

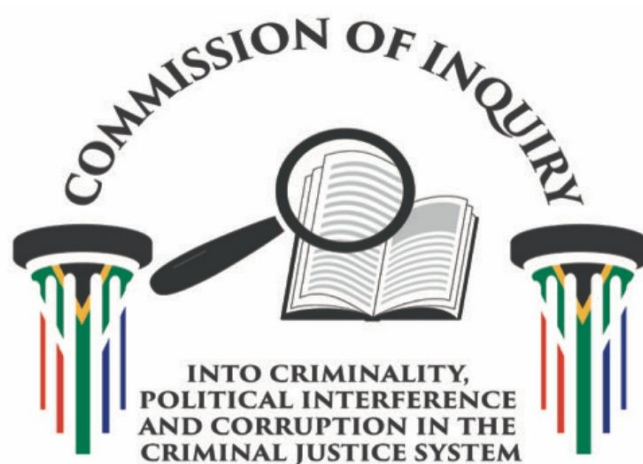
**JUDICIAL COMMISSION OF INQUIRY INTO CRIMINALITY,
POLITICAL INTERFERENCE AND CORRUPTION IN THE
CRIMINAL JUSTICE SYSTEM**

HELD AT

BRIGITTE MABANDLA JUSTICE COLLEGE

26 SEPTEMBER 2025

DAY 7



PROCEEDINGS ON 26 SEPTEMBER 2025

ADV KHUMALO SC: Good morning, ladies and gentlemen. We are about to start. Can we please request you to switch off your cell phones, make sure of that. Thank you.

CHAIRPERSON: Mr Chaskalson?

ADV CHASKALSON SC: Thank you, Chair. Today's witness is Adv Elaine Harrison, who is the Director of Public Prosecutions in KwaZulu-Natal.

CHAIRPERSON: Thank you. Good morning, Adv Harrison.

10 **ADV HARRISON:** Good morning, Commissioners.

CHAIRPERSON: Are you going to swear or affirm?

ADV HARRISON: I will take the oath.

CHAIRPERSON: Okay. Do you swear that the evidence you are going to give is the truth, the whole truth, nothing but the truth? If so, raise your right hand and say, so help me God.

ADV HARRISON: So help me God.

CHAIRPERSON: Thank you.

ELAINE HARRISON: (duly sworn states)

20 **EXAMINATION BY ADV CHASKALSON SC:** Thank you, Chair. Adv Harrison, you should have in front of you a witness statement and a bundle, which is a letter that you addressed to Lt-Gen Mkhwanazi with a whole series of annexures. Do you have both of those documents in front of you?

ADV HARRISON: I confirm I have them before me.

ADV CHASKALSON SC: If we can start then with your witness statement? And first I would ask, have you read through that witness statement?

ADV HARRISON: I have.

ADV CHASKALSON SC: And can you confirm under oath that the contents of the witness statement are correct?

ADV HARRISON: I confirm so.

ADV CHASKALSON SC: Then if we go to the witness
10 statement, if I can take you to paragraph 2, can you tell the Commission when you joined the NPA and when you became permanently employed at the NPA?

ADV HARRISON: Thank you. I joined the NPA on 1 June 2000 as an aspirant prosecutor. I was permanently employed by the NPA on 1 December 2000. Throughout my career as a public prosecutor, I have held various positions.

ADV CHASKALSON SC: Thank you, Adv Harrison. I am
told I have to ask you either to move the microphone closer to you. Apparently there is a problem picking up the
20 recording.

ADV HARRISON: Thank you. Want me to repeat?

ADV CHASKALSON SC: Could you do so? I am not sure if it was recorded.

ADV HARRISON: No problem, Counsel. I joined the NPA on 1 June 2000 as an aspirant prosecutor. I was

permanently employed by the NPA on 1 December 2000. Throughout my career as a public prosecutor, I have held various positions.

ADV CHASKALSON SC: And then in paragraph 3 and 4, you talk about your appointment first in an acting capacity as Director of Public Prosecutions and then in a permanent capacity. Can you just give the Commission the dates?

ADV HARRISON: I was appointed as the Acting Director of Public Prosecutions for KwaZulu-Natal during 12 May 2019
10 and then I was permanently appointed as the Director of Public Prosecutions for KwaZulu-Natal on 1 November 2019.

ADV CHASKALSON SC: And in the correspondence that we see in the bundle, you sometimes sign documents using the name Zungu and later Harrison. Can you just explain that to the Commission?

ADV HARRISON: At the time when I was appointed to act as the Director of Public Prosecutions in May 2019, I was still using my surname of Zungu. Thereafter, after my
20 appointment, well, sometime after my appointment as permanently, I then reverted back to my maiden surname of Harrison.

ADV CHASKALSON SC: And if we go then to paragraphs 5 and 6, you refer to your carrying out of the mandate of the NPA and performing the functions and powers vested in you

in that regard. Can you tell, if I take you to paragraph 6, can I ask you to tell the Commission what those powers and responsibilities are?

ADV HARRISON: Thank you, I will just read them out:

10 “In respect of KwaZulu-Natal, by virtue of my position and in terms of section 179(3) of the Constitution read together with section 24(1) of the National Prosecuting Act 32 of 1998, I have powers and responsibilities as set out hereunder:

[1] Power to institute and conduct criminal proceedings and to carry out functions incidental thereto as contemplated in section 23 of the NPA Act.

[2] Supervise, direct and coordinate the work and activities of all Deputy Directors and all prosecutors.

20 [3] Supervise, direct and coordinate specific investigations and carry out all duties and perform all functions and exercise all powers conferred or imposed on or assigned to me or under any law which is in accordance with the

provisions of this National Prosecuting Authority Act.”

ADV CHASKALSON SC: And then can I ask you also to read paragraph 7 of your statement?

ADV HARRISON:

“I have always exercised the mandate of the NPA without fear, favour or prejudice.”

ADV CHASKALSON SC: Now, we are going to get in some
10 detail when we come to the correspondence to issues relating to the Political Killings Task Team. But at this point, can you just very briefly with reference to paragraph 8, explain your overall view of the Political Killings Task Team and what value, if any, it had?

ADV HARRISON:

20 “As the Director of Public Prosecutions for KwaZulu-Natal, I have considered the Political Task Team as an essential and necessary structure for the province of KwaZulu-Natal and the country as a whole. This is so as the team was precisely aimed at dealing with politically motivated and related crimes that gained momentum and threatened to destabilise the province

and to spiral to other provinces.”

ADV CHASKALSON SC: Now, when did you first hear reports relating to the disestablishment of the task team?

ADV HARRISON: During December 2024 and January 2025, I was on leave. So during January 2025, I then, through the social media reports, I came to learn about the de-establishment of the task team. And at that time, I thought it was fake news. So I was on leave.

ADV CHASKALSON SC: So you initially thought it was
10 fake news and when you returned from leave, did your opinion change?

ADV HARRISON: After I returned to the office in January 2025, I was informed by Adv Xaba, the dedicated prosecutor who was responding to the task team matters, that the social media reports may be well true because the team had been informed by General Khumalo only to continue with matters that had been enrolled or were waiting for decision.

ADV CHASKALSON SC: Now, have you ever formally been notified of the disestablishment of the task team?

20 **ADV HARRISON:** At no stage was any formal communication addressed to my office notifying us of the de-establishment of the task team.

ADV CHASKALSON SC: I want to take you now to a letter that Lt-Gen Mkhwanazi addressed to you in May 2025 and that letter is at page 244 of the separate bundle that you

have. So if you can go to 244?

ADV HARRISON: Found it.

ADV CHASKALSON SC: You are ahead of me, Adv Harrison, unfortunately.

ADV HARRISON: Sorry.

ADV CHASKALSON SC: You have found it?

ADV HARRISON: Yes.

ADV CHASKALSON SC: No, no, I have now found it too.

ADV HARRISON: Okay.

10 **ADV CHASKALSON SC:** Can you – first of all, can you confirm that you received this letter?

ADV HARRISON: I confirm so.

ADV CHASKALSON SC: And can you read, it is a very short letter ...[intervenes].

CHAIRPERSON: Let us name the file with the DPP's statement. Let us call that Harrison 1.

ADV CHASKALSON SC: Chair, it is already part of MK12, so we have it on file. In fact, this bundle that Adv Harrison has is MK12.

20 **CHAIRPERSON:** I am actually, and I brought Mkhwanazi 2, and I thought that is what we would refer to, but I do see this small bundle here. So it is on that basis that I thought you are going to be handing this up. Unless we then refer to the ...[intervenes].

ADV CHASKALSON SC: The page numbers in MK12.

CHAIRPERSON: Yes, in MK, ja.

ADV CHASKALSON SC: The witness and I have prepared on those page numbers, so let us just keep it, if it is all right with you, Chair, then we can keep it as MK12.

CHAIRPERSON: Okay. Let us refer to the relevant MK then now.

ADV CHASKALSON SC: So on page 244 you have confirmed you received this letter from Lt-Gen Mkhwanazi. It is a very short letter. Can you just simply read its
10 contents into the record?

ADV HARRISON: Thank you. It is addressed to myself as the Director of Public Prosecutions in KwaZulu-Natal. It is dated the 22nd of May 2025. It is headed Political Task Team, Prosecution-Guided Investigation, Failure to Execute J50 Warrants:

20 “This office wishes to apologise for the failure in executing J50 warrants in dockets among 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 on 2025-05-20 in a docket accountability session to the

fact that all prosecution guidance since 25-03-26 has not been addressed. This office assures the Office of the Director of Public Prosecution that the whereabouts of these dockets is being investigated and the findings will be brought to your attention. Kindly regards.”

And it is signed off by Lt-Gen Provincial Commissioner
10 KwaZulu-Natal NS Mkhwanazi.

ADV CHASKALSON SC: If we can then go back to your statement? First of all, can you confirm that this is the letter that you refer to in paragraph 12 of your statement?

ADV HARRISON: I confirm so.

ADV CHASKALSON SC: And just to go back to the chronology, this letter you have recorded was dated 22 May 2025. When had you first heard of the disestablishment of the task team?

ADV HARRISON: As I have indicated, through media. It
20 was floating on social media from about the 3rd of January.

ADV CHASKALSON SC: So this was approximately four and a half months after you first heard of the disestablishment or the alleged disestablishment of the task team?

ADV HARRISON: That is correct, Counsel.

ADV CHASKALSON SC: Now, you note in paragraph 13 of your statement that the letter did not refer to the disestablishment of the task team, but rather to the removal of dockets.

ADV HARRISON: Correct.

