

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

HELD AT

BRIGITTE MABANDLA JUSTICE COLLEGE

14 MAY 2026

DAY 108



PROCEEDINGS ON 14 MAY 2026

CHAIRPERSON: Good morning, Ms Pooe.

ADV POOE: Good morning, Chair, Commissioners. The witness for today is Nkoana Joseph Sebola, Lieutenant Colonel, and he is ready to take the oath.

CHAIRPERSON: Good morning, Colonel.

LT-COL SEBOLA: Good morning, Commissioner.

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

LT-COL SEBOLA: So help me God.

NKOANA JOSEPH SEBOLA (duly sworn states)

CHAIRPERSON: Thank you, Colonel.

LT-COL SEBOLA: Thank you.

ADV POOE: Colonel ...[intervenes].

CHAIRPERSON: Sorry, sorry, can you yourself state your full names for the record, please?

LT-COL SEBOLA: Nkoana Joseph Sebola.

20 **CHAIRPERSON:** Thank you.

LT-COL SEBOLA: Thank you, Commissioner.

CHAIRPERSON: Yes, Ms Pooe.

ADV POOE: Colonel, Commissioners, just by way of orientation, for the first part of the session, we will be making use of file 1, which contains Colonel's statement,

and you will see there are two statements in there, and we will also be making a lot of reference to the exhibit file that is labelled “Booyens CAS 98 docket and Khan disciplinary”. Colonel, just to confirm, in front of you, there should be, directly in front of you, there should be two files, one that contains your statement and another that contains exhibits, and the first part of those exhibits is the docket.

LT-COL SEBOLA: Yes, Commissioner.

ADV POOE: Thank you. And then later in the day, we will
10 also make use of, it is a file labelled “Statement and Annexures for Ms Maposho”, but I will indicate that when we get there. Colonel, if we can then go to the file that contains your statement. Can you confirm that this is a statement that you have prepared for purposes of giving testimony before this commission?

LT-COL SEBOLA: Yes, I do confirm, Commissioner.

ADV POOE: And if you can then go to page 5 of that statement, can you confirm that that is your signature?

LT-COL SEBOLA: It is indeed mine, Commissioner.

20 **ADV POOE:** And then can you confirm that the contents of the statement are, to the best of your knowledge, true and correct?

LT-COL SEBOLA: Yes, I can confirm, Commissioners.

ADV POOE: Thank you. Commissioners, earlier in my discussions with Colonel, he indicated that when he was

preparing this statement, he did so in a rush, and there are many details that are outstanding. So the approach to going through the statement, we will first go through the background parts, but for what comes after paragraph 6, we will go through it slowly with reference to what is contained in the docket.

CHAIRPERSON: And how will you deal with the second statement?

ADV POOE: The second statement is an annexure, and
10 contains by and large what is already contained in the first statement.

CHAIRPERSON: Yes.

ADV POOE: And then ...[intervenes].

CHAIRPERSON: Perhaps the rush explains the confusion that I had, the reference to the many names and so on and so on. I got totally confused.

ADV POOE: Yes, Chair, we will try to identify all of the role players as we go.

CHAIRPERSON: Yes, yes.

20 **ADV POOE**: And then just to ...[intervenes].

CHAIRPERSON: I do not mean this in any, I am not saying this in any derogatory sense, Colonel. I understand, as the Evidence Leader says, that you were in a rush to finalise your statement.

LT-COL SEBOLA: Understood, Commissioner.

CHAIRPERSON: Thank you.

ADV POOE: Colonel, if we can start with the first part of your statement, and at least deal with the first five paragraphs, which contain your background.

LT-COL SEBOLA: Starting at 1.

ADV POOE: Yes.

LT-COL SEBOLA: I state that:

10 “I started my policing career in 1992-07-03, and after passing out in December 1992, I was posted at a police station, Maleboho Police Station as a Constable. In 1994, I was promoted to the rank of a Sergeant, and I was posted in the administration of which focus area was logistics and finance. Then in 1996, I got transferred and worked at Capricorn Area Finance at Polokwane until 1999, when I got my promotion to the rank of

20 a Warrant Officer, and posted to Crime Prevention, Polokwane Police Station. During December of the same year, I obtained my National Diploma in Policing from the then Technicon SA. In 2002, I was recruited to the

Detective section of the station in Polokwane, but started doing tracing of wanted suspects, or the so-called red dockets and I did not take long, and I was tasked to investigate, and investigated what was then called trio crimes.”

CHAIRPERSON: What are red dockets?

LT-COL SEBOLA: Red dockets is the dockets that have
10 been closed with warrants of arrest, that is why we are calling them red dockets.

CHAIRPERSON: It is not the same thing as cold, is it called cold dockets, or cold ...[intervenes].

LT-COL SEBOLA: No.

CHAIRPERSON: Cold cases.

LT-COL SEBOLA: No, it is red dockets.

CHAIRPERSON: Okay.

LT-COL SEBOLA: Yes.

CHAIRPERSON: What is the difference between the two,
20 cold cases and red dockets?

LT-COL SEBOLA: The cold, you might find the case has been closed, with no suspect, and suspect unknown. Then, either awaiting the outcomes, it can either be the DNA, the fingerprints, any other thing that may identify the person, then those dockets were the cold dockets. Now, after

having received that information, then it comes to life.
Thanks, Commissioner.

CHAIRPERSON: Thank you.

ADV POOE: Colonel, what are trio crimes?

LT-COL SEBOLA: At that time, we were investigating the crimes of housebreakings, we were doing carjackings and, ja, those were my focus area.

ADV POOE: Okay.

LT-COL SEBOLA: -:

10 “I have undergone the following in-service training, Detective learning program, disciplinary hearing courses, Organized Crime Investigators Course and 3008 Basic Computer Competency. I am currently studying towards my LLB with Regenesys Law School.”

ADV POOE: Colonel, before you move, can you also deal with, have you done any drug-related courses?

20 **LT-COL SEBOLA**: Ja, I think I was. When I started investigating drug docket, the first thing I was taken through was the drug identification workshop. I have also undergone a course which was offered by the United Nations on, it was a cyber element of crime investigation, cyber element. It was offered by the United Nations on drug and justice system, if I remember well. I cannot recall.

My professor then was, professor, I think is Stoddart. Those were the courses and the training that I have undergone regarding drugs and investigations. And also, undergone the courses of chemical, precursor chemicals investigations, in fact, precursors to illegal drugs, Commissioner, to be clear.

ADV POOE: Thanks, Colonel.

LT-COL SEBOLA: -:

10 “So, in 2016-08-01, I got a post as a
 Captain in the West Rand in Gauteng
 as an investigator. That is when I
 started investigating the scene. Then,
 the group, SANEB, was then moved to
 Johannesburg unit, and I was focused
 on South African Narcotic
 Enhancement Bureau and within a
 short space of time, all SANEB
 members were moved to Germiston
 unit. In 2019 early, we were posted at
20 O.R. Tambo International Airport to
 investigate drugs, economic protected
 resources, cases of illicit movement of
 money. And in early 2020, we were
 recalled to do the same work in
 Germiston.”

ADV BALOYI SC: It still remained within DPCI?

LT-COL SEBOLA: It still remained within the DPCI.

ADV BALOYI SC: Thank you.

ADV POOE: Colonel, when exactly did you join DPCI?

LT-COL SEBOLA: In 2016.

ADV POOE: In 2016.

LT-COL SEBOLA: -:

10 “In 2021-07-09, at about 11, I received
a call that we must go to Aeroton to
attend to a complaint of drug dealings.
Then, I informed Warrant Officer
Phume, Warrant Officer Machebe, to
drive together and go to the scene.
Since it was the year of Covid, Warrant
Officer Phume opted to use other
vehicle and drove with Warrant Officer
Machebe.”

ADV POOE: Colonel, just before you move, let us start
with who did you receive a call from?

20 **LT-COL SEBOLA:** Lieutenant Colonel Ludick, back then.

ADV POOE: And the two Warrant Officers that
accompanied you, were they Warrant Officers at the time?

LT-COL SEBOLA: At the time, they were Sergeants, both
of them. Now they are Warrant Officers.

ADV POOE: And, sorry, before we even go deeper into

what happens on the 9th, when did you get promoted to Lieutenant Colonel?

LT-COL SEBOLA: 2022, November 1, to Limpopo, where I am currently, but still under SANEB. I am heading the section.

ADV POOE: You are heading SANEB for Limpopo?

LT-COL SEBOLA: Correct, yes.

ADV POOE: So would this be the same role that Colonel Steyn is playing in Gauteng?

10 **LT-COL SEBOLA**: That is correct.

ADV POOE: Okay, you can continue.

LT-COL SEBOLA: -:

“We, together with Phume, arrived at the scene within 30 minutes after receiving the complaint and there were people ...”

If you can look at the statement, I omitted, there were people at the scene.

20 “And I was approached by Warrant Officer Rikhotso, who was at that time with Colonel Maluleke, the Unit Commander of Johannesburg.”

ADV POOE: And just to get a sense, Warrant Officer Rikhotso is from?

LT-COL SEBOLA: Serious Organized Crime. In fact, he is

within DPCI with me, but we have got three divisions in Serious Organized Crime.

ADV POOE: What are the three divisions?

LT-COL SEBOLA: The other section that was where I was based is SANEB, concentrating on drugs and all this relevant legal drugs and illegal drugs. Warrant Officer Rikhotso was from Serious Organized Crime also, but he was at, we call it now NPVC, which was violent crimes. They were specifically dealing with the cash-in-transit
10 offences, in short. And there was this other section of EPR, which is for the Economic Protected Species, which specifically deals with, amongst others, illegal mining and other things. So I was not in those two. Mine was in SANEB.

ADV POOE: Okay.

LT-COL SEBOLA: Rikhotso was in NPVC.

ADV POOE: Serious ...[intervenens].

LT-COL SEBOLA: Serious, ja, was on, we just say violent crimes.

20 **ADV POOE**: Violent crimes, okay.

LT-COL SEBOLA: Yes.

ADV POOE: And then this Colonel Maluleke, who is the Unit Commander?

LT-COL SEBOLA: Colonel Maluleke was the Unit Commander of Johannesburg.

ADV BALOYI SC: In DPCI, yes.

LT-COL SEBOLA: In DPCI. In fact, we had the unit in Johannesburg, we had the unit in Germiston, we had the unit in the West Rand, we had the unit in Vaal, we had the unit in Pretoria.

ADV POOE: And then you say that when you arrived, there were people at the scene. Can you describe what you mean by people at the scene?

LT-COL SEBOLA: Upon my arrival there were people on
10 the scene. Amongst them there were police officers and the employee of the company at Scania, but I was made to understand that company is not Scania, because they were just the agent responsible for accepting the, what is the better term for, there is ...[incomplete].

ADV POOE: Cargo?

LT-COL SEBOLA: We call them, not agent ...[incomplete].

ADV POOE: Shipping.

LT-COL SEBOLA: Shipping agent. In fact, they are just receiving any items on behalf of their clients.

20 **CHAIRPERSON:** One of the clients being Scania.

LT-COL SEBOLA: One of the clients being Scania.

CHAIRPERSON: Okay.

ADV POOE: So then, when a shipment is expected for a particular company, does that company then come when the shipping arrives, or is it received by this company?

LT-COL SEBOLA: Their duty, they are facilitating whatever consignment need to be brought to the company. In fact, they will be declaring on behalf of the client.

ADV BALOYI SC: Are they the receiving agent?

LT-COL SEBOLA: They are the receiving agent. Thanks, Commissioner.

ADV POOE: Just to understand, as the receiving agent, like in this instance we know that Scania employees were at the premises. Was that normal?

10 **LT-COL SEBOLA:** Let us put it clear. Those employees there, they are not employed by Scania.

ADV POOE: Okay.

CHAIRPERSON: Let us talk specifics. There was Ms Wentzel. I think another name, surname is also used.

LT-COL SEBOLA: Jolene.

CHAIRPERSON: Jolene.

LT-COL SEBOLA: Jolene Wentzel.

CHAIRPERSON: Yes.

LT-COL SEBOLA: She is working for the shipping agent.

20 **CHAIRPERSON:** Not for Scania?

LT-COL SEBOLA: Not for Scania.

CHAIRPERSON: There was also a man, I forget his name completely.

LT-COL SEBOLA: The one who cut open the container. I know ...[intervenes].

CHAIRPERSON: Maybe if you mention the name I will remember. What is the name? It does not matter. So he too worked for this receiving agent?

LT-COL SEBOLA: They are working for that clearing agent.

CHAIRPERSON: Okay, all right.

LT-COL SEBOLA: The clearing agent.

CHAIRPERSON: All right, thank you.

ADV POOE: So Elias Moseitla and Ntungwa were also
10 ...[intervenes].

LT-COL SEBOLA: Yes.

ADV POOE: Were also, so they are all employed for this receiving ...[incomplete].

LT-COL SEBOLA: According to the information I received, those people I was informed they are working for the clearing agent.

ADV POOE: All right. So, and the police officers on your arrival, where did they appear to, where did they come from, or could you identify the various police at the scene?

20 **LT-COL SEBOLA**: There were various police officers.

ADV POOE: Yes.

LT-COL SEBOLA: And then, there were others, I do not remember, but they were driving a marked car. One of them that I have identified was Captain Optoff, who was in uniform.

ADV POOE: And that is from the Flying Squad.

LT-COL SEBOLA: And then from, no, they are from the Flying Squad.

ADV POOE: Yes. Yes, so you could identify those that were from the Flying Squad from their marked vehicles.

LT-COL SEBOLA: And later on, as we were progressing, there were others that I have identified, but they were just onlookers.

ADV POOE: Okay.

10 **LT-COL SEBOLA**: That is why they could not appear anywhere in my statement.

CHAIRPERSON: I am sorry, I may have missed this. Did you say Optoff was one of those from Booyens or not?

LT-COL SEBOLA: To me, he said he is from Flying Squad.

CHAIRPERSON: Oh, Flying Squad.

LT-COL SEBOLA: He is the one of those who were manning a roadblock before this incident.

CHAIRPERSON: Oh, oh.

LT-COL SEBOLA: Yes, Commissioner.

20 **CHAIRPERSON**: He was not in the marked vehicle that parked in front of the ...[intervenes].

LT-COL SEBOLA: No, he was not.

CHAIRPERSON: Not. All right. Thank you, thank you.

ADV POOE: And how many people approximately do you think were around the scene, in and around the scene?

LT-COL SEBOLA: Commissioner, to be precise, there might be over 20 or more. There were a lot. There were a lot of people.

ADV POOE: Okay. And then, you say you were approached by Warrant Officer Rikhotso. Was he expecting you?

LT-COL SEBOLA: Yes, this is what he said:

“My Colonel phoned your office.”

My Colonel, he was referring to Colonel Maluleke.

10 “Can you please assist and take over,
because what is happening here is a
chaos.”

ADV POOE: Okay, so, I am assuming then it means that he had informed his Colonel of the chaos.

LT-COL SEBOLA: Yes, that is why ...[intervenes].

ADV POOE: And his Colonel calls your Colonel.

LT-COL SEBOLA: His Colonel phoned my office, which later on I picked up that he phoned General Kadwa.

ADV POOE: Okay, then we can go to paragraph 8.

20 **LT-COL SEBOLA:** -:

“arrant Officer Rikhotso pointed to me a marked Booyens police vehicle, and he said to me, he was contacted by his nephew, who is the police Sergeant driving that marked Booyens vehicle

that blocked the black Nissan bakkie which the driver wanted to drive away. That was the first information that I got. Rikhotso then said, Colonel Maluleke contacted General Kadwa, and they are suspecting bags in the black Nissan bakkie are drugs. They could not take over the scene, and therefore I must talk to driver of the
10 marked Booyesen bakkie, to whom I introduced myself, and he became known to me as Sergeant Ndou.”

ADV POOE: Okay. Colonel, just so that we can see a better picture of what you were looking at, can we go to that exhibit bundle, and let us go to page 19.

LT-COL SEBOLA: Yes, page 19.

ADV POOE: Yes, 19. If we can start with picture 2, because I think that shows ...[intervenes].

CHAIRPERSON: Will it be flighted?

20 **ADV POOE:** Maybe perhaps ...[incomplete].

CHAIRPERSON: Thank you.

ADV POOE: Maybe you can describe what we are seeing in that picture.

LT-COL SEBOLA: Okay, Commissioner, I think before I, when you enter that company, there are two gates. You

enter the first gate, then you are going to turn. Then when I turned, the first vehicle that I came across was this BMW, but I did not take notice of that it belongs to the people that are in here. Then that is when I proceeded to where this truck with a yellow cab is standing.

ADV POOE: Okay, so when you say Warrant Officer Rikhotso pointed you to a marked Booyens police vehicle, what was he pointing you to?

LT-COL SEBOLA: Next to that truck, there is a white
10 marked police bakkie just standing in front of the black Nissan, but on this picture, it is not that much clearly visible, but how I know the scene, it is standing in front of the black bakkie.

ADV KHUMALO SC: Lefa, please show photo 2 on the same page. Is it that one there?

LT-COL SEBOLA: That is correct, Commissioner.

ADV POOE: Perhaps if we can go to page 40.

LT-COL SEBOLA: 40.

ADV POOE: Oh, my apologies. Let us start at page 37,
20 picture 33.

LT-COL SEBOLA: Yes, I am seeing it.

ADV POOE: Ja, is, can you confirm that that is the marked vehicle, the police van, and then you will see behind it marked B is that the black bakkie?

LT-COL SEBOLA: Yes, that is the black bakkie.

ADV POOE: And then a better picture or from a different angle is at page 40.

LT-COL SEBOLA: That is correct, it is this one.

ADV BALOYI SC: Page 41, photo 40.

ADV POOE: Yes, if you can go to page 41.

LT-COL SEBOLA: Yes.

ADV POOE: Photo 40.

LT-COL SEBOLA: Yes, it is the one.

ADV POOE: All right. Then you say that he told you that
10 the marked police vehicle was blocking the black Nissan
because the driver wanted to drive away.

LT-COL SEBOLA: He wanted to drive away.

ADV POOE: This is now conveyed to you by records from
the nephew.

LT-COL SEBOLA: Yes.

ADV POOE: All right. Okay, then we can proceed to, you
then introduce yourself to the person that you ...[indistinct]
as Sergeant Ndou.

ADV BALOYI SC: Ms Pooe, can I just get some
20 clarification before you move on. You say that Colonel
Maluleke said they could not take over the scene.

LT-COL SEBOLA: No, no, I did not speak to Colonel
Maluleke. This is the communication between me and
Warrant Officer Rikhotso ...[intervenes].

ADV BALOYI SC: Okay.

LT-COL SEBOLA: Who was saying Colonel Maluleke contacted your office of which I realized that he contacted General Kadwa.

ADV BALOYI SC: And where you say, now, if you look at that page 2, still at paragraph 8, Rikhotso then said Maluleke contacted General Kadwa and they are suspecting the bags in the Nissan bakkie are drugs. They could not take over the scene. It is that part that I am just wanting to clarify.

10 **LT-COL SEBOLA:** Yes, we ...[intervenes].

ADV BALOYI SC: You were told by Rikhotso.

LT-COL SEBOLA: I was told by Rikhotso.

ADV BALOYI SC: Okay.

LT-COL SEBOLA: Then we as SANEB must, we have to take over the scene.

ADV BALOYI SC: Yes, that was going to be my question. How does it work, this taking over the scene from people that you found there? So, as in Rikhotso and Maluleke could not take over the scene because they are not in
20 SANEB? Is that what it means? And I ask the question because with the past witnesses there has been a discussion about taking over the scene from the original person who arrived at the scene and you eventually take over the scene.

LT-COL SEBOLA: Yes.

ADV BALOYI SC: But we had another witness yesterday saying the scene was handed over to them by the original, I think the first responder. So I just want to understand the practice, how in fact it works. If you arrive at a scene, what informs one officer taking a scene over from another? Is it seniority? Is it specialty? What exactly happens?

LT-COL SEBOLA: The reason why we are called to the scene first, we are specializing in drugs. Once they say drugs are involved, we are the team that can deal. When
10 they say, when you arrive at the scene, you suspect something, call the necessary people. We are, in fact, we are amongst the necessary people. We are the one who can say, yes, indeed, we can confirm these are the suspected drugs.

Then we can also confirm we are suspecting it to be this type of a drug, unlike for Rikhotso to take over, having no knowledge, then you still have to. Now we are becoming too many on the scene instead of just shortening it to say no, let me not take over, let these people arrive,
20 then I will tell them what to do. Then that is what Rikhotso did.

ADV BALOYI SC: And would you say that is the general understanding within the SAPS, that that is how it should work? It is, you hand over a scene ...[intervenes].

LT-COL SEBOLA: That is how it should work.

ADV BALOYI SC: To the people that are trained, who specialize in that area.

LT-COL SEBOLA: Who specialize in that area.

ADV BALOYI SC: All right, thank you.

LT-COL SEBOLA: That is why even when it is a scene of explosives, even myself when I arrive first, I have to evacuate people.

ADV BALOYI SC: Yes.

LT-COL SEBOLA: Call the necessary people.

10 **ADV BALOYI SC:** Okay, thank you.

LT-COL SEBOLA: Thank you.

ADV POOE: Colonel, just to make sure we understand, at this point né, from the evidence that we have heard, there was initially the first two accused, that was Mr Mashaba and Officer Magane. They were there as having taken charge of the scene in loose terms. Then it is Officer Phakula who follows next and he says he then takes over from those two. Here, I just want to understand, because there is the Booyens police officers, Sergeant Ndou, and then you are
20 conversing with Rikhotso, who had spoken to Maluleke. Who exactly at that point was seized with the scene?

LT-COL SEBOLA: Maybe, to put it clear.

ADV POOE: Yes.

LT-COL SEBOLA: Mashaba and Magane arrived first. This is what I got.

ADV POOE: Yes.

LT-COL SEBOLA: And this is the information I got from both Ndo and from Jolene Wentzel. What was surprising, I will start with that one. When I got informed by Jolene, he says these people, they are identifying them as Crime Intelligent Hawks. This was his explanation. Then I said we do not have such. We cannot have Crime Intelligent Hawks. What did they produce to support what they are telling you? What I was informed, they just flagged
10 something with a police emblem in front of them. This is what I was told. I am told by Jolene Wentzel, because if he had names, or the name of Magane specifically, he was the one who was flagging that, he would have known. He will say no, this is Magane who came, who approached me. But he said this, and this tall one, Mashaba was a bit taller than, he is saying this tall one is keeping everybody at a toes. He was ...[vernacular]. That is what he was saying, because Jolene could also say a bit of Zulu word and Afrikaans, because that is when, then I understand no man,
20 that cannot be the behaviour.

ADV KHUMALO SC: Colonel, in fact, on page 267 of that same bundle, that is Jolene's statement.

LT-COL SEBOLA: 267.

ADV KHUMALO SC: In paragraph 4. Sorry, in paragraph 3.

LT-COL SEBOLA: Yes, I got it.

ADV KHUMALO SC: Yes. So maybe just read paragraph 3, and then it confirms what you have just said to the Commission.

LT-COL SEBOLA: -:

10 “He was with two African males who were driving a grey VW Golf and they have introduced themselves as police officers from Crime Intelligence. He said this gentlemen produced cards and he asked them if they have the SAPS container stop form, because this is normally the procedure followed when stopping a container.”

ADV KHUMALO SC: Ja, maybe you can stop there. I just wanted to confirm that Jolene does confirm what you are just telling us now.

LT-COL SEBOLA: That is correct, Commissioner.

ADV KHUMALO SC: Thank you.

20 **ADV POOE:** Colonel, before you run away from me, what I was just trying to establish before we get to all of the things that happened is because there is the Sergeants from Booyens, and there is now Warrant Officer Rikhotso, who were seized with the scene at the time that you were then told to take over, is it the Booyens police officers, or was it

Officer Rikhotso?

LT-COL SEBOLA: Who did what?

ADV POOE: Who had the scene, was the custodian of the scene at the time.

LT-COL SEBOLA: At the time?

ADV POOE: Yes.

LT-COL SEBOLA: The person who still is the custodian of the scene is Sergeant Ndou.

ADV POOE: All right. Okay, thank you. So that then
10 informs your decision to speak to Sergeant Ndou as the
...[intervenes].

LT-COL SEBOLA: As he is the person who is in charge.

ADV POOE: All right. Then you proceed to talk about your approach to ...[intervenes].

CHAIRPERSON: Just to, was it ever brought to your attention that Warrant Officer Phakula was in charge of the scene at all?

