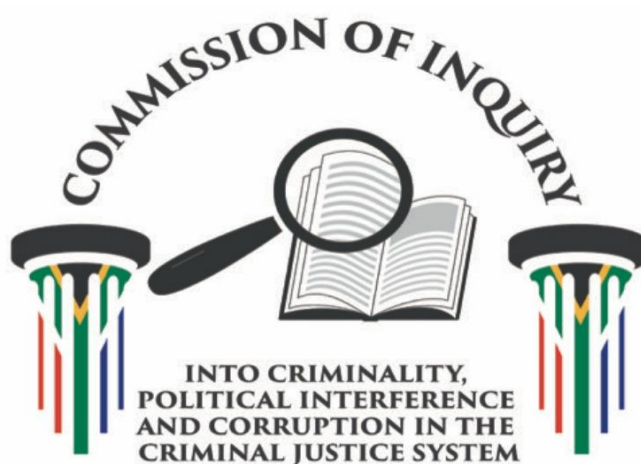


JUDICIAL COMMISSION OF INQUIRY INTO CRIMINALITY,
POLITICAL INTERFERENCE AND CORRUPTION IN THE
CRIMINAL JUSTICE SYSTEM

HELD AT
BRIGITTE MABANDLA JUSTICE COLLEGE

11 MAY 2026

DAY 105



PROCEEDINGS HELD ON 11 MAY 2026

CHAIRPERSON: Good morning, Ms Hassim.

ADV HASSIM SC: Good morning, Chair. Good morning, Commissioners. The witness today is Colonel Francois Steyn, and he is prepared to take the oath.

CHAIRPERSON: Good morning, Colonel. I did he not hear the last thing you said.

ADV HASSIM SC: Colonel Steyn will take the oath.

CHAIRPERSON: Okay. Do you swear that the evidence
10 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.

COLONEL STEYN: So help me God, Commissioner.

CHAIRPERSON: Thank you, Colonel.

FRANCOIS STEYN: (duly sworn states)

ADV HASSIM SC: Thank you, Chair. Commissioners and
Colonel Steyn, you will have two files in front of you. The
first file, File 1, contains two statements by the Colonel.
The first is the five-page statement and the second is a
20 supplementary statement that is 13 pages long. Colonel, do
you have that file in front of you with the two statements?

COLONEL STEYN: I indeed do, Commissioner.

ADV HASSIM SC: Can you turn to the first statement,
please?

COLONEL STEYN: First statement?

ADV HASSIM SC: The first statement, yes.

COLONEL STEYN: I am there.

ADV HASSIM SC: And if you turn to the last page of that statement, page 5, is that your signature on that page?

COLONEL STEYN: It is indeed my signature.

ADV HASSIM SC: And can you confirm that the contents of these five pages is true and correct?

COLONEL STEYN: As far as my knowledge goes, yes.

ADV HASSIM SC: Thank you. Can you then turn to the
10 second statement, the supplementary statement?

COLONEL STEYN: I am there.

ADV HASSIM SC: And can you go to the last page of that statement?

COLONEL STEYN: Yes.

ADV HASSIM SC: Can you confirm that the signature on that page is yours?

COLONEL STEYN: It is indeed my signature.

ADV HASSIM SC: And do you confirm the contents of this statement as true and correct?

20 **COLONEL STEYN:** To the best of my recollection, yes.

ADV HASSIM SC: Thank you, Colonel. Chair, File 2 we will be using during the course of the Colonel's evidence. I just would like to point out that there are a few documents towards the end of File 2 which are really for witnesses that are to follow. So we may not refer to every single document

in File 2. It is just that they were included anyhow for context, but it is for the next witness who will be coming in the next days. Thank you. Colonel, let us, before we start with your statement, just provide a bit of context for the Commissioners. What we are going to be dealing with, as you are aware, last week we dealt with the drug bust at Port Shepstone. Did you see any of that?

COLONEL STEYN: Yes.

ADV HASSIM SC: And the stream that we are concerned
10 with this week is a second drug operation, and that was in Aeroton, in Gauteng. You confirm that?

COLONEL STEYN: Yes.

ADV HASSIM SC: And you are familiar with that drug bust in Aeroton?

COLONEL STEYN: I am indeed.

ADV HASSIM SC: And that was a drug bust of about roughly 700 kilograms of Cocaine.

COLONEL STEYN: 715 kilograms, yes.

ADV HASSIM SC: What is the street value of that amount
20 of Cocaine?

COLONEL STEYN: The street value of a kilogram of Cocaine is roughly R400 000 per kilogram.

ADV HASSIM SC: R400 per kilogram?

COLONEL STEYN: Yes, ma'am.

ADV HASSIM SC: Okay, so an amount this size is quite

high value, it is roughly R300 000 000.

COLONEL STEYN: Yes.

ADV HASSIM SC: And this occurred on 9 July 2021, this drug operation?

COLONEL STEYN: That is correct, Commissioner.

