Acting National
10 Commissioner at the time on the 5th of November, which is General Sibiya. And it landed in the Minister's desk and the Minister endorsed his signature on this document on the 8th of November of the same month.

So the date that I am now talking about of the 30th of July, it is when Jacobs is finishing us with information that explains what he did back then. So that is why I wanted to make sure that these two dates are not mixed up. The question is who is General Jacobs? General Jacobs is a Divisional Commissioner of Inspectorate in the South
20 African Police Service. The South African Police Service being an old department of government, back in the days it was not the culture within government to have auditors. The culture of auditors is new. So an oversight entities that were available at the time within the police was the Inspectorate that was doing an oversight, conducting

compliance with policies and directives, standing orders within the Police and the failure thereof will come with consequences.

So that is how the division was born and, of course, nowadays we then adopted the King's reports, the recommendations that introduce the audits and that is why we even have an internal audit in the Police that help us to audit the work we do in compliance with both the Act and policies and directives that are issued in the organisation,
10 but Inspectorate remains within the structure of the Police. So that is what General Jacobs is responsible for.

So the complaints when they come into the Police, they get directed to the very same structure. So it is basically like in terms of education I would say, I do not know whether the inspectors are still there in education who goes around different schools and checks the compliance. That is what the Inspectorate does. It is like a school principal that checks on everyone in the Police. So that is basically the profile of General Jacobs.

20 The good thing about this advantage we have is that General Jacobs was once a Divisional Commissioner of Crime Intelligence. So the complaints that talk about Crime Intelligence, he is in a better position to even understand what is going on besides the fact that he worked there, the Inspectorate has access to all the departments, all the

divisions in the police. So therefore he has access to dockets, he has access to Intelligence, although limited within Crime Intelligence in terms of secret fund account, but in general he has access to many places within the police.

ADV SELLO SC: Can I find out if I understand your testimony correctly? So the function of the Inspectorate is to act on complaints received against the Police and triggers an interrogation and investigation into the alleged
10 conduct?

LT GEN MKHWANAZI: That is correct.

ADV SELLO SC: And subjects the Police to scrutiny, the level of which I guess will be determined by the nature of the complaint.

LT GEN MKHWANAZI: That is correct.

ADV SELLO SC: And you pointed out that and you state in your statement that General Jacobs in his report indicates that he failed despite numerous attempts to engage with Mr Adams.

20 **LT GEN MKHWANAZI:** That is correct.

ADV SELLO SC: Now, I want to turn you to page 280, please, and that is the end or the conclusion of General Jacobs' report and to read Item 8, which is the conclusion, his conclusion in regard to the complaint.

LT GEN MKHWANAZI: On his recommendations on this,

you said 287. Am I right?

ADV SELLO SC: I was reading the report of the 30th of July, Annexure MK15. That is the report from General Jacobs.

LT GEN MKHWANAZI: Yes.

ADV SELLO SC: Do you have it? It starts at 270.

LT GEN MKHWANAZI: Yes.

ADV SELLO SC: And I referred you to the conclusion that he draws under 8 at page 280.

10 **LT GEN MKHWANAZI:** Okay. The last paragraph on 280 reads:

“This office is of the considered view that the process followed to obtain, peruse and hand over the seven criminal dockets are aboveboard and conducted without any malice.”

Do you know whether there has been any further investigation by the Inspectorate regarding the complaints of Mr Adams beyond this report?

20 **LT GEN MKHWANAZI:** I am not aware of such. Commissioner, I want to, in order not to be confused on this Jacobs letter that we are talking about now, which is reflected from 273 and ending with the paragraph that I just read on 280, which is dated the 30th of July 2025. As you can see, this one ends with General Masemola as a

recipient of this report. So this is a report that was recently done as the explanation that General Jacobs was explaining to the National Commissioner with regard to the status of case dockets. So they might have been – I might have put them in the same bundle, but I think it is important for me to differentiate between the two.

ADV SELLO SC: Yes.

LT GEN MKHWANAZI: They are in the same annexure, but the one of General Jacobs and that was investigating the
10 complaint of Mr Adams, it is the one that start on number 285 in the same annexure. That one 285 and it ends with the signature from Inspectorate at 287.

ADV SELLO SC: Yes.

LT GEN MKHWANAZI: Maybe if I may read those recommendations on the record on 287?

ADV SELLO SC: So the one starting at 285 is the information note.

LT GEN MKHWANAZI: Ja, this information note is actually the outcome of Jacobs' investigation as expected by the
20 Minister who was supposed to be submitted on the 4th.

ADV SELLO SC: Okay, and that is dated for the record the 4th of November 2024.

LT GEN MKHWANAZI: Exactly.

ADV SELLO SC: Okay.

LT GEN MKHWANAZI: So the recommendations on that

one, it reads there are three of them. It says:

“This office recommends that an extension of 10 working days is provided in order for the following to be considered, whereafter a comprehensive report can be provided.”

ADV SELLO SC: Yes.

LT GEN MKHWANAZI:

- 10 “1. Interview the complainant and obtain a detailed affidavit.
2. Perusal of all criminal docket including the Villiera CAS 38/8/2022.
3. Determine if any other government department is investigating the same allegations.”

 That is the recommendations from Gerald Jacobs. You will notice, Commissioners, that in paragraph 3.2 on the same letter at number 286, I am going to read on record this

20 paragraph if I am allowed.

ADV SELLO SC: Yes, please proceed.

LT GEN MKHWANAZI:

“An officer from Division Inspectorate who was in Cape Town on other official business made several attempts to

conduct an interview with the complainant, but due to other commitments the complainant had to cancel the proposed meetings. The complainant indicated that he could travel to Gauteng if required.”

That is part of what they are indicating as part of them causing the delay, hence they are asking for the extension of time that they were not able to interview the complainant
10 in this regard. So that is what Jacobs has done. Now if I go back into what the SC is asking me in relation to the letter 273.

ADV SELLO SC: Yes.

LT GEN MKHWANAZI: Up to the end of that letter. This letter is providing an explanation, Commissioners, with regard to the incident that occurred as we are investigating. As I said, the issue of what has happened and we are going backward and we discover that the dockets opened in Cape Town and these dockets in Cape Town and in Johannesburg
20 are then transferred or taken by Inspectorate. So we wanted to establish how did the Inspectorate get hold of these dockets and then the Inspectorate explained we got hold of these dockets because of the complaint from Mr Adams.

That is how we are going backward because we

started with what is a complaint in the dockets, where do they come from? They come from here. Let us go and check these dockets. We found that in those stations the dockets are not there. Where are they? They are taken by Inspectorate. So we were going to Inspectorate. Inspectorate, what is happening with this docket? And Inspectorate then explains that no, we got hold of these dockets because we were investigating a complaint.

And what thereafter happened to this complaint that
10 we were investigating? What happened to these dockets? And then you are going to see another department coming in that while we were in position of these dockets, investigating the complaint of Mr Adams, then suddenly IDAC, which is an independent body within the NPA, newly established, comes to Inspectorate to demand the dockets. So this report was explaining that although they took the dockets because of this complaint, but the dockets were eventually taken by IDAC from them. So these dockets ended up with IDAC. But we are going to explain the issue
20 as the SC is trying to lead in terms of putting evidence of how the sequence of these things has been happening as the picture emerges of answering the question of interference of politicians in the work that we are doing as a Police.

ADV SELLO SC: Thank you. General, that then would

lead you, because you have introduced it already, to paragraph 180 of your statement at page 59. Are you there?

LT GEN MKHWANAZI: Yes.

ADV SELLO SC: And you deal with these issues up to paragraph 185. Once again, if you could just summarise what the complaint is. And this concerns the Minister's office in relation to the complaint as levelled by Mr Adams.

LT GEN MKHWANAZI: Commissioners, we are aware that
10 the initial Commissioner through General Jacobs, through the office of the National Commissioner, had responded on the complaint of Mr Adams and requested those 10 days, of which the Minister has acknowledgement of that, although he does not comment, and that he does on the 8th of November. On the 11th of November, the Minister's office, Chief of Staff, specifically Mr Nkabinde, directed a letter which he signed personally. He directed a letter to IDAC, which is an independent directorate against corruption and he directs this letter to IDAC in respect of the case dockets
20 that were both opened in Cape Town and in Orlando. The copy of the letter is attached on this statement and marked MK16.

This letter, Commissioners, will read, and you can see all the case numbers are listed and signed by the Chief of Staff, Nkabinde, dated the 11th of November 2024. This

letter claims that the Minister's office is submitting this and requesting in terms of section 27 of the NPA Act, Act 32 of 1998. They are alleging that this matter is of a serious nature that involves corruption of the Police and therefore they are inviting IDAC, they are approaching IDAC in terms of section 27 to investigate these cases.

It is unclear why the Chief of Staff decided or elected to act on his behalf. He signs it himself, although using the letterhead of the Minister, but he is the Chief of Staff.

10 Despite the fact that the Minister had acknowledged the report from the Inspectorate, despite the fact that on the 8th the Minister acknowledged the report from the Inspectorate about the same complaint, but the Chief of Staff personally signs this letter and he invites IDAC to conduct investigation in terms of section 27 complaint.

ADV SELLO SC: General, apologies. Just so we do not lose each other. MK16, which is the letter from the Minister's office signed by the Chief of Staff to IDAC, is dated the 11th of November 2024.

20 **LT GEN MKHWANAZI:** Yes.

ADV SELLO SC: And your issue is that that letter is dispatched notwithstanding the report provided by the Inspectorate to the Minister.

LT GEN MKHWANAZI: That is correct.

ADV SELLO SC: And that report is the one you pointed

out to, dated the 4th of November, wherein the office of General Jacobs sought an extension to investigate.

LT GEN MKHWANAZI: That is correct.

ADV SELLO SC: And that was dated the 4th of November. So technically, the Inspectorate has not reported back to the Minister as to the outcome of its investigations regarding this complaint. Thank you.

CHAIRPERSON: The 10 days is not even up.

LT GEN MKHWANAZI: It is not over. 10 days is not over.

10 I must indicate, Commissioners, that documents ordinarily that come to the Minister, they go by the Chief of Staff. So the Chief of Staff had in that document we referred to earlier from the National Commissioner to the Minister, which is authored by the Inspectorate, dated the 4th, the National Commissioner's acting signs on the 5th and the Minister acknowledged that in the Minister's office they have acknowledged it on the 5th, on the same day the National Commissioner signed it, or the acting, General Sibiya, on the 5th. They acknowledged that letter on the
20 stamp that is placed on 285 on top right corner there as an indication that the Minister's office receives it on the 5th.

Although the Minister then, after reading it, he then signs it on the 8th. So the letter is authored, the 4th, National Commissioner signs on the 5th, the Minister's office received on the 5th, the Minister himself acknowledged,

signs this document on the 8th. So the request of 10 days has not lapsed because two days later, the 11th, we then see the Chief of Staff signs, writes a letter to IDAC. So he is basically asking IDAC to take this docket. I must maybe indicate again, Commissioners, while we are still on this point that the complaint of Mr Adams that was sent to the Minister, I said earlier that Mr Adams sent an email a day after opening a case. He sent an email directly to the Minister and subsequent to that, other emails were then
10 sent to the Chief of Staff. I would invite the Commissioners to look at Annexure 14.

ADV SELLO SC: [Indistinct]... page 265 ...[indistinct]

LT GEN MKHWANAZI: These are emails, reference of emails that Mr Adams forwarded to the office of the Minister of Police.

ADV SELLO SC: Apologies. You are correct, it starts at page 265. The actual email is at 266. Is that the email you are looking for?