LT-COL SEBOLA: I was only ...[intervenes].

CHAIRPERSON: I am asking this ...[intervenes].

20 **LT-COL SEBOLA**: No, it was not.

CHAIRPERSON: I am asking this because he told us that he was in charge. He took over from, it is very difficult to say from whom exactly between the two, between Chief Mashaba and Magane.

LT-COL SEBOLA: It was never.

CHAIRPERSON: So it was never brought to your attention. Thank you very much. Thanks. Thanks, Ms Pooe.

ADV POOE: And then similarly, was it brought to your attention that the other Maluleke was a custodian, the DPCI Maluleke?

LT-COL SEBOLA: Commissioners, then this Maluleke, I realised later that he was among the group of the onlookers. He was there. But I did not identify him when I was there at the scene, because, since I said, there were
10 many people. But I realised, it only came to my attention that he was amongst those group of onlookers.

ADV POOE: All right. Then we can move to paragraph 9.

LT-COL SEBOLA: -:

“I then approached Sergeant Ndou and he confirmed to me that the person driving a black Nissan bakkie loaded with black sports bags was leaving and he then blocked him with a police bakkie. And I approached the driver of
20 that black Nissan who was seated in the bakkie and identified himself to me as Warrant Officer Magane.”

ADV KHUMALO SC: When you say he was leaving, just be clear, do you mean the bakkie was driving away?

LT-COL SEBOLA: The bakkie was driving out of that

scene.

ADV KHUMALO SC: So in other words, it was leaving the place where it was parked.

LT-COL SEBOLA: It was leaving the place.

ADV KHUMALO SC: Yes.

LT-COL SEBOLA: That is the reason why ...[intervenes].

ADV KHUMALO SC: He blocked.

LT-COL SEBOLA: He blocked. Then he called, I understand, that is when he called Rikhotso and others.

10 **ADV KHUMALO SC:** So is it your understanding that if the police van had not blocked the black bakkie, the black bakkie would have left the campus where the scene was?

LT-COL SEBOLA: That is correct, Commissioner.

ADV KHUMALO SC: Thank you.

ADV BALOYI SC: Did you, you say he was, when you got there, Warrant Officer Magane was sitting in the bakkie.

LT-COL SEBOLA: That is correct.

ADV BALOYI SC: On the driver's side.

LT-COL SEBOLA: On the driver's side.

20 **ADV BALOYI SC:** Did you find out whether he was sitting there because he was preparing to drive out before he was blocked, or he had been instructed by one of the police officers who arrived on the scene to get into the bakkie and sit there?

LT-COL SEBOLA: That ...[intervenes].

ADV BALOYI SC: Did you find that out?

LT-COL SEBOLA: That he did not bring it to my attention.

ADV BALOYI SC: Okay, so you do not ...[intervenes].

LT-COL SEBOLA: Because I also had a chat with him.

ADV BALOYI SC: Yes. So you ...[intervenes].

LT-COL SEBOLA: I asked him ...[intervenes].

ADV BALOYI SC: So you do not know how he ended up in the driver seat at that time, other than what Ndou told you?

LT-COL SEBOLA: Commissioner, to clarify. I asked him, I
10 understand you have loaded this batch and they come from
this container. What are you doing? He said no, I was
taking them to my station. Then I said why? At that time
when I am still talking to him he was, he took, he pulled out
a cell phone, then he wanted to call. I could notice that in
that call he was phoning Brigadier Lewela. Lewela worked
with me at Germiston, but he was the Provincial Commander
of Serious Corruption ...[indistinct]. He was a Brigadier.
Then I said look, call him. When he was calling, that is
when the same Brigadier was trying to call and General
20 Kadwa and Colonel Ludick then arrived.

ADV KHUMALO SC: I want you to clarify, because
Commissioner Baloyi is asking you an important question.
Sergeant Ndou is one of the people who were in the marked
police van.

LT-COL SEBOLA: Correct, Commissioner.

ADV KHUMALO SC: So they were the first police proper to arrive at the scene. There were no other police other than Magane and Mashaba. So, Commissioner Baloyi's question is are you sure that the reason why Magane was not in his vehicle was because other policemen had instructed him to sit in his vehicle. My understanding of your statement is that there were no other policemen at the time, because Ndou and his colleague were the first policemen to arrive at the scene and they are the ones who blocked Magane's
10 vehicle from leaving.

LT-COL SEBOLA: That is correct, Commissioner.

ADV KHUMALO SC: Yes.

LT-COL SEBOLA: They are the ones who blocked. There were no other police that I was told that he, they give such instruction to, either to stop or to drive out.

ADV KHUMALO SC: Just complete that picture. What would have happened to the scene itself, you have experience in investigating drug issues, if Magane had left with his bakkie loaded with what we now know to have been
20 this consignment of drugs? If he had left that campus where the logistics company is, what would have happened to the scene itself and the investigation of how the drugs got there?

LT-COL SEBOLA: Commissioner, we will remain with nothing to investigate, because if that bakkie was, when we

arrived was not at the scene ...[intervenes].

ADV KHUMALO SC: The drugs were not there also.

LT-COL SEBOLA: And the drugs were not there, the only thing that we were going to find inside that container it was the cap, the Scania caps. So, there was nothing illegal to investigate for us.

ADV KHUMALO SC: Then tell me, is it not a criminal offence to impersonate Crime Intelligence officers? So when Magane and Mashaba arrived at this campus and they
10 identified themselves as members of Crime Intelligence, is that not an offence? I am not sure what the position is, that is why I am asking.

LT-COL SEBOLA: It is, Commissioner. It is. It is a criminal offence to impersonate somebody.

ADV KHUMALO SC: Even if you are a police officer yourself or you are a traffic officer?

LT-COL SEBOLA: Because why am I saying this, I know that which I am, because I must state who I am so that it can be clear going forward what type of crime because I am
20 investigating. If I am not investigating I cannot come here and say I am investigating, my work is this and that. If maybe I am a handyman in the police, I cannot come and say I am a Warrant Officer, I am a handyman, my responsibility is to deal or fix with vehicles, lights or this and that.

ADV KHUMALO SC: Thank you, Adv Pooe.

CHAIRPERSON: Sorry. As you sit there, Colonel, are you in a position to identify the exact provisions that say if you are a police officer you cannot identify yourself as belonging to a specific section of SAPS to which you actually do not belong?

LT-COL SEBOLA: Even though I do not have provision but I ...[intervenes].

CHAIRPERSON: Yes.

10 **LT-COL SEBOLA:** I cannot substantiate with any document. But my understanding is that as police officers you have to identify yourself as who you are.

CHAIRPERSON: Yes, I am not suggesting that it is otherwise. I just wanted to know.

LT-COL SEBOLA: No, thanks.

CHAIRPERSON: Thank you. Thank you.

ADV BALOYI SC: Can I just ask, the, you say you were told that he introduced himself, they introduced themselves as Crime Intelligence from the Hawks.

20 **LT-COL SEBOLA:** Yes, from the Hawks.

ADV BALOYI SC: We know there is nothing like that as you tell us.

LT-COL SEBOLA: Yes.

ADV BALOYI SC: But the function that Warrant Officer Magane, which is CIMAC, he is in CIMAC at the police

station, is that, can, does a person in that position get referred to as a Crime Intelligence Officer? Is he correct to refer to himself that way?

LT-COL SEBOLA: No.

ADV BALOYI SC: So he is not a Crime Intelligence Officer?

LT-COL SEBOLA: No, he is not.

ADV BALOYI SC: Okay.

CHAIRPERSON: He told us that his section, the stats
10 section that Commissioner Baloyi just referred to, falls under Crime Intelligence. Do you know anything about that?

LT-COL SEBOLA: I remember calling his Station Commander seeking clarity because when you get this information about the member you have to do calls. Colonel, I cannot remember who ...[intervenes].

ADV KHUMALO SC: It is Chauke.

LT-COL SEBOLA: Chauke.

ADV KHUMALO SC: Go to 196 of that bundle. He does
20 deal with that.

LT-COL SEBOLA: I have got this member at the scene, do you know him? Yes, I know him, this is what he, he is related to me. Are you aware that he is at this type of a place? No, I am not aware. That was his response to me because it was me who made a call to him after even

getting the number from him. Then what work is he doing at the station? He explained. Can you, what I said because I am suspecting something here, can you in the meantime prepare for me his PEP file that will clarify his job description for me so that I will be able to use it at a later stage. Then he said, yes, I will as well send one of the people from my section that will come and obtain your statement in relation to the activities of this member. [Indistinct]... he said yes.

10 **CHAIRPERSON:** Yes. If you could just answer it directly, do you know or do you not know whether, it is what, it is CIMAC, what is it? Yes, whether it falls under Crime Intelligence.

LT-COL SEBOLA: It does not fall under Crime Intelligence.

CHAIRPERSON: It does not. Thank you. Thank you very much. That is all I wanted.

ADV POOE: Colonel, before we leave that paragraph, what I wanted to take you to is the statements of the two officers.
20 So maybe we can start with the statement of Ndou, which is at page, if you can go to page 306.

LT-COL SEBOLA: Yes, I got the statement.

ADV POOE: Yes. And if you then go to paragraph 4, he deals with his arrival at Scania. Can you see that at paragraph 4?

LT-COL SEBOLA: Yes.

ADV POOE: Can you, can we just go through paragraphs 4 and 5, can you read that?

LT-COL SEBOLA: -:

10 “On our arrival at Scania, Aeroton, at the gate we were met by a security officer at the gate and was escorted to the reception area where we found a black Nissan bakkie with registration number. Next to the bakkie was a yellow truck with registration number 8...” [intervenues].

ADV POOE: No need to read the registration.

LT-COL SEBOLA: Okay.

ADV POOE: And then paragraph 5?

LT-COL SEBOLA: -:

20 “Whilst I got out of the vehicle I was approached by Warrant Officer Magane by showing his appointment card and who introduced a traffic officer named Mashaba and told me that they were following information in regard to drugs from Aeroton to Scania, Aeroton since yesterday and informed us, myself and Maluleke that they are going to arrest

the truck driver for possession of drugs
because they informed the bags, the
...” [Witness is having difficulty reading
the statement]

ADV POOE: Loaded.

LT-COL SEBOLA: No, is it loaded?

ADV POOE: The bags loaded.

LT-COL SEBOLA: It seems they intend ...[incomplete].

ADV POOE: Loaded at the back of the bakkie
10 ...[intervenes].

LT-COL SEBOLA: They loaded the bags ...[intervenes].

ADV POOE: [Indistinct]... drugs (cross-talking). Can you
see that?

LT-COL SEBOLA: The bags loaded at the back of the
Scania truck and that they are going to book the bags
...[incomplete].

ADV POOE: At SAPS, Alberton.

LT-COL SEBOLA: At SAPS, Alberton. Then the
suspected, the truck driver informed them that the bags as
20 well as ...[intervenes].

ADV POOE: Suspect.

LT-COL SEBOLA: Should be ...[intervenes].

ADV POOE: Be booked. Yes, that the suspect should be
booked.

LT-COL SEBOLA: Should be booked and detained at

SAPS, Booyesen ...[intervenes].

ADV KHUMALO SC: Be booked and detained at SAPS, Booyens because the drugs were recovered at SAPS, Booyens area.

LT-COL SEBOLA: Booyens area, yes.

ADV POOE: Ja. So that is fine. What I want you to perhaps comment on is he goes on in that paragraph to talk about their argument between themselves and officers Magane and Mashaba regarding where the exhibits and the
10 suspects should go. But if you see his account of when he arrives and what happens, he does not include the crucial information related to their attempt to leave and that is, it is an important thing because that is the basis upon which everybody else is radioed out because they are police trying to leave with exhibits.

LT-COL SEBOLA: That point is not highlighted in here.

ADV POOE: Yes. And I do not mean for us to go to that statement as well, but if you look at the statement of Makumbila, who is the partner to Ndou, right, which is at
20 page 140. We do not need to go there. He also does not mention that there was an attempt by Magane and Mashaba to leave and that is why they had to block them. You can take my word for it, but you can also go there if you are unsure.

And then the other thing I want to show you is if we

go to page 123, and at page 123 – oh, sorry, let me just wait for you to get there.

LT-COL SEBOLA: Yes, I am at 123.

ADV POOE: That is the access to information request that you made to get the radio, the transcript of the radio conversation between the 10111 desk and Sergeant Ndou.

LT-COL SEBOLA: Correct.

ADV POOE: And just for good measure you will see in Sergeant Ndou's statement he confirm that he is BS12,
10 things like Bravo Sierra 12.

LT-COL SEBOLA: Yes.

ADV POOE: He says so in his statement.

LT-COL SEBOLA: Yes.

ADV POOE: And if you look at this conversation that he is having where he is having to report back to the 10111 desk, if you look at 2.30 at the bottom of that page, that is where the report back happens.

LT-COL SEBOLA: At 123?

ADV POOE: Yes. Oh, sorry, my apologies, the next page,
20 124.

LT-COL SEBOLA: Yes, 124, yes.

ADV POOE: The report back is at 2.30.

LT-COL SEBOLA: Yes.

ADV POOE: Where the controller is asking them for an update and he responds there at 11:23:22 a.m. Can you

read that?

LT-COL SEBOLA: At 11:23:22 a.m., BS12?

ADV POOE: Yes.

LT-COL SEBOLA: Yes, BS 12, at that complaint, Aero-ton truck hijacking, the truck was not hijacked. The truck was being escorted by the police. They suspected that there was something wrong under the truck and the truck was open and found drugs inside. The driver will be arrested. There is only one suspect.

10 **ADV POOE:** Yes. Now, again, just to point out that even when Sergeant Ndou gives a report back to the 1011 desk, he does not mention that there is a crime happening, i.e. police officers trying to leave with the drugs. Instead, it looks like he is reporting back that there is an operation happening where police have discovered drugs and that the truck driver has been arrested.

LT-COL SEBOLA: That is correct. That is that way.

ADV POOE: Yes. So, and just to complete the picture just on this point, if you look at the statements of other people
20 who were there at the scene, whether it is Ms Wentzel, Mtungwa, who was there to unpack Masetla who had to cooperate with loading the bags, all of them do not mention anything related to the truck, sorry, the bakkie wanting to leave.

LT-COL SEBOLA: That is correct.

ADV POOE: And on my study of this docket, the people who mentioned the bakkie trying to leave are not the ones that were there at the time. So, for example, Mogoboya also hears it third-hand that the bakkie was trying to leave. Maybe another important person to note is Walker from Scania who arrives at the same time with Ndou and Makumbila.

LT-COL SEBOLA: Yes.

ADV POOE: He, too, mentions nothing about the truck
10 trying to leave, the bakkie trying to leave.

LT-COL SEBOLA: Yes.

ADV POOE: Yes, so, is it not strange that the people who were there at the time, particularly when the Booyens vehicle drives in, none of them, including the Sergeants involved, mention the Magane's attempt to leave with the drugs.

LT-COL SEBOLA: It is strange.

ADV POOE: So, are we going to leave it as it is just
strange?

20 **LT-COL SEBOLA:** No, we cannot leave it as like it is
strange.

ADV POOE: Yes.

LT-COL SEBOLA: Commissioners must be informed about the incident. They, when you are the first member at the scene, the people that were called to the scene, or one

should say, if indeed there was a legitimate operation, normally, after this feedback by Sergeant Ndou to 10111, what should have happened was for Ndou to say all those who were called to the scene can cancel because the operation is clean.

Then, again, why am I saying that it is strange for Ndou not to state what he said because he even goes further. He phoned his uncle who is Warrant Officer Rikhotso, to say this is what the scene looks like. This is
10 what this person is saying. And fortunate enough, Johannesburg unit is not far from Aeroton. They went there. When I arrived, Warrant Officer Rikhotso is still having the information, the first-hand information he got from Sergeant Ndou. [Indistinct]... from Sergeant Rikhotso I interviewed Sergeant Ndou.

Sergeant Ndou gave me the very same picture that the reason why you see me stopping in front of this vehicle, it was about to leave, I had to block it. Then they were afforded opportunities, after all these things was handled,
20 to go and make statements. You must remember, I as the investigator, I do not have to, because, now it is my scene, I have to investigate. I do not have to look into what, I must rely to what you told me first. When you are making statements, it is not supposed to be me who is obtaining my statement, as if maybe we are trying to build up something

towards our goal. No, he made his statement somewhere to somebody, not to me. But his explanation differs to what now he is writing under oath. It is indeed concerning.

ADV POOE: And, Colonel ...[intervenes].

CHAIRPERSON: It would be different if the discrepancy related only to what he said in a statement made some time after the event. But now we are talking about a contemporaneous response made at the time of the radioing between him and the receiving end, the radio receiving end,
10 and as I say, and I emphasize, this is contemporaneous. It is happening you know, as matters are unfolding at the stage. So it is totally different to or from a situation of a narration of a historical event, a narration that takes place in a statement. Do you see what I mean? This appears to be contemporaneous and ...[intervenes].

LT-COL SEBOLA: You are correct. I was, I also had a chance to check the date at which the statement was deposited and indeed, it was on the same day. You are therefore correct, Commissioner, to say it is a spontaneous
20 thing.

CHAIRPERSON: All right. All right, thank you.

ADV KHUMALO SC: If I understand you correctly, you are saying, just looking at page 19, photo 2, same bundle, you are saying the only reason for the SAPS vehicle to park in front of the black bakkie was to block it from leaving,

because there could be no other reason for them parking in front of it when there is so much parking area nearby, or even park in front of the truck if they wanted to. And you say the only reason for them parking directly in front of the black bakkie is to prevent it from leaving.

LT-COL SEBOLA: That is correct.

ADV KHUMALO SC: And there cannot be any other explanation because if that was not the case, they would have parked anywhere else except in front of the black
10 bakkie.

LT-COL SEBOLA: That is correct, Commissioner.

ADV KHUMALO SC: And that was really your response to advocate for.

LT-COL SEBOLA: That is correct.

ADV KHUMALO SC: Although you accept that in the written statements, this part about them blocking the vehicle and why they blocked it is not there.

LT-COL SEBOLA: Yes.

ADV KHUMALO SC: And we must accept that it is not
20 there.

LT-COL SEBOLA: It is not there, I must accept.

ADV BALOYI SC: Colonel, the, that paragraph, in that page 124, that report by ...[intervenes].

LT-COL SEBOLA: 100 and?

ADV BALOYI SC: 124, that transcript to the centre, to the

control centre, the one that you were reading. This is Ndou reporting BS12. Remember where you were reading, at 2.30, 11:23:22.

LT-COL SEBOLA: Yes.

ADV BALOYI SC: That report back that you were discussing now, you see where I am?

LT-COL SEBOLA: Yes.

ADV BALOYI SC: Okay. Is the possible explanation not for that kind of report by Ndou where he says the truck was
10 being escorted by the police, it is not a hijacking, is it not explained perhaps that kind of report by the fact that the original report was that there is a truck hijacking?

LT-COL SEBOLA: Yes.

ADV BALOYI SC: And so he went to look at this and the report he got, what he was reporting back is it is not a truck hijacking.

LT-COL SEBOLA: I think ...[intervenes].

ADV BALOYI SC: It is a truck that was being escorted by the police.

20 **LT-COL SEBOLA:** I can also think that way, Commissioner.

ADV BALOYI SC: All right. Thank you.

ADV POOE: Then, Colonel, in relation to Officer Magane being seated in the vehicle, did you come to know of General Khan ever being on the scene?

LT-COL SEBOLA: No.

ADV POOE: And the role that he may have played?

LT-COL SEBOLA: No.

ADV POOE: All right. Thank you. Then we can go to paragraph 10. Oh, my apologies, I think you covered this, that he was trying to call Brigadier Lewela

LT-COL SEBOLA: Yes.

ADV POOE: Then I think we can go to paragraph 11.

LT-COL SEBOLA: On paragraph 11:

10 “Colonel Ludick then arrived immediately after he dropped his phone with General Khadwa and Brigadier Lewela. Then I approached Colonel Ludick. We were then joined by Colonel Kekana, the Unit Commander of Serious Corruption Investigation in Johannesburg, who was with the Section Commander at the same unit, Lieutenant Colonel Mabasa. Warrant Officer Rikhotso and his Unit
20 Commander, Colonel Maluleka, together with Brigadier Lewela, they joined us in that meeting.”

ADV POOE: Okay, maybe let us take a step back. Colonel Ludick, you say, arrived immediately after dropping his phone with General Kadwa. So they did not arrive

together?

LT-COL SEBOLA: They arrived together, but, after having arrived, because already at that time, they were, I requested the people not to be nearer the scene. They stopped where other members of the police and members of the same company were stopped. Then the person that I spoke to was Colonel Ludick, but he arrived together with General Kadwa and Brigadier Lewela.

ADV POOE: Just so that we can locate what you are
10 saying, can I ask you to go to page 103. That is just the sketch plan that was drawn by Warrant Officer Woods, né. It seems to be showing a kind of an aerial view.

LT-COL SEBOLA: Yes.

ADV POOE: So, when you say, when did Colonel Ludick and Kadwa arrive, do you recall?

LT-COL SEBOLA: Commissioners, if I can, in fact, at that scene, it did not take, in fact, we were arriving in drips and drabs. It was not taking, like to say, 10, 20 minutes to arrive. When we arrived, we were still busy, this one
20 arrives. When we were still, this one arrives.

ADV POOE: Okay. So, from your position, you were talking to Officer Magane when they arrived, but you say they stopped where other officers were.

LT-COL SEBOLA: Where other officers were.

ADV POOE: If this is of any assistance, can you show us

on the sketch plan where they were standing approximately?

LT-COL SEBOLA: On paragraph 103.

ADV POOE: Page 103.

LT-COL SEBOLA: And on page 103.

ADV POOE: Yes. The C and D would be ...[intervenes].

LT-COL SEBOLA: The BMW.

ADV POOE: The BMW.

LT-COL SEBOLA: Yes. Just in line with the BMW and
10 this, they were just in line where people were stopped. But
they stopped in a position where you can still see the BMW
and this other vehicle, but they were in the middle here.

ADV POOE: Okay.

LT-COL SEBOLA: In the middle of ...[incomplete].

ADV POOE: So, between warehouse 2 and 5, somewhere
in the middle.

LT-COL SEBOLA: If you can look at A, B, C and E.

ADV POOE: Yes.

LT-COL SEBOLA: Then you go, you will see container.
20 There were two containers.

ADV POOE: Yes.

LT-COL SEBOLA: It say container, container.

ADV POOE: Yes.

LT-COL SEBOLA: Just not far from this last container,
that is where other people were stopped.

ADV POOE: All right. And so it is Colonel Ludick who then approached you?

LT-COL SEBOLA: It is then Colonel Ludick approached me.

ADV POOE: And on his approach, what was the discussion there?

LT-COL SEBOLA: I was just informing him that something sinister is happening here. And then, at that time, we have not yet opened the bags. We have not yet offloaded the
10 bags. We have not yet cordoned the scene.

ADV POOE: Yes.

LT-COL SEBOLA: I am informing him something wrong is happening. Our members are involved in other things that is not aimed at assisting us to arrest the suspect.

ADV POOE: Okay.

LT-COL SEBOLA: I was giving him, I was presenting my version to him, further to say, these members, their intention, according to the information, they were about to leave. I suspect, or I can conclude by saying, by leaving
20 that area, Colonel Ludick, these people, they are defeating the end of justice. We are not going to get whatever we wanted to. Then, Colonel Ludick said, then, what are your intention? When we were discussing, then we are joined by, we were not at the scene, somewhere apart. Then we are joined by Rikhotso, Colonel Maluleke, Colonel Kekana,

Colonel Mabasa, Brigadier Lewela also.

ADV POOE: And at this stage, where is General Kadwa?

LT-COL SEBOLA: General Kadwa did not come to me.

ADV POOE: Okay. And ...[intervenes].

LT-COL SEBOLA: So ...[intervenes].

ADV POOE: ... attend this briefing.

LT-COL SEBOLA: So, Brigadier Lewela said, he is here only on behalf of Anti-Corruption, but, by the explanation, people cannot be charged for anti-corruption if they are
10 defeating the end of justice and we have already, we are already saying drugs are involved, then Sebola, this is yours to handle. That is ...[intervenes].

ADV KHUMALO SC: Can I ask you a question. You are an experienced police officer. You have dealt with drug busts before. You told us that you underwent the training. Looking at this photo that we were looking at on page 3, and where the various vehicles and the various drugs were, can you think of any reason ...[intervenes].