ADV HASSIM SC: And is it correct that there have been no arrests currently linked to this operation?

COLONEL STEYN: That is correct, Commissioner.

ADV HASSIM SC: And is it correct that there have been
10 serious allegations of police interference in the investigation of this crime?

COLONEL STEYN: That is indeed correct.

ADV HASSIM SC: Thank you. So that is just to give the Commissioners a sense of why we are dealing with this particular issue and where we are going with it. Let us begin with your supplementary statement. You provide a bit more detail there about the context and your background. So, can I ask you to go to that statement and begin at paragraph 5? You may read this into the record or you may
20 summarise as you go along, as you like.

COLONEL STEYN: Thank you, thank you, Commissioner.
Commissioners:

“I joined the South African Police Service
in 1987. I started off at the uniform or
the station environment. During 1989, I

was transferred to the Hillbrow Vehicle Theft Unit in Johannesburg, where I attained the rank of Lieutenant. During 1995, I was promoted to captain, whereupon was appointed Unit Commander of the Vehicle Finance Fraud Unit. In 2001, I was appointed to the rank of Superintendent, currently equivalent rank to that of Lieutenant Colonel, and transferred to the Syndicate Fraud Unit in Johannesburg. In 2002, I was transferred to the Organised Crime Unit in Pretoria, where I investigated various matters, to *inter alia* include the narcotics-related offences and, for example, vehicle theft as well. During 2006, I was promoted to the rank of Senior Superintendent, presently equivalent rank to that of Colonel. I was appointed as the Unit Commander of East Rand Organised Crime Unit. During 2015, I was transferred back to the Pretoria Organised Crime Unit to again assist that unit, and in 2017, I was transferred to the Priority Violent Crime

Unit or task team as the Team Leader.
The NPVC, the Priority Violent Crime
Team, operated parallel with the SANEB
team referred to in my original statement,
and constitute of a provincial team...”
...[intervenes].

ADV HASSIM SC: Colonel, sorry to interrupt you, can you
just explain what SANEB stands for?

COLONEL STEYN: SANEB stands for South African
10 Narcotics Enforcement Bureau.

ADV HASSIM SC: Thank you.

COLONEL STEYN:

“That constituted a provincial team
responsible for the investigation of
serious and violent crime, that is the
NPVC. I acted as the Team Leader there,
and there I stated what SANEB stands
for. The units was established around
2016 to combat and escalate – the
20 SANEB team was together with the NPVC
team, they were established together.
The SANEB team was established to
combat the escalation in illicit drug trade
in South Africa. SANEB operates
nationally to investigate and disrupt the

organised drug trafficking networks, clandestine laboratories, and to address the issue of precursor chemicals. During 2020, I was appointed as the SANEB Team Leader within the DPCI Gauteng structure, and was further tasked with being the Provincial Coordinator for SANEB. During 2022, both NPVC and SANEB teams were disbanded.

10 Following this disbandment of the aforesaid teams, I remained stationed at the provincial office, where I continued with being the project manager of undercover investigation into a drug syndicate. At the same time, I continued to perform duties as the Provincial Coordinator for SANEB, and another issue was also added, that of KFR. KFR stands for Kidnapping for Ransom

20 Investigations, dealt with by the DPCI. During 2025, I was transferred to the West Rand Serious Organised Crime Unit, where I was appointed as the Unit Commander, and currently still serving there."

ADV HASSIM SC: So, you have got quite some experience in dealing with drug seizures and narcotics enforcement.

COLONEL STEYN: Yes.

ADV HASSIM SC: Right. You have got a particular interest in that, as I understand.

COLONEL STEYN: Absolutely, yes. Yes, Commissioner.

ADV HASSIM SC: Okay. Continue with your training and qualifications.

COLONEL STEYN:

10 “During the course of my career, I
 completed numerous specialised
 investigation course, *inter alia*, including,
 but not limited to, forensic investigation
 course, criminal investigation course,
 detective course, organised crime
 course, anti-kidnapping and extortion
 course. In respect of my tertiary
 education, I obtained the following
 qualifications, a national diploma in
20 policing, national higher diploma in
 policing. It was later changed to the
 BTEC degree in policing. I did a diploma
 in security management, private security
 management, and then I did a year's
 certificate in project management, and a

year's certificate in strategic management.”

ADV HASSIM SC: Continue.

COLONEL STEYN:

“My current responsibilities, as I am serving as a Unit Commander for Serious Organised Crime Investigations in West Rand, except for the day-to-day management of the unit, I also oversee the investigations involving to, *inter alia*, include narcotic-related offences, cash-in-transit robberies, police killings, illicit gold and diamond dealing, infrastructure-related crimes, trafficking in persons and kidnapping for ransom investigations. I am also, as I indicated, continuing to perform duties as the Provincial Coordinator for SANEB and KFR Investigations. In such a capacity, I coordinate most major investigations dealt with by the aforesaid structure within the Gauteng province. Following the disbandment of the Narcotics Team, as indicated, each DPCI Serious Organised Crime unit has members within

the unit responsible for narcotic investigations, commonly referred to as the SANEB section. Whenever major narcotic investigations arise, including, for example, drug labs, I assist the investigators involved in such matters. SANEB further has a National Coordinator by the name of Brigadier Devon Naicker, who performs similar coordinating functions, but on a national level. Such functions will, *inter alia*, include engagement and coordination with foreign law enforcement agencies regarding narcotics investigations transcending our international borders. I have attended some of these meetings with Brigadier Naicker in relation to such international coordination efforts. Each province also has a SANEB coordinator, who, through the national office structures, coordinate investigations extended across provincial borders.”