LT GEN MKHWANAZI: And on top of that, now this is
20 emails from Mr Adams. As you can see, I will just read one of them. The very first one on 266, it is from Sakiana Frenchman, Parliament, and is addressed, is dated the 1st of November at 08:25 in the morning, 2024. It is addressed to nkabindec@m@saps.gov.za. That is the Chief of Staff of the Minister. And there are many other emails. And I want

to move forward to invite the Commission to look at the same reference on 283.

ADV SELLO SC: That is part of Annexure MK15?

LT GEN MKHWANAZI: Yes.

ADV SELLO SC: Yes?

LT GEN MKHWANAZI: 283.

ADV SELLO SC: Yes, and it is a series of emails as well.

LT GEN MKHWANAZI: Ja, those are the trailing emails.

The one on top which I want to indicate to the
10 Commissioner is that Mr Nkabinde, who is the Chief of Staff, you will remember that what I showed you earlier was the email that came from Mr Adams' office dated the 1st of November around eight in the morning.

ADV SELLO SC: Yes.

LT GEN MKHWANAZI: At 09:04 the same morning, the Chief of Staff, on the same date the Chief of Staff sent this complaint directly to the office of the National Commissioner. The recipients, the Sebula [?] FM Maj-Gen and the Lethogo [?] GH Brigadier, they are both
20 administrators at the office of the National Commissioner. So this is just to show the sequence that the Chief of Staff received it. Within an hour on the receipt of the email, he already directed this complaint to the office of the National Commissioner.

CHAIRPERSON: I am looking at, sorry to interrupt you

General, I am looking at the email of 08:25 on the 1st of November 2024. It says in paragraph 2:

“I was told that the dockets were intercepted.”

This comes after the dockets have been itemised. And then it refers to another set of dockets and then it says that the same modus operandi was followed. I am just trying to place myself, you know, in the place of the recipient of this email. I would have gone back to the sender and said what
10 on earth are you talking about? To just say I have learned that the dockets have been intercepted and then you refer to another set of dockets and you say the same thing was done, what exactly was the interception? By whom? At what point?

And when you say the same was done, what exactly is the same? I would, if I was the recipient, I would have gone back to the sender and said what on earth are you talking about and ask for some specificity instead of then forwarding this to someone else to respond or to make a
20 follow-up. Looking at this, I am totally lost as to what Mr Adams was talking about or MP Adams was talking about. Do you want to comment on that?

LT GEN MKHWANAZI: Exactly, Commissioners. It is part of what we uncover as we investigate. All these strange things that are happening that takes us to us reaching the

conclusion that is part of a bigger plan of things. So these are puzzles that we are trying to put together as we are investigating. Because on the same page, Commissioner 283, you have both emails that are reflected there. The one at the bottom comes from Mr Adams and looks specifically at the time. It is 08:21:01 in the morning of the 1st of November 2024. It is directed specifically to the Minister himself, not to Nkabinde.

The one I referred to earlier was directed to
10 Nkabinde. This one is strictly to Edward Senzo Mchunu, his email address, the Minister directly. I said earlier there were other emails that followed thereafter to Nkabinde, but this one was specific. It went straight to the Minister at 08:21 in the morning. On the same date, on the 1st of November, a couple of minutes later, less than an hour, the Chief of Staff at 09:04 in the morning, the Chief of Staff forwarded this complaint to the National Commissioner's office.

So I would have expected the very same Minister to
20 ask those questions, Commissioner, because the logic tells you, you opened the case the day before and you are complaining today in the morning. So it means overnight there was an interception in your conclusion. I do not think it is a fair conclusion that Mr Adams would have reached. But nonetheless, the Minister did not ask Mr Adams a

question, neither did the Chief of Staff.

But what is interesting here, Commissioners, is that this email from the Chief of Staff to the National Commissioner's office reads, and I want to quote it on record:

“Good morning Maj-Gen Sebola.”

As I said, Sebola is at the office of the National Commissioner. But the Chief of Staff says:

10 “The Ministry has received this
 complaint from the member of
 Parliament. In order for the Ministry to
 respond accordingly, please furnish
 this office with a report in responding
 to this complaint and the details of the
 investigating officer who was assigned
 to investigate these cases. Your report
 is expected on Monday, the 4th of
 November at 15:00.”

20 So this is the timelines that are given by the Chief of Staff
 who says the Ministry. I would like to believe perhaps the
 Chief of Staff will have received directive from his boss,
 which is a Minister in this regard. But then we come back
 into what we were talking about, then it becomes strange
 that after the 4th of November the timeline has been met by
 Inspectorate, although the Minister received it on the 5th.

The very same Chief of Staff then writes a letter under the Minister's signature, a heading Ministry cover letter, and he sends this thing to IDAC.

ADV SELLO SC: Now you referenced the report from the Inspectorate dated the 4th of November, and we understand from that report that a request for an extension was – there was a request for an extension.

LT GEN MKHWANAZI: That is correct.

ADV SELLO SC: And then you say the Chief of Staff
10 directed a request for investigation to IDAC on the 8th of November.

LT GEN MKHWANAZI: The 11th.

ADV SELLO SC: On the 11th of November, I apologise. If I could refer you to Annexure MK15, it is part of that pack. I see there at page 289 a further report, and this is dated the 20th of November 2024. It is signed by General Jacobs PA on his behalf. Do you see that?

LT GEN MKHWANAZI: Yes. Yes, Commissioner.

ADV SELLO SC: I would like you to – it would appear that
20 this report is in response to the complaint originally received, specifically regarding the Cape Town files and the Orlando files. That is captured at 2.1.1 and 2.1.2. At 2.2 the Inspectorate deals with the instruction received from the National Commissioner. I would like you to have regard and read into the record the conclusion drawn at 2.2.1.

LT GEN MKHWANAZI: The 2.2.1 of the information note that is annexed on 289?

ADV SELLO SC: That is correct.

LT GEN MKHWANAZI: 2.2.1, you said?

ADV SELLO SC: 2.2.1.

LT GEN MKHWANAZI: Ja:

10 “A report was compiled wherein the allegations that there was interference from both the provincial offices were reported to be unfounded.”

ADV SELLO SC: And this was in relation to the question the Chairperson posed to you about what interference was being referenced, and am I reading the document correctly that General Jacobs by the 20^t of November had concluded that the allegation of interference was unfounded?

LT GEN MKHWANAZI: That is correct.

ADV SELLO SC: Now, just to close on that, if I refer you in the same document to page 290, it is item 3.3, if you could read that into the record.

20 **LT GEN MKHWANAZI:**

“As part of the protocols to address service complaints, an affidavit is obtained from the complainant. Colonel Phillips of this office was tasked to obtain the affidavit.

However, after numerous attempts, it seems as if the complainant is evading the request. Please find Colonel Phillips' affidavit as proof hereof.”

ADV SELLO SC: Now, am I correct in understanding that the conclusion is in part based on the fact that the Inspectorate could not obtain an affidavit as required from the complainant to substantiate the claim?

LT GEN MKHWANAZI: That is correct.

10 **ADV SELLO SC:** At paragraph 180, you have dealt with this letter already that the Chief of Staff refers the same complaint to IDAC, or do you know the status of that complaint within IDAC as we speak?

LT GEN MKHWANAZI: I am not privy to the status of the complaint since the documents were taken to IDAC. They operate outside the Police.

ADV SELLO SC: And as far as you know, there have been no engagements. Do you know whether or not there have been any engagements with the Police from the affected
20 police stations, which is Cape Town and Orlando, in respect of these case numbers?

LT GEN MKHWANAZI: What I am privy to, Commissioners, is that General Jacob's office, after receiving this docket as part of the investigation, they were approached by IDAC requesting that they hand over those case dockets of

Gauteng in the main, and General Jacob refused to hand over the dockets. And they then, IDAC wrote to a head of Crime Detection in the Police, it is Lt-Gen Senthumule. They wrote to her requesting the dockets and she then contacted General Jacob and asked General Jacob to release the dockets to IDAC.

IDAC is led by an individual, and it is an entity of the NPA as a prosecution. The Inspectorate, the Detective Services is led by individuals which is part of the South African Police Service as a department, which is led by the National Commission. But the correspondence from the NPA to the Police does not include the people in charge of the two entities. It includes the head of IDAC and the head of investigation. So the correspondence between the two, and the authority is granted by the Police Detectives and instructing the Inspectorate to release the docket and then the dockets were then taken by IDAC. To date, those dockets are sitting with IDAC.

CHAIRPERSON: I am just surprised that there would have been this much effort, this much laborious activity, all of it stemming from a non-complaint by Adams MP. I mean, with that one-liner in respect of the one category of dockets, and then another one-liner in respect of the second category of dockets, and then there is this much activity and effort. In fact, it just does not make sense that the Inspectorate of

such should have been required to even give a report. Of course, I am just expressing a view based purely on the fact that what initiated all of this was a non-complaint. It is totally not substantiated. So what the Chief of Staff, or what he refers to as the Ministry, what they should have done was to go back to Adams MP and ask for specificity before all of this laborious activity was then engaged in. Do you want to comment on that, General?

LT GEN MKHWANAZI: Commissioner, my comment might
10 be to some degree perhaps being biased, because I am the one that is combing through all what is happening. Perhaps I must indicate to the Commissioner that what leads us to be able to comb through all this what has transpired is in two phases. One is information I get through my sources within IDAC that there is activities that are happening with IDAC that are not in line with what the purpose of the formation of the entity is, and that there are two structures within IDAC.

There is a good structure that deals with the Zondo
20 Commission, and there is another structure that is malicious, that is used as a weapon to further disrupt the criminal justice system operations. So I get that through my sources within IDAC. That is one. That is how I was able to get this letter. It is not a letter that was given to me on request from the Chief of Staff. No, I got it through the

sources, and the Chief of Staff cannot deny it, or the Minister cannot deny it because it has got his signature as a legitimate letter.

IDAC has that because they called for the docket informed by this letter, so they cannot deny the letter. It is a picture that we started picking up that is on one side through the information, but secondly, Commissioner, when we see the disruption of the investigation of the Gauteng Counter Intelligence Operations, we then begin to ask
10 ourselves why this is happening. What is most talked about in the media that is not known is the arrest of General Khumalo. So we have this arrest. When this arrest happens, it literally means this project must stop. This investigation of this organised crime must stop immediately because the people are arrested. We start investigating.

CHAIRPERSON: I hope I have not muted you, General.

LT GEN MKHWANAZI: No, no, no.

CHAIRPERSON: Can we still hear the General all of us?

LT GEN MKHWANAZI: Ja, I can hear you.

20 **CHAIRPERSON:** Can you hear at the back there? Okay. Before you continue, General, I just want to say that, of course, it is early days, and my comment about a non-complaint should not be taken as final. I do not know whether the Chief of Staff of the Minister will be called as a witness, nor do I know whether Adams MP will be called as

a witness. Maybe the MP will be able to explain why his complaint was indeed a complaint, and also the Chief of Staff may be able to explain why he considered what I have referred to as a non-complaint to be a complaint. So it is early days, but as presently advised, I just see it as a non-complaint. So until and unless it does get explained, to me it looks like a non-complaint at this stage. My Co-Commissioner wants to say something.

ADV BALOYI SC: Thank you. Maybe I should have asked
10 this some steps back, just to clarify my confusion. The complaint we are talking about, I just want to make sure we were not speaking at cross purposes. There is a complaint by, as I understand it, there is a complaint by MP Adams, which is about dockets being intercepted.

ADV SELLO SC: Yes.