LT-COL SEBOLA: Page 3?

20 **ADV KHUMALO SC:** 103, the one that we were looking at now, before the sketch.

LT-COL SEBOLA: Yes, I am looking at it.

ADV KHUMALO SC: From a policing perspective, can you think of any reason why those bags would have been put in the back of the bakkie, because you are arriving there, you

are seeing that these bags, that could possibly be drugs, are in the back of a black bakkie. We have moved on from the issue of whether it was leaving or if it was stationary.

LT-COL SEBOLA: Yes.

ADV KHUMALO SC: Just now you see them there in the back of the bakkie. From a policing perspective, can you think of any good reason why those bags were in the back of a bakkie, and why they were not placed on the floor, so that the exhibits can be dealt with properly?

10 **LT-COL SEBOLA:** Commissioner ...[intervenes].

ADV KHUMALO SC: Just pause there for a moment. All right, you remember the question?

LT-COL SEBOLA: Yes.

ADV KHUMALO SC: Yes.

LT-COL SEBOLA: Commissioner, what I can tell the Commission is that, in the first instance, the person who loaded those bags was not supposed to load them in his bakkie. That is the first thing. And the second, he should even not have offloaded them from the container, if he
20 wanted to maintain, to retain the integrity of the same consignment we are investigating. That was also put to him by myself to say, looking at these bags, none of it has been opened to substantiate what we are saying, the allegation of saying these are drugs. Can you not see that you are putting your life in danger? Let me assume that the same

bags that were offloaded are explosives, we were going to be faced with a very serious scene if those explosives exploded here. Then he did not have an answer, and of which I am still saying, he should have maintained the scene as is. As is does not mean that the drugs should have been, the bags, not drugs, the bags should not have been in his bakkie. That was incorrect of him to do that.

ADV KHUMALO SC: But is there a reasonable explanation, I mean because he would have explained to
10 you why they were loaded in the back of his bakkie. I mean, based on what he told you, is that reason acceptable or is it just complete nonsense?

LT-COL SEBOLA: Thus there was no reasonable explanation. Everything that, that was, in fact, to say, that was indeed complete nonsense that he was explaining.

ADV KHUMALO SC: Do not use my language, please. I could not find a better word and ...[intervenes].

LT-COL SEBOLA: Okay, no, that ...[intervenes].

ADV KHUMALO SC: On the spot I had to.

20 **LT-COL SEBOLA:** His action there were not supposed to be that. I can even substantiate to say he did not know. He explained to me, do you know drugs? I interviewed him, do you know drugs? He said no. Then why did you load the bags? He cannot explain.

ADV BALOYI SC: I was going to say maybe he smelled the

drugs and from that he knew it was Cocaine or drugs.

LT-COL SEBOLA: Commissioner, having knowledge of drugs, having knowledge of drugs, more especially Cocaine, and the state at which that bags were sealed, it will be difficult for one that, even myself, I cannot say I smelled drugs with my experience, with my knowledge. There is something that I did to substantiate to say this might be Cocaine. The only thing to arrive at that point was to at least open one of the bags, acquaint yourself with what was
10 in the bag. And still, with regard to issue of smell, the bags are sealed with black masking tape, wrapped. When you go inside the bag, you open, those bricks have been wrapped with this plastic that normally you use to wrap foods.

In fact, there is a process, because they wrap with something, another something, they put their emblem on top, then they will, which will be visible when you look at the bricks, so that the intended recipient must know, identify it with the branding, that this comes from this, I do not know whether I should use, this comes from this cartel,
20 your drug cartel. There were some with Red Bull signs, some with, there were different things, which means where they were packaged. And where they are coming, people should identify them with whoever is sending them.

ADV BALOYI SC: Maybe I might as well ask this question now, just to get it out of the way, on the back of something

that you have said now. When you say you had to open one of the bags to check that indeed it is drugs, when you did that, or when you got to the scene, maybe let me say, when you got to the scene and you saw these bags on the back of this bakkie, was any one of them open?

LT-COL SEBOLA: None.

ADV BALOYI SC: Thank you.

LT-COL SEBOLA: They were still in their original position from where they were sealed. It is not original position in
10 terms of in the container, no.

CHAIRPERSON: Is it you or is it some other officer that says that you had to use something to poke one of the bags?

LT-COL SEBOLA: It is me.

CHAIRPERSON: Ja. And my sense was that you used something quite thin.

LT-COL SEBOLA: I used something like a pin.

CHAIRPERSON: Yes.

LT-COL SEBOLA: I used a pin, pressed it there, when it
20 came out ...[intervenes].

CHAIRPERSON: Yes, there was a powdery substance.

LT-COL SEBOLA: Yes, shiny. It is shiny.

CHAIRPERSON: And on that basis you suspected
...[intervenes].

LT-COL SEBOLA: Then I say ...[intervenes].

CHAIRPERSON: You do not say for a fact, you say you then suspected that it was Cocaine.

LT-COL SEBOLA: That is correct, Commissioner.

CHAIRPERSON: Not the smell, all right.

LT-COL SEBOLA: Not a smell.

CHAIRPERSON: Thank you, thank you.

ADV POOE: Colonel, then assume that the briefing ended and you were then assigned by Colonel Ludick as the investigating officer, is that correct?

10 **LT-COL SEBOLA:** That is correct.

ADV POOE: Thereafter, you then say Warrant Officer Rikhotso pointed you to the BMW, can you deal with that at paragraph 13.

LT-COL SEBOLA: Warrant Officer Rikhotso pointed to me the BMW that he said, this BMW it is together with these police officers.

ADV POOE: Yes.

20 **LT-COL SEBOLA:** Then, I requested police in uniform, together with Sergeant Phume, now Warrant Officer Phume, to take care of the vehicle and get the driver out of that vehicle.

ADV POOE: When you say get the driver out of that vehicle, was that for purpose of interview or what was happening?

LT-COL SEBOLA: For the purpose of interview, his

presence on that scene.

ADV POOE: And then you also say that he pointed out a red Kia.

LT-COL SEBOLA: He also pointed out the red Kia, which was driven by Warrant Officer Phakula.

ADV POOE: And then you say Captain Optoff also then pointed to a VW Golf.

LT-COL SEBOLA: Captain Optoff explained this to me.

ADV POOE: Yes.

10 **LT-COL SEBOLA:** The driver of this BMW is the one who was chasing us from the scene. Captain Optoff, at that time, was dressed in full police uniform. Then I asked him, who is that driver? Then he showed me the person that now is known to me, is Mashaba, who is a traffic officer, that he is the one that said they are not needed at the scene. It is not their scene, it is his.

ADV POOE: So from his point of view, Officer Mashaba informed him that that was his scene?

LT-COL SEBOLA: He was not informed.

20 **ADV POOE:** Oh, I am ...[intervenes].

LT-COL SEBOLA: He was directing them not to go. He was directing them not to be here, to go. You are not needed at this scene. This is the version I got from Captain Optoff.

ADV POOE: All right. And so you say that in relation to

the BMW, you asked Warrant Officer Phume to get the driver and interview. Did you take the same steps as it related to the red Kia, Phakula and Mashaba?

LT-COL SEBOLA: I interviewed them one-on-one myself so that is to acquaint myself with their presence at the scene, their action at the scene.

ADV POOE: Okay, and can you give us just a summary, a snapshot of the three interviews?

LT-COL SEBOLA: I think it is in my A1 statement of, in
10 the case docket Commissioners is having.

ADV POOE: I am just trying to find it quickly.

ADV BALOYI SC: Paragraph 14 maybe. And what he say is the annexure, if you look at, Ms Pooe, maybe look at paragraphs 14, 15, and 16.

ADV POOE: Commissioner Baloyi, when Colonel is saying his A1, he has directed me to it, so it is page 254 of the bundle. Have you found it? You can, I think paragraph 8 is where you start to deal with the three interviews.

LT-COL SEBOLA: Correct.

20 **ADV POOE:** Can you just give us a summary of the three?

LT-COL SEBOLA: -:

“After all the introduction, I started with Warrant Officer Magane, who alleged that he got the information from his informer. He followed up on the

information together with Traffic Officer Mashaba. And later on, he requested Warrant Officer Phakula, who is based in Pretoria, to come assist. I asked him if he tried to get back from his own station, since he is stationed at Zonkizizwe SAPS, and his answer, he did not think of contacting his own station. I asked him as to why he did not mention his own station to Sergeant Ndou, than lying that he is from Hawks, and still he could not give reasons why. And on the question of why were they chasing uniformed police officers on the scene, and his answer was that he was thinking it was his scene. I asked him if he does know drugs, and his answer was no. And on why was he loading what he does not know, his answer was he suspected the consignment to be drugs.”

ADV POOE: Colonel, before you move to the next interview, because then you go to the Kia, given his answers, what was your sense of Magane's role in this?

LT-COL SEBOLA: In my own view, when I was looking and

checking on what he was explaining, I could see his intention there was not to do police job.

ADV POOE: And what was his intention?

LT-COL SEBOLA: His intention was to assist those who requested him to remove those drugs from wherever they were, to wherever those two, Mashaba and Nku, wanted them to be.

ADV KHUMALO SC: So are you saying he told the people that he is also from DPCI? Why are you mentioning the
10 Hawks there?

LT-COL SEBOLA: He said DPCI Hawks.

ADV KHUMALO SC: Thanks.

ADV POOE: And in relation to him calling Phakula and ...[intervenes].

LT-COL SEBOLA: Sorry, Commissioner, he said Crime Intelligent Hawks.

ADV POOE: And in relation to, is it strange for an officer attending to a scene not to call their own station?

LT-COL SEBOLA: It is strange.

20 **ADV BALOYI SC:** Is it not more than just strange? I thought there is a protocol that requires you to identify yourself properly, so it is not it is strange.

LT-COL SEBOLA: It is an operating procedure, to say. Wherever you go, the first thing that you do, if I am leaving my office, one, I inform those I left behind that I have

arrived.

ADV BALOYI SC: Yes.

LT-COL SEBOLA: Two, identify yourself properly to the people that you are, because we are not working in uniform. It is difficult for anyone to identify me. Even if I say I am a police officer, there is a tool that one must use to confirm or substantiate me saying that I am a police officer. That is why we are being provided with police identification cards.

ADV BALOYI SC: Thank you.

10 **LT-COL SEBOLA:** Thanks, Commissioner.

ADV POOE: Colonel, maybe just, mine was related to whether, perhaps maybe, is it standard operating procedure for him to have called his station for backup, because this was in response to you asking him saying he called Phakula, who is based in Pretoria, and he did not think of calling his own station.

LT-COL SEBOLA: Commissioners, if you look at the area, and you check where is Pretoria, then if he is, maybe, if he was following up on something that is in motion, then one
20 can see that you will end up losing that which we are following, because you are taking the long route. The first thing first, the approach is, where is the nearest police station? Who are the nearest police? If not, go to 10111. That is the procedure. I do not call my friends. I call those that will assist.

ADV POOE: Right, thank you, Colonel.

LT-COL SEBOLA: Thanks.

ADV POOE: Chair, I am going to move on to the next interview.

CHAIRPERSON: Perhaps let us adjourn and resume at 11:25. Let us adjourn.

INQUIRY ADJOURNS

INQUIRY RESUMES

CHAIRPERSON: Yes, Ms Pooe.

10 **ADV POOE:** Thank you, Chair. Colonel, we are now proceeding to the second interview that you conducted at the red Kia. So, can we go to paragraph 10 of your A1?

LT-COL SEBOLA:

20 "I then proceeded to the driver of the red Kia, Cerato, to whom I introduced myself and my participation at the scene and want to know his involvement. And he said he was invited by Warrant Officer Magane to come assist him and upon arrival, the bags were already offloaded from the truck into the Nissan bakkie. And he could not explain why was the identifiable police vehicle – he could not explain why – in fact, it was supposed to be why the identifiable police vehicles

were chased from the scene. He could not respond. I further...”

ADV POOE: Sorry, my apologies. Before you move to the next interview, in relation to Sergeant Phakula, he notes his involvement. What did you make of your interview with him? Given that from his answers, he seems to suggest that he came later on, it was already loaded, and initially in your testimony you said Mashaba the tall one was identified as the one who was chasing police officers away.

10 **LT-COL SEBOLA**: Yes, because he, the reason why I put this question of people chasing the police, he indicated first that he is with them, although he arrived late because he was called by Warrant Officer Magane. I wanted to know, when Mashaba was chasing the police away from the scene, was he part of that? Then he could not respond to that. He could not indicate as to whether, when Mashaba was chasing them, he was part or not, or he arrived late. But the only thing that he says, he is involved on the same scene with them.

20 **ADV POOE**: Just to understand ...[intervenes]

CHAIRPERSON: When you say he could not explain, did he respond at all? If he did, what did he say?

LT-COL SEBOLA: When I said, why do you chase the police away? He could not even respond because I was pressed to ask this question by his response that I am part

of the team that is doing investigation. Now this must be a follow-up question to him. Then if you are part of this team, why do you chase the police away? Then he kept quiet.

ADV POOE: And so, he never said that he did not chase the police away, he just did not respond.

LT-COL SEBOLA: He never indicated to me that he chased them or not, but he kept quiet.

ADV POOE: So, your deduction was that he acted in concert with them because he identified himself as being
10 part of the team.

LT-COL SEBOLA: Yes.

ADV POOE: All right, we can then move to the third interview.

LT-COL SEBOLA:

20 “I further identify myself to the driver of the silver-grey VW Golf GTI who identified himself as Chief Gauteng Provincial Traffic Officer about his involvement in this investigation. And his response was that it was his information and on the question of why did they not request for the uniformed police officer to assist. And he said he did not think that way.”

ADV POOE: Now, when you were briefed, you indicated

that you were already told about Mr Mashaba's aggression towards other people who came to the scene. Did you ask him about that? Because here he makes it seem like his involvement was just that he got the information.

LT-COL SEBOLA: On further engagement, even though it is not noted here, I asked him, you are not a police officer. You do not even – do you know what drugs - have you undergone any drug course or anything that can suggest to say you can handle this scene? He said, that is why I am
10 calling these officers to come and assist. Then that also pushed me to say, then, okay, you are calling this one to me, seated here I am seeing them as your friends. Then here, the marked police vehicles, they are coming here to assist upon getting that information or complaint. Why cannot you accept them to the scene? Acquaint them with the scene because that is their area of operation, not yours.

ADV POOE: And what was his response to that?

LT-COL SEBOLA: He said he do not even think that way. As long as he got information, because he used to do the
20 arrest, then he still has to.

ADV POOE: Then the if we can move to your last interview.

LT-COL SEBOLA: The other interview:

“I interviewed the driver of the silver grey
7 Series BMW to whom I identified myself

as well, and he identified himself as Tumelo Nku. His explanation about his involvement was that he was there on his private capacity and further that he once worked for Transnet before he ventured into business. And the person he knows on the scene was Chief Traffic Mashaba since he used to give you information on illegal cigarettes. Further indicated that the information they are working on was his.”

ADV POOE: And so, what did you make of your interview with Mr Nku?

LT-COL SEBOLA: I also, everybody after having the eyesore, for you to be here, even if you are an informer, you just give information, then you get feedback from your handler to say, in fact, we have confiscated drugs, we have arrested, this is the case number. However, if he is a registered informer, he will be informed that claims will be done on your behalf. Then, still, he maintained he is not a registered informer. Then, there were a lot of questions, a point that I highlighted to him to say, by placing yourself on this scene, you are endangering your own life. You are even not supposed to be here. He said, no, I was just monitoring.

ADV POOE: Is there ever a reason, in your entire experience, for having an informer present, even if they are just sitting somewhere at the scene, in a corner somewhere?

LT-COL SEBOLA: Unless only if maybe he is an undercover agent that is part of this operation. But you do not have to inform me and follow me. Then it is as good as saying, let us go and work. We are working together. We are no longer giving information. We are working together.

10 **ADV POOE**: So, the fact that he never – all the witnesses confirmed that he never got out of his car until, I think, when a member of the Flying Squad went to him to ask him something. That does not matter. He should have never been there.

LT-COL SEBOLA: He should never have been there. Again, if you look at that car, also, to me, it looked suspicious. Because I also investigated the issue of the permit.

20 **ADV POOE**: Perhaps, to give proper context to that, the car that Mr Nku was driving, what was suspicious about it, you say?

LT-COL SEBOLA: If you look at the permit, when I checked on that permit, I could see that was the second permit on it. Because there is a time frame for the first permit to be placed on that vehicle. If it is not registered

within that time frame, then they can reapply for the second permit. Then I asked him, because when I was checking on that permit, there were a lot of discrepancies that I found, but they were investigated later, not on the scene.

ADV POOE: Okay, we will deal with those discrepancies later in your investigations there. One thing I wanted to ask in relation to Mr Nku, so he is not supposed to be there, he is an informer, but he does not participate, in a sense that he just sits in the car. Is that then an offence that he could
10 be arrested for? I guess I am trying to understand what ...[incomplete].

LT-COL SEBOLA: He is part of them he is part of the three.

ADV POOE: So, what ...[intervenes]

LT-COL SEBOLA: He is working with them. He is admitting that he is their informer, he is with them, he is monitoring. Then there was no way for me to say, let me deal with these three and leave this one. Because I wanted to see, these people, these police are misbehaving, are
20 defeating in the presence. To my belief, they wanted to accomplish what he wanted them to do.

ADV POOE: So, your suspicion was that he basically has instructed them to do something and he is monitoring that that is done.

LT-COL SEBOLA: That is correct, he was monitoring.

ADV POOE: Okay, ...[intervenes]

ADV BALOYI SC: Just for clarification, in your interview with Chief Mashaba, what was your understanding in terms of he provided the information, that is what he tells you. He says, it is my information that led to this operation. And indeed, that is what Warrant Officer Magane said to us, that he got a call from Mashaba. Is it your understanding that, therefore, this is Mashaba's operation?

How does it work? Mashaba, who is not SAPS, he
10 comes from a different agency, which is Traffic Gauteng, and then he calls a SAPS officer to report there is this consignment. In the way that things work between agencies, especially, this operation then becomes what? Does it become a Mashaba operation with SAPS providing backup? Or is it a SAPS operation which is informed by information from Mashaba? And in this case, it becomes a SAPS operation because he reported to Magane. Can you just explain that interagency, or different agencies' relationship?

20 **LT-COL SEBOLA:** Normally, Commissioners, it comes from other state agencies. It goes to the police. Then it becomes a police operation. It is as good as, like, you get it from anonymous callers and all those things. Then you, whoever, if the calls get to say it enters into this agency, like, let us say it goes to my head office, my own head

office. I am based in Gauteng.

Theirs is to say who is based on that area. Then they dispatch the information to whoever should be in that area. Then once I have done everything, I have to submit an information note to the people that gave me that information. If I open enquiry, I will quickly open up enquiry because every action must be based on documents to say I got this information from head office.

They said they got it from so and so. Is it not that
10 they still need to respond? Then I write my own information note about operation that this is what happened, this is what we found, this was the end product of RUA information so that they can communicate with whoever submitted the information.

ADV BALOYI SC: In this case, the information note that you are describing would have gone to Gauteng Traffic because that is the source of the information.

LT-COL SEBOLA: That is the source of information.

ADV BALOYI SC: Okay, thank you.

20 **ADV POOE:** Colonel, can traffic enforcement ever investigate based on your knowledge?

LT-COL SEBOLA: Big no.

ADV POOE: Big, no?

LT-COL SEBOLA: Big no.

ADV POOE: Okay. Then we are going to go back to your

main statement.

LT-COL SEBOLA: Criminal matters, sorry, Commissioner, criminal matters are investigated by the police. And other ...[intervenes]

CHAIRPERSON: You spoke at the same time.

LT-COL SEBOLA: And other ...[intervenes]

CHAIRPERSON: Sorry, you spoke at the same time. Please repeat that.

LT-COL SEBOLA: I was saying criminal matters are
10 investigated by the police. Unless, not the traffic officer, unless other investigative agencies have been mandated to do so, but not the traffic police, they have got their own responsibilities. No case will ever be referred to them, a criminal matter, for investigation. That is a big no. Thank you, Commissioner.

ADV KHUMALO SC: But they cannot conduct a drug bust. Let us just be specific because we are dealing here with a drug bust at Aeroton or at Roodekop. You are saying under no circumstances can Mashaba lead a drug bust?

20 **LT-COL SEBOLA:** He cannot, Commissioner.

ADV POOE: Colonel, we are going to go ...[intervenes]

LT-COL SEBOLA: He remains the source of information. Thank you, Commissioner.

ADV POOE: Colonel, I struggle sometimes when you pause for effect.

LT-COL SEBOLA: Sorry, sorry.

ADV POOE: But I will take my cue when you say thank you and then I will proceed.

LT-COL SEBOLA: Thank you.

ADV POOE: If we can then go back to your statement. We were at paragraph 14. So, you then say that the scene was not cordoned off and you started the processing of the scene. Can you take us through that?

LT-COL SEBOLA: Paragraph 14?

10 **ADV POOE:** Yes.

LT-COL SEBOLA:

“I was also approached by Captain Optoff.”

LT-COL SEBOLA: Oh, my apologies. Paragraph 14 of your main statement, the one before the Commission.

LT-COL SEBOLA: Okay.

ADV POOE: So, file 1. Because you will see in the one that you were reading, after you deal with the interviews, you then deal with processing. So, we are ...[incomplete].

20 **LT-COL SEBOLA:** Okay, all this time, the scene ...[intervenes]

ADV POOE: Yes.

LT-COL SEBOLA:

“All this time, the scene was not cordoned. And with the assistance of

Warrant Officer Phume and Warrant Officer Machebe, we cordoned the scene. And Colonel Steyn arrived at about 12 o'clock. He asked if..."

Spell check. That was supposed to be ...[intervenes]

ADV POOE: Yes.

LT-COL SEBOLA:

10 "If there will be any other assistance that will be needed. And I said, Local Criminal Record Centre will be needed together with officer who will be offloading the bags from the black Nissan bakkie so that the scene can be properly investigated."

ADV POOE: Colonel, when you say that the scene was not cordoned off and with the assistance of the two Warrant Officers, you cordoned off the scene, which cordoning off did you do?

LT-COL SEBOLA: Can I get that?

20 **ADV POOE**: Maybe if we go to the pictures again. Maybe let us go to 103 of the sketch.

LT-COL SEBOLA: 103.

ADV POOE: Are you able to – oh, my apologies.

LT-COL SEBOLA: Yes, I am still there.

ADV POOE: Are you able to explain what cordoning off

you did?

LT-COL SEBOLA: 103.

ADV POOE: Yes.

CHAIRPERSON: Page 103, that is where the sketch plan is.

LT-COL SEBOLA: Yes, I see the sketch plan.

CHAIRPERSON: And just before ...[intervenes]

LT-COL SEBOLA: But I can see she is not on the same page. We are not ...[intervenes]

10 **ADV POOE:** No, I am.

LT-COL SEBOLA: Okay.

CHAIRPERSON: But a difficulty I have is that I do not see what depicts the black bakkie and the Booyens marked police vehicle.

LT-COL SEBOLA: On the sketch plan.

CHAIRPERSON: On the sketch plan. Can you show me those?

LT-COL SEBOLA: You are correct. I did not draft this sketch plan, Commissioner.

20 **CHAIRPERSON:** I am not suggesting that you did. I just wanted to know if you can or rather you see the depiction of those on there. You do not. You also do not.

LT-COL SEBOLA: I do not.

ADV KHUMALO SC: There was a sketch prepared by the photographer where she explains where each car was, and

there was an affidavit accompanying it. Is it in the Steyn file or something?

ADV BALOYI SC: It was in the Steyn files. There is a key to the sketch.

ADV KHUMALO SC: There is a key, yes.

ADV POOE: My apologies. Thank you, Commissioner Khumalo. It is also in this file. It is just that because the pictures come before, there is an interruption between the sketch plan. It is on page 18. One eight, yes.

10 **LT-COL SEBOLA:** 118?

ADV POOE: No, no, 18, 18.

ADV KHUMALO SC: Do you want to maybe pull out 18 and then go back to 103 and then deal with the questions?

LT-COL SEBOLA: Yes, I am at 18, Commissioner.

ADV POOE: So, when you look at page 103, can you help by just describing what was cordoned off? You see from that page with the key, it will show you that point E was the red car, which was parked in front of a container. B was the black bakkie where the drugs were loaded, and A was
20 the truck.

LT-COL SEBOLA: Yes, I can see it.