ADV HASSIM SC: Thank you. And then in paragraph 26 and 27, you say that you have got a particular interest and experience in narcotic investigations. Do you want to

expand on why it is you are particularly interested in narcotics enforcement?

COLONEL STEYN: Commissioners, it is a very interesting field. You know, the criminals come up with very innovative ideas in terms of transporting their drugs, hiding their drugs, trying to avoid detection and the like. And I feel that drugs, in essence, is the root cause in our society at large of how most crimes are being committed and the like. Somehow, a lot of crimes being committed in our country is
10 related to narcotics in some way, form or fashion.

ADV HASSIM SC: Thanks. So, you know, you are going to go into this in a moment and I just want to get a sense from you about the size of the problem that we face.

COLONEL STEYN: The size of the problem that we face is, in my opinion, it is like any commodity. It is all about supply and demand. So if you have a situation where supply is less, if I can refer to the Booyens case, for example, we took over 700 kilograms off the street and still that did not influence the street price that much. So that
20 just goes to show how big the problem is and on what amounts these drugs come into our country. Or even, for that matter, is manufactured in our country through the illicit drug labs.

CHAIRPERSON: I want to take you a step back. I just want to understand how you make the connection between

the availability and use of narcotics and that being the root cause of most crimes.

COLONEL STEYN: Commissioner, to answer your first question, is that at the end of the day, if I can use the current example, there is foot-and-mouth disease into our country. And what happened then, there was a shortage of red meat, the prices skyrocketed. So if that makes sense in a way that it is all about supply and demand. So even if we remove a large containment of supply, there was still
10 enough to feed the market in the sense that the price did not escalate that much. I hope that answers your question, Chair.

CHAIRPERSON: But how does that feed into other forms of crime? You said it is the root cause of most crimes.

COLONEL STEYN: Other forms of crime, Commissioner, people would steal and would rob. I mean, even within families. I sometimes also deal with the Social Crime Prevention individuals at station level where families are being torn apart because family members that are drug
20 users would steal from their own family to feed their habit.

CHAIRPERSON: Thank you.

COLONEL STEYN: Thank you, Commissioner.

ADV HASSIM SC: Thank you, Colonel. Can you turn to the next section, which is the challenges that you face in narcotics investigations, and that is from paragraph 26 to

35?

COLONEL STEYN: Would you like me to continue on that?

ADV HASSIM SC: Yes, please.

COLONEL STEYN: Okay. During the course of my duties, I have identified several challenges relating to narcotic investigation. One such challenge is the delay that the investigators are experiencing to obtain the analysis reports from FSL, the Forensic Science Laboratory. This process, the analysis process, might take months for the
10 investigators to actually receive an analysis report or 212 statement to indicate if these are indeed drugs and what type of drugs it is that has been seized. The further challenge relates to the ...[intervenes].

ADV HASSIM SC: Let me pause you there, Colonel. So the analysis report that we are talking about here is a report that establishes that what was seized is indeed narcotics and, two, what form of narcotics it is, whether it is Cocaine or Mandrax ...[intervenes].

COLONEL STEYN: Heroin or whatever.

20 **ADV HASSIM SC:** Heroin or whatever. That is the analysis.

COLONEL STEYN: That is indeed correct, Commissioner.

ADV HASSIM SC: And you say that this may take several months. What is the reason for that? What is the reason for that longer turnaround time?

COLONEL STEYN: It has been explained to us that, at the end of the day, it is the workload that the Forensic Science Laboratory sits with. I think that explains it in a nutshell.

ADV HASSIM SC: And we are going to return to this when we look at it specifically in the Aero-ton, the Booyens case.

COLONEL STEYN: Yes, ma'am.

ADV HASSIM SC: Thanks. Continue with the next paragraph.

COLONEL STEYN: The further challenge relating to, or
10 one of the further challenges relates to the transportation and safeguarding of narcotics exhibits. There are other challenges. There is also a shortage in terms of experienced, skilled investigators within the SANEB environment. In addition to this ...[intervenes].

ADV BALOYI SC: Sorry, Colonel.

COLONEL STEYN: Commissioner?