ADV BALOYI SC: But there is also the substantive
complaint, the allegations that he is making about the use of the funds of the task team, about the employment, nepotism, and, and, and, right? So there are those two
20 different things. So where are we speaking ...[intervenes].

ADV SELLO SC: Except if I may make a correction? No, maybe I am not interjecting.

ADV BALOYI SC: Keep in mind, it is me seeking to be sure that we are having the same conversation when we say that complaint, which complaint are we all agreed or clear,

which complaint we were talking about.

ADV SELLO SC: Indeed.

ADV BALOYI SC: So this letter from the Chief of Staff, it lists case numbers, right?

ADV SELLO SC: Yes.

ADV BALOYI SC: This is what is referred to, it says in paragraph 2:

10 “The allegations contained therein implicate very senior members of the South African Police Service and are viewed in a serious light and case dockets were registered as per the following case numbers.”

And it gives case numbers. Now, it is, as I understand it, after those case numbers, in fact, as it reads, after those case numbers, it says:

20 “Due to the nature of the allegations made by Honourable Fadiel Adams, which is deemed to be quite sensitive and which contains allegations of criminal conduct, misconduct, this office requests the IED, the Investigating Director, to consider investigating the same.”

Now, my reading of this, it seems, is what is being referred

to IDAC is what is contained in those case numbers, not the lifting, not the interception of dockets. I do not know if you understand the distinction I am drawing.

LT GEN MKHWANAZI: I understand. I fully understand.

ADV BALOYI SC: Ja, and I just want to be clear that when we say that complaint, what happened to that complaint, which complaint are we talking about?

ADV SELLO SC: Okay. Perhaps I will try, based on what the General explained. And perhaps the logical place to
10 start is with the letter of the Chief of Staff, because that letter at page 310 ...[intervenes].

CHAIRPERSON: Perhaps because it is what, maybe a minute or even half a minute to lunchtime.

ADV SELLO SC: Okay.

CHAIRPERSON: It is actually one o'clock now. Perhaps let us take the lunch adjournment now and resume at two o'clock, and then you may respond to my Co-Commissioner.

ADV BALOYI SC: Can I suggest, Ms Sello, you may want to do during the ...[intervenes].

20 **CHAIRPERSON:** Please, not yet, please.

ADV BALOYI SC: May I suggest, Ms Sello, that perhaps during the break you may want to look at this and get the witness to clarify his evidence on this issue?

ADV SELLO SC: We are ready to clarify. I had understood the witness to clarify, and I intend to deal with it

with reference to the documents.

ADV BALOYI SC: Yes, thank you.

ADV SELLO SC: Thank you, Chair.

ADV KHUMALO SC: Adv Sello, for my benefit.

ADV SELLO SC: Yes.

ADV KHUMALO SC: The evidence we have had for the last hour, how do we link it to the interference of the GCI Ops? Because it seems to me that there is a complaint by an MP ...[intervenes].

10 **ADV SELLO SC:** GCI Ops?

ADV KHUMALO SC: Yes, it may or may not have merit, but I heard the General said it showed a pattern leading up to, and that is what I wanted to clarify ...[intervenes].

ADV SELLO SC: Well, we will address it because I think the General, there is a comment he made before he stated that, which is that perhaps he is rushing ahead of himself.

ADV KHUMALO SC: Yes.

ADV SELLO SC: But we will park it and address both the issues at two o'clock.

20 **ADV KHUMALO SC:** So that you have time to consider it.

ADV SELLO SC: Yes. No, we will.

ADV KHUMALO SC: Thank you.

CHAIRPERSON: May we now adjourn.

INQUIRY ADJOURNS

INQUIRY RESUMES

ADV SELLO SC: Thank you, Chair. Perhaps the logical place to start, the appropriate place to start is to answer the questions of Commissioners Baloyi and Khumalo and I propose to do so in the order that I have just stated, because that is the order that they were put to us. And just to make sure that we understood the questions I will express my understanding of each before I proffer an answer. Commissioner Baloyi, you wanted to understand when the reports are filed by the Inspectorate and the
10 Minister's letter to IDAC, whether it is in respect of the complaint that the docket were being intercepted or it is in respect of the content of the docket which is the basis of the complaint, or it is in respect of both.

If then our understanding is correct, for an answer we will direct you to Annexure 15 which is what the witness had testified to and in particular page 289 where that information note starts. It starts at 289. And just for reference that particular document concludes at page 291 and you will note below the signature the date. That is the
20 report of the 20th of November 2024. Once again for context, there had been a previous report of the 4th of November 2024 and the Commissioners will recall in that particular report an extension was requested.

So this is, this follows up on that. So I would like to refer the Commissioners to page 290 of that, of the

bundle. It is the second page of that report. And point 2, paragraph 3.2, 290 at 3.2 and it states:

“The affidavits in the dockets are basic and in the opinion of this office lack the elements of crime.”

So that is addressing the content of the docket.

Now if we go back to page 289, item 2.2.1 it says:

10 “A report was compiled wherein the allegations that there was interference from both the Provincial offices were reported to be unfounded.”

So that, 2.2.1 responds to the, it is not interference, interception, interception. And 3.2 refers to the allegations made in the A1 statement yes, in each docket. So I trust that answers the question, unless another arises therefrom.

ADV BALOYI SC: No, it is not so much a question arising. I think what I wanted to clarify was you had been discussing with the witness and you asked him the question where is
20 that complaint now.

ADV SELLO SC: Yes.

ADV BALOYI SC: That kind of question. And he answered and I was not, it was not clear to me which complaint ...[intervenes].

ADV SELLO SC: Okay.

ADV BALOYI SC: Is he responding to now.

ADV KHUMALO SC: And also just to complete the question, I guess one could also ask what is it that goes to IDAC.

ADV SELLO SC: I am coming there. And I think it ties in very well to Commissioner Baloyi's question when I asked where is that complaint, it is in relation to the complaint that was forwarded to IDAC by the Chief of Staff. That is the investigation I was interested in and the witness explained
10 that, he related a story that, or his testimony was, involved Gen Senthumule and assistance to IDAC to obtain the files that were with the Inspectorate so that they transfer to IDAC, and Gen Senthumule will come and talk about what the challenges were then that required intervention to allow for that process to complete so that IDAC can work on the complaint as it received on the 11th of November.

This information note relates only to the work of the Inspectorate that was carried out by the Inspectorate. So as of the 20th of November 2020 as far as the Inspectorate
20 was concerned, there was no basis for a complaint both as contained in each of the six dockets based on what was provided. The decision by the complainant not to avail themselves to provide further elucidation and the fact that they found no evidence of interception, so both technically were dismissed by – that then left the IDAC complaint.

Now getting into the IDAC complaint that is the one that is referred on the 11th of November. He deals with it at paragraph 180 of his statement and the complaint is forwarded to IDAC in terms of section 27 of the NPA Act, 32 of 1998. And in my, the section 27 reads:

10 “If any person has reasonable grounds to suspect that a specified offence has been or is being committed or that an attempt has been or is being made to commit such an offence, he or she may report the matter in question to the Head of Investigating Directorate by means of an affidavit or affirm declaration specifying (a) the nature of the suspicion; (b) the grounds on which the suspicion is based; and (c) all other relevant information. Note the declarant.”

20 So when the Chief of Staff issues that letter he invoke section 27 and section 27 is intended to trigger the investigative process by IDAC into the commission of an offence. So now the colour is slightly different, because it imply some level of criminality. It is that process that I was enquiring as to the status thereof.

CHAIRPERSON: And you have just referred to an affidavit.

This is a letter, not an affidavit.

ADV SELLO SC: Indeed. That letter is wholly non-compliant with the very section 27 that it purports to invoke. This leads me to the question posed by Commissioner Khumalo regarding, if I did not misunderstand him, regarding Gen Khumalo, if I had understood well.

ADV KHUMALO SC: Can I maybe rephrase my question.

ADV SELLO SC: Yes.

ADV KHUMALO SC: So there is this complaint by MP
10 Adams and there is this intervention or decision by the
Chief of Staff of the Minister's office and I read those with
the conclusion in paragraph 184 of the statement
...[intervenes].

ADV SELLO SC: Yes.

ADV KHUMALO SC: Of Gen. Mkhwanazi's statement.

ADV SELLO SC: Yes.

ADV KHUMALO SC: And what I was struggling to follow
was whether a suggestion was being made that the Chief of
Staff and MP Adams were collaborating to frustrate
20 investigations of the GCI Ops or what is it that the General
says they are collaborating to achieve. I am just missing
that from paragraph 184 of the statement.

ADV SELLO SC: Okay. From the testimony of the witness,
and again with reference to the documents, we start with
the letter of the Chief of Staff.

ADV KHUMALO SC: Yes.

ADV SELLO SC: Which arises from a complaint that arrived by e-mail in the Minister's office.

ADV KHUMALO SC: Ja.

ADV SELLO SC: That e-mail did not attach the dockets, so the Chief of Staff does not know the nature of the complaints in the dockets. That becomes, the only, the Inspectorate has view of that when it looks into the actual dockets. So the only basis on which the Chief of Staff
10 would be referring this matter to IDAC is that he suspects or there is a complaint of interception. We will run ahead a bit but before we do so, I go back to paragraph, page 290. Remembering what the ...[intervenes].

ADV KHUMALO SC: Sorry, sorry to interrupt you. Looking at the paragraph that starts "due to the nature", page 310.

ADV SELLO SC: 310?

ADV KHUMALO SC: Yes. On my understanding that is the referral to IDAC. So when you look at that paragraph, due to the nature of the allegations, and if you read that in the
20 context of what comes before, it seems to me that it is not the interception now that the Chief of Staff is talking about, but rather the complaints in the dockets themselves. I am just correcting your last also ...[intervenes].

ADV SELLO SC: Indeed, and I wish to engage with that.

ADV KHUMALO SC: Yes.

ADV SELLO SC: Because there is no document that would support a conclusion by the Chief of Staff you know to that extent and the reason being we must, timeline is important. The complaint by Mr Adams is made on the 1st of November. It is then immediately referred as received to the National Commissioner on forwarding it to the Inspectorate. In that e-mail there is nothing about the content of the complaint in the dockets. So the Chief of Staff does not know. The only complaint that the Chief of Staff receives is the interception of the Cape Town dockets and what he says seems to be happening once again with the Gauteng. So it is the conduct of the Police in intercepting these dockets.

ADV BALOYI SC: What do you say that?

ADV SELLO SC: Because it is ...[intervenes].

ADV BALOYI SC: [Indistinct]... [cross-talking].

ADV SELLO SC: It is in the wording of the e-mail, FI – when one looks at the e-mail, what we have attached are the actual e-mails that were forwarded to the office of the Minister, and that starts at page 266. And that e-mail at 266 is, speaks to the two sets of dockets, speaks to the, I was told the dockets were intercepted and at 4 it says:

“I have been notified that the Gauteng Police Department had followed the same *modus operandi*.”

That is what gets referred to the Inspectorate.

The only issue that goes beyond the interception is at page 268 and at 268, it is once it is an e-mail to Mr Nkabinde of the 10th of November, the subsequent one and it reads:

10 “We hereby request that an independent officer or body be appointed as we are concerned that General Masemola may have erred in his statement that the allegations pertaining to Maj Gen Khumalo’s security clearance. In this case the National Commissioner has misled the nation which in our view is a very serious issue.”

20 So now this a complaint against Gen Masemola. The dockets themselves, the six of them, relate to a complaint about Gen Khumalo and hence the conclusion that even as at the 10th of November the Chief of Staff did not have knowledge on the content of the actual dockets themselves and therefore the nature of the complaint in there must be correct. And we say that our interpretation has to be correct regard being had to how he phrases the referrals to IDAC.