CHAIRPERSON: Which means the Booyens police vehicle is not where it should be. I do not know. Maybe when the sketch was drawn, it was not there. Because then it should be in front of B.

LT-COL SEBOLA: It should be in front of B. I agree.

CHAIRPERSON: All right.

ADV POOE: Yes, so my question is, you say that with the two Warrant Officers, you cordoned off the scene. So, I was just trying to understand what was cordoned off.

LT-COL SEBOLA: In fact, Commissioner, even though I do not know where the cordoning tape is, but what I understand ...[intervenes]

CHAIRPERSON: I did see a picture that has the yellow
10 ribbon that you normally use. It appears clearly in front of the truck, but I do not know where it starts and where it ends.

ADV POOE: If you look at page 37, the issue with the pictures is because they are close-up, they do not quite show the entire area that was cordoned off. But page 37 clearly shows it in front of the bakkie.

LT-COL SEBOLA: Yes.

ADV POOE: And if you go to page 40.

ADV BALOYI SC: Page 19 as well, photo 1, it gives a
20 wider view. And the police van is there. So maybe look at that as well, in addition to the sketch and the other pictures.

ADV POOE: Yes. Thank you, Commissioner Baloyi. At page 19, it is a little faint, but there is a tape that runs from the truck, the yellow truck. It seems to go over the van.

Can you see that?

LT-COL SEBOLA: Yes.

ADV POOE: And runs towards the container. I am just not sure where it stops.

LT-COL SEBOLA: I believe, because if you can see on page 19, it must be starting at the cap of the parked truck. Go through the bakkie, then up to this other container that is in front of the red Kia. Because between these two trucks, there is a black bakkie in there.

10 **ADV POOE:** Yes.

LT-COL SEBOLA: That is where we cordoned off those drugs that are in between the truck and the truck with the container on top.

ADV POOE: And then, again, if you look at page 40, it should show you the other side. Can you see at photo 38?

LT-COL SEBOLA: Photo 14.

ADV POOE: Four zero.

LT-COL SEBOLA: Sorry.

ADV POOE: Can you see there is a tape that also runs
20 behind, what looks like behind the ...[intervenes]

LT-COL SEBOLA: Yes.

ADV POOE: Okay, so is it fair to say that the truck and the container, and obviously the contents in between, were what was cordoned off?

LT-COL SEBOLA: Correct. That is correct.

ADV POOE: And we have learned from testimony that there is an inner and an outer cordoning off. Was this an inner cordoning off of the scene?

LT-COL SEBOLA: This is the inner.

ADV POOE: And did you then do the outer?

LT-COL SEBOLA: No.

ADV POOE: All right. Then you say Colonel Steyn arrived and he offered assistance. So, when he arrived, was this now the first time you are calling on other services, like the
10 LCRC?

LT-COL SEBOLA: That is correct.

ADV POOE: And he then indicated, maybe just for clarification, what did you ask him to do, to call LCRC and?

LT-COL SEBOLA: Colonel Steyn is coordinating members of the drug section.

ADV POOE: Yes.

LT-COL SEBOLA: So, his presence at the scene was of assistance because wherever I would overstep or do something, I would still go to him and request for
20 assistance. Maybe there is something wrong that we did, but because when I introduced him to the scene, he said, no, I think we are still on point. But I said, Colonel, can you, at least for now, assist in calling these relevant stakeholders?

Because we have not yet. We started only with the

interview. We have not yet done that. Because now I have got a clear picture of what is happening. Can we have this? LCRC should be the first to be called. Before we can then take back, but we can no longer take them back to the container. We cannot try to rectify what was messed up. The only thing was to say, now these people, that according to me, are defeating.

We are not going to show them that. This is what we have killed from our scene. The possibility that we must
10 get the DNA from those packaged stuff had you left the scene in its original state. Now that everybody is involved, taken it, then the chances of us getting the DNA, the fingerprints, are very slim. Because we will find a lot of them.

Then the direction to take it will be, we have to do the elimination of fingerprints. To say, we have to, if you touch this bag, you remember, nobody will ever say, this is the one that was touched by me. Then we have to, when we do elimination, because if I touch, when they check the
20 fingerprints, should they come across mine, they will know that this was the person who was at the scene.

Then we do elimination. Who else touched this? But when everybody touched, now we make it difficult for the LCRC person to get, because we must remember, if I am in charge of the scene, I give direction to the LCRC

member. This is what I want. I want to extract or to check the existence of any DNA on the item. Fingerprints that can link to the origin of the person who packaged, because Maruma and others never packaged those things.

That is the discrepancies that they caused on that scene. Then Colonel Steyn called LCRC, which is a standard procedure, which is one of the requirements, which is the first thing that one has to do at the scene. Before, even because there was no Commissioners, there
10 was no urgent, there was nothing that forced that thing to be speedily done. It is in a secure place.

It arrived at its owner. You just tell the owner, owner, let this container and this truck remain as is. There is something that I want to check. We have received this type of info. This is the introduction that you will never be suspicious when you call somebody like this. I am at your place. I am suspecting this. So can you, with your assistance, let this be as is. Until the people that will be requesting come and assist. That was supposed to be done
20 that way.

ADV POOE: Colonel, before I go too far, just to put it to you, Phakula testified yesterday that he ordered the cordoning off. Just to confirm that you deny that it is your team that ultimately did it.

LT-COL SEBOLA: He would be lying.

ADV POOE: All right, thank you.

LT-COL SEBOLA: Sorry, Commissioner. Phakula is working for NIU. If I have to explain, like I explained about Mashaba, Phakula is working at NIU. Phakula is working at NIU. Because we engaged during the interview, he is working at NIU. And there were points that I even showed to him that you only investigate cases that have been referred to your office.

You do not initiate investigations. Certain cases
10 that are referred to head office are investigated by them. Physical investigation, not to involve on the scene. That is his role and part of investigation. I can even further say he knows nothing about drugs. Unless maybe he said he knows. They investigate complaints. Well, if you have opened a case somewhere, then there is a feeling that the investigation is not properly done. When they are referring the cases to them, then that is theirs.

ADV KHUMALO SC: You mean it as to be referred to formally on paper. There has to be a document that goes to
20 them to say investigate this.

LT-COL SEBOLA: That is correct. I even informed his Colonel Sephungu. Told them both. I had an engagement with Sephungu, but that was a destructive engagement by him. Because he was trying to distract. I pointed to him those points that you must remember, Colonel. You are

now interfering. That is Colonel Sephungu.

ADV BALOYI SC: Maybe on this point just to be clear what it is – what the position is in fact. What Warrant Officer Phakula said is that he investigates blue light robberies. Let me read what he says. He says:

“My duties included investigation at national level of blue light robberies, airport following robberies. And then head office enquiry files...”

10 Which seems to be what you are describing that it is matters referred to them. But that is the third thing that he says. The first two, he investigates blue light robberies and airport following robberies. Are you saying he does not do that? He works only on referral?

LT-COL SEBOLA: Works on referral.

ADV BALOYI SC: Only?

LT-COL SEBOLA: Only.

ADV BALOYI SC: Okay, thank you.

ADV POOE: Then, Colonel, you say that you indicated to
20 Colonel Steyn that you also needed officers to offload. That would have been once LCRC is there.

LT-COL SEBOLA: Once LCRC is there.

ADV POOE: All right, and then we can move to paragraph
15.

LT-COL SEBOLA:

“Colonel Steyn then indicated that Captain Nortje and Warrant Officer Morris will assist me in handling those bags looted in the Nissan bakkie. And whilst we were waiting for LCRC to come, I continued interviewing four male persons. That was pointed to me by Warrant Officer - that was pointed to me. That is Warrant Officer Magane, Phakula, Mashaba, and
10 Tumelo Nku. The outcome of the interview led to the arrest of Warrant Officer...”

ADV POOE: Of the four.

LT-COL SEBOLA:

“Of the four I mentioned. Details contained in the police case docket Booyens CAS98/07/2021, which I therefore refer to NJS1, which is my A1 statement in that Booyens case,
20 Commissioners.

ADV POOE: Okay.

LT-COL SEBOLA:

“Warrant Officer Woods...”

ADV POOE: My apologies, Colonel, before you move on to that paragraph. Just to understand, you are saying that the

outcome of the interview leads then to their arrest.

LT-COL SEBOLA: Yes.

ADV POOE: And at this stage, if I am understanding, you are still waiting for LCRC, the bags have not been offloaded, neither have they been opened.

LT-COL SEBOLA: Yes.

ADV POOE: So, in terms of the interview leading to the arrest, at that stage, what were you arresting them for?

LT-COL SEBOLA: Now, Commissioners, I indicated earlier
10 on that their action led me to believe that their action were intended to defeat the end of justice. That was the first thing that I told them. I further said, should other investigation prove you otherwise, then you will be charged with possession, with dealing in drugs. Because of the magnitude and the originality and others, here you are not possessing. This is pure dealing. That is what I told them.

ADV POOE: Okay, so at this stage, they understood that they were going to be arrested for defeating the ends of justice.

20 **LT-COL SEBOLA**: That is correct.

ADV POOE: You can – oh, my apologies, Colonel.

LT-COL SEBOLA: No, I am fine. I think there was some – but that is the one that I wanted to say, I think it is maintained in my statement. I can go.

ADV POOE: Okay, so we can go to paragraph 16.

LT-COL SEBOLA:

“Mashaba, who is one of the arrested persons, made a call...”

ADV POOE: My apologies, 16.

LT-COL SEBOLA:

10 “Warrant Officer Woods of LCRC arrived at around 14H00 or so. And in the presence of all four now arrested – in the presence of the arrested, now Captain Nortje, Warrant Officer Morris, and Mashaba started offloading the black sports bag wrapped with black masking tape from the black Nissan. The first bag was unwrapped and the content inside was brick-like.”

And I took it because there were about - these bags, there were about 23, but having different numbers of those brick-likes. The first bag, if I still remember well, it was containing around 23 bricks. Which, according to my
20 knowledge, each brick was estimated to be a kilogram. Then, of which I can arrive to a conclusion that which means the black bag one could be estimated at 23 kg.

That was my assertion of what was happening. Then I took one of those bricks in the presence of the four, indicating to them, before I could say, I suspect this to be

drug, I have to have reasons. Then I took a pin, pressed it on this, then I did that as demonstrated. You see, then now I can come to a conclusion. Guys, according to me, I will say, you will be dealing in drugs. Your actions of defeating to me suggests that you are also dealing in these drugs. That is when I arrived at that arrest, Commissioners.

ADV POOE: Colonel, when you opened one and took a pin to see the contents or the powdery substance, where was Officer Steyn, Morris, Nortje? Were they also
10 ...[incomplete]?

LT-COL SEBOLA: This is how the scene was processed. Machebe, Morris and Nortje, they are responsible for the offloading. Everything that they are doing, I am now in charge, the scene manager. I am saying to them, there was one example of bag that was opened, that shows how we opened that one. Then I said, we opened one. I want to show this gentleman what is inside the bag.

Because they are clueless, they do not know what is in the bag. Then that is when, I cannot recall whether it
20 was Morris, Machebe or Nortje, but that is when that was opened. And then one brick brought to me, performed that exercise. Then it was taken to aside so that it cannot be counted, it cannot be put in the same seal bag as those, should Warrant Officer want to further his investigation with regard to the DNA testing. That is what I did - we did.

ADV POOE: And was Warrant Officer Woods present for that process?

LT-COL SEBOLA: That is correct.

ADV POOE: And was this, the bag that was opened, photographed as well?

LT-COL SEBOLA: Before we opened the bag, we requested him to take the bag at its original state. We are now doing demonstration. Open, you take it, then we are opening it. He opened, then we are counting. We count
10 you put them aside. After counting, he took photographs of those.

ADV POOE: So, if we can go to page, maybe from 56.

ADV KHUMALO SC: Ms Pooe, can I and it is a suggestion and you can reject it if it does not make sense. Because these photos are not very clear. In the Steyn file, 109 and 111, where we have better colour photos, I do not know if that will help or if you are confident that this one will show us what we need to see.

ADV POOE: No, I am trying to glance at the site because I
20 had asked for the Steyn file to be loaded. I am just checking if it is ready.

ADV KHUMALO SC: I think Steyn 109 and 111 maybe gives us a better picture of ...[incomplete].

ADV POOE: Yes, yes. Yes, so you started by opening, I mean, by photographing it as it was on the van and then as

you open each bag and unwrap.

LT-COL SEBOLA: That is correct.

ADV POOE: There are other pictures in the Steyn file. It is at the beginning of the exhibit.

CHAIRPERSON: Page 4 and 5?

ADV POOE: Yes. Colonel, can you confirm that that is a representation? So, at page 4, you see all of the bags offloaded. All of them are closed. Then 5 is one bag opened.

10 **LT-COL SEBOLA**: Yes.

ADV POOE: You can see that. And then at 6 is where all of them are unloaded. At least one bag is unpacked.

LT-COL SEBOLA: 6, yes, I see it.

ADV POOE: No, I just wanted you to confirm that is what you were describing.

LT-COL SEBOLA: Yes, this is what I was describing, Commissioners.

ADV POOE: And then also you say there were two - there are clearly images on the bricks themselves. There is a red
20 bull on some.

LT-COL SEBOLA: Yes, there is a red bull on some. Others, you can see there is an eagle.

ADV POOE: At page 8.

CHAIRPERSON: A seagull, we were told.

LT-COL SEBOLA: Sorry.

CHAIRPERSON: Seagull, seagull.

ADV POOE: At page 8?

LT-COL SEBOLA: Yes.

ADV POOE: And just to get a sense, had you seen these pictures before or this kind of marking before?

LT-COL SEBOLA: Yes, before this incident?

ADV POOE: Yes.

LT-COL SEBOLA: Yes, I came across a lot.

ADV POOE: These very ones?

10 **LT-COL SEBOLA:** These branding is common in my investigation of drugs. I have come across them before. I have worked at the airport, intercepted some of these.

ADV POOE: All right, and then you indicate that once you took a pin and inserted it and you saw the primary white substance which you say you concluded or suspected that it was Cocaine.

LT-COL SEBOLA: Correct.

ADV POOE: You then informed the four that they were arrested for now defeating the ends of justice and an
20 additional charge of dealing in drugs.

LT-COL SEBOLA: That is correct.

ADV POOE: And now, did the counting of these exhibits happen in front of the accused or the suspects? My apologies.

LT-COL SEBOLA: Immediately when Warrant Officer

Woods arrived, when we offloaded, the four of them were made to be present to see so that they must not come at a later stage and claim that one of the bags was moved in a suspicious manner, might be missing. So, the counting, everything, offloading bag because they were not counting when they were loading. That is what I have detected on my interview with Magane because I wanted to know how many bags are in this bakkie. He could not state.

ADV POOE: So, in the process of offloading, unwrapping
10 and counting, what of it did they witness?

LT-COL SEBOLA: What?

ADV POOE: Which aspects of it did they witness? Just the offloading and the one bag being opened or the entire process of processing the bag?

LT-COL SEBOLA: They have to see the entire process. Offloading, opening, counting, sealing. Because after counting, after having done everything, now we have to put them on our own forensic bag. Not the sports bag. On our own forensic bag.

20 **ADV POOE**: Okay, Officer Magane testified that he only witnessed some and not the entire process of counting.

LT-COL SEBOLA: I would say that was his selective way of wanting to admit certain and leaving others. He was present at all times.

ADV POOE: In fact, I think it is all of them who denied

being part of the entire process. I will just put that to you. And just to take a step back, when you said you have seen the insignia before, the seagull and the bull, was that ever linked to any cases that you can recall?

LT-COL SEBOLA: I cannot get – was it ever linked to any place?

ADV POOE: A drug cartel or something that you can recall?

LT-COL SEBOLA: What I can recall or what I have
10 identified during my term as an investigator in this, the only thing that I can testify or that I can tell this Commission is to say they were coming from the same direction.

ADV POOE: Direction being?

LT-COL SEBOLA: They were from São Paulo in Brazil also. All. Most of that I have dealt with. I do not have to say all because I do not know of others. But that I was dealing with, with regard to this insignia and others, they were tracked to be from the same direction, which is Brazil. Like these ones, they were looted at a port of – that port in
20 São Paulo.

ADV POOE: Santo.

LT-COL SEBOLA: So?

ADV POOE: Port of Santo or something.

LT-COL SEBOLA: Port of Santos in São Paulo.

ADV POOE: And have you, in the past where you have

seen this, identified the recipients?

LT-COL SEBOLA: The challenge is here. Most of the people that you are arresting, you can see that they are being used. They will be charged with possession, but they are not able to explain where they are taking them to. Even because I have to inform this Commission, some will just come through these couriers. When you look at the address, when you look at the address, if you go to the address, you will find maybe they can either give you an
10 address, but when you go at the address, they will put – they can even give my own address. Because they will be knowing – the courier people, they make a call. Because they will be knowing where they go. The person, the intended recipient, will be just an ordinary person. When we get to the address, the owners of the place, we will find them not to know the person who is because he has never ...[intervenes]

CHAIRPERSON: Meaning they are not expecting a consignment.

20 **LT-COL SEBOLA:** They are not expecting consignment. That is the tricky part of this type of investigation.

ADV KHUMALO SC: It is your point that you always identify the couriers, but never the kingpins.

LT-COL SEBOLA: Never the kingpins.

ADV POOE: Thank you, Colonel. And then just in relation

to Warrant Officer Woods, if you can go to page 17 of the exhibit bundle, the big file.

LT-COL SEBOLA: Yes, I am on 17, Commissioner.

ADV POOE: You will see there at – can you just read paragraphs 4 and 5?

LT-COL SEBOLA: Yes:

10 “At 14, due to the request from Detective
 Warrant Officer Woods, I attended an
 alleged scene of crime at Omni Park,
 Aeroton Drive. The scene and certain
 points were indicated to me by Detective
 Warrant Officer Rikhotso after I made my
 own observation. I took photos of the
 alleged scene of crime.”

20 **ADV POOE:** All right, so, you see what she says there
 differs from your recollection. Could it be that she came
 earlier? Because on your affidavit you say she - statement,
 you say she arrived at around 14H00 and in the presence of
 the accused you offloaded the vehicle and you also testify
 that you would have been the one who would have told her,
 laid out the scene for her.

LT-COL SEBOLA: When she arrived at the scene, I personally spoke to her.

ADV POOE: Yes.

LT-COL SEBOLA: Or maybe, I do not know, when she was

drafted in the institute, the person that she knows there was Rikhotso or others. But I remember explaining to her what was happening. But I cannot dispute what she is saying. Reason being, she wanted to know what was - I do not know because she has got a format of completing the people like the people who introduced her to the scene. I do not know whether when she arrived, she met with Rikhotso. Then on that pro forma statement where you enter the name of people she entered. But I do not want to say much about
10 that because that is her testimony.

ADV POOE: All right, thank you, Colonel.

CHAIRPERSON: Do you think she arrived only 15 minutes after you had arrived at the scene? I am asking that looking at paragraphs 6 and 7 of your statement, your main statement. You got a call at 11 and you arrived at the scene 30 minutes later which would have been 11:30. And she says she arrived at the scene at 11:45.

LT-COL SEBOLA: With regard to her arrival, but I remember everything was done at around 2.

20 **CHAIRPERSON**: Yes, all right, all right.

LT-COL SEBOLA: So, for the sake of not trying to be lost on the issue of the arrival time, maybe, I would say maybe, but the whole scene, when it started to be processed, it was around that time of 2 o'clock.

CHAIRPERSON: Thank you.

LT-COL SEBOLA: Thanks, Commissioner.

ADV KHUMALO SC: And I see the arrest, if you just go to the Section 35 certificates, the arrest of these four people was at around quarter past 1. So, it is possible that Officer Wood is correct that all these things were happening around 12 o'clock and not at 2 o'clock as you suggest.

LT-COL SEBOLA: Not 2 o'clock. That is correct, Commissioner.

ADV KHUMALO SC: Because all four people signed their
10 Section 35 rights certificate at 13:15.

LT-COL SEBOLA: That might be correct, Commissioner.

ADV POOE: Thank you, Colonel. Then can we go to paragraph 17.

LT-COL SEBOLA:

20 “Mashaba, who is one of the arrested persons, made a call on his cell phone and he wanted me to speak to the person he was calling. And that person introduced himself to me as Brigadier Shibiri. And he wanted to know if there cannot be any amicable solution. And I said they are under arrest. And his reply was, no problem, okay, no problem.”

ADV POOE: Just to understand, did you know where Brigadier Shibiri was from?

LT-COL SEBOLA: Was?

ADV POOE: Where was he from?

LT-COL SEBOLA: I was told it was an Organised Crime. I do not know. I do not know if it was a Provincial Organised Crime or what.

ADV POOE: And when he says he wanted to know if there cannot be any amicable solution, what does that mean?

LT-COL SEBOLA: I did not want to answer. Because I said, Brigadier, these people are under arrest. No further
10 explanation.

ADV POOE: What did you understand him to be asking you?

LT-COL SEBOLA: Maybe he did not want us to proceed or to take that direction that we are taking of arrest. That is my thinking now. To say, but then, not now. Because he is saying, do we not have any other thing that we can do other than that? No, I said they are under arrest. He said, no, thank you.

ADV POOE: So, you understood him to be asking, maybe
20 not arrest.

LT-COL SEBOLA: Then in one of my discussions, because that call, I still have to relay it to my superiors to say, I got this strange call from this person. I remember, I said, General Kadwa, but that was not on the day. I said, on that day I got, when we are doing the presentation now on the

cell phone records, I was in General Kadwa, I got a call from a person identified himself as Shibiri, whilst we were still there at the scene.

He said, no, he also phoned me. He wanted to know. Because when he was calling me, I said, just bear in mind, I am working this with my General. He is here. He dropped. That is when he said, okay, he dropped. Then when I relay the incident to General Kadwa I said, eish I got this call which is to me it was strange from Brigadier Shibiri.

10 Then he said, he also phoned me.

I said, what did he say? He said, no, arrest them. On that, that call General Kadwa said, he received, if the record, the telephone, the cell phone records could state, it will show that it was Mashaba and then General Kadwa. Because he did not call me on my phone. He was phoned by Mashaba. After dropping the call, then he called General Kadwa. That is what I got as and when I was presenting on what looked suspicious.

ADV BALOYI SC: Who called Kadwa, Shibiri or Mashaba?

20 **LT-COL SEBOLA:** Shibiri.

ADV BALOYI SC: Okay.

ADV POOE: And just to make sure I follow, to you, he asked about amicable solution to General Kadwa. He said, arrest.

LT-COL SEBOLA: Arrest.

ADV POOE: All right, then you can proceed to paragraph 18.

LT-COL SEBOLA:

“We continued to process the scene and Captain Nortje and Morris were recording the exhibit and as part of my investigation, I confiscated all the cell phones of the arrested person.”

ADV POOE: Okay, Colonel, can we stop here? Just to
10 understand, Captain Nortje and Warrant Officer Morris were processing the exhibits did you play any part in the recordal of that process?

LT-COL SEBOLA: I must at all times be present when they are doing this. In the counting, in the entering, those exhibits, because Colonel Steyn also what he did he arranged for the book, the SAP13 book, to be brought to the scene so that everything can be recorded at the scene.

ADV POOE: And ...[intervenes]

ADV BALOYI SC: Ms Pooe, I do not understand the
20 answer. Ms Pooe asks, did you play any part and your answer is, I must always be present. So, were you present watching as they were counting or were you part of the counting in that you also did counting?

LT-COL SEBOLA: They were counting in my presence.

ADV BALOYI SC: You were not counting ...[intervenes]

LT-COL SEBOLA: I was not.

ADV BALOYI SC: You were not counting?

LT-COL SEBOLA: I was not physically counting.

ADV BALOYI SC: And you were not putting into the exhibit bags?

LT-COL SEBOLA: I was not putting them in evidence bag, Commissioners.

ADV BALOYI SC: Thank you.

ADV POOE: So, while you were watching, did they tell you
10 about the final numbers?

LT-COL SEBOLA: Yes.

ADV POOE: Do you recall?

LT-COL SEBOLA: But I think ...[intervenes]

ADV POOE: If you do not recall, it is also okay.

LT-COL SEBOLA: I cannot recall, but I know they were. When I was estimating, when I was compiling, I said they are about half a tonne. That was my conclusion to say. Those kilograms, as long as they are above 500, which means they are about a tonne.

20 **CHAIRPERSON:** There is a record somewhere ...[intervenes]

LT-COL SEBOLA: Because ...[intervenes]

CHAIRPERSON: You do not recall on the top of your head?