ADV BALOYI SC: Could you, on the challenge relating to transportation, can you just elaborate a bit what, in fact, is the issue? And I ask because with the previous witness
20 relating to the Port Shepstone, the testimony about the Port Shepstone drug bust, we were informed that the transportation involved a track-and-trace team, and I think made up of TRT members, if I am not mistaken, and we were told that that is, in fact, proper. That is what happens. So when you say there is a challenge, what, in fact, is the

concern there?

COLONEL STEYN: Commissioner, the issue is that – if I can start with the transportation first? I think you have indicated it correctly. Especially if you have a large consignment of exhibits that was taken, I think the good Advocate related to or mentioned the issue of the street value of those exhibits. And then you have to make extra security and safety plans that you have to have in place to actually secure those exhibits when it is transported from
10 point A to point B. Does that answer that part? Sorry, Commissioner.

ADV BALOYI SC: I am not quite sure. I think what, on the face of it, when you say there is a challenge relating to transportation, it would either suggest you do not have enough resources, as in people being available. If there is a track-and-trace, that is their job to do. You may be suggesting, possibly, that you find many times you do not have sufficient people to do that.

It may be a concern about the vehicles, that you do
20 not have specialised vehicles to transport those kinds of things. So I am trying to understand what practically is the concern, and is it a concern that is capable of being fixed, and if so, how? That is behind my question.

COLONEL STEYN: Thank you, Commissioner. The issue is that for a long time, we did not have the correct vehicles.

The DPCI has now obtained armoured vehicles, which will make that a lot easier. And if I can take the Commissioner back into the time of this operation, remember it was during COVID times, and there was a number of challenges because most entities operated on skeleton staff.

So to get extra people like the likes of the TRT, the Highway Patrol, the Flying Squad, to assist one in actually safeguarding these exhibits was a challenge at that time, but that has also bettered from then to now in terms of
10 availability. If I would, for example, have to transport these exhibits now, the TRT teams within the different precincts have been – how can I put it?

There were more people allocated to those sections that is able to assist us. So at the time of this specific Aeroton operation, it was a challenge, but it is getting better by the day, Commissioner. Thank you. Thank you, Commissioner.

The second or the following challenge is the lack of experience and dedicated prosecutors capable of dealing
20 with sophisticated narcotic prosecutions. The other challenge concerns the ...[intervenes].

ADV HASSIM SC: Colonel, if I can pause you on that? Could you just explain what you mean by experienced or dedicated prosecutors? Are you suggesting that there should be a unit within the NPA that is dedicated to

narcotics? Or what specifically are you talking about here and what kind of experience are you saying is lacking?

COLONEL STEYN: In my opinion, on that specific point, Commissioners, is that, for example, you have specialised – within the NPA environment, you have specialised prosecutors dealing with, for example, fraud, and there is even special fraud courts and the like. Excuse me.

So at the end of the day, it would be ideal, and I know we do not live in an ideal world, it would be ideal if
10 one can have prosecutors that actually go through some of these narcotic training with us so that they are very much aware of the challenges we sit with.

I mean, if I can, for example, take the whole issue surrounding Cannabis these days. With the Cannabis Act and the Cannabis Amendment Act, it is always – well, not always, but it is for the most part a challenge to actually get some of these cases placed on the court rail. And when we have specialised prosecutors, it would make our job much easier. And, I mean, people say, ja, Cannabis is not a – I
20 know in Europe they call it a Class B drug, but it is where drug use starts at, Cannabis.

ADV HASSIM SC: But you would agree that what is essential for successful prosecution at root is investigation, proper investigation?

COLONEL STEYN: Absolutely. And that is why I also

mentioned earlier the specialised training that, in my humble opinion, is suggesting in terms of the skills of SANEB members that should be escalated, and further training and constant training on the latest developments within this environment of illicit drug trade and so forth, ja. So I would agree with you, yes.

ADV HASSIM SC: Okay, thank you. You were at paragraph 31.

COLONEL STEYN: Paragraph 31:

10 “Another challenge is the porousness of
the borders of our Republic, including
land and maritime borders. South Africa
has approximately 72 border posts, which
creates a substantial policing challenge
in relation to drug trafficking. We also
have a very extensive coastline in the
Republic that further facilitates the
transfer of drugs, for example,
consignments of drugs from larger
20 vessels to smaller vessels.”

And these smaller vessels can then go ashore at very small harbours or even on the beach, for that matter, if that craft is small enough. The further challenge is the challenge ...[intervenes].

ADV HASSIM SC: Can I just, sorry again, Colonel, I am

sorry to keep interrupting you. Can you explain how that would take place? How there would be a transfer of a drug consignment from – I mean, when you say a larger vessel, are you talking about large container shipments?

COLONEL STEYN: Yes.

ADV HASSIM SC: How would the transfer of drugs take place between those kind of vessels and smaller vessels that are able to then sort of dock at a small harbour or on a beach?

10 **COLONEL STEYN:** If we can, for example, stay with the Cocaine bricks that we are dealing with in terms of the Aeroton thing? So what they do is they manufacture or come up with a floating device. And this floating device is then packed with these bricks. It would not be the 700 kilograms, for example.