ADV CHASKALSON SC: And in paragraph 14 you refer to frustrations when you receive this letter. Can you explain these frustrations to the Commission?

ADV HARRISON: Thank you:

10 “Firstly, there had been no formal communication to me about the de-establishment of the task team itself other than what I saw on social media. Secondly, Lt-Gen Mkhwanazi had not addressed the de-establishment of the task team in his letter. He had referred only to the removal of the dockets. Thirdly, an enormous amount of work had taken place to ensure the

20 necessary coordination by providing a dedicated prosecutorial team to address all the challenges that had historically been raised in responding to the work of the task team. And fourthly, news of the disestablishment

emerged at the time that all of the work that had been put in was clearly bearing fruit and the coordination was producing the desired results.”

ADV CHASKALSON SC: You responded to Lt-Gen Mkhwanazi's letter. If I can take you to page 195 of the MK12 bundle, can you confirm that that was your response?

ADV HARRISON: Commissioners, I confirm that this is my correspondence and my response to General Mkhwanazi.

10 **ADV CHASKALSON SC:** And in paragraph 1 you refer to your correspondence dated 22 May 2025. Is that the letter from Lt-Gen Mkhwanazi that we just saw?

ADV HARRISON: That is correct, Counsel.

ADV CHASKALSON SC: Can I then ask you to read the first three sentences of paragraph 2 of your letter?

ADV HARRISON:

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.”

Should I continue?

ADV CHASKALSON SC: Sorry, and the third sentence?

ADV HARRISON:

“There has been no formal communication to the office of the National Director of Public Prosecutions as well as my office on this issue.”

ADV CHASKALSON SC: And probably also the fourth, which emphasises the point.

10 **ADV HARRISON:**

“It is of concern that this office remains unsure of what the correct position is regarding the existence of this team.”

ADV CHASKALSON SC: Is there anything you would like to add, to elaborate on what you are saying there?

ADV HARRISON: You know, there was a bit of frustration at this time because there had been a lot of work that had gone into responding and getting coordination from the NPA side in the province towards the work of the task team. So
20 when I started off in this way, it is because General Mkhwanazi had said nothing in his correspondence regarding the – in his letter dated 22 May. He had said absolutely nothing regarding the, whether you say disbandment or de-establishment of the Political Task Team. And yet I already had information from the director

who was, the Deputy Director who was heading the session. So you can understand the frustration that there was, and it was all on social media. Nothing was coming from him.

ADV CHASKALSON SC: Can I ask you to go to the next paragraph where you referred to Adv Xaba. Is he the Deputy Director to whom you just mentioned?

ADV HARRISON: Yes, he is the Deputy Director of Public Prosecutions who is the overall portfolio holder for the Political Killings Task Team cases.

10 **ADV CHASKALSON SC:** And what had he informed you?

ADV HARRISON: Can I read what I have noted in the letter?

ADV CHASKALSON SC: Certainly.

ADV HARRISON: Thank you:

“I engaged Adv Xaba regarding the contents of...”

Sorry. That is just responding to that. Adv Xaba had informed me, as I indicated that he had informed me that what they had been told by General Khumalo was that they will only be dealing with the decision dockets that they had and will also be dealing only with the court-going matters. They would not be taking in any new matters.

20 **ADV CHASKALSON SC:** And then if we go to the top of paragraph 190, sorry, page 196? Can you read what you have written there and explain the significance of it to the

Commission?

ADV HARRISON:

“In 2026, there will be local government elections. We are aware that all elections are often 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.”

And the reason I say this is clearly in KwaZulu-Natal, we see that every time that there are elections, this is the norm that happens in KZN. And it is a forewarning that in going towards the next elections, which are going to be in 2026, that we can expect that there will be some spike of political activity, violence within the province. And I was worried, as I said, I was worried at that stage and a bit frustrated that no one is coming out to tell me what is the correct picture regarding this letter that had now circulated in the media.

ADV CHASKALSON SC: Thank you. In the next sentence of the letter, the next paragraph, you speak of being requested to provide dedicated capacity to respond to the

Political Task Team. Can you elaborate on that?

ADV HARRISON:

“Upon my assumption of duty in the province as per the director...”

As the director, sorry:

“Upon my assumption of duty in the province as the Director of Public Prosecutions in May 2019, acting at the time, my office was approached by
10 General Khumalo, who requested for dedicated capacity to respond to the Political Task Team.”

Basically, what had happened is that at that time my predecessor had nominated Adv Selepe, a Deputy Director of Public Prosecutions to manage the portfolio. As the work increased, obviously, then being on his own, he was unable to deal with all these political cases that were being brought to him. And as a result, General Khumalo was requesting for a dedicated capacity. In other words, he wanted a
20 number of prosecutors to be allocated to specifically deal with these matters.

ADV CHASKALSON SC: Thank you. You then refer to annexures to your letter, and we will deal with those annexures separately later. So if I can take you down another two paragraphs where you refer to a meeting on 5

August 2019? Can you tell the Commission of the relevance of that meeting?

ADV HARRISON: The relevance of this meeting was that at that time, due to the numerous challenges that we were having within the province, regarding – just to get the coordination correct, there had been a meeting of 5 August 2019 and at this meeting, we saw that our National Director of Public Prosecutions was at this meeting, and there were several other dignitaries as well that was there. And if I
10 remember, there were also, I think Minister Lamola was also there because there is a correspondence further down in this bundle that talks to this meeting that came from Minister Lamola.

ADV CHASKALSON SC: And what came out of that meeting? What did the meeting decide?

ADV HARRISON: It was decided, there were several issues that were basically raised at this meeting. And at this meeting, it was decided that we need to revisit ourselves regarding how we were working. And also, it was
20 also one of the issues that was also discussed was finding a central court to deal with the political killing matters in the province.

ADV CHASKALSON SC: Now, in your letter you referred to a decision that the Organised Crime Component, OCC, would be the dedicated capacity for the politically related

cases. Can you tell the Commission what the OCC was?

ADV HARRISON: Thank you. The OCC is the Organised Crime Component, which is a unit that falls within the office. To basically describe the office, Commissioners, you have got my position as being the Director of Public Prosecutions and then you have got underneath, you then have senior managers of Deputy Directors of Public Prosecutions and then senior managers also consist of the Chief Prosecutors.

10 So every unit, we have got a few units there. We have got the General Prosecutions that will be dealing with your normal murder cases and robberies, or they can be organised sometimes, but the general murders. Then you will have, for example, the Organised Crime Component, which will be dealing with the more syndicate type of offences, Organised Crime, gang type of offences, and respond to the POCA legislation. Then you also have the Tax Unit, that will be a specialised tax unit.

20 Then you will have the Specialised Commercial Crime Unit, and then you will have the Asset Forfeiture Unit. All these are headed by Deputy Directors of Public Prosecutions. And then underneath them, you have got advocates that then report to the Deputy Director. So they will deal with all the work. In other words, they are at the operational ground of the cases. So that is how it was.

ADV CHASKALSON SC: And what informed the decision to allocate political killings to the Organised Crime Component, the OCC?

ADV HARRISON: At that time, I also wish to put this before the Commissioners. Commissioners, at this time, we were really struggling within the province, and I think the NPA as a whole. There was just no recruitment taking place because of the austerity measures that were in place at the time. But I had to look at all the logistical issues.

10 One, the outcry was there. Whatever we had tried to put into place was not working. So I had to identify a unit. And because of logistics, I decided I needed a unit in Durban because the Organised Crime Component sits in Durban and the task team also sits in Durban, meaning that it would be easier for them to deal with the work.

And also, what I had at that time was, some of the prosecutors within the Organised Crime at that time also had protectors. So we all know with some of these cases, they come with challenges with regards to security for our

20 prosecutors. But they also needed to respond to some of our Organised Crime nature criteria, if I can put it that way. And therefore, I believed at that time that they would be better be able to respond to the Political Task Team.

ADV CHASKALSON SC: Can I ask you just to elaborate on your reference to Organised Crime type criteria?

ADV HARRISON: Okay, these are the cases which are organised in nature, and these are the ones that often involved the syndicates and the gang type of criteria that you would find, and also to respond to the POCA legislation. So it is really gang-related groups, syndicates operating. With their investigations, they always must try and look towards establishing whether there is a syndicate that is involved in their type of matter that they deal with.

ADV CHASKALSON SC: And was there any overlap
10 between that and the political killings environment?

ADV HARRISON: I did not see any overlap, because I think at the end of the day, they were also looking towards determining whether or not these were syndicates that are operating or gangs that are operating. And it can be one or two, you know?

ADV CHASKALSON SC: You then refer to further annexures, Annexures C, D, and E, and we will get to them in due course. If I can take you over the page onto page
20 197, and in the second, third, fourth, and fifth paragraphs you talk about the work that went into the Political Task Team. Can you elaborate on that for the Commission?

ADV HARRISON: Okay, thank you, Counsel. Basically, what happens is that the – I will just read out the one paragraph because I think it explains it:

“The dedicated prosecutorial capacity

is headed by a Deputy Director of Public Prosecutions 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.”

Do you want me to continue with the paragraph?

10 **ADV CHASKALSON SC:** Well, maybe you can, your next sentence refers to a database. Maybe you can just explain what that database is.

ADV HARRISON: Okay:

20 “A database has been retained since the inception of this dedicated capacity, and there have been numerous successful prosecutions. There are several high-profile politically related matters on the court roll. 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 the new cases reported.”

Database is a table, it is a document where we record all our cases that we have got within – which the prosecutors are dealing with. So the database for the politically related cases was divided into three. You have got the decision dockets, those are matters not yet on the court roll. You have got matters on the court roll, and then the last data or data on that database will be finalised cases. So then it enables you to account for what you have got in your section, but it is also a monitoring tool towards the work
10 that is being done by the units.

ADV CHASKALSON SC: And was there a database dedicated specific ...[intervenes].

CHAIRPERSON: Okay, or maybe continue with the database, I will come in after that.

ADV CHASKALSON SC: Specifically to the Political Killings Task Team matters.

ADV HARRISON: Yes, Counsel, we have got a database specifically for the Political Task Team matters, just like how we would have for the other type of cases. For
20 example, the drug cases. We will have a database for that. Environmental, we will have a database, but they all fall under the Organised Crime Components.

CHAIRPERSON: DPP, General Mkhwanazi and General Masemola testified that there was a higher success rate in the prosecution of PKTT matters. We engaged both of them

on that, and we wanted to get an idea on what exactly the comparators were. You do not necessarily suggest this higher success rate. You say you use numerous. There have been numerous successful prosecutions. Do you share their view that this was higher than the norm?