CHAIRPERSON: You may continue with your response

...[intervenes].

ADV SELLO SC: Okay.

CHAIRPERSON: To my co-Commissioner, Commissioner Khumalo.

ADV SELLO SC: To do that I will have to, perhaps, I once again back to page 290 and that is Annexure MK15. It is that information note from the Inspectorate which we say dismiss the true complaint. At item 3 under discussion it says:

10 “The criminal allegations in the six cases which were opened are levelled against Lt Gen Khumalo, Maj Gen Lushaba, Maj Gen Madondo and Brig Ncube and are centred on four specific matters.”

You recall when we were looking at that e-mail of the 10th it was about Gen Masemola’s conduct and that is not part of this investigation.

20 “And these are centred on four specific matters, namely abuse of the Secret Service account, coverup of a criminal incident linked to Villieria case, failure to address Maj Gen Madondo’s results of the polygraph examination and practices of nepotism.”

When, then we have to jump ahead, I do not want to testify on behalf of the witness, to point Commissioner Khumalo to page 96 of the witness statement.

ADV KHUMALO SC: Page?

ADV SELLO SC: 96 and from paragraphs 3 to 5. Alright, now that is the, that deals with the arrest of General Khumalo subsequently. Arising from a case of at best nepotism. Criminal charges are laid against him. That is in there and he is arrested. He is now on bail. So when the
10 witness said in his statement that they follow patterns, this is the pattern that they are speaking to and I am going to hand over to him now to explain the pattern issue.

But before I do so, I would like to draw your attention to a qualifier he put forward before dealing with specific allegations and that is at 158 and it states:

20 “I request that each of the facts I articulate below be taken into proper context, being the developing pattern of cartel infiltration of policing and the criminal justice system in general in the country that is being established by available intelligence. Each fact on its own may admittedly not be conclusive but I submit that in the context provided each supports at the very

least a call for further and deeper interrogations and investigations.”

So as the various pieces come together there will be a better appreciation of the facts that he is testifying to now, because they are part of what he contends, or they contend, the Police, is a developing pattern. So ...[intervenes].

ADV KHUMALO SC: But if you had not reached the part that you say you are going to direct the witness to, we, I
10 prefer that you should not jump there.

ADV SELLO SC: Okay.

ADV KHUMALO SC: Get back to where you were and just go on with the testimony.

ADV SELLO SC: Okay, then we will flag it.

ADV KHUMALO SC: Yes.

ADV SELLO SC: When we get to that part ...[intervenes].

ADV KHUMALO SC: Yes, yes.

ADV SELLO SC: I will make sure that the witness deals ...[intervenes].

20 **ADV KHUMALO SC:** Ja.

ADV SELLO SC: Connects what is now at page 96 back to this conversation.

ADV KHUMALO SC: Ja.

ADV SELLO SC: To conclude the point. Thank you, Chair.

ADV KHUMALO SC: Thank you.

ADV SELLO SC: I will approach it that way.

EXAMINATION BY ADV SELLO SC (CONTINUES): In light of the answers provided I do not want us to rehash. I just want to make sure that the witness had not completed the point that he sought to make insofar as the complaint to Inspectorate and IDAC are concerned. General, therefore then to test my understanding, and please listen carefully, and I will pick up on what the Chair said and I do so quite mindful of the fact that the Chair did qualify his comment to
10 say it is early days with reference to your ...[indistinct] and non-complaint.

So I want to enquire from the witness the nature of the actual complaint insofar as what we have been discussing is concerned. We know that Mr Adams' complaint, or non-complaint, however it can be defined, triggered two separate investigative processes into the conduct of the Police. Is that your case?

LT GEN MKHWANAZI: That is correct.

ADV SELLO SC: What is wrong with that?

20 **LT GEN MKHWANAZI:** Commissioner, when you, as we investigate, as I said before, that we get an evidence of something and we try and connect this with something else and you start seeing a different picture, Mr Adams despite the fact that he levelled his complaints against these individuals at Crime Intelligence on the 29th and the 31st of

October respectively in two different police stations, two different provinces, the following day then he sends a complaint to the Minister, the outcome of that complaint seems to not resolve or address what they want to achieve or what he wants to achieve in that the National Commissioner's office, the Inspectorate in the Police through the National Commissioner's office is asking for additional, you know, a number of days which is another 10 days.

10 The Minister receives this and he acknowledge this on the 8th of November. Two days later Mr Adams sends another e-mail now with a different content, same complaint but now we believes this time around he is talking to what the National Commissioner has done, but yet he has not been able to engage with the Inspectorate. So I do not know how is he privy to the National Commissioner's report that is directed to the Minister, but he seems to address, now he is including the National Commissioner now that the National Commissioner himself is wrong with regard to how
20 he is handling the vetting issue of Khumalo and so forth.

 And this e-mail he sends it to the Minister on the 10th. That is two days later after the Minister signs the acknowledgement of the extension of 10 days. He sends another e-mail on the 10th to the Minister. He is now asking the Minister to refer this to a different body to investigate.

So that is how I think what then triggers the invitation of IDAC or the justification of saying Mr Adams, your complaint is unfounded for now, but in order not to wait send me something else ...[indistinct] allegations on this so that we can move this thing outside the Police.

So that is the only conclusion that one can draw from looking at the pattern that the Inspectorate is trying to engage you, you are not availing yourself, they produce a report, the Minister receives it on the 8th. On the 10th you
10 are now sending an e-mail talking about almost the same report that you did not participate on. You are now blaming the National Commissioner, because this report comes from the National Commissioner and we are now requesting that another body be invited to take over this dockets. That is, that is what we see as a behaviour that Adams is doing and also the office of the Minister.

Commissioners, maybe if I also take you back a bit. My apologies at that. When Inspectorate conduct this investigation, General Jacobs besides having the expertise
20 within the Inspectorate to be able to read the case dockets because they are Detectives themselves within, they are qualified, but he refers this complaint to Legal Services of the South African Police Service in order to get their opinion from an independent body that is Legal Services who are people that are admitted advocates that are sitting

in that division.

The Inspectorate wrote back to – Legal Services, I beg your pardon, wrote back to the Inspectorate on the same complaint and you will see it on the Annexure 293.

ADV SELLO SC: Page 293?

LT GEN MKHWANAZI: On page 293, I beg your pardon, on same Annexure 15.

ADV SELLO SC: Yes.

LT GEN MKHWANAZI: This is the letter from Inspectorate
10 that he has written, from Legal Services that is signed by Lt
Gen Thamane who is a Divisional Commissioner of Legal
Services, and if you look at the last page 296 on different
paragraphs, maybe I will just read one on record, paragraph
9 says:

“As indicated above this is the
response of Legal Services to having
studied the dockets.”

And they are responding to Inspectorate giving
advice, legal advice to Inspectorate with regard to this
20 complaint. They are saying:

“As indicated above, at the
complainants’ statements all the
complainants’ statements consist of
hearsay evidence which is inadmissible
in court. The identity of witnesses who

may have personal knowledge of the allegations are also not mentioned in the statement. This information is critical to ensure a proper investigation.”

That is just one quotation of what the Legal Services is saying.

ADV SELLO SC: And perhaps you might want them on that vein to continue to 2.11.

10 **LT GEN MKHWANAZI:** 2.11 reads, Commissioners:

“Whilst the allegations made by the complainant are serious in nature, they are unsubstantiated at this stage. The complainant’s statement can be described as vague in accusation rather than account of factual details that fall within the complainant’s personal knowledge.”

20 So this is what I thought, let me just reflect on, that Inspectorate in reaching the conclusion on their letter to say there is no basis, there is no element of crime on this complaint that warrants even the registration of the docket, but nonetheless the dockets were registered.

So coming back into this, Commissioner what I want to also draw your attention is that in my statement on

page 58, number 17, 174.3 on my statement ...[intervenes].

ADV SELLO SC: Paragraph 174.3 right?

LT GEN MKHWANAZI: Yes.

ADV SELLO SC: Yes.

LT GEN MKHWANAZI: On this page I am just indicating the complaints that Mr Adams have put on his statement when he registered this dockets and one of those complaints that I want to draw the attention of the Commissioners on is 17.3 which reads:

10 “The third case concerned the appointment of Ms Mokwele as Head of the Technical Support Service at Crime Intelligence. This is an individual that was appointed at Crime Intelligence which form the basis of one of the cases registered both in Cape Town and in Orlando.”

I must indicate, Commissioners that of all the complaints that were presented and all these dockets given
20 to IDAC, the only arrest of that entire team is based on this Ms Mokwele that was appointed from BMW coming to Crime Intelligence. It is based on that.

It is not about this case of Adams, but it is about a new case that was later registered, the complainant the very same Mr Adams. On a different statements that he

now deposed to IDAC in January of 2025 not part to these ones of October. Same facts on this and these dockets are with IDAC, but the arrest is affected on a new complaint by Mr Adams now specifically to this person. So it is why we are saying this is a strategy employed to make sure, Commissioner, especially Commissioner Khumalo, that as I keep on referencing there is one central figure here, or there is one problem that needs to be fixed and this problem is to stop the investigation of this drug cartel and
10 that is in Gauteng Province. And the common person in this thing it is Khumalo.

ADV SELLO SC: Ja ...[intervenes].

ADV KHUMALO SC: My question has been answered now.

ADV SELLO SC: It has been answered.

ADV KHUMALO SC: That is really what I wanted to get to.

ADV SELLO SC: Then just, we will come back to that. You heard the witness speak to new information, new affidavit. Those relate to the matters that are dealt with at page 96 when we specifically deal with what is termed the
20 General Khumalo case.

ADV BALOYI SC: Can I ...[intervenes].

ADV SELLO SC: Yes.

ADV BALOYI SC: Can I just confirm, General you say 174.3 is the basis on which General Khumalo was arrested. Is it the only charge that he is facing presently? I mean it

is a matter of public knowledge that there are criminal proceedings. Is that the only charge?

LT GEN MKHWANAZI: Commissioner ...[intervenes].

ADV SELLO SC: Before he answers, General, if I may, because I fear the witness might misunderstand as to is it the only charge, because the charge sheet may contain a number of charges. I understand the Commissioner to want to know whether the charges for which, the charges levelled against him arise from that one incident.

10 **ADV BALOYI SC:** Yes.

ADV SELLO SC: As opposed to there being only one charge.

ADV BALOYI SC: Yes, and I just need a yes or no answer. You do not have to give me detail of what it is.

LT GEN MKHWANAZI: The answer is yes, this forms the basis of the arrest of General Khumalo and the team at Crime Intelligence by IDAC, if I may qualify.

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

20 **ADV SELLO SC:** Thank you, General. Okay, now to find my place again. General, I think that in large part has dealt with your complaint as regards the conduct of Mr Adams. You, beyond that then move to another issue from paragraph 186 and this relates to what you say is the conduct of Ms Kohler Barnard as a member of Parliament and you have attached, or you have reproduced a start of a

statement.

In dealing with that particular complaint, please have regard to the question that the Chair had posed at the beginning of your evidence about Mr Adams, or, no I think it was Commissioner Baloyi, which is the relevance of this evidence, this complaint to the terms of reference. So you deal with your complaint regarding Ms Barnard, but please try and locate it to the extent that you can in its proper context.

10 **CHAIRPERSON**: Not that I am claiming credit, I raised that question.

ADV SELLO SC: Oh, I do – the Chair definitely raised it, yes. If you are able to. If you are not, and you explain it away as part of the pattern that you referenced, then we will deal with it in due course.

CHAIRPERSON: Actually in my marginal comments on my statement I have the same question in respect of this MP as well.