It would be a smaller consignment of 20-odd kilograms that is then placed onto this floating device. And this floating device is literally just by corrupt seamen on that vessel just thrown overboard. And they sometimes
20 even go as far as have a transponder on this floating device that the smaller vessel's crew can pick up on and then trace this floating device and then uplift it from the sea itself.

ADV HASSIM SC: Thank you. Okay, and we are vulnerable to this because we are a coastal country.

COLONEL STEYN: Yes, ma'am.

ADV HASSIM SC: Paragraph 33.

COLONEL STEYN:

“A further challenge concerns legislation relating to narcotics exhibits. At present, narcotics exhibits must generally be retained until finalisation of the criminal proceedings, and that process can take years.”

ADV HASSIM SC: Are you expanding on that paragraph or
10 are you moving on? Can you just explain that paragraph as well? You say that the exhibits must be retained until finalisation.

COLONEL STEYN: Yes.

ADV HASSIM SC: And the process can take years.

COLONEL STEYN: Yes.

ADV HASSIM SC: So it is ...[intervenes].

COLONEL STEYN: The process of finalising the court case.

ADV HASSIM SC: Of the court case?

20 **COLONEL STEYN:** Yes.

ADV HASSIM SC: So, it is a long period of time to hold on to the narcotics is the challenge that you are talking about.

COLONEL STEYN: Yes, Commissioner, and obviously the availability of storage is a challenge in that regard.

ADV HASSIM SC: And are all of these narcotics stored at

the Forensic Sciences Laboratory?

COLONEL STEYN: All of them are stored, but not plants. And if I mean plants, the Cat plant and Cannabis plants are not stored at forensics. But the powder and tablet form narcotics are indeed being stored at forensics, Commissioners.

ADV HASSIM SC: So if the challenge is the legislation, that is what you are pointing out to be the problem, that the legislation requires that they be retained, what would be
10 your solution to the problem?

COLONEL STEYN: Solution contains in the next paragraph.

CHAIRPERSON: Just before the solution, what you have just said, Colonel, is at odds with the evidence that we heard last week. Last week, I will not remember who the specific officer was, but amongst the officers, someone was pushing for the urgent destruction or disposal of what was believed to be Cocaine.

I say what was believed because no testing had
20 been done by FSL at that stage. And I am wondering, in my mind, when you say that the drugs should be kept until the court process has been finalised, I am wondering how it is and what basis these officers would have been pushing for destruction or disposal.

COLONEL STEYN: One can only, in my experience,

Commissioner, one can only destruct and destroy these narcotics after the court case. Reason being, throughout the court case, the Defence can ask to actually see these exhibits.

CHAIRPERSON: And maybe test them for themselves as well.

COLONEL STEYN: Yes, sir.

CHAIRPERSON: All right.

ADV BALOYI SC: So is it that as a matter of law or
10 instruction, protocol, such exhibits may not be destroyed until the case ends?

COLONEL STEYN: I am not sure if it is law. I speak under correction, Commissioner. But it is an instruction because at the end of the day, if those exhibits are asked for by the defence and we are not able to produce them, that might definitely harm our case in court, Commissioner.

ADV BALOYI SC: So an officer who asks the laboratory whether a procedure and whether these can be destroyed before the trial had run, knowingly speaks against the
20 instruction. I mean, if there is an instruction.

COLONEL STEYN: In my opinion, yes, Commissioner.

ADV BALOYI SC: Thank you.

CHAIRPERSON: I am just thinking nobody had been arrested in the matter I am referring to, but it was only about five months. Where you do not arrest any suspects,

what are the prescripts? When do you give up and when do you then destroy? What is the timeline?

COLONEL STEYN: I do not think there is a specific timeline, Commissioner. That will depend on the progress within the investigation. If you have done all your due diligence in terms of your investigation and you can really not arrest anyone on that specific case in terms of ownership, if you would, for this narcotics, then an officer can make a destruction order and the destruction order is
10 then forwarded to FSL for execution of the destruction.

CHAIRPERSON: So that is probably what makes the difference between what you say to be the prescript on keeping and for how long and what happened here.

COLONEL STEYN: Yes.

CHAIRPERSON: Thank you very much, Colonel.

COLONEL STEYN: Thank you, Commissioner.

CHAIRPERSON: Thank you.

ADV HASSIM SC: So, the situation at present is that the instructions are that it must be retained, right?

20 **COLONEL STEYN**: If there is a running court case, yes.

ADV HASSIM SC: Okay. Okay, so you can continue with what you have picked up in your study of other jurisdictions at paragraph 34.

COLONEL STEYN: Thank you, Commissioners. In several foreign jurisdictions, to *inter alia* include most EU countries,

the USA, South America, Australasia, there is legislation that permits the retention of representative samples for evidence purposes and also for the analysis of these exhibits. And then the rest of the consignment is then destroyed. So a smaller number of the exhibits is then kept, which would make the storage thereof much easier. And I would love to see such legislation in South Africa.