ADV HARRISON: Chairperson, can I describe it in this way? If you look at our database with regards to the cases, the finalised cases, for example, in 2025 all the matters that have been recorded there are successful prosecutions. But
10 we do not go and say, okay, but we also look at in the previous years, how have we been doing with regards to those cases/ And we do find that we rate ourselves regarding, I would not say always successful, but finalised because of the complaints that had been there regarding the prosecution of these matters under court roll. But if you look at prior to the dedicated capacity, and after the dedicated capacity was provided, you will find that there was a higher finalisation rate of these cases and higher success rates of the cases.

20 **CHAIRPERSON:** Thank you, DPP.

ADV HARRISON: Thank you, Chair.

ADV CHASKALSON SC: Would those figures be available for this Commission if we needed them?

ADV HARRISON: Chairperson, I am sure I can get those figures because we have got our databases operating.

ADV CHASKALSON SC: Thank you. And then of course, picking up on what you were saying, it would be useful to have a historical perspective as well so that we can do the comparative exercise.

ADV HARRISON: Yes.

ADV KHUMALO SC: Okay. Adv Chaskalson, can I just ask a question, please? Adv Harrison, I am assuming that dedicating specific capacity in terms of prosecutors and also a dedicated court had something to do with the
10 finalisation of these cases because without dedicated prosecutors and dedicated court, these cases would be enrolled as part of the normal enrolment of criminal cases and they would have to wait in the queue. Would that be a fair assessment?

ADV HARRISON: Chair, can I indicate that we never ever got to the dedicated courts? We did – there was an exercise, a series of meetings, a whole exercise that was conducted, but we never got to the issue of the dedicated courts. What the prosecutors did do is try and have those
20 matters prioritised on the court rolls that they were operating from so that we could see the better finalisation of the cases. Thank you.

ADV CHASKALSON SC: We were going to get to that later, but maybe you could explain to the Commission what the investigations into a dedicated court revealed and why

you never got there.

ADV HARRISON: Thank you, Counsel. Chairperson, at the time when there was this talk about the dedicated courts, and if my memory serves me correct, although I cannot be so specific, was that there was a real outcall from the time when I came in for a dedicated court. So basically what happened is that, especially after the meeting of 23 August, we then set out to look for a dedicated court and we went to the Acting Regional Court President at that time and
10 spoke to him, but we realised that we could not speak without the Regional Head for the Department of Justice.

So what we then did is we had the meeting postponed. And during the time when we had the meeting postponed, then we had the correspondence of the Minister Lamola come in about the dedicated courts, and that was the 10th of September, if I look into the record. And on the 12th of September, we then had a meeting with the Regional Head together with the Acting Regional Court President at that time to discuss the dedicated courts, and this was also
20 with my team that I was with.

Chairperson, there were a series of meetings thereafter. And one will note, if it ever comes, is that there was a court, one court was identified, but there were security issues in regards to that court. So we had to go back to the drawing board and then we identified different

areas or different centres, and it was three basic centres. It was Richards Bay, it was Durban, and then it was Pietermaritzburg. And the reason for that was that we would be bringing the cases from the outer lying areas to the nearest centre to deal with those matters.

And, Chairperson, we went deeper down with that analysis. We started to look at, okay, now let us look at the cases that you have got. And we found that some of the cases were many, let me put it that way, were already on
10 the court roll for trial. Now, witnesses have been subpoenaed, they need to go to that court. You are now just disorganising everything in regards to those court rolls because remember, it is already a set court roll for that court.

But further than that, Chairperson, something that also was a bit of a concern for us was that you have got a matter coming from, let us say, Ingwavuma or Jozini, and you are bringing it to Richards Bay, which is nearly, say, 200, between 200 to 300 kilometres. You are taking away a
20 matter from the community where the matter was committed. The community also wants to listen to the matter. Further than that is that you have also got the family of the deceased that also wants to come in and listen to the matter in court.

Now, there is no witness fees to pay for all these

people that need to come in. So that was also something that we had to discuss. And that is the reason why at the end we just decided, you know, the matters are there on the court roll. They are continuing. It is not as if we did not go back and look into the issue of a dedicated court, but just the logistics and everything surrounding the logistics was just not working out for us.

ADV CHASKALSON SC: Thanks, Adv Harrison. Can I take you back to your letter now? And we have essentially
10 reached your conclusion. And can I ask you actually to read into the record what the conclusion of your letter to Lt-Gen Mkhwanazi?

ADV HARRISON:

“It is requested that you assist with providing my office with a response regarding whether the SAPS Political Task Team still exists. That dedicated capacity needs to respond to the dedicated task team. If there is no
20 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 correspondence will assist us 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 and signed off by myself.”

10

ADV CHASKALSON SC: Thank you. And is there anything you want to say in, I mean, it speaks – it says a lot itself, but is there anything you want to say in amplification of that conclusion?

20

ADV HARRISON: Chairperson, the only thing is that, you know, you have dedicated the work of the task team and you have given a – I have given the dedicated team of from the Organised Crime Component. And we all know that

what is going on at the present moment as it is 2025 regarding the issue of organised crime, if you read in any media platform, you always find something about organised crime and the NPA has got its own strategies and action plans as to how we need to approach the work. And I was finding that I am unable to finalise the case in annual operation plan because there is no finality regarding the existence or nonexistence of the Political Task Team, which would then make me – it would have an input regarding the
10 case and end plan. Thank you, Chair.

ADV BALOYI SC: Mr Chaskalson, before you leave this letter. Adv Harrison, if you look at page 196, that letter, and you have skipped parts, I just want to clarify that I understand them correctly just from my reading. In the third paragraph, you say:

“I also wish to bring to your attention a correspondence with the Minister of police.”

And that correspondence – and this is to the National
20 Director of Public Prosecutions, and that correspondence is the 24th of May 2019. And then in the next paragraph, you discuss the meeting of the 5th of August 2019. And I think in your explanation of that paragraph, you say Minister Lamola was also present at this meeting. What does this mean? In May 2019, you speak of Minister Cele, and in the

next paragraph, in August, you reference Minister Lamola. Had there at this point been a change, or is it a mistake, your reference to Lamola?

ADV HARRISON: Okay. Commissioner, in 2024, in May 2024, it was Mr ...[intervenes].

ADV BALOYI SC: 2019.

ADV HARRISON: Sorry, in May 2019 it was the Minister of Police at the time, Mr Cele, who had written to the National Director regarding the coordination process.

10 **ADV BALOYI SC:** Yes.

ADV HARRISON: And then there were a series of meetings, and when I say a series, there were lots of meetings at this stage. Then you have the meeting of 5 August 2019. And I think I indicated somewhere, I cannot remember all the dignitaries that were there, but it was the National Commissioner of the South African Police was there. I cannot remember whether it was Mr Cele at that time or Sithole, but it was one of the National Commissioners, but indicating that they were there. And if
20 you look at the correspondent, as I said, from the Minister Lamola, he clearly was present at that meeting of 5 August. So it was me trying to explain or show the series of events that had taken place for us to get to the coordination process at the time.

ADV BALOYI SC: All right, so what I wanted to clarify

was, in August 201, the Minister at that time was Minister Lamola. Sorry, I am making a mistake, actually. Minister Lamola was Justice, right?

ADV HARRISON: Yes.

ADV BALOYI SC: Yes, and Cele was Police.

ADV HARRISON: Yes.

ADV BALOYI SC: My mistake, I do not mean to confuse you. A different point about it, though. So in May 2019 and in August 2019, you had both Minister of Police and
10 Minister of Justice concerned about political killings at that point and requiring them to be prioritised with dedicated resources.

ADV HARRISON: That is correct, Commissioner.

ADV BALOYI SC: And that is because at that point it was an issue, political killings in 2019.

ADV HARRISON: At that point, it was an issue.

ADV BALOYI SC: Thank you. Thank you, Mr Chaskalson.

ADV CHASKALSON SC: Thank you, Commissioner. Maybe if we can now go to the annexures. And if we can
20 take them chronologically, can we start with Annexure B, which is at page 202 of the MK12 Bundle, and it is the letter from Minister Cele and it is 19 May 2019? And before we actually look at the annexure, can I take you to an email on page 251 of that bundle? And is this the email under which you received the copy of Minister Cele's letter?

ADV HARRISON: Yes, Counsel, that is the email that forwarded me the correspondence that is on page 202 and the email is dated 3 June, and it was received from the Office of Adv Batohi.

ADV CHASKALSON SC: Then if we go back to the letter itself on page 202, in paragraphs 1 and paragraphs 2 the letter explains its purpose and sets out its background. And then in paragraph 3 the Minister identifies challenges, and there are a series of challenges that the Minister identifies.

10 Can you take each of those challenges and just respond to them as whether they were challenges, whether you accept that they were challenges, and later deal with – and deal with how you responded to these challenges?

ADV HARRISON: Thank you, Counsel. The first challenge there was the section-204 witnesses killed while in the witness protection programme. I think it is only one case that was reported where this had happened, but it had an impact on the other cases. So if you look at it, one case, it is recorded there, the station and CAS number, but it
20 impacted on these other two, meaning that that witness was probably a potential 204-witness in the other two cases. Do you see that, Counsel?

ADV CHASKALSON SC: I do.

ADV HARRISON: Yes. So, and it was indicated that he was killed while in the witness protection programme. And

the witness protection programme is something that fell within the space of the NPA, but there was a suggestion that came from the Political Task Team who responded that maybe they needed to get police officers or security to deal or to assist with that programme, especially for their witnesses. Then the second one is key witnesses. Key ...[intervenes].

ADV CHASKALSON SC: Sorry, sorry, Adv Harrison. Before we leave the first one, just for the benefit of the public, can you explain what a section-204 witness is?

ADV HARRISON: It is an accomplice witness. That is, I do not know if you want me to go deeper than accomplice.

ADV CHASKALSON SC: I think accomplice witnesses should be good enough.

ADV HARRISON: Okay, thank you. And then 3.2:

“Key witnesses killed outside the witness protection programme. It was justified by witnesses on the cases mentioned in the table below were offered with witness protection programme, but declined.”

Chairperson, this is not unusual where witnesses are given an opportunity or are presented with the option of going on to witness protection, and they decline the witness protection. If they are thereafter killed while outside the

witness protection, obviously we can do nothing about it. We have offered them the services.

Then section-204 witnesses turned against the State, witnesses who abandoned witness protection. Let us differentiate or let us try and unpack the two of those. A 204-witness turned against the State would be a witness where he has produced a witness, a 204-witness statement, and then he decides that he is no longer going to testify for the state. And then you have a witness who has abandoned
10 the witness protection programme, is a witness who was under witness protection programme, and then decided to walk off the witness protection programme. So that is how I would unpack that challenge.