ADV POOE: I will take you there.

LT-COL SEBOLA: I cannot remember. There were
...[intervenes]

CHAIRPERSON: There should be. There should be
...[intervenes]

LT-COL SEBOLA: There must be seven something,
because that was, yes, what they told me, the number that
they told me is around seven something. Seven.

CHAIRPERSON: Yes, I think that is the figure we were
given.

10 **ADV POOE:** 715 is the number.

LT-COL SEBOLA: 715, seven one five.

ADV POOE: Yes. Just to say that we had heard
testimony. In fact, we have just looked at Morris' statement
where he deals with, maybe let us just go to page 6.

LT-COL SEBOLA: Which bundle?

ADV POOE: The one, the big one in front of you.

LT-COL SEBOLA: Page?

ADV POOE: Six. Can you see that is a statement. It is a
statement from Warrant Officer Morris. And if you go to
20 paragraph 9, he then itemises or lists the number of bricks
that have been placed in each forensic bag. Can you see
that?

LT-COL SEBOLA: Yes.

ADV POOE: And when you count, so the number that he is
listed as 16 packages, if you add all of those numbers

together, you only get to 700.

LT-COL SEBOLA: I am lost, Commissioner.

ADV POOE: So, you see how he says, from the first sport kit bag, we placed 18 packages into the unique forensic bag number X.

LT-COL SEBOLA: Yes.

ADV POOE: And then again, he says 14 packages into unique bag number X.

LT-COL SEBOLA: Yes.

10 **ADV POOE:** Now, if you count the number of packages listed, you only get to 700.

LT-COL SEBOLA: Yes.

ADV POOE: The same happens when you look at - the same happens when you look at the SAP13 register. I am just trying to find.

LT-COL SEBOLA: Which is ...[incomplete].

ADV POOE: Which is on page 277 of that same file. Are you there?

LT-COL SEBOLA: Yes, I am on 277.

20 **ADV POOE:** Yes, you will see there again, it lists, it will list the evidence bag number, and then it will describe how many packages were in that evidence bag.

LT-COL SEBOLA: That is correct.

ADV POOE: Except there is only, there is one of them where the total number has not been set out. But if you

take that bag number and check it alongside Warrant Officer Morris' statement, you will see the number there. But when you calculate the number of packages, you add them together again. Based on the SAP13, you also again just get to 700.

LT-COL SEBOLA: That is correct.

ADV POOE: Maybe to complete the point, when the lab then does a count of the same 29 bags, the total there is 715.

10 **LT-COL SEBOLA**: On page.

ADV POOE: If you go to page 313, 313, my apologies. That is the statement, the 212 statement of Modise. And if you go to paragraph 3, are you there?

LT-COL SEBOLA: 313, yes.

ADV POOE: Yes, you will see there, she says that she was on duty and received 49 sealed evidence bags and lists all of the unique numbers. And then at the last sentence, says the total number of solid substance block was 715.

LT-COL SEBOLA: Where?

20 **ADV POOE**: The last sentence of paragraph 3.

LT-COL SEBOLA: Yes, I can see it.

ADV POOE: Yes, so there seems to have been a mistake in the counting.

CHAIRPERSON: Is the explanation perhaps? I do not know. I am not sure about the chronology. But I remember

Colonel Steyn saying that one of the bricks got stuck onto the side of the bags. And it was stuck there as a result of the adhesive tape. And that it was taken and put together with the rest at a later stage. Perhaps that may not be the explanation, but I remember that detail. Where it fits in the bigger scheme of things, I have no idea. Or is it already accounted for where you take us to the 700, 700?

ADV POOE: No, it only just creates another mistake, which is that that would have been the 716th block. And
10 that is explained if you look at page 310, there is an affidavit by Mabasa that deals with the additional brick that was received. And that is after the 715.

CHAIRPERSON: Okay, okay.

ADV POOE: And just to say that I think, if I recall, Colonel Steyn did accept that there is a mistake. Similarly, and we will deal with the Gerber report. Remember the internal report from DPCI also noted that there were mistakes in the counting of the exhibits.

CHAIRPERSON: Yes, yes.

20 **ADV POOE**: Were you aware of this?

LT-COL SEBOLA: Of the counting?

ADV POOE: Yes.

LT-COL SEBOLA: What I remember, Commissioner, is that with regard to the one that was left somewhere. I think in the docket, Captain Nortje brought me another statement to

say, this is the last one that was submitted to forensic. Then I attached it because he said, when we when we reached there, we found that the numbers are not tallied. So then this is what we did. We traced then this back. I do not know, but there was an explanation to that by Colonel Nortje, by Captain Nortje to say, this is an additional statement of resubmitting the ones that were not part of the first one that was sent.

ADV POOE: Yes.

10 **LT-COL SEBOLA**: I got that report.

ADV POOE: Yes, the explanation was that Warrant Officer Woods, when they took all of the packaging material for testing, that one of the blocks was stuck in the adhesive because all of the bags are wrapped in tape. So, when they were running that analysis, they discovered that one of the bricks was stuck and they gave it to the DPCI, Warrant Officer Nortje. And that was then taken a month later to the lab, bringing the count to 716.

LT-COL SEBOLA: That one, I agree.

20 **ADV POOE**: Yes, so you had no knowledge of the discrepancies in the counting?

LT-COL SEBOLA: I, one day when Captain Nortje was giving me this second statement, that is when I became aware that not all bricks were submitted at the same time. But of the report, on the report of, you said the Gerber

report, I was not aware of that report.

ADV POOE: All right. Then, just to complete what happens along the exhibits, you know that the exhibits were then submitted to Booyens SAP13. Do you know anything about the movement of the exhibits?

LT-COL SEBOLA: I kept on checking, because we work as a team, to say when I was submitting those exhibits, because Captain Nortje informed me that, even I think Captain Steyn informed me that, you must remember that
10 the Station Commander of Booyens does not want those drugs to be kept there for a long time. Then, I am then informed that Forensic is saying they do not have a space. They are making an arrangement on the date on which they can send them to Forensic.

ADV POOE: And who gives you this update?

LT-COL SEBOLA: Sorry?

ADV POOE: Who is telling you this?

LT-COL SEBOLA: I am informed by Colonel Steyn.

ADV POOE: Okay, and then, you know that Booyens does
20 not want them, and the lab is saying that they will give you a date on which to give them. What happens in that intervening period? What do you know of what happens? Then, later on, I was told by Captain Nortje that an arrangement has been done, that they be removed from Booyens SAPS, and they will be kept at Pretoria College.

There is a good space, there is a safe there, that they can lock them there.

ADV POOE: And from your knowledge and experience, was that appropriate?

LT-COL SEBOLA: I would say any movement or any chain should be substantiated by a statement. If they say Pretoria College has got a safe, one would have to submit a statement to say, because that chain must not be broken. The continuous possession of those drugs must have a
10 clear passage to say, and it must also be stated, their originality, referring to after the packaging, when Forensic receives them, they must receive them in the state at which they were packaged.

So that is why I am saying any movement, any person who will be coming across that exhibit must submit the statement. If, like I was told by Captain Nortje, they said there was an arrangement that they be kept at Pretoria College, I do not know whether the Pretoria College they were referring to was the Pretoria Police Training College
20 or what, but the indication to me was they will be kept at Pretoria College.

ADV POOE: Now we know from testimony that the college or the area in which the exhibits were kept is not an SAP safe. The check-ins that are usually done at SAP registers and a clerk and all of that, that does not exist at a college.

It is essentially a strong room.

LT-COL SEBOLA: That I was not aware of and that I was not part of that arrangement.

ADV POOE: And is it appropriate though, based on your knowledge?

LT-COL SEBOLA: I will say it is appropriate only if I have acquainted myself with the type of the security where it is supposed to be. Because if I can now say it is not appropriate and then the evidence is brought to me that it
10 was a safe, the police were in charge of the keys, there was 24-hour guard, no one else has laid his hand on those exhibits. Then if it was done that way, I will say it is appropriate. But if it was just dropped or taken to a place where the security is questionable, that I will not accept to be appropriate.

CHAIRPERSON: You are no longer personally responsible for the custody of the substance or substances?

LT-COL SEBOLA: No.

CHAIRPERSON: All right.

20 **ADV POOE**: Colonel, if I remember the testimony of Colonel Steyn correctly, he testified that there were no cameras and that there was not a guard directly in front of where it was kept. There are of course guards around the college. Does that in any way change your answer?

LT-COL SEBOLA: It cannot change my answer.

ADV POOE: All right. And then just to complete this, we also heard testimony that when the exhibits arrived at the labs, the lab noted that there were small tears in the exhibit bags, necessitating Nortje and Morris to use, to put eight of the bags into new evidence bags. Were you aware of this?

LT-COL SEBOLA: That is a common practise, but I was not aware of this one.

ADV POOE: All right. And just generally, as an investigating officer, how far does your oversight of these
10 processes go? So, at the scene, you are very clear that you witnessed everything and they did it, but you were there, it was in your presence. After that, when it comes to the movement of your exhibits, what exactly is your role? Or is it very limited?

LT-COL SEBOLA: That is why I am saying there were some taskings to say, you will be assisted. In terms of movement, once there is a team that has taken the custody of the exhibit, that remains with them. Mine is just to get each and every statement of the movement to say, this is
20 what we did, so that it can still maintain the integrity of my evidence. So, but if certain facts are not disclosed to me, then that I can say, that can be questionable.

ADV POOE: And just to complete the picture of what happens with the exhibits, I do note that by 2022, you were no longer in this investigation, am I correct?

LT-COL SEBOLA: Correct.

ADV POOE: We know from testimony that sometime in 2024, the lab discovers that 136 kilograms ...[intervenes]

LT-COL SEBOLA: In 2024?

ADV POOE: Is unaccounted for, yes.

LT-COL SEBOLA: What happened to the, sorry?

ADV POOE: 136 kilograms is unaccounted for in what remains of the lab.

LT-COL SEBOLA: That is news to me.

10 **ADV POOE:** All right, thank you. Colonel, then let us move to paragraph 19.

LT-COL SEBOLA:

20 "I have noticed in the downloading record of all accused, that Mashaba did not know Magane before 09-07-2021. And they were introduced to each other by a person thought as Police Alberton, who became to be known to me as Warrant Officer Phokungwana, who at the time was hospitalised for COVID."

ADV POOE: Thank you. Colonel, just to get the timeline here, you confiscated the phones on the day, and then you mentioned that when you noticed something in the downloading, when did the downloading happen?

LT-COL SEBOLA: Even though I cannot give the exact,

but my investigation in terms of the gadgets, we did, they were quick, because within a space of a week, I had identified, I already identified before we could go for the bail application. That is when I identified through when they were checking, because I kept in contact with the people doing downloading.

They said, there you are having a strong case. There is this communication. Then I went and checked, because that thing must be completely done. I just needed
10 something at the initial part of my investigation to say, no, this, with this, now I am armed with the charge of dealing in drugs. Based on the first communication chat that I got from Nku's phone, because the reason why I requested it to be done, his presence at the scene was, to me, was doubtful, created a lot of doubt. I wanted to know, this person is here, this person is an informer, but maybe I can get something on him. That is when I was called to say, no, there is this suspicious communication.

ADV POOE: So, are you saying that within the space of a
20 week, at least a preliminary assessment had been done, analysis had been done? Some sort of preliminary analysis had been done?

LT-COL SEBOLA: Yes.

ADV POOE: But that you were still undertaking further?

LT-COL SEBOLA: It was not yet compiled for me to say,

now you can use it as a complete part of our digital investigation.

ADV POOE: Okay, so you were given some information about it, but the complete analysis was not done yet?

LT-COL SEBOLA: No, it was not done yet.

ADV POOE: Okay, and then you say that you noticed that Mashaba did not know Magane, and that they met each other through Phokungwana, which seems like it is on that day. What did you make of this?

10 **LT-COL SEBOLA:** The issue of Warrant Officer Phokungwana, it was detected on the cell phone records. This thing, this communication says, if I still remember, it says, we are not happy about our consignment being intercepted at Isipingo on the 22nd of June 2021. You remember, mine is done on the 9th, then this part of communication speaks to the thing that happened a month earlier, which is June.

20 On the 22nd of June. This is what that communication says. Now the police get people who will secure and make sure that the police do not intercept this. This is the instruction given to Nku. Nku now is forwarding this message to Mashaba, general organised members. The people are not happy. This is, this communication on itself now brought conclusion to me. Now, I am now in the case to say, the people now that are abroad, which is Magane

and Phakula, because they wanted the real soldiers. These are the real soldiers.

CHAIRPERSON: Can you please take us step by step through everything you are saying now? If you were saying it based on the statement of somebody, please take us there.

LT-COL SEBOLA: Not based on, this is only based.

CHAIRPERSON: Everything that you are saying now.

LT-COL SEBOLA: Okay.

10 **CHAIRPERSON**: Step by step, take us there, please.

LT-COL SEBOLA: Okay. Thanks, Commissioner. Cell phones were seized. They were taken for downloading. Then, evidence that came out of the downloading, which I cannot all explain now, because we have to do the presentation. I remember I did, I even did the presentation to different head of the provinces. Then, that evidence came through that communication. Then, it was speaking to Phokungwana. In fact, the people that I can ...[intervenes]

CHAIRPERSON: Are you talking about WhatsApp chats?

20 What are you talking about?

LT-COL SEBOLA: Sorry?

CHAIRPERSON: Are you talking about WhatsApp chats? What are you talking about?

LT-COL SEBOLA: The WhatsApp chats that were obtained in the download. They were speaking Warrant Officer

Phokungwana, and Warrant Officer Phokungwana said, I will get you some good. Then, there was - after that, there was WhatsApp calls. Then, it shows that these people called each other, Phokungwana and Mashaba. The calls lasted for - I cannot now, but it lasted – it shows that that is when he was submitting the telephone number of - because on the WhatsApp chat, he said, you will get one. Then, after that call, Mashaba is making a call too.

CHAIRPERSON: Just a minute. Colonel, we feel that you
10 are not giving us sufficient detail. You seem to be proceeding from the premise that the information is available somewhere there. Yes, it is, but for purposes of our own record, because we will have to make our own findings. We want the detail for ourselves. Perhaps we should take the lunch adjournment at this stage, come back at 2 p.m., and if you want to lay your hands on the presentation you are referring to, please do so over the lunch break. We want details. What did the chat say? Who said what to whom? And you must take us through that step
20 by step for the narrative to make sense to us. We do not want to read between the lines. Am I making sense?

LT-COL SEBOLA: It makes sense, Commissioner, but now the problem is because I am trying to - I even tried to make an arrangement to say those who are now having the docket and those who are having, because I think that was left with

the Germiston people for further investigation. I do not know, but it is there. I spoke to the analyst at some stage when I was requested to, because I said, I think certain evidence needs to be presented. Then he said the laptop crashed. But what is he having? He is having – he said it is a beaker. What, what on? I think it is on Excel or what.

CHAIRPERSON: But it may be enough for the immediate, for us to tell a story that flows, that makes sense, that tells us who said what to whom. And surely you remember part
10 of it, if not all of it, off the top of your head. The detail may not necessarily be what is contained in the document, but all we want is for you to tell us a coherent story. That is why the story is not coherent at all. Say there were WhatsApp chats and then were left in the darkest to the details. Am I making sense?

LT-COL SEBOLA: Commissioner, you are still making sense. I will just make sure that I make a phone call to see if there is still that they can just make sure that the email such so that it can be presented here.

20 **CHAIRPERSON:** Perhaps Ms Pooe will come to your rescue. Yes, Ms Pooe.

ADV POOE: Yes, Chair. We do have some information at our disposal. If we can just take the lunch adjournment, I will discuss with Colonel if we have the same thing and if not, I will assist him to make means.

CHAIRPERSON: Thank you very much. Lunch adjournment resumed at 2 p.m.

INQUIRY ADJOURNS

INQUIRY RESUMES

CHAIRPERSON: Good afternoon, Ms Pooe. I do not know whether you will lead us or whether I should ask the Colonel to take us through what I requested.

ADV POOE: Chair, I will assist Colonel and what we will attempt to do is to break down what Colonel was trying to explain before we took the lunch adjournment.

CHAIRPERSON: Thank you, thank you.

ADV POOE: Colonel, before you started giving the explanation about the downloads, I was asking you about what you made of Phokungwana's involvement. And in that, you explained that the phones were downloaded and you retrieved certain communication. Is that correct?

LT-COL SEBOLA: That is correct, Commissioner.

ADV POOE: And part of the communication that you discovered in the phones is a conversation between Mr Nku and another person. Can we start with those conversations between Mr Nku and an individual you identified there in the chats?

LT-COL SEBOLA: Okay. Thanks, Commissioner. In Mr Nku's phone, what was discovered is that it is a screenshot that indicates that there is a communication between

somebody and him about this consignment and what was supposed to be done and the like.

This is what the communication was. And then what I can say or what I want to present is just to say that there were instructions between Nku and the other person.

ADV POOE: Colonel, do you remember what the instructions were in relation to this consignment? If I recall correctly, you mentioned the Isipingo drug bust, that there was some concern over that.

10 **LT-COL SEBOLA**: In fact, the communication was a concern about the interception. Then the ...[intervenes].

CHAIRPERSON: The Isipingo interception?

LT-COL SEBOLA: The one that happened in ...[intervenes].

CHAIRPERSON: Durban.

LT-COL SEBOLA: Durban.

CHAIRPERSON: Yes.

20 **LT-COL SEBOLA**: That is a concern. Now, the communication, it shows that they wanted surety that this is not going to happen to this one. That was the main communication that was ...[intervenes].

ADV BALOYI SC: This one being the Aeroton one?

LT-COL SEBOLA: Meaning the Aeroton one.

ADV BALOYI SC: Okay.

CHAIRPERSON: [Indistinct].

LT-COL SEBOLA: It happened somewhere in June. So, the surety is that ...[intervenes].

CHAIRPERSON: Is my mic on? I think it was off. I was saying, and you said the Isipingo or Durban interception had taken place a month earlier.

LT-COL SEBOLA: It was communication about what happened a month earlier. Thank you, Commissioner.

ADV POOE: And, Colonel, when you say the Isipingo one that happened a month earlier, am I correct that you are
10 referring to the one that was discussed last week here at the Commission? Or is it a different one? The Port Shepstone one?

LT-COL SEBOLA: That only came through further investigation that that is the same.

ADV POOE: Okay. All right. So, they expressed this concern to Mr Nku.

LT-COL SEBOLA: To Mr Nku.

ADV POOE: And what was Mr Nku's reaction? Alternatively, what did he do?

20 **CHAIRPERSON**: And did I understand you – I am very sorry, Ms Pooe. Did I understand you to say that as part of the expression of the concern, what was being said was there should not be a recurrence of what had happened in Durban?

LT-COL SEBOLA: That is correct.

CHAIRPERSON: All right.

ADV POOE: Thanks, Colonel. So, then what does Mr Nku do, or how did he respond?

LT-COL SEBOLA: Then Mr Nku's response was that I did not pick up that part.

CHAIRPERSON: Besides the concern, was there an instruction to Mr Nku?

LT-COL SEBOLA: Nku, then after that communication, Nku now phoned the General.

10 **CHAIRPERSON**: Was there an instruction to him, to Mr Nku?

LT-COL SEBOLA: Yes, because it says the bosses are now beginning to panic.

CHAIRPERSON: Okay, okay. All right, all right.

LT-COL SEBOLA: Yes.

ADV BALOYI SC: Does Nku respond to the text at that point?

LT-COL SEBOLA: What I can say is that Nku then introduced that information to the General, of which the
20 General is Mr Mashaba.

ADV BALOYI SC: And you know that because what? Is it in the text?

LT-COL SEBOLA: We know that it was in the text.

ADV BALOYI SC: So Nku sent a text to Mashaba?

LT-COL SEBOLA: Nku is now communicating with

Mashaba.

ADV BALOYI SC: By text?

LT-COL SEBOLA: By text.

ADV BALOYI SC: Okay.

ADV POOE: And does he send a screenshot, because you said it was a screenshot?

LT-COL SEBOLA: It was in a screenshot.

ADV POOE: Okay.

LT-COL SEBOLA: Now Mashaba is seen communicating
10 with Phokungwana.

ADV BALOYI SC: By text as well, or is it a telephone call?

LT-COL SEBOLA: By text.

ADV BALOYI SC: Okay.

LT-COL SEBOLA: Now he is seen communicating with
Phokungwana.

ADV BALOYI SC: He says what to Phokungwana, do you remember?

LT-COL SEBOLA: What I remember that he requested his
assistance. Then Phokungwana is now sick. He cannot
20 participate. Then there were calls. That is when Mashaba
now called Magane. Which means, this one I can just
assume to say Phokungwana was giving them the number of
Magane.

Because now Magane is now introduced. They did not know. When I was observing, I could see Nku and the

rest of the police officers, they do not know each other. Mashaba and the people that he is inviting, which is Magane, they were introduced to each other by someone else. Which in this case, it can be, it is Phokungwana. That is how all these things unfolded.

ADV BALOYI SC: Maybe the evidence of Magane, as I recall it, is that Mashaba called Phokungwana, and then Phokungwana could not help him, and then Phokungwana gave Magane's number to Mashaba.

10 **LT-COL SEBOLA:** That is correct.

ADV BALOYI SC: Ja. So, what you have just described about that part is what Magane testified.

LT-COL SEBOLA: Of which is correct.

ADV BALOYI SC: And you say that is what you could see from the analysis, telephone analysis.

LT-COL SEBOLA: Yes.

ADV BALOYI SC: Okay.

ADV KHUMALO SC: The part that is missing is what you said before lunch. Either I am getting it wrong, or maybe
20 after lunch you said it differently. You said something about somebody being concerned about the police getting hold of the drugs, or seizing the drugs. So can you, in your own words, as you remember it from the text, just repeat that part?

LT-COL SEBOLA: This text, Commissioner, is what I am

saying, that it is only Threema encrypted message. It was just a screenshot by Nku.

ADV KHUMALO SC: I am more interested in the content where it talks about making sure the police do not get hold of the drugs. That is the part I want you to just clarify.

LT-COL SEBOLA: The text, Commissioner, it was just saying it must not be intercepted. They are worried about what happened in Durban during June.

ADV KHUMALO SC: The Isipingo one?

10 **LT-COL SEBOLA:** The Isipingo one.

ADV KHUMALO SC: Yes, thank you.

LT-COL SEBOLA: The Durban, which it was concerned. Yes.

ADV POOE: And then, Colonel, from that communication, do you know if Mr Mashaba activated anyone else? So we know that he tried Phokungwana and got a number for Magane. Did he make any other calls during that time to other police officials?

20 **LT-COL SEBOLA:** There was a WhatsApp call, Commissioner, to Lieutenant Colonel Maluleke. But I cannot say the time, but it happened, it can be around nine, 10, in that communication. There can be that communication that he contacted Maluleke on WhatsApp on that day.

ADV POOE: And I do not suppose you remember the time

of this.

LT-COL SEBOLA: I do not remember the time.

ADV POOE: Whether it was early.

LT-COL SEBOLA: But it was earlier.

ADV POOE: It was earlier. And just to clarify which Maluleke you are talking about, because there were two Malulekes on the scene, which one do you say was contacted by Mr Mashaba?

LT-COL SEBOLA: It was Maluleke of Pretoria, who was
10 working in Organised Crime in Pretoria.

ADV POOE: I think it is a Lieutenant Colonel.

LT-COL SEBOLA: It is a Lieutenant Colonel Maluleke.

ADV POOE: And were those then the only three police officers contacted early by Mr Mashaba?

LT-COL SEBOLA: Except for – okay, the police officers that were contacted, except for the one that he contacted, the Brigadier. That happened in my presence.

ADV POOE: No, so that was later in the day, you mean Brigadier Shibiri?

20 **LT-COL SEBOLA**: Yes.

ADV POOE: All right. And you were not able to pick up from this analysis who calls Sergeant Phakula?

LT-COL SEBOLA: Phakula is called by Magane.

ADV POOE: All right.

CHAIRPERSON: By Sergeant, do you mean the Warrant

Officer now?

ADV POOE: Warrant officer now.

CHAIRPERSON: Because there is the Sergeant who is the younger brother?

LT-COL SEBOLA: Yes, certainly.

CHAIRPERSON: Of K9, ja.

ADV POOE: Yes, it is just to clarify, Warrant Officer now, who testified yesterday.

LT-COL SEBOLA: That is correct.