ADV SELLO SC: Okay.

20 **CHAIRPERSON**: Ja.

ADV SELLO SC: So I think I have pre-empted the Chairperson's question, asking the same question twice. So yes, it is in that context that I would like you to summarise what your complaint is and how you suggest that it is relevant to the Commission's terms of reference.

LT GEN MKHWANAZI: Commissioners, Ms Kohler Barnard is a long serving member of Parliament. Maybe you might excuse to some degree, not I agree with it, Mr Adams of being new in that Parliament, but Ms Kohler Barnard is a veteran in Parliament as a lawmaker who ought to understand what belongs where in Parliament. And I can confirm, Commissioners that she is appointed by her own political party, which is the Democratic Alliance, to be a member of both the Portfolio Committee on Police that
10 deals with the open account as well as being a member of the Joint Standing Committee of Intelligence which deals with the covert funds.

So she is better positioned to call the Department to come and account at the right platform but we have seen, and I said when I started I am going to draw one example of each. I am not going to go into details with many. There are many examples. But she is one of the leaders in our Legislature that is participating in both breaking the law as well as fuelling this malicious attacks that are happening
20 within Crime Intelligence and ultimately directed at Khumalo as the Head of that Intelligence.

I said she is a member of Joint Standing Committee of Intelligence, so what I put here on as an example on page 61 under paragraph 186 is a statement that she released in her capacity as a member of the Democratic

Alliance which I am going to quote. There is two paragraphs, Commissioners on record.

“The Democratic Alliance is calling for the immediate and thorough investigation into the recent purchase of a multimillion rand commercial property by the Crime Intelligence Division of the South African Police Service in Berea in Durban.”

10 The second paragraph:

“This purchase approved by high ranking officials within Crime Intelligence raises serious concern due to the vast amount of tax payers money involved, especially as it follows a previous highly questionable property acquisition in Pretoria to the tune of R22,7 million, a matter that the Inspector General of Intelligence
20 confirmed is now being investigated.”

The full statement is available on the internet. You can go and draw it. It comes from Ms Kohler Barnard. Now she is introducing an Inspector General. We know and we are going to demonstrate that later that the Intelligence community they operate separately from a normal account.

There are three entities established in the country. One is within Defence, another one is State Security, the third one is Crime Intelligence and both of them are supervised by the Inspector General of Intelligence. That is the only individual that has got access to all the classified and the work that they do at Crime Intelligence and whatever reports this Inspector General of Intelligence discover, must communicate with the Joint Standing Committee of Intelligence.

10 Later in our presentation, Commissioners I will demonstrate in some of the incidents that happened at Crime Intelligence that involved the office of the Inspector General for Intelligence being used by politicians which I had an experience on as I read my portfolio, my profile, the experience I had when I was the Acting National Commissioner at the time.

 We will indicate that, because in trying to address the issues that Crime Intelligence and the political involvement back in 2011 I deposited an affidavit at the
20 Zondo Commission. That affidavit is available. Unfortunately I was never invited to come and testify at the Zondo Commission. So the patterns that were there, the *modus operandi* of how they are dealing with things at Crime Intelligence back then it still exist today.

 So what we see here it is a person who has a legal

obligation to keep the mouth shut and go to the Joint Standing Committee and present and ventilate on these and hold the Divisional Commissioner accountable, but she does not use the platform. She goes publically and disclosed this. The risk of this, Commissioners is that it forces the members that are within Crime Intelligence in the public space to defend themselves by divulging all the secrets of the State that they are aware of, the irregularities within Crime Intelligence that ranges from the Police to the political parties which the members are not supposed to 10 according to their vetting and their classification of that information.

The platform they have to vent that is within the Inspector General of Intelligence and Parliament, Joint Standing Committee of Intelligence. So that is why a Provincial Commissioner like myself, General Mkhwanazi, I am not invited to the Joint Standing Committee, because I have got no business with the budget. It is the Divisional Commissioner of Crime Intelligence that has an access to 20 the Joint Standing Committee to go and account, because he is the one that is classified to be there and deal with the matter.

So we demonstrate here that Ms Kohler Barnard ...[indistinct] and Inspector General of Intelligence we have evidence of that, that he is part of the instrument of

investigating the things or counter-investigation of the things that the team are doing within Intelligence. So that is what I thought maybe I must bring forward without going more into details. As I said earlier these are some of the things that General Khumalo is going to come here and he is going to elaborate more of what actually is contained on this Gauteng Counter Intelligence investigation, who is involved and how the counter, what are the, what is the role that the Inspector General of Intelligence is playing in trying
10 to frustrate this project.

And we know in public, as public knowledge, that the very same Inspector General of Intelligence have signed MOU's with entities outside that security, that intelligence structure. One of them is IPID which is within the Police, as an example. So but we will demonstrate that, Commissioners because what we are trying to show here and tell the South Africans is that the whole intention is to stop the investigation of this cartel and the operations of this cartel.

20 And all the efforts that we are seeing as we are presenting this today is that there is a concerted effort of making sure that Khumalo and whoever he works with, are frustrated in making this to end in Court and different approaches are being applied as we are going to be demonstrating as we continue with this testimony today.

ADV SELLO SC: So you are suggesting for the moment that that issue be flagged, the complaint regarding that particular MP be flagged and that General Khumalo will testify more as regards the issue you highlight here. Is that, is that your testimony?

LT GEN MKHWANAZI: That exactly. Exactly, simply because there is a secret fund account mentioned here, there is the Inspector General of Intelligence mentioned here. That is not much of my space so that is why Khumalo
10 will come and testify on this in details, Commissioners.

ADV SELLO SC: Thank you, General. So those were the two complaints you levelled against the politicians in Parliament.

LT GEN MKHWANAZI: That is correct.

ADV SELLO SC: Now from page 61 we now concentrate on the Executive and you start that conversation at paragraph 187 all the way to paragraph 213. So let us take it in bite sizes and we start at paragraph 187. You may read some aspects of it into the record or you may speak to
20 it as is most comfortable for you.

LT GEN MKHWANAZI: Commissioners, I had said previously when EWN media asked me questions, had conducted an interview in my office and I repeated again in Parliament on the 5th of March and I repeated the same thing on the 6th of July this year that there is a gentleman,

Mr Brown Mogotsi, who is an associate of the Minister of Police, Mr Senzo Mchunu.

I spoke about Brown Mogotsi as an associate of Senzo Mchunu, Minister Senzo Mchunu simple because what confirm that is that when I received a WhatsApp communication from the number that I do not know with the information that we are going to talk about later on the statement, it made me ask a question because the person who is communicating with me seems to suggest that he is
10 close to the Minister, he is with the Minister, but for me to confirm that I had to first engage the person that I said earlier I knew very well, the Chief of Staff, Mr Nkabinde.

I called him to confirm this fellow whether does he know a person called Brown Mogotsi.

ADV SELLO SC: General, if I may, and I am sorry to ...[intervenes].

LT GEN MKHWANAZI: Yes.

ADV SELLO SC: I do apologize for having to interject. Perhaps if we follow the narrative as you set out in the
20 statement paragraph by paragraph, summarize, because you have set out the steps with reference to when, what event occurred and culminating in your conclusion, lest we lose the Commissioners, if that is workable with you.

LT GEN MKHWANAZI: Ja.

ADV SELLO SC: If you may.

...[intervenes].

CHAIRPERSON: And this was a private conversation between whom?

LT GEN MKHWANAZI: Between the Minister and one lady on X that goes with the handler at Lord K. That is a conversation that fortunately that lady recorded the conversation. It was a telephone conversation between them.

ADV SELLO SC: And if I may, General ...[indistinct]
10 [microphone off]. I apologize. I switched it off because the papers tends to make noise. To the Chair, we will get to that point, but perhaps the Chair might want to make a note that that recording that the General references is dealt with at paragraph 201 of his statement and that is where the detail of that recording is provided. Thank you.

CHAIRPERSON: Thank you.

LT GEN MKHWANAZI: Okay, thanks Commissioner. Commissioner, the communication between me and this Mr Brown Mogotsi started on the 30th of September 2024. This
20 is when I had received a WhatsApp message from Mr Brown Mogotsi where in his own writing in that WhatsApp message he was warning me in a way of saying that there is attempts of discrediting me by means of a case of the allegations of defeating the ends of justice case that was going to be registered in relation to an incident that had happened in

KZN at Correctional Services at Empangeni.

ADV SELLO SC: General, if I may, I know that the next ...[indistinct] [microphone off] I do apologize. Ja, I hope, I tend to bump into it so it makes noise, but I will keep it on. You, from here on you deal with a series of communication and you only attach the actual communication at the end of your narrative. May I request as you go, walk through the Commission, the Commissioners through what you say here, that perhaps we invite them to your Annexure MK17 and you
10 read both what you state in your statement in relation to any single event with reference to any part of MK17. Thank you.

LT GEN MKHWANAZI: Thank you, Commissioners. Commissioners, as I said the communication started on the 30th of September when Mr Brown Mogotsi made these allegations. Now obviously I do not know where he got my number from, but he made contact with me, cellphone contact.

CHAIRPERSON: Sorry, is it the one on page 315?

20 **LT GEN MKHWANAZI:** 313, that is where it start ...[intervenes].

CHAIRPERSON: Is that the one that you are referring to?

LT GEN MKHWANAZI: Commissioners, it start from 313, 313, 314 and it runs up until – I think the entire annexure, Commissioner which ends at 320.

CHAIRPERSON: I am trying to identify the very first communication. Just look at page 315.

LT GEN MKHWANAZI: Yes. Yes, Commissioner.

CHAIRPERSON: Is that the very first WhatsApp you received from Mr Brown?

LT GEN MKHWANAZI: Ja, that is the first one ja. I am sorry, with the order because it has got dates. Yes, it is on 315, that is correct. So as you can see there the first wording he says:

10 “My General Brown Mogotsi from North
 West.”

 And then the communication I think continues. Ja, the pages are not aligned correctly here, Commissioners, because the next one it becomes 313 which is a continuation of 315.

CHAIRPERSON: Did you ...[intervenes].

ADV SELLO SC: May I ...[intervenes].

CHAIRPERSON: May I make this request, please.

ADV SELLO SC: Yes.

20 **CHAIRPERSON:** Please re-arrange this pages.

ADV SELLO SC: Absolutely.

CHAIRPERSON: And you will of course then have to ...[intervenes].

ADV SELLO SC: Change the numbering a well.

CHAIRPERSON: Attend to the numbering as well.

ADV SELLO SC: Definitely, and we intend to do so. May I for the purposes of this conversation accept that the communication starts at 315.

CHAIRPERSON: Yes.

ADV SELLO SC: If you look at the bottom of 315 it is a snapshot of ...[intervenes].

CHAIRPERSON: Report ...[intervenes].

ADV SELLO SC: The, the – no, not a report, occurrence book.

10 **CHAIRPERSON:** Oh, oh.

ADV SELLO SC: Which then is reflected at page 313, 313 ought to have followed 315.

CHAIRPERSON: Yes.

ADV SELLO SC: If you could just bear it in mind. So it will be what you have 315 as the first, 313 would be the second and then it follows sequentially. Somewhere in the copying it, we will correct it, Chair. Thank you.

CHAIRPERSON: Thank you. Thank you.

20 **LT GEN MKHWANAZI:** Commissioner, as you see on those attachments there what I want to indicate is that as I started that I needed to confirm this person which Chief of Staff confirmed and later I got his number checked, officially so, and it was confirmed it is a number that is registered on record under his name. So there is no question mark as to his identity as an individual that exist in this country.