And that is also not uncommon. In cases we have this happen, where witnesses are taken to witness protection and just decide, I do not want to anymore. And I would like the Commission to take this into account. When you put a person into witness protection, you are basically taking away a person from their home. You are taking the
20 person away from their normal way of life and surrounding circumstances. It is not easy to be taken away from your home.

So it is understood when witnesses abandon the witness protection programme, they are not used to that lifestyle of having to be confined and also being moved

away from your home for months on end. So we kind of like understood what the challenges were, which then calls for the prioritisation of these matters in the court system. And then I have dealt with the issue of the witnesses who turned against the State whilst out on witness protection.

You also cannot – Counsel, you also cannot stop that because there are many factors that influence a witness turning against the State. And just to elaborate on that, the person is out there. They are vulnerable to being
10 approached by the accused or whoever they are going to be testifying against and we do not know what sorts of promises are being made to that particular witness. So these are the factors that could influence a witness turning against the state.

The fourth, or where it says it is number four, questionable withdrawal decisions by the NPA, and number five is questionable decisions by the NPA. Number six is speedy trials delayed. Number seven is delayed decisions. Number eight is accused granted bail whilst on bail. Chair,
20 before I deal with the others, I want to go to the number eight. That one. And I think the Minister's letter is very clear. It actually explains the issue of the bail.

If you look at, for example, 8.1, it says bail was opposed on all cases, but it was unsuccessful, meaning that the prosecution opposed bail, but unfortunately, in court the

bail was granted. And I have gone through 8.1 right through to 8.6 and in all of those cases, prosecution opposed bail, but bail was granted, except for 8.6, the last one, it is alleged that you have committed whilst on appeal. Chairperson, I have not checked that specific one, but I am assuming that he was granted bail pending appeal, which is a norm, especially if a person has adhered to the bail conditions, but obviously each and every case is decided on its own merits. So in regards to eight, it is explained
10 regarding the accused granted bail whilst on bail.

Then in regards, Counsel, you did say questionable withdrawal decisions by the NPA. Chairperson, and withdrawals, questionable withdrawals, questionable decisions by the NPA. Can I deal with these two? Chairperson, this was brought to the attention of the NPA by the Minister. I want to say this and make it very clear. It was also addressed during our meetings, the series of meetings that occurred thereafter. This issue was addressed.

20 It got to a stage, what had then happened was that we went – and I will be very specific. On the 3rd of June, there was a meeting. On the 4th of June, the General Mkhwanazi at a meeting that we had with myself and my office, he did raise this issue.

CHAIRPERSON: Adv Harrison, which year? 2025? 2019?

ADV HARRISON: Sorry, 2019, Chairperson, 2019. So this memorandum, this correspondence is received from the National Director of Public Prosecutions. There are a series of meetings that take place. On the 4th of June, General Mkhwanazi in a meeting, he spoke about these questionable withdrawals by the NPA and decisions. What then the team and I went and did is that we requested for a list of dockets where they were concerned in so that we could review the decisions that had been made by the
10 prosecutors.

Indeed, Chairperson, this was done. And we found that, in fact, the decisions that had been made by the prosecutors, they were justified under the circumstances. But what I do want to explain is that it was not only that, it actually leads to some drastic step in that dockets had been opened against certain of the prosecutors regarding some of the decisions that had been made. Again, the process was followed of reviewing those dockets, and what we would do then is that we got the mother dockets.

20 We got the dockets that had been opened against the prosecutors. We viewed these in conjunction, so you would have to read the mother dockets to determine and then look at the defeating. And in all of those, the decisions by the prosecutors were justified. Maybe it is the manner in which they had dealt with the matter that made the PKTT not

happy regarding that, and then it opened dockets. Thank you.

CHAIRPERSON: What would that manner be? If the decisions themselves were justified, what would the manner be?

ADV HARRISON: If the decision were fine, let me put it this way, Commissioner. What really should have happened is that they should have requested for a review of the prosecutorial decisions, what is often the process, rather
10 than opening up the criminal cases against the prosecutors. And like one of them was the prosecutor had referred, I think, the matter for a diversion and they were not satisfied with that, and therefore a docket had been opened. So we had to explain to them to say, we have got a review process within the NPA, and can we follow this process so that we are able to review the decisions? So it was just things like that, but it was also about communication and making them understand some of our processes within the NPA regarding how we would deal with these type of matters.

20 **CHAIRPERSON:** I am looking at the years. The cases referred to here date as far back as 2012, and go up to 2018. So this is not about the integrated team involving the NPA, the PKTT, so this is pre the establishment of that integrated team.

ADV HARRISON: That is correct, Chairperson.

ADV CHASKALSON SC: Adv Harrison, can you just explain, it may not have come across clearly, but when you said dockets were opened, were charges actually lodged against individual prosecutors for their alleged misconduct of these cases?

ADV HARRISON: Chair, there was no need to lodge any proceedings. The first step was, let us have a look at these dockets and determine whether or not they had in fact committed the offences of defeating. And unfortunately,
10 upon reading the dockets, the decisions made by the prosecutors were found to be justified. And this was a team that sat down and gone through a docket that consisted of a Deputy Director of Public Prosecutions, a Chief Prosecutor, and a Senior Public Prosecutor. So they went through that, and the methodology I have just set it out. So there was no need for any disciplinary action.

And once the process had been undertaken, Counsel, the final decisions and the report, they compiled a report that was submitted to my office. I had a look at the report.
20 I was satisfied, it was quite a detailed report. I was satisfied with their findings, but I did have to report to the office of the National Director because that had already been brought to attention. I think through one of the meetings that there had been dockets that were registered against the prosecutors. So she asked for a report and I

gave her the report. Thank you.

ADV CHASKALSON SC: Thank you. If we can then leave the Minister's letter and go to your directive dated, well, there are two copies of it. The one at 199 is dated 13 June. Can I take you to MK12, page 199?

ADV HARRISON: I am there, Counsel.

ADV CHASKALSON SC: And that is a directive issued in your name, but if I can then take you to page 248?

ADV HARRISON: I am there, Counsel.

10 **ADV CHASKALSON SC**: And if you go down to page 250, you will see it is a signed copy of the same directive.

ADV HARRISON: Yes, counsel. That is correct.

ADV CHASKALSON SC: And what was the date of the signed directive? Well, in fact, maybe I can assist in that regard. Can you go to page 246?

ADV HARRISON: Okay. Yes, counsel. The directive is signed. It would have been signed on that date of – it is dated 21 June 2019, but it is the same directive. It is just that the one that I attached to General had not been signed,
20 21 June 2019, but it is the same directive. The reason I just changed the dates because I only sent out the directive to everyone on the 21st of June. So I circulated it within the province on 21 June 2019. With what you see on page 246, where I say this is to all the prosecutors, the management especially, kindly all – kindly:

“Dear all, kindly find the attached directive in respect of politically related cases for your urgent attention and dissemination to all advocates and prosecutors in your respective units and clusters.”

And then it is the same directive, just different dates because I did not just change the date because I was sending it at that time. Thank you.

10 **ADV CHASKALSON SC:** Thank you. Can we then go to the directive? And I have been working on the copy from page 199. So I am going to refer you to that one. And first, can you describe the purpose of the directive? What triggered this directive?

ADV BALOYI SC: Sorry, before that, Mr Chaskalson, just to make sure we are on the same page. 199, my 199 is a directive dated to the 13th of June. Are you saying it is the same thing as what is in page 248?

20 **ADV CHASKALSON SC:** It is the unsigned copy of the version that, or we can shift to the one that – let us use the signed copy because that is the one that went out.

ADV BALOYI SC: Yes.

ADV CHASKALSON SC: They are the same document though, but for the signature and the date. Can you go to page 248, which is the start of the signed directive?

ADV HARRISON: Found it, Counsel.

ADV CHASKALSON SC: Sorry to move you backwards and forwards, but can you first explain to the Commission why you sent this directive out? What was its purpose?

ADV HARRISON: Commissioners, as you will notice, the directive that now that we are working from, it is actually the same directive. It is just that it was dated the 13th of June and we were still looking at it. But I eventually signed the directive and must have, as per the dates noted on the
10 directive, which was 21 June, it was then circulated. The reason for this is, as I have indicated, Chairperson, between these dates, as you see, 21 June 2019 and the date of 24 May 2019, or let us say 3 June when I received the correspondence of the Minister, there had been a series of meetings regarding this coordination.

And with the team and myself that I was working with, we decided because there had been a previous directive, that is why my one says this directive replaces Directive 1 of 2018. Clearly, Directive 1 of 2018 was not bearing the
20 fruits that it was intended to bear. And as I indicated, there was already a lot of work. So we needed to revisit Directive 1 and find another way to coordinate the work of the Political Task Team. Therefore, Directive 3 of 2019.

ADV CHASKALSON SC: And then can you take the Commission through your directive and just explain the

rationale behind each provision of the directive?

ADV HARRISON: Okay. Paragraph number 1:

“This directive replaces Directive 1 of 2018.”

Then paragraph 2:

“KwaZulu-Natal has experienced a high level of violence, particularly against persons linked to political parties or perpetrated by persons linked to a political party.”

10

And that I literally just took from Directive 1 of 2018. And:

“In order to manage the situation in KwaZulu-Natal, the Honourable President of the Republic of South Africa has convened an Inter-Ministerial task team comprising of JCPS cluster Ministers to look into effective solutions aimed at eradicating the high level of politically linked violence experienced in our division. The Inter-Ministerial task team will continue to visit KwaZulu-Natal until the situation can be considered to be under control. My office has to provide a comprehensive report to the NDPP

20

on all these matters.”

That is just really governance. And then paragraph number 4:

“In addressing the complaints and challenges that have been brought to my attention with regards to:

[1] only one dedicated prosecutor in the province dealing with the matters.

10 [2] Prompt decision making in these matters.

[3] Reduction of the withdrawals in these matters.

[4] Prioritisation of these matters.

[5] A better collaboration between the Chief Prosecutors, the assigned Deputy Directors and the SAPS task team.”

20 So if you look at just one to five, it actually comes from the recommendations, the findings made by Minister Cele in his letter dated 24 May, the recommendations that had been made in that letter, and also the meetings that had taken place. These are the challenges that are put in paragraph 4.1, which then I say:

“It has become imperative that this directive be issued in seeking to address the above complaints and

challenges.”