10 **ADV POOE**: So this also then covers – maybe let us – can you please read paragraph 20?

ADV KHUMALO SC: Before you leave the text, are you leaving the text? Are you leaving the text? There is this WhatsApp chat in Steyn File 115. If, Steyn, if Colonel can just tell us if he has been able to identify?

LT-COL SEBOLA: 115?

ADV KHUMALO SC: Ja, within your investigation and analysis, you were able to identify the parties to that WhatsApp communication.

20 **LT-COL SEBOLA**: Yes, I am seeing them.

ADV KHUMALO SC: Are you familiar with this communication?

LT-COL SEBOLA: Yes.

ADV KHUMALO SC: I must say to you, we are getting it from newspaper articles, so we are not clear what the

source is. But during the course of your investigation, did you come across this?

LT-COL SEBOLA: Yes.

ADV KHUMALO SC: Are you able to tell us who are the parties to this chat?

LT-COL SEBOLA: Sorry, Commissioner, I did he not hear.

ADV KHUMALO SC: Are you able to tell us who was communicating in this chat?

LT-COL SEBOLA: This communication is between this
10 person, Alpha, and Nku.

ADV KHUMALO SC: Nku. So is Alpha the business person?

LT-COL SEBOLA: No, no, no, I am sorry. This communication is in the screenshot of Nku, which means it is a communication between this person who was sending this communication. He shows Nku. In fact, it seems there were two people talking aside. Now this other one wants to prove to Nku that this is the level at which we are, because it is in Nku's screenshot.

20 That will suggest to say it cannot be him communicating with others. He just screenshotted the communication of other two people that were raising this concern, which means he wanted to show those on the ground how the bosses are worried about the consignment.

ADV KHUMALO SC: So I am sure we will get the full

analysis later on. For now, you say this is what was found in Nku's phone and it was in the form of a screenshot.

LT-COL SEBOLA: It was in the form of a screenshot.

ADV KHUMALO SC: Thank you.

CHAIRPERSON: For it to make sense, the grey chats should be by Nku or not. Because:

“Those containers are still there, boss,
and it is Nku that we know to have been
on the ground. Give me till seven, boss.

10 I am pressing all these guys.”

Do you also think that is Nku, the grey, instead of the blue, or as opposed to the blue?

LT-COL SEBOLA: It can also suggest to that this person, that is why I am saying the only worry was that why now is it in a screenshot, but when you look at it, you can see it might be Nku. Nku is saying give it until seven, I am pressing.

CHAIRPERSON: And those containers are still there. All right, thank you.

20 **ADV BALOYI SC**: This is on 9 July, that is the day of this operation.

LT-COL SEBOLA: That was the day of the operation.

ADV BALOYI SC: Thank you.

ADV POOE: And, Colonel, just to tie it up, how many phones did you seize from Mr Nku?

LT-COL SEBOLA: Commissioner, if maybe I can have the statement of confiscation of items, because now I cannot remember. But if I remember, some of those people, there were even two cell phones. And what I have realised in the downloading, we did not get Phakula's state cell phone. It was not part of the downloading, if I still remember.

ADV POOE: All right. Colonel, can you then read into the record paragraph 20? Because I think you have dealt with it in some ways.

10 **LT-COL SEBOLA:** Paragraph 20?

ADV POOE: Paragraph 20 of your statement, yes.

LT-COL SEBOLA:

20 “On the cell phone ...[indistinct] Tumelo Nku I found suspicious communication which says the police must not ...[indistinct] this consignment ...[indistinct] Durban Isipingo on this on the 2021-06-22 and Tumelo will then raise the same concern with Mashaba, who will promise that they will be safe. There was also a photo that shows it was taken from Apollonia ship that arrived in Durban from Sao Paulo, Brazil, that week.”

ADV BALOYI SC: Sorry, what was the photo?

LT-COL SEBOLA: On Tumelo Nku, there was a photo of the Yellow Jersey truck.

ADV BALOYI SC: Okay.

LT-COL SEBOLA: But I am not taking it here, but those photos were there. The Yellow Jersey truck, the container.

ADV BALOYI SC: Okay. All right.

ADV POOE: And then you say that you also found further encrypted communication on Threema.

LT-COL SEBOLA: One of them, this message that we are
10 talking about, it shows that it came from this encrypted communication known as Threema. It shows that it was not WhatsApp, it shows that they were communicating on Threema.

ADV POOE: And you say that all of this communication was then put into this docket?

LT-COL SEBOLA: Was?

ADV POOE: You say that this was then put into, all of this communication was put into the docket?

LT-COL SEBOLA: I had the communication, I had – in
20 fact, everything when I left the docket, when it was sent to court. Everything that I am testifying about, they were in the docket.

ADV POOE: And then, Commissioners, can we move past the messages that were discovered on the phones? There will be a further witness on the analysis. Then we can

move to paragraph 22.

ADV BALOYI SC: Maybe before we do that, we have heard from other witnesses, and I ask now, because paragraph 22 is a different day, it is the 10th, it is the next day. We have heard from other witnesses that General Khan arrived on the scene and spoke to people, gave instructions. We have heard that from Warrant Officer Phakula, and we have heard it, I think, from Magane as well. It might be Steyn as well, might have testified to that. You do not say anything about
10 him in your statement, his presence at the scene on the 9th. Do you want to explain that?

LT-COL SEBOLA: Commissioners, I have not seen General Khan. But it only came to my knowledge that, when I was just checking to see, there is this information that General Khan was there. But myself, I did not even engage with him. Then I was informed that there were two, in fact there were two Generals, except for General Khan.

ADV BALOYI SC: Who were the other Generals?

LT-COL SEBOLA: They mentioned other Generals, I
20 cannot remember the surname, but I was told there were two Generals, but that I did not even see. General Khan, I am told, he was there. I do not know, the only information about General Khan, it will come in my statement. In this statement here.

ADV BALOYI SC: So when you hear that – what you have

heard about General Khan being on the scene, was it said he was on the scene before you arrived, or while you were there and you just did not see him?

LT-COL SEBOLA: Commissioners, when I was making a statement to IPID, that is when I am informed that I have been instructed by General Khan to arrest those members, of which I denied. Because during the time, at that time when I was dealing with the information and interviewing them, I did not see General Khan. I did not.

10 **ADV BALOYI SC**: If he was present on the scene when you were there, considering the role that you were playing as the owner of the scene, you are now in charge of the scene, you would have seen him if he was as active. Because I think what we have heard from the evidence is he spoke to Mashaba and Magane, I think Phakula as well, asked them who are they, who are their superiors, and he called their superiors, who answered the way they did about knowledge of these people being on the scene.

20 We heard from Phakula that when LCRC was there, he was introduced, Phakula was introduced to Khan, Phakula went and spoke to Khan, and Khan told him to stand down. But before he stood down, he went to the motor vehicle that had the drugs, that black police car, to remove the seals that were on the passenger seat, and he was stopped from taking them.

So, according to Phakula, Khan was there at the same time as LCRC and Khan was giving instructions, or was active. My question to you is, you were in charge of the scene. You would have seen him if he did what Phakula describes.

LT-COL SEBOLA: Yes, I would have seen him if he did, as per the explanation by Phakula, I would have seen him.

ADV BALOYI SC: But you are saying you did not see him.

LT-COL SEBOLA: And I did not know General Khan by
10 then.

ADV BALOYI SC: You did not know him?

LT-COL SEBOLA: I did not know General Khan by then.

ADV BALOYI SC: You had never seen him?

LT-COL SEBOLA: I only came in contact with General Khan after this case.

ADV BALOYI SC: And he was, according to this account, he was at the scene, he did not come to say I am here. No one said to you General Khan is here. Nothing of sorts happened.

20 **LT-COL SEBOLA:** Commissioners, there is a lot I heard. Only when the IPID was questioning me, because I did not know, I asked General Khan, that was General Khan there at the scene? He said he was with him and together with other Generals, I cannot remember who that General was, but he told me about him. We did not even interact, me and

him.

ADV KHUMALO SC: Did you see Kadwa at the scene?

LT-COL SEBOLA: General Kadwa was at the scene.

ADV KHUMALO SC: Who was he with?

LT-COL SEBOLA: He entered the scene with Brigadier Lewela, Colonel Ludick. Because that is why I said, where they stopped, that was where other people were. That will include the employee of that company. That is why even when my own Brigadier, when she arrived, she also stopped
10 with them. Then she came to me at a later stage also, but she did not take part in what was happening. So, I did not know General Khan.

ADV KHUMALO SC: Is it possible that he could have been there and you did not see him?

LT-COL SEBOLA: It can be possible, Commissioners.

ADV KHUMALO SC: So you cannot dispute that?

LT-COL SEBOLA: I cannot dispute that one, I cannot.

ADV POOE: Can I assist here? Colonel, maybe let us go to the statements that are in the docket. Because I think
20 once you go through the statements, you will see that he actually played a very significant role and it would be odd that you did not speak to him. Let us start with the statement of Mogoboya. It starts at page 113.

LT-COL SEBOLA: One?

ADV POOE: 113.

LT-COL SEBOLA: Of the first bundle that I have?

ADV POOE: Yes, the big bundle. You will see there, that is the statement of a Mashile Mogoboya, who was a Sergeant at the time. Do you recall him at all?

LT-COL SEBOLA: I cannot remember this one.

ADV POOE: Now, he gives an account of what was happening at the scene. Of importance, I think, let us go to paragraph 9. You will see in the preceding paragraph 9 he talks about the scene and how there was fights or
10 arguments at the scene. And then at paragraph 9, he says:

“After General Khan arrived at the scene,
he took over the scene and interviewed
the first responder to the scene.”

Can you see that?

LT-COL SEBOLA: Yes, I am seeing it.

ADV POOE: And then he goes on to say that General Khan spoke to, he was standing next to Mashaba, and:

20 “I heard him saying, who called the
General here? We want to leave with our
things. If he did not come here, we were
going to leave. People like to call too
much. I can make or start to call also if
it will end up sour.”

Can you see that?

LT-COL SEBOLA: Yes, I am seeing it.

ADV POOE: Yes, so this officer is essentially saying that not only did General Khan arrive, but that General Khan took over the scene and seems to suggest that he was interviewing or at least talking to the suspects. Can you see that?

LT-COL SEBOLA: I am seeing this statement.

ADV POOE: Now, if we go to, let us go to page 170.

LT-COL SEBOLA: 117?

ADV POOE: 170. And at 170, you will see that is the
10 statement of Bruce Paul Bok [?].

LT-COL SEBOLA: Yes.

ADV POOE: Who is the Unit Commander of Serious and Organised Crimes.

LT-COL SEBOLA: Yes.

ADV POOE: So if we go to paragraph 2, the second sentence, he says:

20 “At 11:55, I received a telephone call from Major General Khan of CI, who also asked me whether I had a Colonel Maluleke reporting to me and that was in charge of the narcotic investigation within my unit, to which I responded in the affirmative. The General further stated that he was going to arrest my member who was on the scene, namely

Colonel Maluleke and Sergeant Masoma, from my unit for defeating the course of justice. I informed the General that if they have grounds to do so, that they must proceed.”

Can you see that?

LT-COL SEBOLA: Yes, I see it.

ADV POOE: Then if we can, I am going to ask us to go to a different file altogether. If we can, the file with Ms
10 Maposho's statement and annexures.

LT-COL SEBOLA: Page?

ADV POOE: Let us start with page 44. Just for context, this is a statement obtained by IPID from a, I am not sure about the rank, but a Sape, Officer Sape, who is from the Dog Unit and had arrived at the scene together with Sergeant Phakula, the one from K9.

LT-COL SEBOLA: Yes.

ADV POOE: If we go to paragraph 2, I do not want us to read the whole thing. He starts with just saying that he was
20 informed by Warrant Officer Phakula that there was a truck, a yellow truck, and informed that the truck was used to transport drugs from Durban Harbour and also pointed to – sorry, this is when they arrived at the scene, right?

LT-COL SEBOLA: Yes.

ADV POOE: So, he is saying that they met up with Warrant

Officer Phakula, who then showed them the truck:

“And said that the yellow truck was transporting drugs from Durban Harbour and also pointed us to a truck driver who was also placed under arrest. Warrant Officer Phakula asked me to search the truck and hid a...”

No, my goodness, I cannot read that word:

10 “...on the compartment and was distracted by an African male who was called Rikhotso as they denied us entry or exiting the scene so I can use the dog and also accused us of coming to escort the drugs all the way from Pretoria.”

And there he deals with General Khan and informed them that General Khan:

20 “We were also asked by General Khan of our involvement on the scene and further informed him that our Commander gave us permission to come.”

So he covers also General Khan's intervention and General Khan questioning them about their presence. Can you see that?

LT-COL SEBOLA: But this statement, Commissioner, is very strange to me.

ADV POOE: Why is it?

LT-COL SEBOLA: Strange in the sense that if really he was there at the scene, I understand K9 members drive a marked vehicle with a dog. Then upon my arrival there was no K9 bakkie around the scene. Except to say the only marked vehicle was that one and the one driven by Captain Optoff of Flying Squad.

Again, the names Sape and Phakula were brought to me. They even called me volunteering to submit
10 statements. I know them. And the reason why I am saying this is strange because I asked questions to say, were you really at the scene? They were giving a contradicting version to say, we were still coming, immediately when we entered there were a lot of police, we turned. Then I said, what statement are you going to give? Then they left.

I was only surprised when the defence was doing the presentation to say there are these statements. Even Colonel Maluleke, who is working under Colonel Bok, requested to make a statement to me. We had a chat with
20 him. We said, what statement? What role did you play? Why did you not take over the scene? Because upon my arrival, yes, I have noticed that you were there. What did you do? He could not. He was just standing like an onlooker.

ADV POOE: Colonel, before you go too far, I have written

here in my notes that we must come back to deal with the statement of Lieutenant Colonel Maluleke. I just do not want, because I know you want to comment on the statement. I just want to take you through all of the statements that mention General Khan's involvement and then get your comment. Just to say, you see, from what we are reading, it is not only Sape who you say is questionable. There are more. Can I take you to the others?

10 **LT-COL SEBOLA**: I do understand that. I know.

ADV POOE: So, to your point about why they were not there, you will see in paragraph 3 he deals with why they left the scene. And that was because the dog was in the motor vehicle in the sun and they informed General Khan that the dog was dehydrating, and it was at that point that they were allowed to leave.

LT-COL SEBOLA: On Sape's statement?

ADV POOE: Yes.

LT-COL SEBOLA: Paragraph 3?

20 **ADV POOE**: Yes. Then if you go to – just to place it on record that even Phakula from the Dog Unit recounts the same story as Officer Sape. And then just to complete it with the statement of Sephungu that is in the docket, if we can go to page 223. Unfortunately, this statement does not have paragraph numbers, but the third paragraph that starts

with at about ...[intervenes].

LT-COL SEBOLA: At about.

LT-COL SEBOLA: Ja:

10 “I again received a call from General
 Khan who asked me if the member
 Warrant Officer Phakula informed about
 the operation. I told him that he called
 me and informed me about the operation.
 He further told me that he was going to
 arrest the member because his story
 does not make it up.”

I am going to go perhaps saying that the story does not add up. So, in addition to the officers, Magane and Phakula, who speak about General Khan's involvement, his participation is also confirmed by all of these people that were contacted by General Khan from the scene where he was making enquiries about the member's presence.

20 And what is also significant about what the
 supervisors say, so Bok and Sephungu, they say very
 clearly that General Khan informed them that their members
 were going to be arrested. So, it seems to me that General
 Khan played a significant role at the scene.

Mogoboya goes as far as saying that he was in charge of the scene at a particular point. And so to me, your answer to Commissioner Baloyi seems insufficient

because it appears from the docket that Khan played a very significant role, at least in the time that he was there. And just to say that General Kadwa does also confirm that General Khan was at the scene and gave him a briefing.

LT-COL SEBOLA: I think I have answered it to say I never interacted with General Khan. I even further say on the issue that can you dispute the fact that General Khan was there, I am still saying I cannot dispute if he was there. But the only thing that I did, I never had any contact with
10 General Khan.

CHAIRPERSON: If he had taken over the scene, would you not have seen that? Because one of the statements that Ms Pooe referred us to says that General Khan took over the scene. If that had happened, would you not have seen it?

LT-COL SEBOLA: Commissioners ...[intervenes].

CHAIRPERSON: Especially as I understand the situation, you were now in charge of the scene. Or not?

LT-COL SEBOLA: It would never have happened when I am in charge of the scene.

20 **CHAIRPERSON:** Yes. So how do you explain the statement that says he took over the scene?

LT-COL SEBOLA: No, I am saying when I took over the scene, I got it from Sergeant Ndou.

CHAIRPERSON: Yes, I know, I know.

LT-COL SEBOLA: Yes.

CHAIRPERSON: So which would mean that he either took the scene over from you or further down the line from somebody who might have taken it over from you, but I do not think anybody else took it over from you. So, would you not have seen him if he had taken over the scene?

LT-COL SEBOLA: I would have seen him. Unless if he came before me. Because when I looked at the time frame, they speak about someone saying nine, the other one is saying 10. But I do not want to use ...[intervenes].

10 **CHAIRPERSON**: Before does not seem, does not look possible. Not on the information that we have. I am saying before does not look possible.

LT-COL SEBOLA: Does not look possible. Even in my presence, it did not happen.

CHAIRPERSON: So, my question then is, are you able to explain the statement that says that at some stage he took over the scene?

LT-COL SEBOLA: No, he did not.

CHAIRPERSON: Thank you.

20 **ADV BALOYI SC**: You see, what he says in his statement, this is General Khan, he says when he left, he left the scene, he left General Kadwa in charge of the scene. That is what Khan says. He is at the scene at some point that you say you were in charge of. He approached the members who were standing next to the black bakkie, so we

know he was at the scene.

LT-COL SEBOLA: Yes.

ADV BALOYI SC: In fact, Phakula does say that he was at some point, they were made to stand next to the bakkie:

10 “He introduced himself as Khan. I asked them what they were doing there. Then one of them was Maluleke told me that this was his operation and that he was from the DPCI Pretoria. These are the members that are standing next to the black vehicle.”

LT-COL SEBOLA: Yes.

ADV BALOYI SC:

 “I asked him who his Commander was and he said Colonel Bok. He gave me the number whom I called. Bok told me he was not aware of the operation.”

I think Ms Pooe has done that with you. Then he says:

20 “I then saw a member that I recognised on the scene, Warrant Officer Phakula.”

And Phakula does say that this man was there. We know that Phakula would have been on your version be cordoned to the scene. So, Phakula would have been there because in the end he is one of the people that are arrested. Khan says I saw Phakula there.

LT-COL SEBOLA: Right.

ADV BALOYI SC:

10 “I asked him the same question, requested the number of his superior. He then spoke to Magane, the member who was driving the black bakkie. He told me his name, asked him for the details of his superior and he told me that he did not know he was just about to accompany his friend, Mashaba, to the operation. I decided that more investigation is required. I called Kadwa.”

So General Khan calls Kadwa. General Khan is on the scene. He calls Kadwa, General Kadwa rather:

“I requested him to come to the scene. I also called General Lekalakala.”

LT-COL SEBOLA: General Lekalakala was there.

20 **ADV BALOYI SC:** So, Khan is placing himself on the scene. He also calls Kadwa. You say you were told later that Kadwa was there standing. Then he called somebody else, Maisela, who is the Commander of Mashaba, who told him they were looking for Mashaba and they did not know about the operation:

“Kadwa and Lekalakala arrived on the scene. He explained the situation to

them. After a few minutes, I left the scene and then I informed my Divisional Commissioner and then I received a call from Sephungu who asked me for permission to visit the scene. I told him to please contact Kadwa who was left in charge of the scene.”

So on General Khan's account, you were never in charge of the scene. That is on his account. You were never on the
10 scene. And this is a statement, it is part of the docket. You were never in charge of the scene. Kadwa was in charge of the scene.

What I am seeking to make sense of is in your statement, you do not mention Kadwa. In your evidence, you say you were told he was there. So on your account, he was just inactive there, but Khan places him on the scene. Phakula makes him active on the scene because Phakula explains this is what Khan did, which coincides with what Khan has done here in his statement.

20 We have also seen WhatsApp exchanges between Khan and Phakula, which confirm that Khan was on the scene. So, that you do not mention him at all is the first curiosity. But two, and Kadwa as well, one. And then two, that you say you could not have seen him, you did not see him.

It is difficult to comprehend if you were in charge. So in my mind, it would make sense if you were not in charge of the scene, right? If you were not placing yourself as the in charge of the scene, I would say I can see how you may have missed him. Maybe you were focussing on other things.

But as the in charge of the scene, forget for now that there is this contradiction here of who was in charge of the scene, in fact, because you say you were, Khan says he
10 was, and then he says he left Kadwa in charge of the scene. Forget for a second that. If you were in charge of the scene, you must, you would have known Khan is there, given how he describes what he was doing.

Forget what Sape says and the strangeness in his statement. Let us work just with what Khan himself says, that a General who places himself as being that active on a scene, either you were not on the same scene with him, and so you did not see any of that, or he is being untruthful about being on the scene and being as active, or you are
20 the one that is being untruthful about seeing him, not seeing him on the scene, and therefore not accounting for him. But that also goes for Kadwa as well.

I think you have – there has to be an explanation for that, which is at best curious. And maybe let me finish off by saying that even if you had not seen him on the

scene, you come to know, you say, through the IPID process, and for purposes of our discussion now, I am prepared to assume or accept that it is the first time that you came to know that Khan was on the scene when you are now dealing with the IPID process.

You prepared this statement to the Commission very recently. You do not say, and I would have expected you to say, I was informed, I learned later that General Khan was on the scene, and I see this from other people's
10 statements, because it is your docket.

So I see it in the docket, but I actually only became aware of it when I dealt with the IPID. You are completely quiet about Khan's presence at the scene, completely. Kadwa, you minimise his role to being a bystander. That is, I do not understand it.

LT-COL SEBOLA: Sorry, Commissioner, Kadwa did?

ADV BALOYI SC: You said in your statement, you said very little about Kadwa as well. I remember noting it somewhere. In fact, you referred to him in quite a
20 confusing way. At paragraph 11 of your statement, you say:

“Colonel Ludick then arrived immediately after he dropped his phone with General Kadwa, and Brigadier Lewela and I approached Colonel Ludick.”

So that is the only mention of Kadwa that I picked up, and

please correct me if I am wrong, in your statement. And then in your oral evidence when you were testifying now, earlier in the day, you said, well, ja, Kadwa I heard later that he was there. He was standing there somewhere, but he never played any active role. I think that is how I remember your evidence.

LT-COL SEBOLA: Kadwa or Khan, Commissioner?

ADV BALOYI SC: Kadwa, Kadwa, Kadwa. So I am saying two things to you. Your statement is completely silent about
10 Khan, even your oral evidence, completely quiet, silent about General Khan. You are silent about him, even as you have a docket of statements that place him on the scene, and his own statement where he places himself on the scene. You say nothing.

Not even, I later became aware when I was dealing with IPID that General Khan was there, and this is what he is supposed to have done. You do not say anything like that to us in your statement. So, reading your statement, you give the impression, because you are accounting, it is your
20 scene, you are accounting for what happened in the time that you were there.

Your statement gives the impression, oh, this is all the people that were there. You mention many, many names. You do not mention Khan. So, Khan was not there when one reads your statement because nothing is said

about him. And then you mention Kadwa in passing, in paragraph 11. Someone was talking to him.

I have read for you that paragraph 11. You say Ludick immediately, he arrived immediately after he dropped his phone with Kadwa, and that is all you say about Kadwa. And in your oral evidence now, testimony, you said you later learned that Kadwa was there standing somewhere. You did not deal with him on the scene. I think that is how I remember your evidence. So what I am putting to you is it
10 is quite strange ...[intervenes].

LT-COL SEBOLA: Commissioner, maybe I did not – can I get clarity in terms of General Kadwa?

ADV BALOYI SC: Yes.

LT-COL SEBOLA: But the Commissioner is saying I later learned that he is there.

ADV BALOYI SC: I think I understood you in your oral evidence that you say Kadwa was there, but he played no active role. Am I wrong in my recollection of that evidence?

LT-COL SEBOLA: You are correct, Commissioner.

20 **ADV BALOYI SC**: Yes. That is something you say in your oral evidence, right? But Khan says he left him in charge of the scene. And so what I am putting to you, or what I am raising with you as a matter of concern, and that at this point requires a satisfactory explanation, is how could you have missed the presence of Khan if you were in charge of

the scene?