So Mr Brown Mogotsi, without maybe going, following the, all the paragraphs, Commissioner his first as you have indicated on attachment 315, he start by first sending me a message about the basis for this attempt to open a case against me and he attaches a copy or a screenshot of a police register at the police station at Empangeni. He had said he is from North West, but he sends me a copy of the occurrence book of Empangeni SAPS. That is a police station that is within, that is serving
10 the Minister of Police. It is literally less than 5km away from the Minister's house.

I received this thing. I am already told it is close to the Minister, that is why I am linking the Minister to it. He sends me this OB and I am asking myself I wonder how does he get hold of a copy of an OB entry, but nonetheless, he sends me the copy of the OB entry but he also sends me a draft letter that was not signed. The letter that is not signed has the similar content, unfortunately, Commissioner we did not print it, but it is that which is referred to on 313,
20 KZN factual report. That is the draft letter.

It is a letter, a Police letter that is, has got the details of an officer that was in charge on that scene on the day of an incident that happened at Correctional Services, but that officer did not sign that letter. It is a letter that is drafted but without a signature. So he attached it on

WhatsApp. The content of ...[intervenes].

ADV SELLO SC: Before you proceed, just for the record that letter was not provided for the purposes of your statement. It is what is attached as per these messages under KZN factual report, but the actual document itself is not provided to us, so we do not know the contents, am I correct?

LT GEN MKHWANAZI: I, well because it was attached I had opened it. I cannot remember if I saved that letter
10 separately. I will just have to check on record, because I did a screenshot of the conversation between me and him before they were deleted.

ADV SELLO SC: So we will check and see if you can still open ...[intervenes].

LT GEN MKHWANAZI: I will check on my records. Probably I will have the copy of the letter.

ADV SELLO SC: Thank you, General.

LT GEN MKHWANAZI: Commissioners, this is the first
20 communication he has with me and I then responded to him as you see there on 315. On his initial letter when I asked him what was he talking about then he sends me this communication. But I gave him a response on that communication and my response was to him that I am aware of the incident, I was involved in that incident, I am the one that guided the leader of that team of how to handle that

case. The content of the occurrence book and the content of the factual report thereto is attached, is a true reflection of my guidance to him and I elaborated, I explained to him what actually transpired at this correctional facility on the day.

ADV KHUMALO SC: Please refer me to the relevant page. That will be three one what, your response to him, because the sequence is confusing us, as was indicated earlier.

LT GEN MKHWANAZI: Commissioner, I am going to have
10 to align these attachments here because I think here indeed they are confusing. I will, if the Commissioner allow me ...[intervenes].

ADV KHUMALO SC: Can we not take a 3 or 5 minute and then you just re-arrange this ...[intervenes].

ADV SELLO SC: We just re-arrange and we will renumber.

ADV KHUMALO SC: Because for example I am looking, that was a state house, blah, blah and I have no idea ...[intervenes].

ADV SELLO SC: We shall do so, thank you, Chair.
20 Thanks for the opportunity.

ADV KHUMALO SC: How that comes into the picture.

LT GEN MKHWANAZI: Not unless Commissioner wants to break, but it does not take me long to get to the right page on my response. It is just that the sequence of the, because I know ...[intervenes].

ADV KHUMALO SC: That is why I was asking you to take me to the relevant page, because I did not see where your response is for example, General.

LT GEN MKHWANAZI: At 318.

ADV KHUMALO SC: 318. Is that, so is it your response that starts, that was a state house which is within DCS premises?

LT GEN MKHWANAZI: That is correct.

ADV KHUMALO SC: Does your response start exactly
10 there?

LT GEN MKHWANAZI: Commissioner, I do not think it starts there. It could be that maybe not all the attachments were put in.

ADV KHUMALO SC: Does it start at the bottom of 319, I know that matter very well which was ...[intervenes].

LT GEN MKHWANAZI: Oh ja, ja.

ADV KHUMALO SC: ... operation that was conducted at the premises of a high ranking DCS officer without a search warrant. That was a state house which – is that how it
20 flows?

LT GEN MKHWANAZI: That is correct. That is correct, Commissioner.

ADV SELLO SC: Chair ...[intervenes].

LT GEN MKHWANAZI: Maybe we should take that break then we can align, that we can align this.

ADV SELLO SC: Let us take the opportunity granted, right. Thank you.

CHAIRPERSON: Let us adjourn. You will indicate, we will stand somewhere here.

ADV SELLO SC: We shall, thank you, Chair.

INQUIRY ADJOURNS

INQUIRY RESUMES

EXAMINATION BY ADV SELLO SC (CONTINUES): Thank you, Chair for the opportunity. We have re-arranged your
10 files in the order that they follow based on the timestamps. Please for the moment ignore the pagination at the top right. We shall replace the pages accordingly. So as things stand because of the pagination we cannot risk them falling, because they get all mixed up again. So the General and us have got the same order as has been corrected in your files. So perhaps the proper place to start is with the question that Commissioner Khumalo had posed which is the start of this communication chain. So, General what we now know to be the start as re-arranged in your file
20 starts with the date of the 30th of September.

LT GEN MKHWANAZI: Commissioners, I must first apologize, Senior Counsel I must also apologize to you because what I notice is that Commissioners what I have as a screenshot of the conversation between me and Mr Brown I did not print everything, even after the re-arrangement

there are some missing, two or three ...[intervenes].

CHAIRPERSON: No, I will share with the Commissioner Khumalo. Mine is still wrong. It does not matter. It does not matter. Let us go on. Sorry General, ja I think we can continue. We will share. We will share.

ADV SELLO SC: Thank you, Chair. Quite distressing but we do apologize. So, General you say the pack as you provided us is missing some.

LT GEN MKHWANAZI: That is correct, Commissioners.

10 There is at least one, two, three and four pages ...[intervenes].

ADV SELLO SC: Okay.

LT GEN MKHWANAZI: I should have made which is a continuation of communication between me and Mr Brown. It might have cut off in October and it started again in April and again the last one being a telecommunication on the 3rd of July just before the press briefing.

ADV SELLO SC: Okay. May I propose, if it might work, because then it means we still have to get the copies from
20 you.

LT GEN MKHWANAZI: That is correct.

ADV SELLO SC: We still have to update the files. Perhaps we leave the issue of Mr Mogotsi in its entirety for now, because it hangs on the communication that was heard.

CHAIRPERSON: No, we can share. Let us go ahead. I will ...[intervenes].

ADV SELLO SC: No, no the point ...[intervenes].

CHAIRPERSON: Oh sorry, sorry ...[intervenes].

ADV SELLO SC: The point the General makes is even re-arranged he did not give us everything.

CHAIRPERSON: Okay.

ADV SELLO SC: So there are some communication that is missing from the packs that we all have.

10 **CHAIRPERSON**: Oh.

ADV SELLO SC: Now the question is whether or not his evidence will follow ...[intervenes].

CHAIRPERSON: Okay.

ADV SELLO SC: Sequentially when he has, what he has on the screen that we do not have on the file. So I was suggesting that because he is dealing with different people that we perhaps file the Mr Mogotsi issue till tomorrow morning and overnight we correct this, but then we deal with the next one.

20 **CHAIRPERSON**: Thank you. Thank you.

ADV SELLO SC: Would that disrupt the flow of your testimony, Mr Mogotsi. [Everyone laughing] It has been a long day. Apologies, Chair and apologies to Mr Mogotsi. Apologies, General for calling you by a wrong name. But I think the Chair you had confirmed that we can park this

issue.

CHAIRPERSON: Yes.

ADV SELLO SC: We will revert to it tomorrow.

CHAIRPERSON: Yes, yes, yes.

ADV SELLO SC: And mine was to check whether that would work with General Mkhwanazi if we did as I propose, General. So, and if you agree with me that then would lead us to page 75 under political interference. Would it be okay if we jumped this part regarding Mr Mogotsi and we update
10 the, all your communication with him, we will come deal with it first thing in the morning, but in the meantime we can move on to deal with the next person.

LT GEN MKHWANAZI: No I am okay with that, Commissioner.

ADV SELLO SC: Oh actually I am informed I jumped some. We deal with law enforcement at 68. I was ahead of myself. We deal with Mr Mogotsi if you recall, General in the context of dealing with the Executive. You start that part at page 61, paragraph 187 where you deal with Minister
20 Mchunu. You then lead on to your WhatsApp conversations with Mr Mogotsi and I am saying that entire conversation we park for today and we move on to your next issue, which is now dealing with law enforcement agencies starting from page 68 and we will come back to the issue of Mr Mogotsi tomorrow. Would that work?

LT GEN MKHWANAZI: That is correct.

ADV SELLO SC: Okay. Chair, thank you for that indulgence. We will obtain the further documents from the General and update your files accordingly. Thank you. General, then let us turn to page 68 of your statement and from page 68 to page 74, 75 you deal with law enforcement agencies and you referenced two instances under that heading. In the order that you have dealt with them could you please engage with the issues starting from paragraph
10 214.

LT GEN MKHWANAZI: Commissioners, as I said when I started yesterday what I will present before this Commission it is an information that I have a personal knowledge of which in the main was the Political Killings Task Team that I have already addressed and some of the things I am going to be presenting here it is an information that was presented to me by the different disciplines in the Police as they are engaging on the work that they do.

Some of that information is what you are going to
20 begin to see here, which information that will be confirmed by the very same people that were briefing me when they come before this Commission with that evidence. For instance, I will talk about a report that is available which I have seen, but are not displayed here. They are going to come with that report and show it to the Commission if that

is okay. I just want to make sure the Commission understand so that as when I talk ...[indistinct] asking me the question of where is the evidence of this you are talking about. It could be information that I am told during the course of work as, in my capacity as a senior officer.

Mind you, Commissioners that the ten members that are members of the Political Killings Task Team are still in Gauteng part of GCI Ops and I am having this conversation with the leader of this GCI Ops, General Khumalo in order
10 to get status in terms of the duration of this operation and that is when I am getting the extend of the work that they have before them that they must still do in Gauteng.

So one of those as we are indicating how this criminality or the syndicates are operating, getting the individuals that are within the political setup as well as business that we are going to talk about later, maybe tomorrow, and there is also Police Officers that are part of this, or Law Enforcement Officers. I might not talk about many examples that are out there, there are many cases, I
20 am going to cite few.

So one of them is this for the sitting at 214 where I was indicating that the Mr Matlala, Cat Matlala, Vusimuzi Cat Matlala, is one fellow that has been enjoying too much privilege from the Law Enforcement and the typical example is that one of, or at least few of his vehicles, I am not

talking about the number, but it is a couple of them, four or five, the number will be confirmed through the report, his personal vehicles were registered by the Deputy Chief of Police at Ekurhuleni, that is Maj Gen Mkhwanazi.

He facilitated the registration of this Mr Matlala's vehicles under the Municipality as if they are Municipality official vehicles, utilizing the funds from the Municipality of Ekurhuleni. So the vehicles then belong on record on, when you test them on the system you, they reflect as if they
10 belong to the Municipality.

It did not end there, Commissioners. He took these vehicles and he caused the Municipality to take the blue lights that belongs to the Municipality, the blue lights as supposed to be for the Law Enforcement vehicles within the Municipality and he fitted those blue lights in these vehicles and these vehicles were then given to Mr Cat Matlala.

I must indicate in terms of the Traffic Act the only authorised bodies to be able to drive with blue lights on the streets are Law Enforcement which would include SAPS, the
20 Metro Police, Traffic Police as well as the Military Police of the Defence. They are the only ones authorized by law to make use of these blue lights.