ADV HASSIM SC: Thank you. The next section ...[intervenes].

10 **ADV BALOYI SC**: Before you do that, Colonel, you have not listed as a challenge the detection part of drugs, whether clandestine laboratories or these ones that come in from outside. Is it because you are satisfied that there is sufficient capacity and ability, both the tools and the human capability within the police, and there is no identifiable areas for improvements?

COLONEL STEYN: Commissioner, to answer you on that, we have successes, but I will never be satisfied with where we currently stand. I can, for example, we now recently, my
20 unit, with the assistance of Crime Intelligence, have picked up information of quite a large Cannabis farm. And the issue with these drug laboratories is it is run on a very clandestine, in a very clandestine form of fashion. This farm was, for example, on the – sorry for my – in the bundus, and it is not picked up very easily.

And, ja, I would agree with you that it is also a challenge, the detection of these drug laboratories. For the most part, Crystal Meth laboratories, one can run out of your garage at your house. And, ja, we have picked up some of those as well. So, ja, the detection, you are quite right, Commissioner, that would also be a challenge, the proper detection of this.

And if you say that I am satisfied, am I satisfied? I will never be satisfied until we root all of this out, Commissioner. So it is indeed a challenge. You are quite right, Commissioner.

ADV BALOYI SC: Thank you.

ADV HASSIM SC: I think, Colonel, this is why the next section becomes important, and it is related to Commissioner Baloyi's question. Because part of the detection is linked to the investigations, right? And so it is not just about investigative capacity. It is about whether the investigators actually become complicit and part of the crime itself, which I understand to be one of the challenges, in fact, that is why we are here today to talk about this case. Am I correct to describe it in that way?

COLONEL STEYN: Unfortunately, that is indeed correct, Commissioners.

ADV HASSIM SC: So this next section on the rip-on-rip-off method, which the Commissioners have also heard a little

bit about from, I think, Major General Flynn, is a method that was used in the case that we are going to be dealing with, the Aeroton case.

COLONEL STEYN: That is correct, Commissioner.

ADV HASSIM SC: And is it correct that that method works only if there is infiltration by law enforcement?

COLONEL STEYN: Unfortunately so.

ADV HASSIM SC: Can you describe now, from paragraph 36, that method?

10 **COLONEL STEYN**: Excuse me. It is our understanding that narcotics are frequently concealed in so-called legitimate cargo consignments. This concealment takes place in the country of origin where those containers are packed. That is where the so-called rip-on part of this modus operandi comes to the fore, where drugs are concealed.

The Aeroton case, for example, it was a container containing body parts for Scania trucks. Scania does not have a manufacturing plant in South Africa but an assembly
20 plant in South Africa. And because of the issue that these containers move a lot at sea, there is a space left between the door of the container and the body parts itself.

And that cavity is a metre, just over a metre wide. And then we are of the opinion and of the belief, based on what we have picked up and also discussed with

colleagues, as I indicated earlier, from other foreign law enforcement agencies, is that when that container then is moved from the owner or the person that rents this container towards the port where the container is shipped from, in that process or in that route, that container is diverted and it happens very quickly.

That is why the rip part of the rip-on is mentioned there. Then what happens is that this drug consignment is then placed in that cavity. Duplicate seals are then
10 manufactured and the container is sealed again because the seal number of a container must correspond with the shipping manifest of that specific container.

That container is then placed on a vessel and in this Aeroton case, the vessel left from the port of Santos in Brazil, where the Scania manufacturing plant is in Brazil. So, it was transported from this plant to the port of Santos and from the port of Santos it came to South Africa, being Durban in KZN.

Then, as was indicated, this drug syndicates then
20 have to employ some or other person within law enforcement, be that the police, be that customs, SARS or the like, so that they can try and stop this container from going its normal route to allow them to do the rip-off. Where another set of seals is then again used to seal the container again as soon as they rip-off this consignment of

drugs and then the container goes on its merry way to the end user of the legitimate cargo within the container.

ADV HASSIM SC: Could you provide an example of how that would happen at the level of customs and SARS enforcement? How is it that customs officials would be able to take control undetected? If you are able to just provide an example for us to understand.

COLONEL STEYN: Commissioners, what happens is that when these containers land in our ports and a customs or
10 police officer has information or believes that there is something illicit in this container, they put a hold or stop on this container, this container is then moved to a bond yard where a subsequent inspection takes place of the content of this container.

Documentation is then completed. Say for example they find nothing, the documentation is completed and it is sealed with police seals again, documentation with the new seal numbers also added then to the shipping manifest and then it goes away.

20 In the case of the illicit side and the criminal element within the law enforcement environment, they would remove at the bond yard, they would remove by ripping off this drug consignment, they would remove it and they would seal it again to say that we found nothing and they then would distribute it to the drug syndicates for further

distribution.

ADV KHUMALO SC: Advocate Hassim, can I just ask a general question? Good morning, Colonel Steyn.