And he tells us in that statement what he did on the scene. I assume Khan has no reason to lie about being on the scene. He has no reason to lie about it. So, he places himself on the scene. How could you not have seen him if this was your scene? That does require an explanation. You may answer.

LT-COL SEBOLA: Commissioner, I still maintain I did not see General Khan on the scene. I did not interact with
10 General Khan on the scene. For him to say General Kadwa was in charge of the scene, I do not know where he get it from. Because General Kadwa, even when Colonel Steyn was there, Colonel Steyn was the one who was briefing General Kadwa.

That is why I cannot say anything about him. Even when the Brigadier arrived, I was not the one who was briefing him about it because I briefed Colonel Steyn. He was talking to this. And then also I get to know that the other General present there was General Lekalakala. I did
20 not see, the two I did not see.

I still maintain when I took over the scene, I never came across that. When I was engaging with Rikhotso, yes, he confirmed that. It is just that maybe you were not careful. Khan was there. But to me, I did not see. I never engaged General Khan. I never talked to him on the scene.

And General Khan was never in charge of my scene.

ADV KHUMALO SC: What does being in charge of the scene mean? It is a bit confusing because a lot of people say it. Does it mean giving instructions as regards the bags, where they should go? They are offloading from the black bakkie, they are opening and the testing of the Cocaine in the manner that you described and then giving instructions to the photographer to take photos and packing the exhibits in the evidence bags?

10 Or does it mean somebody at the gate stopping other people from coming in? I am a bit lost because a lot of people are saying, this one was in charge, told us we cannot come in. This one said the Dog Unit cannot come in. But it is not clear to me at this stage when they refer to the scene, are they referring to the bags and instructions in relation to the bags, or exactly what are they referring to? What is your understanding when somebody says I was in charge of the scene?

LT-COL SEBOLA: If I am in charge of the scene, I am now
20 the crime scene manager. I am now taking note of each and everything that is within the scene. Even giving instructions of what needs to be done, who needs to be called, who needs to do what. That is the in-charge that I am talking about.

This is what my role was. I was in charge of the

scene. If they are saying they were in-charge, maybe they can explain. Who did they call from LCRC? The record they were keeping. Who was keeping the record of registering those exhibits in the SAP13? They must also explain to that, because I know it was me.

When I am saying I am in charge, should there be anything that goes wrong within that scene, the only person that will answer, be responsible, is the person who is the crime scene manager, who is in charge of the scene. Those
10 standing at the gate preventing people from entering, they will be just assisting.

ADV KHUMALO SC: Is it possible for somebody to be in charge of the scene and promptly leave and leave it to somebody else who then also promptly leave the scene? Can you call those people in charge of the scene?

LT-COL SEBOLA: They are not in charge of the scene. When you are in charge of the scene, we take over the scene until its finality. We must know what was the last thing that happened. When we are now clearing the scene,
20 I will be able to say, now after the scene has been cleared, I have to compile my incident report about what transpired there. That was the person who was in charge of the scene.

ADV KHUMALO SC: Did you know General Lekalakala?

LT-COL SEBOLA: I did not know him.

ADV KHUMALO SC: In June, July 2021.

LT-COL SEBOLA: I did not know him.

ADV KHUMALO SC: Did you see General Lekalakala there?

LT-COL SEBOLA: I did not see him. But somewhere after I was told that also General Lekalakala was there.

ADV KHUMALO SC: Because General Khan says he left:

10 “Kadwa and the Lekalakala arrived on the scene at 12:00 hours on the 9th of July 2021. I explained the situation to them, I introduced them to the Risk Manager of the Scania warehouse. After a few minutes, I left the scene.”

Do you want to comment or say anything about that? Were you aware of that?

LT-COL SEBOLA: No, I am coming out because I do not know where it happened, but it did not happen inside my scene.

20 **ADV BALOYI SC:** You see, Colonel, this is your docket, so maybe let me ask you a question. This is your docket and General Khan's statement that we are referring to is in your docket. Unless you say to us you have not read the contents of the docket, for whatever reason, maybe there is an explanation for it.

If you have read General Khan's statement, which

is in your docket, then the question is, he says things that you disagree with. When he says, I was at the scene, I did all of these things, you disagree with him because you say I never saw all of that. But maybe the one that directly contradicts you is where he says Kadwa was left in charge. He says that in the statement.

You say, no, that is nonsense. Sorry, nothing of such happened. You disagree with him completely. You say I was in charge of the scene. Now, you have that statement
10 in your docket. What have you done? Have you spoken to General Khan? Is there a record where this is your version that contradicts him is recorded? I would think something that important, you would have seen the statement and you would have said, General, let us sit down, what are you talking about? Did you do that?

LT-COL SEBOLA: Commissioners, I have never even sat down with General Khan with respect to the statement. The statement, I do not know what prompted those who obtained it to bring it to my docket.

20 **ADV BALOYI SC:** So you do not know the contents of your docket.

LT-COL SEBOLA: That is why I will still maintain that that which General Khan is saying is not true. He was not in charge of my scene. That which General Khan is saying, General Kadwa was in charge of the scene, it is not true. It

is not true.

ADV BALOYI SC: And you say he was not on the scene because you would have seen him. It is your scene. You would have seen him. Can we at least accept that? That if he had been there, you would have seen him. It is your scene. He says I was at the scene. I did A, B, C, D on the scene.

So I am putting to you this. Let us assume he is telling the truth.

10 Let us assume he is telling the truth that he was on the scene. Let us assume he is telling the truth when he says I introduced, I went and introduced, I think, Kadwa or somebody to the Risk Manager of Scania and I asked this gentleman, who are you? Who is your Commander? If all of that happened on your scene, General Khan did that.

And I am saying to you, assume, let us assume for purposes of my question, that all of that which he describes happened on a scene where you say you were in charge, you would have seen him. That must be so.

20 **LT-COL SEBOLA:** Commissioner, let me just say it again. I did not know General Khan by then.

ADV BALOYI SC: Okay, but you would have seen any member. Let me simplify it for you. It is your scene. If anyone spoke to the three gentlemen that were there, right, if anyone did the things that General Khan claims he was

doing, you would have known. You may not have known the name and maybe later be told, oh, that was General Khan, in fact, that did that. That person that did that is Khan.

The proposition I am making to you is it is your scene. You are in control of it. You are instructing who is doing what so you know who are the people that are active on this scene. If General Khan or any police officer had been there and doing what General Khan said he did on the scene, you would have known.

10 You would have seen that person. It could not happen without you being away, otherwise you are not fully in charge of the scene then. I want to assume you were fully in charge of the scene, so you would have seen this. Maybe you do not know it is Khan, but you see a police officer who is talking to your suspects.

LT-COL SEBOLA: Commissioner, I did not see. Immediately when I was busy my suspect, nobody interacted with them ...[intervenes].

ADV BALOYI SC: Yes, that is not my question. I am past
20 that ...[intervenes].

LT-COL SEBOLA: If ...[intervenes].

ADV BALOYI SC: Allow me to repeat so that we do not waste any more time on this. You say you did not see him and you are going to repeat that. That is why I am stopping you. That is your answer. So I am putting a proposition to

you that if you were in charge of the scene as you say you are and General Khan or any police officer does what General Khan describes, he says I did this, I did that, I did that. If any police officer did that on your scene that you would have been in charge of, you would have seen it.

LT-COL SEBOLA: That is correct.

ADV BALOYI SC: kay. So on that proposition, it must mean then that General Khan is being untruthful when he says he was on the scene and he did these kind of things.

10 You would have seen him. So, we must assume until he comes and explains himself that in fact he is untruthful because you would have seen him if he was there.

LT-COL SEBOLA: I would have seen him.

ADV BALOYI SC: All right, thank you.

ADV POOE: Colonel, just as a follow-up, who exactly gets to say which statements are compiled into the docket? Because you seem to suggest that you do not know the reason for which some of these statements were added.

LT-COL SEBOLA: Sometimes at the instruction of the
20 Prosecutor.

ADV POOE: And the Prosecutor would be instructing who?

LT-COL SEBOLA: The Investigating Officer.

ADV POOE: So you yourself?

LT-COL SEBOLA: Yes, yes.

ADV POOE: So then does that mean the Khan statement,

which is dated from July 2021, would have been added by who?

LT-COL SEBOLA: Maybe we are still going there.

ADV POOE: You do not know?

LT-COL SEBOLA: No. I said that statement was brought to me.

ADV POOE: It was brought to you?

LT-COL SEBOLA: Yes.

ADV POOE: By who?

10 **LT-COL SEBOLA**: Then I asked the Prosecutor because she then said there is this allegation of General Khan.

ADV POOE: Yes.

LT-COL SEBOLA: Then I got informed by Colonel, I think it is Colonel Steyn, bringing the statement to me to say this is the statement that is needed at court. Then I just attached it, I took the docket to court. At that stage, I have never even engaged with General Khan. Only time that I know of General Khan with regard to the matter is when I was sent to prison, that go and obtain a Phakula's
20 statement. He told General Khan that he wanted to tell you something.

ADV POOE: I suppose, so you get given this statement and you do not read it?

LT-COL SEBOLA: Because it is just that I did not even, I did not have intention because the statement that they are

talking about, it was not assisting me in the matter that I am investigating. They are just saying obtain statement of Khan. I checked this. I did not – in fact, I was not interested in his statement.

ADV POOE: So you checked ...[intervenes].

LT-COL SEBOLA: Because he was not going to assist me. I did not see him. Like Maluleke, he is phoning me, can I make statement? I said, what? And he was at the scene, but he said he did not play any role. In fact, I am not
10 suggesting something. I am just saying that statement, the reason why I ...[intervenes].

ADV POOE: Colonel, my difficulty is you say you checked it and then for you to conclude that it does help with your investigation, you must have read it. And if you read it, he then clearly says that he played a significant role.

LT-COL SEBOLA: Of which he did not.

ADV POOE: So, but you then look at it, you think he is untruthful because he did not play a part.

LT-COL SEBOLA: He did not play a part on that matter.

20 **ADV POOE**: And because he is now a General in Crime Intelligence and here is a statement from him that you now say is untruthful, you did what?

LT-COL SEBOLA: You know, sometimes, Commissioners, I must state, we even used to struggle with obtaining statement of people of Crime Intelligence that they are not

supposed to submit statements. That, I am saying, where I am seated, for the request of that statement, it is also strange. It was also strange to me. I do not know for what purpose, for what intention was the statement brought to me.

ADV POOE: Okay, so let us get this straight. You get a statement that you read and conclude is false because that did not happen. And you do not know why the statement is there, but you do nothing.

10 **LT-COL SEBOLA**: I did not do anything.

ADV POOE: Okay. And then related to that, Colonel, there are two other statements that we went through in the docket from Bok and Sephungu, who also speak about General Khan's involvement. Those statements, were you familiar with them?

LT-COL SEBOLA: The one of Sephungu that I obtained was the one that I obtained, I think, on the 10th, when the people were appearing on that day.

ADV POOE: Yes, so it is also dated July. And there too,
20 he notes Khan's involvement, including that Khan told him he is going to arrest his members.

LT-COL SEBOLA: Commissioners, it is just that if maybe we are having the investigation diary, I do not know as to whether we have the copy of the investigation diary. Wherein, because I know myself, whatever statement I

obtain, the investigation diary will speak to that statement. This is what I just want to bring.

Any statement, even Sephungu submitted the statement to me that he placed the member on duty. This is what he is telling me. When I get to check his behaviour and his conduct on Saturday, before he could submit the statement, I saw that this man is not going to assist me. Then I checked on him.

He is placing members on duty, then he is on leave.
10 That is why, if we go to the investigation diary, it will speak to it. I said the so-and-so opted to make a statement. Then I attached the statement as per a so-and-so. Realising that I am not happy with the statement, I did a follow-up with the statement that I obtained to say this member is not telling the truth.

That is when I picked up that this man between the dates of this incident and the court appearances of this member, this man is on leave, but he is placing himself there. But the statement, I said, no, because I wanted to
20 account for that statement. That second statement that I must account for, the second statement of Sephungu. I do not know, I am still saying, I do not know at what stage it was brought to my attention. I do not want to associate myself with the statement. I did not take two statements of Sephungu.

ADV POOE: Okay. So, in essence, the statement was brought by somebody else and you did not consider it because you deemed Sephungu untruthful because he was on leave.

LT-COL SEBOLA: Ja, and ...[intervenes].

ADV POOE: And the interactions you would have had with him?

LT-COL SEBOLA: Commissioners, the first statement that I obtained of Sephungu indicated to me that he is untruthful.
10 I do not want to entertain the issue of the second statement. Maybe, yes, there was this conversation between him and General Khan, but that is why that one I cannot deny. That is the reason why maybe he submitted the statement. But to whom? I still maintain to say he did not submit the statement to me.

ADV BALOYI SC: General Khan?

LT-COL SEBOLA: No, Sephungu. Now I understand. Now, I have to accept the statement that I was not even part of the one of Sephungu. I did not know that such statement
20 is attached in my docket.

ADV POOE: Okay ...[intervenes].

ADV BALOYI SC: You know about General Khan's statement?

LT-COL SEBOLA: Yes, I know about General Khan's statement.

ADV BALOYI SC: You know about it?

LT-COL SEBOLA: Yes.

ADV BALOYI SC: You took it? You asked for it?

LT-COL SEBOLA: No, no, no, no.

ADV BALOYI SC: How does it land in your docket?

LT-COL SEBOLA: It was brought to me.

ADV BALOYI SC: By who? And how?

LT-COL SEBOLA: It came with Colonel Steyn. If you can
check, even the person who commissioned that statement I
10 believe is Colonel Steyn.

ADV BALOYI SC: But you became aware of it?

LT-COL SEBOLA: I became aware of the statement.

ADV BALOYI SC: And you became aware that he places
himself on the scene quite actively?

LT-COL SEBOLA: Yes.

ADV BALOYI SC: Which takes me to my earlier question
that when you see that and you know it is not true,
according to you, what do you do about it? Why do you do
nothing about it?

20 **LT-COL SEBOLA:** To be honest, Commissioner, I did not
interrogate the statement of him placing. I have just seen
the statement and yes, he was on the scene. He admitted
that he was on the scene, but I did not pick up that thing
because if he was placing General Kadwa to be managing
the scene. Maybe he can interpret that being in charge of

the scene is not me. But in essence, he was not.

ADV BALOYI SC: Well, it is not just a case of interrogating the statement. His statement is about that. Every part of it is about him being contacted, him arriving at the scene, him doing this and that, and then at some point leaving. So, it is not something that you find because you have interrogated the statement. It is something that is on the face of the statement.

But I refer to the statement only to indicate to you
10 that even Khan himself places himself on the scene, but a whole lot of people place him on the scene, including an employee of Scania. There is a recant who places him on the scene who says Khan arrived. I called Khan because I am a former – in his disciplinary hearing he says, well, I called him because I knew him. I used to work for the police and I called him when I heard while I was still at home that there are people at my company and I called Khan and Khan did arrive.

So, you have multiple people who are placing him
20 on the scene and my original question to you stands that from your own docket, you would have known that they say Khan was there, from your own docket, from your IPID engagement. You know there is a story about Khan being there.

You were in charge of the scene. You do not

mention Khan being there. Not only that, you also do not mention that I heard much later and I see from statements that people say Khan was there and that he was doing A, B, C, D. I never became aware of it. And your silence about him suggests, may in fact suggest that you made the deliberate decision to keep him out of your story because until it is explained satisfactorily by you why he does not feature at all in your testimony, written and oral, it gives the impression you made a decision to keep his name out until
10 the prison visit.

I know you are going to speak about the prison visit to Phakula, and you speak about him there, but his presence at the scene, it seems – it gives me, let me speak for myself, the uncomfortable impression that you made a deliberate decision to keep General Khan's name out of your mouth and out of your statement. You can comment, but that is – ja, I have shared with you the impression that I am getting about this issue.

LT-COL SEBOLA: Yes, I got that Commissioner, but let me
20 just – with regard to one Mr Francois Ricard [?] on the statement that he made, that was never reflected, unless if he made the second statement when IPID was investigated.

Francois Ricard, if he is the person that was driving the black jeep, never made mention to me of General Khan. He explained, when upon entering, what he observed, going

back to where he drove past the road block meant by other people, then that was ...[indistinct] that one I think is the person that I interviewed.

But none of them when I was interviewing them indicated to me that this is the person that we were dealing with. I could not have ignored what happened. Because if I was aware that he once placed himself on the scene, I would have interviewed him one-on-one because I did not get that part to say, before you could arrive, there was this
10 interaction of you are suspect and so-and-so. I did not get that, Commissioners, and I did not deliberately ignored the presence of General Khan on the scene.

ADV BALOYI SC: Thank you, Colonel. Thank you, Ms Poee.

ADV POOE: Thank you. Colonel, it is worth noting that just in the docket, at least five individuals, including Khan, places themselves at the scene. And some of these statements were taken in the same month of the incident. So, this is in July during the investigation. And I mean, I
20 am not sure we will get to what happens in the disciplinary hearing, but in Major General Khan's disciplinary hearing you were called to testify and there too you do not mention anything about Khan's presence. And so, it does make the question whether the silence is deliberate given the many statements that mention Major General Khan's presence.

LT-COL SEBOLA: I could not pick up. You say he did not make what?

ADV POOE: I am saying that in the docket and in the month in July, there are a number of statements that make mention of Major General Khan's involvement, including Major General Khan himself.

LT-COL SEBOLA: All right.

ADV POOE: Then later, if you look at your testimony in the Khan disciplinary inquiry, there too you do not mention
10 Major General Khan's involvement. And so, I wonder whether or not it is indeed deliberate.

LT-COL SEBOLA: It cannot be deliberate.

ADV KHUMALO SC: Advocate Pooe, for me, and maybe I will differ with you here, looking at Major General Khan's statement, he says he left a few minutes after 12:00. And if I remember correctly, Colonel, you said you arrived at the scene at 11:45.

LT-COL SEBOLA: Correct.

ADV KHUMALO SC: Somewhere there, and not exact, and
20 you say when you got there, you did not see General Khan.

LT-COL SEBOLA: I did not see him.

ADV KHUMALO SC: But you cannot dispute that he was there.

LT-COL SEBOLA: I cannot dispute it.

ADV KHUMALO SC: And just reading his statement, to me,

all General Khan says is that he asked various people what they were doing there and he called their supervisors. I do not read anywhere in General Khan's statement where he says he interacted with the exhibits, he called LCRC because I would assume that if somebody is in charge of the scene, they would then take responsibility for calling LCRC, calling the photographer, giving them instructions as far as where to put the exhibits, what to record and what to photograph.

10 He says he was there and you cannot dispute he was there because he says he was there. Many other people say he was there and he says he left just after 12:00. But I agree with Commissioner Baloyi. I do not know what you were asked when you were asked to prepare your statement.

 It leaves an uncomfortable feeling that when you came here, you knew that there is this statement because it was given to you by Steyn, and you were told by IPID that Khan was there. People say he was there and you do not
20 mention that part. So, that still leaves a sense of discomfort, but I will leave it at that. But to be fair to you, his account of when he arrived there and when he left, you know, and he does not say at any stage he interacted with the relevant exhibits that you were investigating.

LT-COL SEBOLA: And it is fair, Commissioner.

ADV KHUMALO SC: And I think you must accept the criticism.

LT-COL SEBOLA: I am accepting.

ADV KHUMALO SC: You must accept the criticism. But when you came here, you knew that there was this statement and IPID had told you that he was there. So, you do not have a good explanation for why you did not mention that although I did not see him, I was told at some point that he was there, and I even saw a statement given to me
10 by Steyn.

LT-COL SEBOLA: That is correct, Commissioner.

ADV KHUMALO SC: I am trying to be neutral. I am not saying you are right. I am saying ...[intervenes].

LT-COL SEBOLA: No, I think, Commissioner, I am taking the criticism positively that this is what happened and it should be looking strange to those who are getting this information.

ADV KHUMALO SC: And the discomfort extends to you not mentioning. I mean, these are Lieutenant Generals at the
20 SAPS. They are Major Generals, all three of them. Major General Kadwa, Major General Lekalakala. If they were presented at the scene while the scene was active and alive and you say nothing about what they did, what their role was, what instructions they gave, it makes us wonder whether you are trying to protect them or what.

ADV BALOYI SC: Maybe also in fairness to you, I should point out that in the various – in the disciplinary hearing of General Khan, Magane, Phakula and someone else, they say that Khan instructed them to go and sit in the bakkie, in the motor vehicle, in that black motor vehicle. And you say in your statement that when you arrived there and you went to speak to the owner of the bakkie, the person that Ndou pointed out as the person who was trying to drive away, he was in fact sitting in the bakkie.

10 **LT-COL SEBOLA:** Correct.

ADV BALOYI SC: So, you may well have missed Khan. One should not perhaps at this stage exclude that possibility that you may have missed, but there is still the criticism about why you did not mention anything about him.

LT-COL SEBOLA: Correct, Commissioner.

ADV POOE: Colonel, if we can then turn to paragraph 22? And you are dealing with the day after.

LT-COL SEBOLA: Yes, Commissioner:

20 “On Saturday 2021-07-10, a day after the arrest of these four people, whilst at Booyens Police Station, busy taking fingerprints of the arrested people together with Warrant Officer Phume, we were confronted by Colonel Sephungu. I found out that he is at Head Office

Detective and he said to me, in fact it is supposed to be to me, there is no charge of attempted theft, so I have arrested those people for nothing.”

ADV KHUMALO SC: Do you mind just increasing the volume?

LT-COL SEBOLA: Sorry:

10 “I was so concerned about this utterance, I then phoned Brigadier Sekgobela, my Provincial Commander, and she advised me that if he continue, I must report him formally. I then informed Colonel Sephungu, who was with a group of people, that I will report, in fact, his action, and he apologised. On Monday 2021-07-12, whilst at Booysens Court trying to place the docket on the roll, so to say, Colonel Sephungu entered the Public Prosecutor's office and he told the

20 Prosecutor, who was busy reading my docket, that Sebola did not want to take my statement with regard to the incident, and he said Phakula informed him and he placed him on duty. I investigated the relevancy of what he was telling me by

phoning Brigadier Sekgobela to check with his Sephungu's office and the responder in court was that he is on leave. I then let him make that statement and attached it to the docket.”

ADV POOE: Colonel, what did you make of Colonel Sephungu's conduct with these interactions with him?

LT-COL SEBOLA: In fact, it was disruptive.

ADV POOE: You considered it disruptive?

10 **LT-COL SEBOLA**: Yes.

CHAIRPERSON: More directly, that he was saying there was nothing wrong that Warrant Officer Phakula had done.

LT-COL SEBOLA: Sorry, Commissioner?

CHAIRPERSON: More directly, is it not so that he was basically saying there was nothing wrong that Warrant Officer Phakula had done?

LT-COL SEBOLA: Yes.

20 **CHAIRPERSON**: He had given him permission to go there. That was the thrust of what he was saying. I am not saying that was correct.

LT-COL SEBOLA: No.

CHAIRPERSON: I am just saying.

LT-COL SEBOLA: I just want to say, if indeed he gave Phakula the permission to go, he should have not started by saying you should not have arrested these people. There is

nothing like attempted theft because the only thing that you can explain this is to say they wanted to leave, but that is incomplete.

That is what he is telling me. That is incomplete. If he wanted to say it is an attempted theft, it cannot be. Then that utterance itself is disruptive. But instead of him to say I only came here to assist you, Phakula informed me, can I submit a statement so that maybe he can be cleared of any wrongdoing. Then I think that approach and that
10 direction would have assisted me, if indeed the intention was to do what they did.

ADV POOE: And then once you find out that Colonel Sephungu was on leave, what was the relevance of that? Is it that he could not have been granted permission?

LT-COL SEBOLA: Okay. This was in reference to check the procedure or the protocol or how do we operate in the police. Once you are placed on leave, you do not get yourself involved in anything that is happening in the office. That is why we have, it is you, it is your second in charge, it
20 is another person.

The other person who is in charge of the office in your absence, he is the person that should have at least say I can confirm that the member is on leave. But this call, this thing indicates to me that he was used as a cover-up so that this person is the one that can bail me out of

this.

CHAIRPERSON: So what you are saying is he should have said to Warrant Officer Phakula, I am on leave, seek permission from so-and-so who is acting in my position during my absence.

LT-COL SEBOLA: That is correct, Commissioner.

ADV POOE: And, Colonel, we can move to paragraph 25.