And even utilization of the blue light is somehow regulated that you cannot just willy nilly use a blue light. So it is an emergency light. It is a warning light. But this

was not only done by Matlala privately to the service provider, but it was done by Law Enforcement of Ekurhuleni and to confirm this you will, there is a report that is available because this complaint come from the Chief of this Municipality. When he registered the complaint against this, I am told according to his words he was suspended because the principal at the Municipality did not want him to pursue this investigation against his junior.

10 So he provided this information and he brought this to the attention of his Executive and Municipality, City Manager. It will appear that not much was done to the person that was responsible for this, despite the fact that the law was broken. So that is what I thought I must just indicate, covering mass lights starting from 214 up until the next page where I am indicating that the complaint from the Chief of Metro Police at Ekurhuleni ended with IPID, the Independent Police Investigative Directorate that are charged with the responsibility of investigating the criminality that is caused by the Police in the line of their
20 work.

The IPID conducted this investigation and there is a report that IPID produced to Ekurhuleni, a report that makes recommendations to the Executive of Ekurhuleni for them to take action against this Maj Gen Mkhwanazi who is a Deputy Chief responsible for Operations at Ekurhuleni.

ADV SELLO SC: That I think deals with ...[intervenes].

LT GEN MKHWANAZI: That deals with ...[intervenes].

ADV SELLO SC: The issue of Ekurhuleni and the blue lights.

LT GEN MKHWANAZI: The blue lights, yes. And that is up to 219.

ADV SELLO SC: Then you introduce a new ...[intervenes].

LT GEN MKHWANAZI: On my statement.

ADV SELLO SC: Issue there starting from paragraph 220.

10 **LT GEN MKHWANAZI:** Yes. I must indicate, Commissioners that that report of IPID is classified, so part of it, it will need to be declassified so that the Commissioner will have an insight on it.

ADV SELLO SC: And before then you move on, all the declassified documents that have been identified in the witness statements have been listed and we are seeking the declassification thereof and as soon as that is obtained we shall make available then these supporting IPID reports. Thank you.

20 **LT GEN MKHWANAZI:** On paragraph 220 onward, Commissioners I wanted to draw your attention to, or demonstrate before this Commission that there is other involvement of Police Officers. An example that I am putting here is one Police Officer from Johannesburg Metro. This Police Officer is a very close associate of the arrested

Mr Katiso Molefe.

On the 5th of February 2025 this Metro Police Officer, Johannes Magatle who works at JMPD. He deposited a statement, an affidavit during the investigation that was conducted by GCI Ops following the arrest of Mr Molefe which happened on the 6th of December last year. So this is him explaining in his own affidavit that he deposit the reason for the team to approach him and ask him to deposit an affidavit is because of his presence during the
10 arrest of Katiso Molefe and the role that he played on that day.

I am going to quote on what he says on his affidavit, Commissioner on page 70, 222 on my statement. In this affidavit Officer Magatle states that he became acquainted with Warrant Officer Michael Pule Tau, a former member of the South African Police Detective Branch, Johannesburg Central who is an accused with Mr Molefe in the Vereeniging murder case of Mr Swart as fellow police officer during 2008.

20 So it is him who is admitting that he is close friends with both of the suspects on the Vereeniging case. Through him, that is the Detective, he was introduced to Mr Katiso Molefe with whom he struck a close relationship over time and they established direct contact. He says I understand that Warrant Officer Tau resigned from the service after he

was arrested and charged for murder of Mr Swart.

What he stated under oath, Commissioners is that on the 6th of December, the day where Mr Molefe was arrested, he reported on duty and while he is on duty he received a phone call from Mr Molefe who was complaining about a suspicious vehicle that was parked on the street next to his house and he immediately proceeded to Molefe's residence and he fetched Mr Molefe and they drove to the vehicle that Molefe was suspected, which means he
10 transported Mr Molefe with his own vehicle, not knowing whether it is a state vehicle he was using, or Municipality vehicle or his private vehicle. He does not indicate it. But he fetched Molefe and he drove with Molefe to the suspected vehicle.

And he took note of the car's registration number and with the use of the SAPS system available to him, the system that he has an access to, he then used that to check the registration number of this vehicle in order to establish who is the owner of the vehicle. He then got out of the car
20 and he approached the occupant of the vehicle and introduced himself and thereafter he went back into his vehicle and then he informed Mr Molefe that the vehicle is a police vehicle and after that they drove back with Mr Molefe and he dropped him off at his home and he went on with his patrols.

And then he says on the very same day later Mr Molefe's son, Neo informed him that Mr Molefe was arrested on the same matter that Officer Tau was arrested on, which is a Vereeniging case. So as I said, Commissioners that the team that is investigating that took this statement from him, they will come before this Commission and they will explain in details about the role of this member, but he, my problem that I have with him, other than knowing the person, but start doing the favours of the person that
10 becomes a problem in that he then go and test the vehicle to establish the ownership and he goes and brief his friend or his associate to say this is a police vehicle so do not worry about it.

That is the first concern that we have with regard to this officer, so which means he then has, he uses his advantage position of being a Traffic Police Officer to advance the interest of Mr Katiso Molefe. There are many other things that are contained on the statement and also to confirm, Commissioner whether on the day was he on duty
20 or not, officially, that he claimed he was on duty for, the team that is going to come will come and explain further to the Commission that what have they discovered, whether was this man actually on duty on the day when he claims that he was on duty or he was not on duty. He might have perhaps provided the wrong information. And that is as far

as I want to leave in as far as the Metro Police is concerned.

ADV SELLO SC: Thank you, General.

ADV KHUMALO SC: Sorry, before you leave that, General, paragraph 228 of your statement.

LT GEN MKHWANAZI: Ja, Commissioner if I may read this one on record where it says that:

10 “He also renewed licences for vehicles
 at Mr Molefe’s request for which he will
 receive gratification.”

So Mr Molefe will ask him to register the vehicles and he will do that and of course there will be a reward coming from Mr Molefe in that regard. So the affidavit that he wrote we attached it here. Although it is handwritten, I hope the Commissioner will be able to see as marked MK18 on the annexures of this individual.

20 So we want to demonstrate, Commissioners that a Police Officer of his status is indeed conducting himself in an unprofessional manner and the unlawful conduct of abusing the state resources as well as his position as a Police Officer in order to benefit his friends, in this case Mr Molefe. It is what made us reach a conclusion that these are some of Police Officers within the Metro Police that are playing part to supporting the work or the illegalities that is done by some criminals out there.

So this is basically where we are going to, I am going to end with regard to the two. I must indicate as I said there are many other Law Enforcement officials that I did not necessarily include in the statement. Commissioners, you will recall I had mentioned during the press briefing and it is a public knowledge already, that in one instance Mr Cat Matlala was found with a cellphone inside prison, inside the correctional facilities.

10 For obvious he was not supposed to be in possession of such and such a cellphone was facilitated by individuals within Correctional Services to get to him because they have access to it. But I must ...[indistinct] the Commissioner of Correctional Services because on the day when we addressed the nation on the 6th of July the Commissioner called me because after watching the address he felt that he must send officials, the credible Correctional Service officials to go and inspect this detained person, Cat Matlala, to go and inspect his cell and search him.

20 It is when they did that on the direction of the Commissioner of Correctional Service that they found the cellphone. So the Commissioner then contacted me directly and he said he himself as a senior officer within the criminal justice system, within Law Enforcement, he does not have much trust on what is happening now in this area

and he says for sure someone brought in this cellphone and facilitated for this cellphone to get to the suspect or the detained person inside and I must make sure that I send someone I trust to go and fetch and collect this cellphone.

So that is when the team, GCI Ops team, went to correctional facility and they collected that cellphone from Mr Cat Matlala. And I am not going to get into the details then what was extracted on the phone, but the mere fact that he had a phone inside the correctional facility it then
10 implicate some officials within the system, but fortunately it is the same department with the credible officials that are working within the system supported by the Commissioner that helped us to retrieve that phone.

ADV SELLO SC: Thank you. Yes, please Chair.

CHAIRPERSON: Ja, the affidavit of Mr Johannes Mogatle it is relatively legible, but ...[intervenes].

ADV SELLO SC: Yes ...[intervenes].

CHAIRPERSON: Hoping that it is not too ...[intervenes].

ADV SELLO SC: Transcription is underway.

20 **CHAIRPERSON:** Much of – ja, can we have a typed version.

ADV SELLO SC: Yes.

CHAIRPERSON: Please.

ADV SELLO SC: A transcription is underway and that is why in his statement he quote so extensively from it.

CHAIRPERSON: Yes.

ADV SELLO SC: It was appreciating the fact that it is in hand and just to make things easier for the Commissioners he quoted it extensively as he did, but transcription is underway and being retyped and it shall be amended as, annexed as MK18(1) but retaining the original handwritten copy.

CHAIRPERSON: Thank you.

ADV SELLO SC: Thank you, Chair. Thank you, General
10 that then deals with your examples around Law Enforcement Agencies. From page 72 then you start a new topic now regarding what you call business people. Would you like to lead your evidence on that. For the moment I would request, insofar as business people are concerned, you take it to page 74 at paragraph 241, because from 238 you once again bring in Mr Mogotsi. I am going to request that you stop before you get to Mr Mogotsi and we will deal with that aspect of your statement tomorrow when we deal with the whole Mr Mogotsi related testimony. Do you
20 understand?

LT GEN MKHWANAZI: If I understand, Commissioner it will mean I will have to end at 239.

ADV SELLO SC: At 237.

LT GEN MKHWANAZI: Oh, 237.

ADV SELLO SC: Yes.

LT GEN MKHWANAZI: Okay. Alright, thank you, Commissioner.

ADV SELLO SC: No sorry, my apologies, I think you are correct, 239.

LT GEN MKHWANAZI: 239.

ADV SELLO SC: I misread, I misread the – 239.

LT GEN MKHWANAZI: Alright, thank you so much.

ADV SELLO SC: Thank you.

LT GEN MKHWANAZI: Commissioners, business people,
10 this information that I am highlighting here it is an extract
from the communication between different people that are
subject to the investigation by the GSCI Ops and some of
these communications are coming from cellphones of the
people that are already arrested and some of them are
coming from the people that, where the team is conducting
...[indistinct] and searches and the likes and they extract
this information.

And in some instances they will probably get
information from an approved download in terms of section
20 205 of the Criminal Procedure to authorize the downloading
of the information from different service providers. So this
will of course then be a direct communication between
people and in some instances communication from a third
party that is going to be presented.

There is a gentleman according to the records that

we have that the team will come and display further, that is a businessman in North West, Mr Suliman Carim. Mr Suliman Carim as a businessman in North West maintains a direct communication with the arrested person, Vusimuzi Cat Matlala and in their communications it involves the contract that Cat Matlala has with the Police Service which was a R360 million contract I spoke about during the press briefing.

And in this communication that the two of them are
10 having, Matlala is approaching him to help him engage with the Minister in order to stop the cancellation of his contract. And this Mr Sulliman Carim of course commits to do that, because he has this relationship with the Minister and as I say, I do not want to dive deeper into the other conversations or activities that are taking place in that communication between the two, however the intention here to display is to show that there is this gentleman that is part of the movement of money and the coordinator between Mr Matlala and the Minister and is part of the investigation,
20 that is why I am not going to go deeper into explaining how the movement of funds and the likes are happening but it is just to flag him as an enabler to facilitate the interest of the Minister as well as relationship with Cat Matlala.

ADV SELLO SC: Okay.

LT GEN MKHWANAZI: On the following page 234 I am just

showing the extract ...[intervenes].

ADV BALOYI SC: Apologies, General. Can I just ask for completeness of my understanding and if you cannot answer it for the reasons that you have given, please feel free to say that. Is Mr Carim in any way involved in the contract? Is he part to the contract between Matlala and the SAPS?