COLONEL STEYN: Morning, Commissioner.

ADV KHUMALO SC: What happens when containers get to a port of destination in South Africa? Are they all searched or do you do a random sampling or do you only search those where you have received, let us say a tip-off that there might be something illicit in that container? What
10 happens, what is the procedure when say containers from Brazil, 50 of them from Mexico, 50 of them land at a port in Durban?

COLONEL STEYN: Commissioner, the port of Durban, and as I indicated we have a number of ports, the port of Durban on an average day, that time when we had a look at it, deal with I think about 4 000 to 4 500 containers a day. So it would make it a task that is not humanly possible to literally check every container.

I know that years ago there used to be scanning
20 devices, for lack of a better explanation, it was huge x-ray machines that can scan these containers, but I am not sure, I do not think those are in operation any longer.

ADV KHUMALO SC: So we do not search all the containers? We only search those where you have information that there might be something in it?

COLONEL STEYN: Indeed, Commissioner.

ADV KHUMALO SC: Thank you.

ADV HASSIM SC: Thank you, Colonel. So, that concludes I think your section then up to paragraph 40, and the important point there that you make at the end is the involvement of corrupt officials that make it possible for the drugs to then enter the market.

COLONEL STEYN: Ja. Commissioners, in my humble opinion, I do not think these syndicates would be able to
10 deal with the rip-on-rip-off method if corrupt officials are not involved.

ADV HASSIM SC: Your next section deals with the Scania consignment investigation, and this is not a written. So we heard last week that Port Shepstone, which also took place in July 2021, June 2021. Pardon me, 22nd of June 2021. Then we have the Aeroton case, which we are going to come to, which took place on 9 July 2021. But in this section, you talk about yet another drug seizure, which took place at the end of July 2021.

20 **COLONEL STEYN:** That is correct, Commissioner.

ADV HASSIM SC: Can you just address that before we move on to Aeroton? Thank you.

COLONEL STEYN: During the course of the Booyens case, which took place in Aeroton, Aeroton is part of the Booyens police precinct. During that investigation, we

constantly had contact with the risk management people of Scania. And then to the latter part of July, it was the last week of July, if my memory serves me well, I got a call from, at that time, the risk manager of Scania and he indicated to me that there was a container that came in to the harbour.

So what happens if a container comes in, the transport company uplifts it from the harbour. It is then taken to their depot. From their depot, transport
10 arrangements is then made throughout the country where this specific container needs to go to.

And at that depot, this risk manager indicated to me that there was a lot of police interest in this specific container. Because containers, I think it has got a 17-digit unique number, every container in the world. I think it is 17 digits. I am speaking under correction, but it has got a unique identification number.

And this specific container, there was a lot of law enforcement interest around this container and he then
20 requested, because of the issue of the 9th of July, he then requested that, can the DPCI not get involved in this, to come to this yard of the transporter to actually deal with the matter so that there is no other law enforcement involvement into this container. Can I continue?

ADV HASSIM SC: Why DPCI and not other law

enforcement? What was the concern?

COLONEL STEYN: I think, my opinion, my opinion is that Scania was happy with the way that we dealt with the Booyens, the Aeroton case. And there was sort of a trust built between the Scania risk-management people and the DPCI. So hence the call from their side and assistance requested specifically from the DPCI.

ADV HASSIM SC: And that was one tonne of Cocaine in that shot.

10 **COLONEL STEYN**: Yes. If I can just, would you like me to just continue that?

ADV HASSIM SC: Sure.

COLONEL STEYN: Thank you. Thank you, Advocate. What happened then was that, as I mentioned earlier, I worked through Brigadier Naicker, our National Coordinator. And in that way, I connected, because I was up here, and because the threat, if I can call it that threat in inverted commas, was imminent down in KZN. I had to make contact with my colleagues in KZN who was actually on, or very
20 close to the scene at that stage.

So through Brigadier Naicker, I got hold of the SANEB coordinators that side and the SANEB team that side, and I linked them and the risk managers of the Scania people, I linked them up with one another. As things would happen, Brigadier Naicker was also on an unrelated matter,

also down in KZN, and he promised that he would go to the scene himself.

And it was similar to the Scania one, it was also body parts, and in that cavity between the parts and the door of the container, they uncovered 999 kilograms of Cocaine bricks that was reported then to me later. And yes, so it is indeed correct, it is basically a tonne that they did uncover there, Commissioners.

ADV HASSIM SC: And did these also originate in Brazil?

10 **COLONEL STEYN:** Same port, ja. They informed me it was also from the port of Santos in Brazil.

ADV HASSIM SC: And what happened to that tonne of Cocaine and that investigation?

COLONEL STEYN: I am not sure what happened to the investigation per se, but that Cocaine, through the intervention of Brigadier Naicker, he is at our DPCI head office, through his intervention, the Cocaine was the very next morning brought up to Forensic Science Laboratory here in Pretoria. But I am not sure where that investigation
20 ended up and what was the outcome.