LT-COL SEBOLA:

10 “At one stage, when these members were
still in custody, I received a call from
Major General Kadwa that...”

Okay, this was supposed to be Major General Khan.

ADV POOE: Okay.

LT-COL SEBOLA: Major General, Commissioner, is this an omission:

20 “Major General Khan is requesting that
we go to prison to interview Phakula,
since he wants to tell me something. And
I went to prison with Warrant Officer
Phume and Warrant Officer ...[indistinct]
and I asked Phakula about what does he
want to talk to me. The only thing...”

It was supposed to be – typing error:

“The only thing Phakula wanted to tell me
was that he is working with General

Khan. Those are his drugs, that is what now Phakula is telling me in prison. I then informed him that he already appeared, the statement who already appeared, the statement we are, in fact, it was supposed we were making will be inadmissible. I checked with him since he is an investigator if he can bring it to the attention of the Prosecutor, but he
10 did not agree.”

In short ...[intervenes].

CHAIRPERSON: Are you suggesting that within SAPS statements are never supplemented? A particular witness's statement is never ever supplemented? Is that what you are saying?

LT-COL SEBOLA: No, no, no. This is an accused person. He is an arrested person, Commissioner. In his own statement, he stated ...[intervenes].

CHAIRPERSON: Yes, that is so, that is so, the so-called
20 warning statement, correct?

LT-COL SEBOLA: Yes.

CHAIRPERSON: Yes. So you are saying a warning statement is never ever supplemented?

LT-COL SEBOLA: No.

CHAIRPERSON: Why not?

LT-COL SEBOLA: I think when he wanted to tell me, because already he said he is engaging ...[intervenes].

CHAIRPERSON: Why not? Why is a warning statement never supplemented?

LT-COL SEBOLA: Commissioner, and...

CHAIRPERSON: I am not saying it is, I do not know, I am not a member of SAPS. I want to understand from you why is a warning statement never ever supplemented?

LT-COL SEBOLA: Commissioner, when you take a warning
10 statement, there are certain indications and that you have to interview and warn him against incriminating himself.

CHAIRPERSON: You can simply either remind them of the warning you gave or give a fresh warning and then supplement the statement. Why is that not possible?

LT-COL SEBOLA: I felt it was not possible, Commissioner.

CHAIRPERSON: Sorry?

LT-COL SEBOLA: That was my feeling, that it would not be possible for me to obtain such.

CHAIRPERSON: You do not know for a fact?

20 **LT-COL SEBOLA:** I do not know for a fact.

CHAIRPERSON: Thank you.

ADV POOE: Colonel, did you mean inadmissible or you meant that it would be contradictory or?

LT-COL SEBOLA: No, I was telling him that that which will be telling me may end up being inadmissible in court, and of

which I think I have, I was just responding to the Commissioner when I was questioned about, do you think there was not be an additional statement that ...[indistinct] ...[intervenes].

ADV KHUMALO SC: Do you mean it will be inadmissible if you repeat it? I do not understand what you mean when you say ...[intervenes].

LT-COL SEBOLA: Yes, I was telling him that that which I will be taking from you, it will be inadmissible.

10 **ADV KHUMALO SC:** If you say it?

LT-COL SEBOLA: No, if I am taking that ...[intervenes].

ADV KHUMALO SC: If you take another statement?

LT-COL SEBOLA: If I am taking him. So the best thing, we must first engage the Public Prosecutor. That is what I am telling you, to check. So-and-so is coming up with these new allegations. Are you comfortable with me and you approaching to Prosecutor? This is me with Phakula. Then he did not agree with that. So I ended up not obtaining such.

20 **ADV POOE:** Colonel, given the nature of this, whether it is an admission or new information, did you not find it prudent to investigate what he was saying or anything? Because it seems like a significant allegation, unless you felt differently.

LT-COL SEBOLA: No, it is indeed a significant allegation.

ADV POOE: Yes.

CHAIRPERSON: Off the top of my head, possible restrictions might be those that relate to admissions and confessions, for example. But if he wants to say these are General Khan's of drugs, not mine, so it is not as if he wanted to implicate himself or anything. So I, off the top of my head, I do not know what the impediment would be. I am not saying they would not be. As I said, I am not a SAPS member.

10 **LT-COL SEBOLA:** No, but you are correct, Commissioner.

CHAIRPERSON: Ja.

LT-COL SEBOLA: That decision is correct.

CHAIRPERSON: Yes, yes, Ms Pooe.

ADV POOE: And, Colonel, here is somebody you suspect to have been involved, giving you what is a lead, and you did not find it important to follow up on it or anything?

LT-COL SEBOLA: I did not get that.

ADV POOE: So, this is a person you have arrested for being complicit in the commission of this crime, and he is
20 given you a lead and saying this is the person, this is the person, the owner of the drugs. You did not find it prudent to then investigate what he was saying?

LT-COL SEBOLA: As the Investigating Officer, I will have to take it, but with caution, Commissioner. So, one, I did not know what the intention, whether the intention was to

mislead, whether the intention was to mislead me or to assist.

ADV POOE: Yes, hence the need to investigate or check it out or something.

LT-COL SEBOLA: And that is why I am agreeing that that which you are saying, indeed, is another thing that needed an investigation. I am agreeing.

ADV POOE: So, did you investigate?

LT-COL SEBOLA: No.

10 **ADV POOE**: All right.

ADV BALOYI SC: Can I ask a different question about this, that you, apart from the fact that this allegation now from Mr Phakula very much falls within your docket, because remember you are dealing with a drug consignment, so it squarely falls within your, what you are investigating.

Apart from that, I want to ask a different question. Here is a member who informs you or alleges to you that these drugs belong to General Khan. And by the way, when
20 he testified yesterday, Warrant Officer Phakula says he did say to General Khan when they met, that they say these drugs are yours.

So, there is that kind of talk. And he says it is corridor talk. But he says this to you. Do you not, and he says this about a General, a leader in the organisation, did

you report it to anybody?

LT-COL SEBOLA: I was sent by General Kadwa. Then I brought the information back to him ...[intervenes].

ADV BALOYI SC: To Kadwa?

LT-COL SEBOLA: To Kadwa, that General, I could not obtain Phakula's statement because I do not know whether he is misdirecting me or he is assisting me. But this is the allegation. He is saying those drugs belong to General Khan.

10 **ADV BALOYI SC**: Okay, so we must ask General Kadwa, what did you do about this information that Colonel Sebola shared with you?

LT-COL SEBOLA: That is correct.

ADV BALOYI SC: Okay, thank you.

ADV POOE: My apologies. Colonel, you are then sent there by General Kadwa, who said that it was General Khan who is requesting that you go there. Am I correct?

LT-COL SEBOLA: Yes.

20 **ADV POOE**: And then this is – then you are told of the allegations about General Khan's involvement. Then you go back and tell General Kadwa.

LT-COL SEBOLA: Correct.

ADV POOE: And I guess I am trying to understand, he tells you that this comes from General Khan, and then you relay the information right back to the sender.

LT-COL SEBOLA: Yes.

ADV POOE: Okay. Then we can go to paragraph 26.

LT-COL SEBOLA: 26:

“Their case was enrolled and remanded for formal bail hearing, which was granted a week after their release, I received a call from...” ...[intervenes].

ADV POOE: Sorry, Colonel.

LT-COL SEBOLA: Okay:

10 “Their case was enrolled and remanded for formal bail hearing, which was granted. In a week after their release, I received a call from IPID. I cannot remember the caller, but he was requesting for the copy of the criminal docket. I did not agree to the request, and I informed the caller to send the request via the Office of the Provincial Head.”

20 **ADV POOE**: And just for clarity, you did not agree because the request was sent to the wrong person, or why did you not agree?

LT-COL SEBOLA: I cannot agree for anybody to just say send me a copy of the docket.

ADV POOE: So it was not done procedurally?

LT-COL SEBOLA: It was not done procedurally.

ADV POOE: All right.

LT-COL SEBOLA:

“The following week, I received...”

...[intervenes].

ADV POOE: No, my apologies. I just wanted to ask, what did you make of the IPID investigation? Or the fact that at that stage, there was this investigation happening?

LT-COL SEBOLA: I did not understand why do they want
10 the copy of the dockets of drugs. That, to me, the other reason why I was saying let us officialise this, write an email to the office. In the email, I think it will be detailed. What information do they want in the docket?

ADV POOE: Colonel, I was just asking you about what did you make of IPID investigating you at this stage? Not necessarily the request for the docket.

LT-COL SEBOLA: No, that was not necessary for them to
...[indistinct] because in fact, they were not telling me that they are investigating me. They are saying we have been
20 instructed, we want to see the copy of that docket.

ADV POOE: Okay. So at this stage, they had not informed you of the investigation. All they were requesting a copy of the docket?

LT-COL SEBOLA: They were just requesting that. I was not informed.

ADV POOE: All right. Thank you, Colonel. You can go to paragraph 27.

LT-COL SEBOLA:

10 “The following week, I received a call from the Captain of ...[indistinct] telling me that she will be requesting information of my criminal case docket, so that they can continue with the departmental investigation against ...[indistinct] and I advised her to come to the office to assist her. I received another call from Head Office that they have charged Phakula in terms of the expeditious process of the disciplinary hearing.”

That was the caller now, if I remember, it was Brigadier Kgopodithata. Ja.

ADV POOE: Maybe if you can read also 28, and then I will ask you something.

20 **LT-COL SEBOLA**: Sorry?

ADV POOE: No, I was asking for you to go also through paragraph 28.

LT-COL SEBOLA: Okay:

“This then became a concern to me, that how can we have two members of the

South African Police who are alleged to have committed the same offence, then be charged differently in terms of the same disciplinary regulation. I started having that concern to say, now Zonkizizwe ...[indistinct] is requesting their investigation departmental, now Head Office is that, but we are guided by the same disciplinary regulation. That is when I said, why can this investigation not happen at the same time?"

Because I was ...[intervenues].

ADV POOE: Was it not because of where they are stationed, that Officer Magane was stationed at Zonkizizwe, and Phakula was there in Province?

LT-COL SEBOLA: Commissioner, what I can remind this Commissioner is that we are all guided by the same disciplinary code of conduct, which falls within the ambit of the National Commissioner, not the Station Commission. Whether one is at the station, he cannot charge in terms of the station disciplinary regulation. He must be charged in terms of the SAPS disciplinary regulation.

Therefore, this according to me says, this one is at Head Office, this one is at the station. Station falls within the Provincial Commissioner, who report to the National

Commissioner. Then there was nothing wrong for them to be charged simultaneously, if Head Office saw it fit for Phakula to be – for that incident to be done in terms of the expeditious process.

Same would have applied to Magane. That is my view, but even having looked at the same disciplinary regulation and interpreted it, it falls under the National Commissioner. There was nothing wrong to be charged at once.

10 **ADV POOE**: So, your view is that they ought to have both been charged through Head Office by virtue of the National Commissioners' powers to discipline in terms of the regulation?

LT-COL SEBOLA: That is correct.

ADV POOE: And so when you say, I am reading between the lines of your answer that what was concerning to you was Zonkizizwe's approach.

LT-COL SEBOLA: Zonkizizwe's approach, I could not agree with. The seated here do not even have their
20 findings, because their investigation emanated from the docket that I am investigating. I did not see their findings, what was the report or the summary.

ADV POOE: And did they call you as a witness?

LT-COL SEBOLA: No.

ADV POOE: And when you advised the caller that they can

come to your office to assist, did they ever do so?

LT-COL SEBOLA: I remember at some stage making copy to them because they were insisting on getting, so I had to make the copy of my own statement. Also, bear in mind, Commissioners, that the departmental investigation and criminal investigation should be done separately. So, this is the advice that I was giving them.

You cannot obtain the statement that is in the criminal case and want to use it. And you have to be with
10 me, because what we want to establish is that whether the members contravened the police regulations by their own action.

ADV POOE: All right, Colonel, and we can move ...[intervenes].

CHAIRPERSON: I am not sure I get your point. Surely if there are statements already, that helps the disciplinary process to start somewhere. They do not need to reinvent the wheel. Even if they will then couch their case in accordance with what the regulations provide, the
20 statements in the docket will help them with their start. So, I do not see the problem that you appear to be alluding to.

LT-COL SEBOLA: No, there is no problem, Commissioner. With my statement, because what they have to do, this statement when it was made, it was made for the criminal case.

CHAIRPERSON: I get that, yes.

LT-COL SEBOLA: Then there is that provision that they must also, they must interview me, that is this in line with what happened. Then at the end of that statement, they must confirm that this is because I will be making a copy.

CHAIRPERSON: You seem to be making an issue of the fact that they asked for the statements that had been prepared for the criminal process. And that is what I did not quite follow or did not quite get.

10 **LT-COL SEBOLA:** No, they were looking for the statements. That is what I am saying. There are certain statements that are not relevant to them.

CHAIRPERSON: All right, okay, let us not belabour it.

LT-COL SEBOLA: Thanks, Commissioner.

ADV POOE: Colonel, you can move to paragraph 29.

LT-COL SEBOLA:

20 "There was a time when me and the analyst on the cell phone were made to do presentation on this case docket to different Provincial Heads. It was supposed to end with different Provincial Heads. I was informed the purpose was to sensitise the Provincial Head and Provincial Commanders about the new trends referring to how these drugs came

into be, what happened to be in the
country.”

In fact, our main presentation was to just inform Provincial Commanders and Provincial Heads that there is this new trend if you are not aware. And now they are using this mode of transport to bring these drugs into the country. That was the purpose of the presentation, Commissioners.

ADV BALOYI SC: Just out of interest. If at this stage this is a new trend, this way of transporting or importing drugs,
10 before that, what was the normal, the regular – no, not regular. It is not regular. How did they import the people that are behind these?

LT-COL SEBOLA: The reason why I am stating this ...[intervenes].

CHAIRPERSON: In bulk, that is in bulk. Because the drug mule method, I am sure it does he not help with bulk importation.

LT-COL SEBOLA: Yes. In fact, Commissioner, I am saying when there were difficulties to bring the drugs in the
20 country, there were some that will enter through the land port of entries. They will either be coming through Mozambique, through ...[indistinct] Bridge. Then because we are now finding this to be now happening, it seems they have established a new way. Then we have to sensitise members, even those of the CI that were not aware. They

were part, because they have to be part and get to know these new trends.

ADV BALOYI SC: Thank you.

LT-COL SEBOLA: Thanks. Thanks, Commissioner.

ADV POOE: Colonel, did the presentation include the role of law enforcement, given that in this case in particular the involvement of law enforcement was rather significant?

LT-COL SEBOLA: Okay, Commissioner, I will say this came into being after we have realised that. There were
10 times when we had drug hijackings. Then, back then, we then realised that that was not necessarily meant to take or to steal the real consignment. The drug hijacking that we established then, because our President said, we remember this year, or on this year, we found this drug being hijacked, but nothing on it, none of the consignment was stolen.

Then when we investigate further, we found that there were things that were taken, that were removed from those drugs, which, according to my own observation and others, because I am not alone to say, okay, some of these
20 drug hijacking are not necessarily meant to take the drug. They are just hijacked mainly to remove what they wanted there.

Then once they are done, we will find the drug back on the road, going to where it is supposed to be, nothing being stolen. That is the trend that used to happen. That is

why we were forced to say let us do this type of presentation so that on whatever crime that is happening, where you find real items not being stolen, then we were checking, what was the intention of this hijacking? That is the real purpose of this presentation.

ADV BALOYI SC: I think the question from Ms Pooe was more that whether the trends, the new trends that you were picking up and you were making a presentation, did that include the complicity of police officers or law enforcement
10 officers?

LT-COL SEBOLA: That is correct.

ADV BALOYI SC: Okay, thanks.

ADV POOE: Colonel, even in the pseudo-hijackings where stuff is removed, did that trend also pick up involvement of law enforcement in that?

LT-COL SEBOLA: Correct.

ADV POOE: Then you can then proceed to paragraph 30.

LT-COL SEBOLA: Sorry, sorry.

ADV POOE: No, no worries Colonel. We are nearly there.

20 **LT-COL SEBOLA:** Can I go to?

ADV POOE: Paragraph 30.

LT-COL SEBOLA:

“During this investigation, I was receiving
calls from police officers...”

CHAIRPERSON: Colonel, please speak up.

LT-COL SEBOLA: Sorry, sorry.

CHAIRPERSON: I know it is late in the day.

LT-COL SEBOLA: Sorry, Commissioners:

10 “During this investigation, I was receiving
calls from police officers who volunteered
to submit statements, and amongst the
callers was Lieutenant Colonel Maluleke
of TOMS, who was one of the police
officers on the scene, and Warrant
Officer Phakula from K9 Pretoria, told
Maluleke that I understand you were
talking to Mashaba over this, so I believe
your statement will assist. Then he said
it seems you want to arrest me. Warrant
Officer Phakula of K9 Pretoria informed
him that, because him and the arrested
are sharing the surname, and further that
there is a Booyens K9 next door, he
must have enough reasons, other than
20 that of defeating, then he can submit the
statement. All these members submitted
their statement to the Defence Attorneys,
and they were used as in the
representation requesting for the case to
be removed from the court roll. The

investigation was completed and the matter was set down for trial, and Advocate Colin Riaan [?] consulted with witnesses, and the information I received was that some of the witnesses are becoming hostile, particularly Jolene Wentzel. As a result of this, the matter was removed from the court, and further referred to the DPP for decision. That was the last time I had a contact, or I interacted with my Advocate, because it was sent there, then I left.”

ADV POOE: Colonel, just ...[intervenes].

CHAIRPERSON: You were kicked upstairs. Do not mind me.

ADV POOE: You were promoted.

LT-COL SEBOLA: Yes, I was promoted.

ADV BALOYI SC: And taken off the case as a result.

LT-COL SEBOLA: Yes, Commissioner.

20 **ADV BALOYI SC**: Thank you.

ADV KHUMALO SC: We are almost there.

LT-COL SEBOLA: But it is one flight more, it is not mine.

ADV KHUMALO SC: Okay.

ADV POOE: Colonel, you mentioned that there were other police officers who offered to do these statements, including

Maluleke and Phakula. Did you attempt to go get the statements from them?

LT-COL SEBOLA: Since my interaction with them was to say, I will start with Maluleke. Maluleke, my understanding, because I informed him, you were at the scene. Now, later, you want to make a statement. What direction do you want to take me to? Then he said he was having information.

Then I said that morning, you must remember, that morning Mashaba called you. Before you give me a
10 statement, because it seems you and Mashaba know each other, you will have to explain yourself the relationship with Mashaba. He could not come and make that statement. I was confronted with the statement when I see it in the bundle of the Defence Attorney.

With Phakula, Commissioners, before I said, yes, I understand you want to make a statement, but you must make sure you do not come alone. You come with your Commander. You make a statement, your Commander in room, he make a statement that indeed he is the one that
20 sent you there. Because there is certain areas that you need to explain.

We have got K9 here in Booysens. What is so special with the K9 of Pretoria? And again, do not forget, you and that other Phakula, you are sharing the surname, I do not know how you relate. You must be careful. When

you make statement, you must not make statement with the intention to derail me from investigating this people. He could not submit a statement to me. I was confronted with a statement by the Defence.

CHAIRPERSON: You are referring to being confronted with a statement from the Defence for the second time. Was this in the context of the representations ...[intervenes].

LT-COL SEBOLA: No, they came as a bundle, Commissioner.

10 **CHAIRPERSON**: No, no, I have not asked my question. My question is, was this in the context of the representations that were being made to the NDPP?

LT-COL SEBOLA: That is correct.

CHAIRPERSON: Thank you.

ADV POOE: Colonel, you do not think their reluctance ultimately stemmed from what your response was, which is, do not give me a statement if you are going to derail? It sounds like you had your mind made up.

20 **LT-COL SEBOLA**: No, I do not say do not give me a statement.

ADV POOE: No, I ...[intervenes].

LT-COL SEBOLA: Come and give me a statement, but you must first bear in mind you have to address these areas. The areas of my concern, I am the IO, I have to get a clear statement that will say – because I am saying to you,

Phakula, I did not see you at that scene.

Now you are telling me over the phone that you were at the scene. What car were you driving? He said a marked police vehicle. But I did not see it. Only the marked police vehicle that were identifiable on the day was the one driven by Captain Optoff and the one driven by Ndou and his crew.

So when you will be making statement to me, you must take note of that. And again, do not come alone.
10 Come with your Commander. You together, I will get somebody to obtain your statements. That was then.

ADV POOE: I suppose my point would be that you have said in testimony that there are things that you missed at the scene and people you did not see at the scene. So, it is very possible that you did not see them. I am wondering why you closed your mind to them giving the statement, that those precursors sound dissuasive. You are saying, I did not see you. What were you driving? As if your mind is closed.

20 **LT-COL SEBOLA**: My mind is closed? I did not?

ADV POOE: You are saying to them I did not see you at the scene.

LT-COL SEBOLA: Yes.

ADV POOE: You are saying to them, what were you driving? A marked car. You say, these are the only marked

cars I saw. But you yourself are alive to the fact, at least in this testimony, you have said that there are things that you missed and people that you may have missed. So, it is very possible that you may have missed them. But in making those precursors, it sounds dissuasive. As if you are closed, your mind is closed to them giving a statement because you have precluded. You have already decided that they were not there.

LT-COL SEBOLA: In fact, I can state that people in
10 uniform are easily identifiable. More especially when he is saying, I am from K9. My expectation is, members of K9, when we get into that, there is no other vehicle that can drive or that is used to transport that police dog other than that marked vehicle.

So, yes, if he can come and say I was not dressed up in uniform, I was not driving a marked police vehicle, then possibilities are I might not have seen him.

ADV POOE: Thank you, Colonel. Now, in relation to the investigation being completed and the matter being set
20 down, you say you received information that some witnesses have become hostile, particularly Ms Wentzel. Do you have a sense of why that would be? Why was that so? How could that have happened?

LT-COL SEBOLA: Because this matter is now becoming very much concerning to me.

ADV POOE: Yes.

LT-COL SEBOLA: I had to do my own checks. Check with the analyst to see if it maybe something that was missed in that communication chat. Then what came into my mind is that I picked up that at one stage, on the 8th of that July, Mashaba called someone who was working in that company. So, now my suspicion was, what if that one is my witness?

That was just my own assumption because that was even at the time that I was leaving the docket, then I could
10 not persuade it further to say, can we further check any communication or scrutinise those communications of Mashaba to say who is this other person that we communicated with earlier on who is working in that company?

ADV BALOYI SC: And this call was on Chief Mashaba's phone?

LT-COL SEBOLA: It was on Chief Mashaba's phone.

ADV BALOYI SC: Okay.

ADV POOE: So when you left the investigation, did you
20 highlight this to the next investigator to pursue?

LT-COL SEBOLA: I kept in contact with – because Colonel Jacobs, he was promoted at the same time with me. He had to come and took over SANEB. Then I had to leave and took over SANEB somewhere. So, with him we did not engage, but I was only contacting the analyst to say only in

your spare time, we can check if maybe you have tracks of any communication between Mashaba and Jolene or somebody there. You must highlight it.

ADV POOE: And do you know if this was ever done?

LT-COL SEBOLA: I cannot confirm because what I was informed, the latest developments are at least directing the docket somewhere.

ADV POOE: Or perhaps you do not want to say because it is the subject.

10 **LT-COL SEBOLA**: Ja, because now it is the subject of investigation, but it seems there is direction.

ADV POOE: Then we are done with the statement, but there is a few more things I want to touch on. The first is, if we can ...[intervenes].

CHAIRPERSON: Can we take a short, short adjournment? We will indicate when we are ready to come back. Let us adjourn.

INQUIRY ADJOURNS

INQUIRY RESUMES

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

ADV POOE: Chair, I still have a few more topics to get through, including two reports that were done by the DPP as well as IPID, and I cannot commit to doing so within a short space of time. So, I am going to request a stand down for the witness to return when we continue dealing with this

stream.

CHAIRPERSON: Thank you, Ms Pooe. Colonel, you are not excused. The resumption of the hearing of your testimony will be on a date to be determined. Communication will be made with you. The Evidence Leaders will see whether they want to issue a subpoena or make whatever arrangement they want to make with you. So, no date, but you are not excused. You will come back to finalise your testimony. Thank you. Let us adjourn and
10 resume at 07:30 tomorrow.

ADV BALOYI SC: 09:30.

CHAIRPERSON: Oh, God. It is the lateness of the hour.
09:30 tomorrow.

INQUIRY POSTPONED TO 15 MAY 2026

INQUIRY ADJOURNS