LT GEN MKHWANAZI: No, he is not.

ADV BALOYI SC: Okay, thank you.

ADV SELLO SC: Thank you, Commissioner. You wanted
10 to move on to paragraph 234, or page, paragraph 234,
General.

LT GEN MKHWANAZI: Yes, paragraph 234, this is a communication between Mr Cat, Vusimuzi Cat Matlala and his business partner, Mr Mike Van Wyk. I must say here that we are not necessarily blaming Mr Van Wyk of anything, but we are just displaying the level that Cat Matlala has an interest of what is happening in the police that he even communicates with his business partners.

So the text that is extracted from Mr Matlala's
20 phone as he was communicating with Mr Van Wyk, it reads
as follows:

“Breaking news. NPA ID guns for
National Police rogue unit. The NPA
Investigative Directorate, ID, raids
National Police Commissioner Fannie

Masemola and National Crime Intelligence Head, Lt Gen Khumalo's office after serving them with notices of arrest. This comes after an investigation launched by the Parliament Portfolio Committee. The National Police Commissioner, Jerry Masemola appeared weak and shaken when confronted by the ID. The ID had served him with arrest notice for five senior officers within Crime Intelligence Division, including its National Head, Gen Khumalo. When serving the arrest notices the National Commissioner asked the ID for indemnity from prosecution if he cooperates with them. An investigator states the National Commissioner was very nervous and appeared to be shaking. He then blamed the collapse of Crime Intelligence at the hands of Gen Khumalo and KZN Provincial Commissioner, Nhlanhla Mkhwanazi. Developing."

So this is just but one of the extracts. This is an

article that was carried in media. Commissioners, you are going to understand later when we show you the picture that as part of the concerted effort to damage the reputation of this Gauteng Counter Intelligence investigation operation is to feed the media with false information so that they create doubt about the officials that are working within that investigation team. So a typical example of what Cat Matlala sends to his associate.

But to prove that his associate does not apprehend
10 what is going on here, his response says:

“Not good.”

And logic tells you that a story like this of the top management of the Police being investigated cannot be good. That is his expression, Mr Van Wyk. But then the response from Matlala says:

“It is actually good. My person is going
to be a National Commissioner now.”

So Van Wyk does not understand where is Matlala going with this, that is why his expression is an ordinary
20 citizen is to say it cannot be good that the National Commissioner is painted like this, but Matlala says no, no, no, actually this is a good thing because my person is going to be the National Commissioner now.

This is the picture, Commissioners that begins to emerge as we investigate. We know already that there is

stories out there in the media that the National Commissioner is going to be arrested by IDAC. They are mentioning IDAC here. That is why I am demonstrating as we are going to demonstrate further that this very good NTT that was established after the Zondo Commission how it is being weaponized by the criminal syndicate that are operating within the Police in cahoots with those outside and largely involve members of Crime Intelligence. But we will display that, demonstrate that later, Commissioners.

10 **ADV SELLO SC:** Thank you, General Mkhwanazi. Commissioners ...[intervenes].

ADV BALOYI SC: Can I just confirm, at, I think MK19 is the extract ...[intervenes].

ADV SELLO SC: Yes.

ADV BALOYI SC: Of what you have quoted in the body.

LT GEN MKHWANAZI: That is correct.

ADV BALOYI SC: Of the statement. Is this extract what was published in the media or this is Mr Matlala himself just typing out?

20 **LT GEN MKHWANAZI:** It is an extract from the media that was published from the media that he copied and he posted on his WhatsApp chat.

ADV BALOYI SC: Okay, thank you.

ADV SELLO SC: Thank you, Commissioner Baloyi. That, I was going to address that Annexure MK19 as well and

based on the testimony of General Mkhwanazi we read it from the bottom up. The conversation starts at the bottom entry and ends – the timestamps to the left will – that 326, Chair, page 326.

ADV BALOYI SC: [Indistinct]... [microphone off]

ADV SELLO SC: It is marked as an annexure, Commissioner. The point we are making, Chair is that conversation is what General Mkhwanazi just read out and he has reproduced it at page 73, but if you, if one had to go
10 to that particular annexure, please read from the bottom and make your way up to the page. That is the order of the conversation. Thank you, General. I had requested that there are some other matters you deal with ...[intervenes].

CHAIRPERSON: Perhaps before you move on.

ADV SELLO SC: Yes, Chair.

CHAIRPERSON: General, if you do have the information, I know you are relying on others on this, but if you are able to can you please explain the proximity between the Minister and Mr Carim, which would have caused Mr Matlala
20 to ask him, to ask Mr Carim to intercede between him, Mr Matlala, and the Minister so that the contract does not, is not cancelled.

LT GEN MKHWANAZI: Commissioner, the information will come with an investigation team as they are doing the phone linkages, the communication between the two and

many other means that they will be able to see how, how are they related to and to what extent. But what we know from the extracts that I have seen is that there is a communication between himself and the Minister, that is why Matlala approaches him to get to the Minister, because he is aware that he has that close proximity to the Minister, beside the one, Brown Mogotsi that we are going to talk about later.

ADV SELLO SC: Thank you. Thank you, Chair. Yes, I
10 was stepping off the topic but we will take a question.

ADV BALOYI SC: No, you promised the witness that he can speak up to 239. There is 238 and 239.

ADV SELLO SC: It is a slightly different topic. We are stepping off from the correspondence between Mr Van Wyk and Mr Matlala. Then overleaf at page 74 you speak of yet another person. So that is a third person within the business sector. But as we did point out, General we will just deal with what is set out in paragraph 238 and 239 and the rest we will revisit tomorrow when we deal with Mr
20 Mogotsi.

LT GEN MKHWANAZI: Commissioners, I must first maybe also apologize, the typo here on 238 in brackets it is supposed to be Directorate for Priority Crime Investigation, not Crime Intelligence. My mistake on this one. We, there has been a lot that one was doing, that is why some of the

mistake will have crept in. So as you replace that with DPCI as an acronym it actually stands for Directorate for Priority Crime Investigation and the acronym is supposed to read DPCI.

So what we see here on the 11th of February 2025 it is a conversation between Mr Rafadi with Mr Matlala regarding the publication of the advertisement of a post of DPCI. The National Head of the Directorate for Priority Crime Investigation was to be going on retirement at the
10 beginning of this financial year in May and as such the process of filling the post started. So the post was advertised in February with the intention of having gone through the interviews and find a candidate that is suitable that can be confirmed the appointment by Parliament before he takes over the position.

In this conversation when Mr Rafadi sends Matlala this advert, Mr Matlala responded to the advert and his response was, and I quote:

20 “They gave it to General Sibiya already.”

So this was on advertisement and the advertisement is send by Mr Rafadi to Matlala and Matlala’s response to Mr Rafadi is that they gave it to General Sibiya already. So this is, Commissioners, a communication that happens preceding even the panel coming together to sit

and assess the applicants and conduct interviews and so forth and this is what Matlala is saying. We know that the filling of the vacancy of DPCI Head it is a responsibility of the Minister of Police. So perhaps Mr Matlala knew something we did not know.

We know that the filling of the vacancy of, or the NTT DPCI is NTT that is charged with the investigation of serious crime in our country, including organized crime, commercial crime and so forth. So a person who is then
10 charged with the responsibility of managing this entity he must be beyond reproach and for this name to be published by people who are currently in custody it made us to realize the extend of the influence that these people who are investigating have over the, either the Executive and the top structure of the South African Police Service. That is where we submit. I am going to end this one there, because the next one talks about Mr Brown Mogotsi that we had said we are going to engage on it later.

ADV SELLO SC: Can I just ...[intervenes].

20 **ADV KHUMALO SC:** Sorry, Adv Sello.

ADV SELLO SC: Yes, Commissioner.

ADV KHUMALO SC: Do we have an annexure that accompanies ...[intervenes].

ADV SELLO SC: No, that does not have an annexure. That does not have an annexure ...[intervenes].

ADV KHUMALO SC: So where do we get that date of 11 February 2025?

ADV SELLO SC: The witness will explain.

LT GEN MKHWANAZI: Commissioners, as I said, the information that is in my disposal, some of the information I was briefed and I got to see, this is part 1 of the communication or extraction that the team has made when they were conducting investigation that when the team appears here before the Commission will be able to present
10 before the Commission so you can see as the annex on their statements.

There are many things that I do not annex to my statement that are in the possession of the team as they are carrying out the investigation on this matters. That is why I said earlier while we are busy with the Commission the investigation continues. We might flag things here in the Commission but it does not stop the investigation. Yes, there was a frustration of the investigation of which still is there as we are having some of these members involved
20 undergoing court cases, but the members are still continuing with the investigation. So this information will be presented to the Commission when the members arrive.

ADV SELLO SC: I had two questions for you on that score, General. You deal with this aspect under the heading business people. My question is, and because that part of

your statement does not indicate who is Mr Rafadi. You mention him here about him sending the published advertisement to Mr Matlala, but you do not explain who Mr Rafadi is.

LT GEN MKHWANAZI: Ja, Commissioner I did not want to put the full details of Mr Rafadi here, avoiding litigations.

ADV SELLO SC: Okay.

LT GEN MKHWANAZI: But in camera the details will be provided so that the Commission get to know who the
10 person is, but he is a business person.

ADV SELLO SC: Okay. I am sure the Commission will accept that. My second question is do you know what, whether or not that advertised post was filled of the DPCI?

LT GEN MKHWANAZI: No, the post has not been filled to date. There is an Acting Head of DPCI. Although I am informed and I do not want to disclose the source, but the panel did sit and they did go through the applications that were presented and some people that were extracted from those that have applied their files were moved to Crime
20 Intelligence for Crime Intelligence to conduct vetting on them and that is as far as I know but the process has not been finalized because it will only be finalized and gets to Parliament. What then happen after this advert is that the post was withdrawn and it looks like they are going to, they are starting a new process again to fill this vacancy.

ADV SELLO SC: Noted, thank you. Thank you ...[intervenes].

LT GEN MKHWANAZI: But I must maybe, I know it is not my position, perhaps not on the statement, just to indicate, I do not know the reasons for the withdrawal of the post, but it is my conclusion when I see the extract of Mr Matlala that perhaps the person he is talking about might not meet the requirement because DPCI's post to be filled you must be able to serve 7 years. So if you are not able to serve 7
10 years, you cannot be appointed into that position. I am not saying that is the reason, but I am reliably informed that that influenced partly to why this post could not be filled.

ADV SELLO SC: Noted. Thank you, General. That, because we are jumping that portion dealing with Mr Mogotsi, that would lead us to the next sub-item which is dealing now with political interference.

CHAIRPERSON: I note that the time now is 5 to 4.

ADV SELLO SC: Yes.

CHAIRPERSON: Do we want to start that new topic now?

20 **ADV SELLO SC:** It will not be done in 5 minutes, so if it is more comfortable.

CHAIRPERSON: Should we not rather start tomorrow then?

ADV SELLO SC: We are happy to. We are happy to, Chair.

CHAIRPERSON: Alright.

ADV SELLO SC: Thank you.

CHAIRPERSON: But otherwise if you wanted to proceed
...[intervenes].

ADV SELLO SC: No, no, no.

CHAIRPERSON: We will ...[intervenes].

ADV SELLO SC: We will stand down, thank you.

CHAIRPERSON: We will adjourn at this stage and we will
resume at half past 9 tomorrow morning.

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

CHAIRPERSON: Let us adjourn.

INQUIRY ADJOURNS TO 19 SEPTEMBER

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