ADV KHUMALO SC: Can I ask a question about paragraph 2? Are you expressing there your view or are you simply recording what Minister Cele had said at the time where you say KwaZulu-Natal experienced a high level of violence, particularly against persons linked to political parties or perpetrated by persons linked to political parties? Were you expressing your own view or simply recording what Minister Cele had said?

10 **ADV HARRISON:** My view as well, Chairperson. At that time, you know, it is 2019 and that also came, as I said, from Directive 1 of 2018. At that time, they were experiencing that. But the political cases had not stopped in 2019. So I could not leave that out. It was still – we were still experiencing a high level of political violence during 2019. And the CAS numbers will speak for themselves.

ADV KHUMALO SC: So if it was suggested in this Commission that political killings in fact stopped in 1994,
20 there were no political killings happening in 2019, what would your answer to that suggestion be?

ADV HARRISON: I would say it is incorrect. There were political killings in the year 2019. Thank you, Chair.

ADV CHASKALSON SC: Sorry, Adv Harrison. I realised from your last answer before the question of the

Commissioner that I cut short your discussion of the letter of Minister Cele. You, in relation to your directive and paragraph 4, referred to the findings and recommendations in Minister Cele's letter. Can I ask you to go to page 209? And again, apologies for jumping around. Page 209.

ADV HARRISON: I am there, Counsel.

ADV CHASKALSON SC: And are those the findings and recommendations to which you just referred?

ADV HARRISON: Yes, those are the findings and
10 recommendations.

ADV CHASKALSON SC: And maybe if you can just go through those findings and recommendations, because they obviously informed your directive according to your evidence?

ADV HARRISON: Okay. These are found on page 8 of the correspondence from the Minister Cele, dated 24 May 2019. They read as follows:

“[1] The political-related cases, especially murder, are organised in nature with different role players carefully
20 identified, i.e., hitmen, spotters, coordinators, and individuals at the top who are ordering the hits.

[2] Most cases are dependent on section-204 witnesses that were part of the syndicate, especially when the investigation has to be directed against

individuals on top politicians and tenderpreneurs. The involvement of politicians and business people poses 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...”

Sorry, I think that if it fails, sorry, it should be:

10 “If it fails, then attempts to turn section-204 witness against the state. If that fails, they kill the state witnesses, 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. The repetitive granting of bail to accused who are
20 already on bail.”

Then number 10 deals with the recommendations:

“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 Director of Public Prosecutions. 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)(3) and section 6(b). Yours faithfully, Minister
10 BH Cele, Minister of Police.”

ADV CHASKALSON SC: Thank you, Adv. Now if we can go back to your directive and to page 249.

ADV HARRISON: Yes, Counsel.

ADV CHASKALSON SC: And now can you take us through each of the elements of your directive? And at the end of each paragraph, maybe amplify what the purpose was and how you saw that instruction in the directive as helping to address these challenges.

ADV HARRISON: The first one is number five:

20 “All cases involving offences either perpetrated by a person or persons linked to political party or against a persons linked to a political party must be considered by the Chief Prosecutor/delegated prosecutor before

enrolment thereof. In potential High Court matters, the provisions of Circular 3 of 2000 still apply. The Chief Prosecutor/delegated prosecutor must ensure that a complete copy of the docket is forwarded to my office in the most expeditious manner in compliance with the three-day rule and the correspondence must indicate politically related cases in the subject line”

I am going to elaborate on this one.

ADV CHASKALSON SC: Please do.

ADV HARRISON: Okay. One of the things that the Political Task Team with General Mkhwanazi had requested was that we really needed a better coordination system. And if one went back to the history, before I came in as the Acting Director in May, there had only been one person that had been assigned to deal with these matters, and I think that it is expressed very well in my correspondence of 10 June 2025.

So when they asked for a coordination of these cases, we then responded to say, okay, because it is only one person and the matters are emanating from the different clusters, from the Durban cluster, Ntuzuma cluster

and everywhere, we decided that the Chief Prosecutors must be the first line of contact to deal with these matters. As a result thereof, it was decided that due to the, you know, as I said, we were going through a time of austerity measures, we were not recruiting.

So we decided that the Chief Prosecutors, because the matters are within their space, they must be the first point of contact, and hence paragraph 5 of that correspondence. So that is just addressing a coordination.
10 Paragraph 6, or maybe just to also for – just to take it a little bit further in regards to the docket copies to my office, it was also – remember that towards the bottom, I do say that the coordinator will be Adv Selepe. It was for us, because when a matter is brought into our office, we open files.

Therefore, this matter, every matter that was going to be coming in should be registered and must be within three days so that we are also able to monitor the progress of all these matters. So in the clusters, they will have their
20 database, but I will also have a database operating from my office regarding these political matters:

“Then the Chief Prosecutor delegated must interview the witnesses in these cases prior to the enrolment of these matters, especially in cases involving

accomplice witnesses and single witnesses. Legible consultation notes must be filed in the B section of the docket.”

So before you enrol any of these matters, we requested that there must be a consultation with the witnesses. And this was to deal with the matter of cases being withdrawn. So one of the complaints is that matters are enrolled and then cases are withdrawn. But this was as a result of you only
10 really consult with the witness when you are ready to go for trial. So to try and eradicate that with these type of matters, we then requested that before you even enrol, speak to your witnesses. That was to deal with the withdrawal issues that had been raised, so we try and reduce them:

“Then in respect of pending cases, the Chief Prosecutor or delegated prosecutor must interview the witnesses before a decision is made to
20 transfer the matter to the Regional or High Courts. Legible consultation notes must be filed in the B section of the docket.”

This was to deal with two issues. The one issue is the withdrawal issue, and the other issue is the delay of the

matter being placed on the roll for trial. So it was two-pronged to deal with those two in that regard. So we also do not have withdrawal of these matters. And then:

10 “The decision to decline to prosecute a person and rather use such a person as an accomplice witness in terms of section 204 of the Criminal Procedure Act 51 of 1977, must be made in consultation with the Chief Prosecutor and/or DDPP in potential High Court cases.”

That would be the Deputy Director of Public Prosecutions:

 “The provisions of section 204 should only be used in exceptional circumstances where it is in the interest of justice to do so. See in this regard section D part 4 of the NPA Policy Directives, section-204 witnesses.”

20 So this was to now deal with the issues that had been raised regarding the section-204 witnesses where we were just saying before you decide on having a witness be a section-204 witness, there are certain things that the prosecution policy directive has put into place as safeguards, and they must have regard to those. Those are

contained in the policy directives. And then:

10 “The Chief Prosecutors and Deputy
 Directors of Public Prosecutions must
 ensure that a database of these
 politically related cases is maintained
 for the cluster or units and that by the
 10th of each month one update for the
 whole cluster or units or offices is
 forwarded to the Strategy and
 Operations Office, attention of Mr Sunil
 ...[indistinct] and Ms Imelda
 Mngomezulu.”

So again, this was just for the governance issue so that we
maintain the progress and we can monitor these cases as
they are on the courts:

20 “No politically related case may be
 withdrawn without detailed and cogent
 written notes and reasons in the C
 section of the docket or DPP office
 file.”

Again, this was so that we monitor the withdrawals and the
reasons that are provided for the cases that are being
withdrawn by the prosecutors. And then the last one:

 “Adv Selepe remains the coordinator
 for these matters, and where there is a

doubt in regards to a decision, he can
be contacted for assistance.”

That was my directive, Commissioners.

ADV CHASKALSON SC: And if we then go to Annexure C,
it appears at page 210. And do you recognise this
document?

ADV HARRISON: I recognise it, Counsel.

ADV CHASKALSON SC: Can I take you to page 252, the
foot of page 252? And would you confirm that that is how
10 you received the document at the bottom of page 252?

ADV HARRISON: Yes, Chairperson, that is how I received
it.

ADV CHASKALSON SC: And would you just read into the
record the date of that covering email?

ADV HARRISON: This is dated the 27th of August 2019. It
was addressed to myself, at that time being Elaine Zungu.
It is from Brigadier Dumisani Khumalo. This is now General
Khumalo. And reports to the NDPP and National
Commissioner.

20 **ADV CHASKALSON SC:** And can you describe what this
document, Annexure C, that starts at page 210 is?

ADV HARRISON: Okay, this was a progress report. There
had been a meeting on the 23rd of August 2019, and this
was a progress report regarding the cases for investigation
and prosecution. And if I remember this, it is dated 23

August 2019, this had been presented at the meeting of 23 August 2019. We had then requested for copies of these so that I could then transmit to the office of the Adv Batohi.

ADV CHASKALSON SC: Thank you. Can I ask you to go down to page 218 where matters of concern are listed? Sorry, before you get to page 218, who did the presentation?

ADV HARRISON: During the meetings, General Khumalo would do the presentation.

10 **ADV CHASKALSON SC:** Thank you. And then if you go down to 218.

ADV HARRISON: I am there, counsel.

ADV CHASKALSON SC: And a list of matters of concern appears on page 218. Is there anything you would comment on in relation to this list?

ADV HARRISON: Counsel, there is nothing much of concern except for the fact that it was just being reiterated because if you read the paragraph above the matters, it is just to highlight that those matters were directed against
20 individuals on top, like politicians and tenderpreneurs who are mostly not directly involved in the Commission. But the fact was there were 204-witnesses that were involved in those matters that were part of the conspiracy or planning. So I think the concern is when you read that, it is these matters are like our 204-witnesses. Remember the

challenge that had been raised, but in these matters we have got 204-witnesses.

ADV CHASKALSON SC: Thank you. And then there are on page – there are more matters of concern over the page on 219. Can you look at 219 and is there anything you want to comment in relation to those matters of concern raised in the presentation by General Khumalo?

ADV HARRISON: Thank you, Counsel. Again, remember this is a meeting on the 23rd of August and again the issue
10 of lack of dedicated prosecutors has contributed to the backlog of cases. So again, there was the issue of the coordination that was coming out again:

“Despite the Directive of 3 of 2019, there were still concerns raised regarding the coordination, the delayed decisions whether to prosecute or not, also negatively affecting the turnaround time and finalisation of investigation of these cases. The
20 questionable decisions to withdraw the cases or charges against some individuals without valid reason, endorsement and queries in the docket. The delaying of trial of an accused who is pleading guilty, which leads to

accused persons to be inferenced otherwise and change their plea of guilty. The trial-ready case has been postponed for a longer period due to the unavailability of dedicated prosecutors and Magistrates, reluctance to prosecute on single witness cases, dying declaration, child witness and circumstantial evidence.

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

ADV CHASKALSON SC: And do you have comments on these matters of concern raised by General Khumalo or Brigadier Khumalo at the time?

ADV HARRISON: You know, when one looks at these concerns or matters of concerns as they have been labelled on page 219, you can see it, they were clearly coming from the parts of the task team saying these are the concerns that you have got. These are the concerns that we have
20 regarding these matters, And we needed to obviously provide – it is coordination.

You know, when you read all of these, it is about coordination that was really a problem because if you look at these concerns and if one goes back to the different meetings that we had during case progress or any meetings,

these are the similar concerns that had been raised. Then you go back to the letter of 24 May 2019. Again, these are the concerns that were there.

And then I go back to the issue of the prosecutors had made decisions and then they felt they were justifiable decisions, but I think the team still had concerns even regarding those decisions that had been made by the prosecutors, which then my office decided, let me get a team to review the decisions and to determine whether or
10 not the decisions taken were in fact justiciable or not, and we found that they were in fact correct decisions.

ADV CHASKALSON SC: So am I correct then that some of these matters of concern you would accept as legitimate matters of concern, others you would say were concerns that were investigated and proved not to be justified?

ADV HARRISON: I would say concern, let me – it is two things that we need to do. There were concerns that to me were concerns that needed to be attended to and ...[intervenes].

20 **ADV CHASKALSON SC:** And can we list those?

ADV HARRISON: And those would be the lack of the dedicated prosecutors because it kept coming up and again. And it kept coming up and again, but you see here it has not been elaborated on like how we would elaborate when we have a meeting. So it was just points, points, points.

So as I can say, lack of dedicated prosecutors, what they wanted versus what we had provided to them, they were still not happy with what we had provided, and they listed their concerns regarding that. And that is the reason why at the end it was decided that the Organised Crime Unit be the dedicated capacity.

The delayed decisions, whether to prosecute or not, I would say yes, sometimes one may view a decision as being delayed, but when you go into it, people are asking for
10 information relevant for them to be able to determine do I continue with the prosecution in this matter? Do I enrol the matter? So my understanding is that they may find it as a delayed decision. I would find it not as being a delayed decision.

So the views are different depending on which, are you a part of the prosecution or you part of the SAPS? But mine has always been objectively, let us go back into the docket and look at what is continuing in the docket. So the question about decisions, I have addressed that. We did,
20 we went back and we did our review. So we were fine with it. The reluctance to prosecute, again, one has to determine it is a prosecutorial decision, you know?

So some of them, I did not believe that from our perspective, but obviously it was clear that a dedicated capacity was required where they will sit together. Because

remember in the Lower Courts, they do not sit with the investigating officer. You direct the investigations in the investigating diary. When you have got the units, units do the Prosecutor Guided Investigations, which follow a different methodology, but it does not stop any prosecutor. I think that is what came to reality was that, the task team wanted that sort of scenario to apply. Thank you.

ADV CHASKALSON SC: Thank you. If we can then go to the next annexure, Annexure D, which was a plan and
10 strategy document presented at the 23 August meeting, that appears at page 223. And again, just to track when you received this document, if we can go to page 252.

ADV HARRISON: Sorry.

ADV CHASKALSON SC: And if we scroll down to 52, sorry. Yes. Sorry, can we just scroll a little bit further up so that we can get the date? And there you will see an email that you in fact emailed out to Adv Batohi at head office, copying a series of other addressees where you attached a presentation that was done on August – at the
20 meeting on the 23rd of August. Is what was attached the presentation that we see at page 223?

ADV HARRISON: I would like to correct just one thing. Maybe my correspondence needed a bit of just a correction, one correction, because that is the exhibits dated, the exhibits dated, the one as Annexure C, it says the meeting

of 23 August 2019, Annexure C.

ADV CHASKALSON SC: That is a report, as I understand it, from that meeting.

ADV HARRISON: No. That is a report at that meeting that was presented to that sitting of 23 August. It is just, it was presented at that meeting. Then from this report it leads to Annexure D. So the presentation was done, and then this report was then presented.

ADV CHASKALSON SC: Can I just put to you that I think it
10 is the other way around that the presentation is Annexure D, sort of in the form of a presentation, and the report is Annexure C. I may be wrong.

ADV HARRISON: No, no, no, Chairperson. I think I would have that Annexure C was presented at the meeting of 23 August, and it still lies – you can see it still indicates the challenges. Then from that meeting, remember this meeting is now attended to by the National Director as well, and some of the, I think it was the national Commissioner was there at that meeting of 23 August.

20 It led at that meeting, they then said you need to go back as the task team and as NPA. You sit down and you come up with an integrated strategy. So this was not presented at that meeting, and my apologies. It came after the meeting of 23 August. Really, my apologies for that. So we went back, we sat down with the task team. We had

to sit down. The directive was you sit down and you come back with an integrated strategy.

So we do not want NPA having their own documents. We do not want the task team having their own documents. We want one document from both of the teams, and that is when we went back with the team. We then agreed that we would have the OCC as the dedicated capacity, and OCC then became the dedicated capacity. This was as a result of the meeting of 23 August 2019, and this document was
10 then developed between the task team and my office.

ADV CHASKALSON SC: And this document, if we look at the page on screen at page 224, that sets out the purpose of the document.

ADV HARRISON: That sets out the purpose.

ADV CHASKALSON SC: And maybe if you could read that into the record?

ADV HARRISON: Sorry, Counsel, maybe just to also indicate, if you look at the emblems on the documents, it is got the emblem for the NPA and the emblem to show that it
20 was now joined. Okay:

“This strategy is to provide an integrated framework within the JCPS cluster led by the South African Police Service and the National Prosecuting Authority in the detection,

investigation, and prosecution of politically related cases in order to mitigate all the risk factors associated with investigation and prosecution of these cases in KwaZulu-Natal province.”

ADV CHASKALSON SC: And as you have just emphasised, this was a coordinated plan put together not by task team alone, but by task team in coordination with NPA.

10 **ADV HARRISON:** That is correct, Counsel.

CHAIRPERSON: And you say this was pursuant to a meeting of 23 August 2019.

ADV HARRISON: That is pursuant to that.

CHAIRPERSON: When was the presentation itself made? This one now, the joint presentation.

ADV HARRISON: Chairperson, I think that is when we then had the meeting of 5 August. It would have been then presented to them, that meeting of 5 August 2019, because this is 23 August, the next meeting took place on 5 August
20 2019. So in between ...[intervenes].

CHAIRPERSON: In September, do you mean September?

ADV HARRISON: September.

CHAIRPERSON: All right.

ADV HARRISON: August, September.

CHAIRPERSON: September, all right. Thank you, DPP.

ADV HARRISON: Thank you, Chair. There are so many dates.

ADV CHASKALSON SC: Maybe if we can clarify one of the dates by going to Annexure E, which is a letter, and if we go down, we will see it comes from the Minister, but of Justice and Correctional Services and it is addressed to the Director General of the Department of Justice and Constitutional Development, which is a slightly different department. But it refers to the bilateral with the NDPP on
10 the 5th of August 2019. And what was that bilateral? Who were the bilateral parties?

ADV HARRISON: In that meeting, the bilateral would have been the Department of Justice and Constitutional Development, but I note that the Minister signed it as the Minister of Justice and Correctional Services. That is how it is written there. So that was when the National Prosecuting Authority was there and the South African Police Services was also there at that meeting.

ADV CHASKALSON SC: Thank you. Chair, would this be
20 a convenient time to take the break?

CHAIRPERSON: Definitely. Let us – for the record, Annexure E is at page 243.

ADV CHASKALSON SC: 243, Chair.

CHAIRPERSON: Yes. Let us adjourn and resume at 11:00. My co-Commissioner does not like to lose a minute

of the break. Let us resume at 11:17.

INQUIRY ADJOURNS

INQUIRY RESUMES

CHAIRPERSON: Yes, Mr Chaskalson?

EXAMINATION BY ADV CHASKALSON SC (CONTINUES):

Adv Harrison, if we can just go back to page 243 where we were before the break?

ADV HARRISON: Yes, Counsel, I am there.

ADV CHASKALSON SC: I am just waiting for it to come up
10 on the screen. There you will see that in the Minister's
letter he refers to the recommendation about a single court
for the PKTT matters and we have discussed that already.
In his second last paragraph he says:

“I am also in engagement with
Correctional Services to find a
correctional facility where all inmates
who are on trial for the
abovementioned offence can be
housed.”

20 Did this ever happen?

ADV HARRISON: Commissioners, I do not think this
eventually was successful because my recollection of what
is going on is that they are housed in prisons nearby where
their trials are proceeding. So I do not think there was any
specific correctional facility that was ever found for just

them specifically.

ADV CHASKALSON SC: Thank you, and of course if the single court idea was not implemented then, correct me if I am wrong, but it seems that it would not make sense to have a single Correctional Services facility servicing courts scattered across the province.

ADV HARRISON: Yes, that should be correct because the courts would then – ja, that should be correct.

ADV CHASKALSON SC: If we can then go back to your
10 statement and paragraph 23, and you have been describing attempts to provide better coordination around political killings, did those attempts have a positive result?

ADV HARRISON: Commissioners, that is correct. The documents which we have just referred to as Annexure D, and once we had dedicated capacity from the Organised Crime Component which is now responding to the Political Task Team, it seemed everything was then put into place. We are not saying there were not any further challenges that may have been found, but that was the coordination
20 that yielded the results that were being requested for.

ADV CHASKALSON SC: And at what stage did you start seeing results from the coordinated strategy?

ADV HARRISON: I would like to benchmark with the Covid as I have referred to in paragraph 23, and maybe can I just maybe read out what paragraph 23 says, Counsel?

ADV CHASKALSON SC: Yes, certainly.

ADV HARRISON: Thank you:

10 “The interventions discussed in my
letter were introduced in 2019. Prior to
Covid, increased efficiencies were
already visible. Covid then interrupted
matters in 2020, but by 2021 it was
clear that the improved coordination of
these matters was producing speedier
enrolment and finalisation of political
murder trials.”

ADV CHASKALSON SC: Can I ask, you talk about by
2021, was that state of affairs sustained going forward from
2021 through to 2024?

ADV HARRISON: It was sustained.

20 **ADV CHASKALSON SC:** And in terms of the practicalities
and the efficiencies of the system that you had in place, did
you see any need for the disestablishment of the task team
and the disestablishment of the system that you had in
place?

ADV HARRISON: Counsel, I did not see any need for it.

ADV CHASKALSON SC: Can I take you then to paragraph
25, where you say that:

 “The most important innovation that
improved coordination was a single

dedicated unit within the KZN NPA with
dedicated capacity to handle all
political killings case which allowed for
Prosecutor Guided Investigation.”

Can you explain to the Commission what a Prosecutor
Guided Investigation is and maybe amplify what you say
from paragraph 26 onwards?

ADV HARRISON: Prosecutor guided investigations is a
methodology that is used within the space of the National
10 Prosecuting Authority working closely with the South African
Police Service. Here it is basically where it is used mainly
in the units because they have a particular methodology
which they use regarding – and it is practical for them as
well. So the police and the prosecutors sit down together
and then they go through the case, they guide if there are
investigations that are outstanding, the investigations are
then guided, but you sit down together in a room and you
discuss the dockets and you are all in agreement with
regards to the investigations that still need to be conducted.

20 The document that can be kept, and in this instance
of PGI there is a specific document that is used. It is
signed off by the prosecutor and the investigator, which is
then to show I am in agreement and we agree that this is
what needs to be done and by which date. So there will be
actions and then they give a date when an action needs to

be done. So that when you come back for the next case progress meeting on that specific matter, your guiding documents will be your PGI documents.

ADV CHASKALSON SC: And how did PGI, or maybe if I can refer you to paragraph 27 and 28? Can you explain to the Commission how PGI operated within the context of the Organised Crime Component in the PKTT?

ADV HARRISON: Thank you, Chair. Upon engagement with the deputy who was in charge of this portfolio, he has
10 explained it and we have seen it also happen, whereby before when the case is first brought by the Political Task Team, what happens is that they have a case progress meeting. At this case progress meeting, they also introduce or present cases which are new, so new cases on their database. They will present these cases in that case progress meeting. What then will happen is that they will guide the investigation at that meeting.

Once the investigation is about, let us say 80% to 90% finalised, what then happens is that that particular
20 document is then brought to the offices of the Organised Crime Component. It is registered in that office. It is then allocated to a prosecutor who then starts dealing with the PGI that we have been talking about to finalise whatever investigations needs to be finalised, and that is how they began working.

And also just so that the investigations get fast-tracked. And the good system about PGI, it holds you really accountable because you sat there at the meeting and you said, I could do a specific action by a specific date, so why have you not done it? So this is the good system, the methodology about PGI.

ADV CHASKALSON SC: And can I take you to paragraph 28 where you discuss some of the particular advantages in this PGI context of the facilities at the disposal of the PKTT
10 team?

ADV HARRISON: Thank you, Counsel. So:

“After registration, the prosecutor allocated with the docket peruses the docket and thereafter meets with the investigating officer and they discuss the remaining investigation, which needs to be conducted. This is also noted and agreed upon. As the PKTT has a multidisciplinary team, the
20 investigations can be finalised at a faster rate, for example, ballistics, cell phone analysis, tracking of suspects and/or accused and profiling same.”

Counsel, can I just maybe elaborate on this?

ADV CHASKALSON SC: No, no, please do.

ADV HARRISON: I want to take now to Annexure D, the functionaries that I am talking about. That is page 223, Commissioners.

ADV KHUMALO SC: Maybe before you take us there, let us just confirm that date that you are referring to. So remember you said Annexure D came after Annexure C. So just to confirm that on page 225, bullet point one, two, three, four, five. So that bullet point confirms an earlier briefing, which suggests then that this document came after
10 that earlier briefing.

ADV HARRISON: Yes.

ADV KHUMALO SC: All right, and then you can move on to the point you wanted to make.

ADV HARRISON: Now this, if you look at Annexure D, page 223, I am going to take it to – Chairperson, this copy is not – maybe I do not have to again put it there on the...

CHAIRPERSON: It is only the cover page.

ADV HARRISON: I do have that here.

CHAIRPERSON: And that is not all that legible. And also
20 the top parts, the headings. If you remember the headings, you can just tell us what they are. Sorry.

ADV HARRISON: Page 8.

CHAIRPERSON: Gosh.

ADV HARRISON: Page 8 of that document, it talks to investigation.

ADV CHASKALSON SC: Chair, that is 230.

CHAIRPERSON: 229?

ADV HARRISON: Yes, page 230.

CHAIRPERSON: 203? Okay, 230. The next page. What should we do, Mr Chaskalson?

ADV CHASKALSON SC: Adv Harrison was going to take us through this page, if it is possible for her to read it.

ADV HARRISON: I will read it out, Chairperson.

CHAIRPERSON: Sorry?

10 **ADV HARRISON:** I will read it out.

CHAIRPERSON: Okay.

ADV HARRISON: So that is an understanding where I am trying to go to with it. On my paragraph 20, I am now responding to paragraph 28, where I talk about as the PKTT had a multidisciplinary team, the investigations could be finalised at a faster rate. And if you look at page 8 of Annexure D, which is now on page 230, at the bottom of that page, Chair, Commissioners, it gives you the functionaries that they were from SAPS. The first, and
20 those are the main ...[intervenes].

CHAIRPERSON: Are you referring to the eight blocks right at the bottom?

ADV HARRISON: Yes, yes.

CHAIRPERSON: Okay.

ADV HARRISON: Those were the functionaries.

Remember, this is our documents now that we have developed so that we can work and address all the issues ...[intervenes].

CHAIRPERSON: I see the first one is forensic.

ADV HARRISON: Forensic team.

CHAIRPERSON: And the next one, intelligence, I think.

ADV HARRISON: Team. Combat team.

CHAIRPERSON: Combat. Cold data analysis, something?

ADV HARRISON: Cold Data Analysis Team.

10 **CHAIRPERSON**: My eyesight is not that bad. And digital something.

ADV HARRISON: Analysis team.

CHAIRPERSON: And ballistics.

ADV HARRISON: Ballistics team.

CHAIRPERSON: Operational, what?

ADV HARRISON: Analysis team. And then the last one is the Operations Support Team.

20 **CHAIRPERSON**: Okay. Would it be possible for you to explain what these teams mean? I mean, what different teams do and why it is useful to have them all in one overarching team?

ADV HARRISON: Chairperson, I would request that this specific – these are functionalities that fell there. I do not know all of them, but the issue of the Cold Data Analyst Team, that would be important for our cell phone record

analysis. Our Ballistics Team, that would be important for our ballistic analysis reports. Intelligence Team would be for the tracing of suspects and accused. I would really leave this because this, if you look at it, that was for – that came with the TOS team, the PKTT. My team is described on page 9, which is page 230 of the documents before us.

CHAIRPERSON: 230, not 231?

ADV HARRISON: Sorry, 230 of the document.

ADV CHASKALSON SC: 231.

10 **CHAIRPERSON**: 231.

ADV CHASKALSON SC: For page 9.

ADV HARRISON: 231, sorry, Chair.

CHAIRPERSON: Yes.

ADV HARRISON: Which is the next page.

CHAIRPERSON: Ja.

ADV HARRISON: That explains the prosecution team that we were coming with to respond to the task team.

20 **CHAIRPERSON**: I see at the top, it is Maj-Gen SD Khumalo and Adv Govender alongside each other at the same level.

ADV HARRISON: Yes, Chairperson.

ADV CHASKALSON SC: And can you just speak to Adv Govender's role?

CHAIRPERSON: May we make this request, please? Can we be given better copies after the testimony?

ADV CHASKALSON SC: Not immediately after, Chair, but we will source them.

CHAIRPERSON: Yes, yes.

ADV CHASKALSON SC: Absolutely, Chair, we will get legible copies.

CHAIRPERSON: Thank you.

ADV HARRISON: Adv Govender?

ADV CHASKALSON SC: Indeed.

ADV HARRISON: Adv Govender is the Deputy Director of
10 Public Prosecutions. She, at the time, was heading the Organised Crime Components until Adv Xaba was appointed. But before him, there had been an Mashamaite. But at the time of the adoption of this, it was Adv Govender. Now I have got Adv Xaba, who is now heading the portfolio.

ADV CHASKALSON SC: Thank you. And then can you describe the rest of your team?

ADV HARRISON: The rest of my team was made up as follows. Remember, Adv Govender is now the dedicated capacity, so she is now responding with her prosecutors to
20 the PKTT team. Then it had been agreed upon that any other parallel matter would then go back to the clusters being the Chief Prosecutors and they have their own structure within the clusters. So that is how we did operate, but the dedicated capacity was given to the Organised Crime Components. And that is explained. Our

prosecutorial role is explained on page – well, It is contained there on page 231. Just the structure going down.

ADV CHASKALSON SC: And if we go back to your statement and the point that you made that you had these different almost specialised capacities within the task team, can you just explain to the Commission how that helped us – can you contrast that with a situation where that specialised capacity in one place does not exist and what
10 happens when the specialised capacity is not in one place?

ADV HARRISON: When you have got specialised and dedicated capacity, then turnaround times are faster. The work is dedicated. They solely focus on that work. And as soon as you start taking away functionaries, then there are delays, and that was one of our concerns was the functionaries. I think paragraph 29, Counsel, if you look at it, I explained it very well in that paragraph.

ADV CHASKALSON SC: Maybe if you can read paragraph 29?

20 **ADV HARRISON:**

“Since the de-establishment letter of 31 December 2024, Adv Xaba, who is the DDPP holding the portfolio in the OCC, has reported that the PKTT no longer has all these functionaries and this is

affecting their investigation turnaround times, resulting in the decisions now being delayed. This is a concern because when the whole process of requesting for dedicated capacity was made, the PKTT and the Minister had complained that the prosecutors were taking too long to making decisions and this had then been corrected.”

10 Now the functionaries are taking away and now there is a delay with regards to investigations.

ADV CHASKALSON SC: So now, with functionaries away, how do you get a ballistics test done or a cell phone analysis done?

ADV HARRISON: It would then go back to the usual manner in which we have been dealing and wherein we will just have to wait until the ballistic report is produced. Whereas, while we were working with the – when the functionaries, all the functionaries are in place, how they
20 were working is that when the exhibit is recovered, the normal process of ensuring that it is allocated the SAP13 number, booked into the SAP13, taken out, taken immediately for ballistics, now it means because the functionaries are not there for those who would be in charge of that, it means it has to wait for someone else be booked

into the SAP13, then someone else will have to come at a later stage to book it out of the SAP13, then taken to the ballistic unit, then wait for the time when at ballistics, whereas if we had this coordination, you have got someone specifically allocated to look after that function.

ADV BALOYI SC: Adv Harrison, if I may? This concern that you register now, that since the functionaries are no longer available and it is the impact of prosecuting these matters, that concern would be addressed now that the
10 dockets have been retained. Does it follow having returned to KZN, or to the PKTT, let me say?

ADV HARRISON: This impact started before the dockets were even taken. So what Adv Xaba reported was that there were some functionaries. So after this whole letter now that was in the media and he is in consultation with General Khumalo, is that it also was that the PKTT was no longer having all the functionaries that had been there before this de-establishment letter. So some of them had now been removed.

20 **ADV BALOYI SC:** Okay. I mean, from the evidence that we have heard, the instruction to disband was not implemented other than the removal, the instruction to remove the dockets. That is what I am trying to probe, that you would have had that problem even though the instruction was not given effect to.

ADV HARRISON: I think, Commissioner, that would be testified on more by General Khumalo, but this is what I received from Adv Xaba who works closely with General Khumalo to say this is the impact that we are now having that we do not have all the functionaries within the – so our matters are going to be taking a little bit longer.

ADV CHASKALSON SC: If we can just develop that theme and go to your paragraph 30 where you talk about your internal response to the 22 May letter from General
10 Mkhwanazi about the removal of the dockets, can you explain to the Commission what you did and what was reported to you?

ADV HARRISON: Okay:

“After the correspondence of 22 May
2025 from General Khumalo, I
approached General Xaba regarding
these cases. He advised that all PKTT
cases which were not in court had been
taken from them and that the unit was
20 left with the court-going cases only.
This meant that there was no
prosecutorial guidance on
investigations which could proceed on
cases not in court. Effectively this
meant that the prosecutors were

dealing only with the PKTT cases that
were on the court roll.”

ADV CHASKALSON SC: And can I just ask you to explain that in some detail? If I understand, the whole model of Prosecutor Guided Investigation presupposes that the docket is essentially under the control of the prosecutor in some respect, the docket, or the investigating officer and the prosecutor work in coordination and the investigating officer has the docket. Sorry, you just nodded your head.

10 **ADV HARRISON:** Yes, that is correct because remember the docket is the property of the SAPS.

ADV CHASKALSON SC: Of the SAPS, not the NPA.

ADV HARRISON: No.

ADV CHASKALSON SC: But of course if the investigating officer no longer has the docket, that model cannot work.

ADV HARRISON: It means there are no investigations that can continue especially regarding the matters that were not on the court roll, including matters that were on the court roll but maybe there had still been some investigations that
20 were still required to be finalised. Because you must remember with these matters it is not that a matter will always be a decision matter. In some matters there are straight arrests.

Therefore, the matter gets enrolled and then the investigation takes place. Although the preferred

methodology is to investigate and then arrest, but we did have cases which were on the court roll but there were still some investigations that were outstanding. For example, I would say like let us say a ballistic report is outstanding or a photograph album is outstanding, but the evidence implicating an accused to the Commission of the offence, is there all of it? It is just this little evidence just that is outstanding or something that most of those were on the court roll.

10 **ADV CHASKALSON SC:** Well, maybe you can illustrate with respect to paragraph 31 and for the benefit of those of us who are not familiar with the sort of serial numbers of documents, can you also explain in that context what a J50 is?

ADV HARRISON: A J50 is a warrant of arrest. That is basically what it is and we are saying that we want a straight of arrest of this person. And basically what then happened is I was further informed that there had also been documents removed which had J50 warrants issued, but
20 which had not yet been executed. So in other words, what was left here was simply for accused to – for the police to go and execute the J50.

That was all that was outstanding. Have the matter enrolled and the case be - and we take the matter forward. So some of these, the matters were – the dockets had been

removed, meaning that they could not execute. We had to wait until the docket comes back before the J50 could be executed.

ADV CHASKALSON SC: And then in paragraph 32 you confirmed that indeed happened.

ADV HARRISON: Yes, after the return of the dockets from Pretoria, a J50 was executed on one of the PKTT matters and the matters was enrolled. If my memory serves me correct, Counsel, about two weeks ago or a week ago we
10 had this – one of these matters put back on the court roll. I just cannot remember the court dates, unfortunately. I did not prepare for that one.

ADV CHASKALSON SC: And what is the current status quo?

ADV HARRISON: The current status is that the prosecutors are now still working with the task team on guiding the investigations in the case dockets which had previously been taken away. But I just want to indicate, we have lost approximately March, April, May, about three
20 months, two months of investigations being conducted.

ADV CHASKALSON SC: And is that the duration of the time that you did not have access to the dockets?

ADV HARRISON: That is the duration of the time. I just did not get the exact dates when we started to get back. Remember, they would have been returned back to SAPS.

From there, they would have then – or to the task team, or I do not know. Then, from there, they would be returned back to the prosecutors. So we have had some time lost. And why I say this is I want to bring to the attention the letter of the Minister Cele, where one of the things that he was complaining about was the delays in regards to these matters.

Now, because of the dockets being taken away, exactly what Minister Cele was talking about at that time, 10 we see it now happening during this time. So we cannot be held responsible for this delay now because we are not responsible for these dockets being taken away.

CHAIRPERSON: In response to Commissioner Baloyi's question, her last question, you said that some of the members of some of the teams within this coordinated or integrated team had since left. Now you say the integrated or coordinated process is back and forth. Does this mean those team members that had left are back or not yet?

ADV HARRISON: Chairperson, I am not yet sure about 20 whether all of them are back. I cannot respond to that. I did not query that. Let me just say, I did not query whether everyone is back. I think for me at this stage was we need to get the work going. That is all I need is let us get the work going. We have lost time now in these matters and people, we owe certain people or victims responses to

these matters. Let us get the matters going. Thank you, Chair.

ADV CHASKALSON SC: If I can just put some dates to you? The evidence has been that the dockets were taken to Pretoria in two stages on the 28th of March and the 22nd of April and that they were returned on the 18th of August. So it would have been three to four months that your system was interrupted.

ADV HARRISON: That is correct, Counsel.

10 **ADV BALOYI SC:** If I may? And in the time that the dockets were removed, there had been, until they were returned, there had been no engagement from head office with your team of prosecutors in respect of the matters that they were involved with?

ADV HARRISON: Chairperson, Commissioner, sorry, when you say head office, our head office or SAPS?

ADV BALOYI SC: No, I am saying with your prosecution team that had been part of this integrated team.

ADV HARRISON: Yes?

20 **ADV BALOYI SC:** The dockets are now at head office, SAPS head office, sorry, SAPS head office.

ADV HARRISON: Okay.

ADV BALOYI SC: There was nothing?

ADV HARRISON: There was nothing. Commissioner, there was no engagement by SAPS National Office with the

dedicated capacity within my unit, within my office.

ADV CHASKALSON SC: Adv Harrison, you previously said that no one consulted with you prior to the decision, the apparent decision to disestablish the task team. What would your position be if anyone consulted you prior to taking such a decision, or for your views on whether such a decision should be taken?

ADV HARRISON: You know, after everything is said and done, and everything that went into providing the
10 coordinated approach and providing this coordinated team, I would have strongly motivated against the de-establishment. If I had been approached for a comment, I would have.

ADV CHASKALSON SC: And why?

ADV HARRISON: Because it showed that it was working. At that time, it was very evident that the team was working well, and to de-establish it would both be counterproductive and also destructive of the vast amount of work that had gone into shaping the system and the structures that were
20 now working well.

ADV CHASKALSON SC: And can you just repeat for us what structures were the structures that, in your view, were working well?

ADV HARRISON: The structures, that is the coordinated approach that was now between the PKTT and the

dedicated capacity that was there. You can see, even today, they are still working well and they continue to work well.

CHAIRPERSON: In paragraph, the last paragraph, rather, of Annexure MK9, I know you probably do not have that in front of you. That is the letter by Minister Mchunu dated 31 December 2024, addressed to the National Commissioner of Police, General Masemola. In the last paragraph of that letter, the Minister says:

10 “My observation is that the further
 existence of the PKTT is no longer
 required, nor is it adding any value to
 policing in South Africa.”

So based on the few responses you gave just now, in response to Advocate Chaskalson, you do not agree with this.

ADV HARRISON: I do not agree with that, Commissioner.

ADV CHASKALSON SC: And as you sit here today
...[intervenes].

20 **CHAIRPERSON:** I am sorry, did I give the page number?
Did I give the page number? Annexure MK9 starts at page 185, and what I read is at page 186. Thank you, thank you, Mr Chaskalson.

ADV CHASKALSON SC: And, Adv Harrison, as you sit here today, has anyone given you any formal indication of

what the status of the task team is today?

ADV HARRISON: Counsel, I still do not know the status.

We continue to operate on the premise that there has been no de-establishment of the task team.

ADV CHASKALSON SC: Thank you, Adv Harrison. I do not have further questions for you now.

ADV HARRISON: Thank you.

ADV CHASKALSON SC: I am not sure if the Commissioners would like to put questions to you.

10 **ADV KHUMALO SC:** Just one for me. Adv Harrison, the letter the Chairperson is referring to is on the screen. The relevant paragraphs are the last two paragraphs, and the heading is three, Political Killings Task Team. And you will see from that letter that the Minister says he has made certain observations and he has decided, or rather directs that the task team be disestablished immediately. Now, I assume for a moment that it was competent for the Minister to disband the task team, would you have expected that that be done immediately, or what would have been your
20 expectation, knowing what you know about the task team and its work?

ADV HARRISON: In my opinion, Commissioner, you have got a system that is working, and if that is what is intended, you know, when you say the word immediately and you go and you look up the word immediately, it is today, pack up

your bags and go. You cannot do that. We are victim-centred as NPA. We would have probably requested for some time a continuation because we have invested even not only in – it is not the victims, but our witnesses. We develop a rapport with our witnesses, who develop a rapport with regards to investigators, even bringing them to the prosecutor for consultation or for trial purposes.

Now, when you say get up and go today, you leave everything. The better process is let us sit down and let us
10 try and find a system which will work for the benefit of ensuring that the interests of justice are always maintained and we look after our victims and we look after our witnesses.

ADV KHUMALO SC: So is it fair to say you would have expected a proper winding down process that takes into account victims, ongoing cases, and ongoing investigations, including those cases that are on the roll?

ADV HARRISON: That is correct, Commissioner.

CHAIRPERSON: Thank you, DPP. Thank you very much.

20 **ADV HARRISON:** Thank you, Commissioners.

NO FURTHER QUESTIONS

CHAIRPERSON: For the record, Mr Chaskalson, it has been reported to us that the issue of General Khumalo appearing in court on Monday, Magistrate's Court, has been resolved with regard to his appearance before us at 09:30

on Monday.

ADV CHASKALSON SC: Yes, Chair, I have consulted with both the prosecutor and his legal team and I understand that it has been resolved.

CHAIRPERSON: That is the position. Thank you very much. Let us adjourn and resume at 09:30 on Monday. Let us adjourn.

ADV CHASKALSON SC: Thank you.

INQUIRY ADJOURNS TO 29 SEPTEMBER

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