ADV HASSIM SC: But the drugs are at the FSL?

COLONEL STEYN: That is correct, Commissioners.

ADV BALOYI SC: Is SANEB the only narcotics enforcement team across the whole of law enforcement?

COLONEL STEYN: Commissioner, no. There is, I cannot

talk for other provinces, but Gauteng also has a Provincial Investigation Unit. That Provincial Investigation Unit is part of the, if I can call them, SAPS Detectives, not DPCI Detectives and they also do indeed deal with narcotic cases, but usually the drug labs itself is the mandate of the DPCI.

And usually when there is major drug busts, the DPCI will in some way, form or fashion, also be involved in that investigation. But I think now recently you would have
10 heard over the news that there was a big drug bust at the airport as well, by Customs and the like. And I think that the detectives that side was dealing with that specific case.

ADV BALOYI SC: I think just to explain why I asked the question. It is to see whether, is there a reason that you should not have a SANEB kind of way with every drug bust, that SANEB gets called to the scene. And I ask the question because of what happened with the Port Shepstone seizure and then later Aeroton, that you have all these, for example with Aeroton you have got traffic
20 officers, someone from Traffic Department who gets involved with that.

And it would seem to me on the face of it, that if there is a central point to call to the scene before anything is done, an institution such as – a team such as SANEB would be the appropriate body. So you have one central

body. Do you have any comment about that?

COLONEL STEYN: Commissioner, that would be the ideal. Unfortunately we do not live in the ideal world. That would be the ideal. But as I mentioned during the challenges, the issue of manpower within the SANEB environment can be a challenge if that happens. Because, you know, you get your smaller drug bust, 10 grams here and 20 grams there, which will totally overload the SANEB personnel. But it would be ideal if one could have enough manpower for one central
10 point, yes. I would agree with you, Commissioner.

ADV BALOYI SC: Thank you.

ADV HASSIM SC: And I suppose, Colonel, to the Commissioner's question, I can see how it would become overwhelming if it was for every single, but there could be a threshold at which it is appropriate for SANEB to be the coordinating body to respond very expeditiously to the scene, because of the size of the seizure and the consequences if that crime scene is not managed properly. So the alternative would be to have a threshold amount. I
20 do not know what that would be, but would that be a possibility?

COLONEL STEYN: Commissioners, yes. At the end of the day, when you talk about a big consignment and specifically something like Heroin or Cocaine that is not grown in South Africa, the plant itself is not grown in South Africa, it is a

situation where these drug trafficking then happens across international borders. And as soon as that happens, it would be a DPCI matter, yes.

ADV HASSIM SC: Okay, thank you. So the next section now is the Aeroton scene. Can you begin at paragraph 46, and we will just go through this a little more slowly now.

COLONEL STEYN: Okay. Thank you, Commissioners. What I am stating in paragraph 46 is based on, firstly, the knowledge that I picked up during my participation in the
10 initial investigation, my interaction with the Investigating Officer as he was working under my command at that stage.

I also, as the Team Leader for that section or that team, did the docket inspection for the most part at the early stage. It was also based on reports that I read that *inter alia* included that of General Gerber and that of IPID.

So I can explain what happened was that, and if the Commissioner can just bear with me, I cannot recall all the specific names, so I do not know if I am going to pronounce it correctly. But during the morning of, it actually started on
20 the 8th of July, the night of the 8th of July, when this Gauteng Traffic Chief, Mr Mashaba, made enquiries at the yard of the transport company.

So again, when this container would arrive from, in this case, from KZN, and it arrives after office hours, if you would, of the recipient or the owner of the content of this,

that container would be kept at the yard of the transport company and taken to their client the very next morning within office hours.

So, that container was there that evening, and what then happened was that this traffic official made enquiries about the container and he was told that they cannot assist him because he did not have a search warrant. They cannot assist him, but he is more than welcome to be there the next morning when this container is moved to Scania to
 10 then deal with Scania because Scania was their client, and then make further arrangements with Scania.

On the 9th of July in the morning, that container was then moved to the premises of Scania. The yard of the transporter was in Roodekop, which is in the east of Johannesburg, and Aeroton is more just to the south of Johannesburg itself, and it was then moved there in the morning, and then Mr Mabasa claimed that he contacted certain police officers.

ADV BALOYI SC: You mean Mr Mashaba?

20 **COLONEL STEYN:** Sorry, Mashaba. My apologies, Commissioners. He claimed that he contacted certain police officers to assist him ...[intervenes].

ADV HASSIM SC: Sorry, Colonel, let me just, before you move to 46.2. 46.1.

COLONEL STEYN: Yes?

ADV HASSIM SC: Refers to Mr Nku, who contacted Mr Mashaba. Now, who is he?

COLONEL STEYN: If my memory serves me well, he was an informant to Mr Mashaba.

ADV HASSIM SC: So he is a civilian?

COLONEL STEYN: Yes.

ADV HASSIM SC: And he is an informant?

COLONEL STEYN: Yes.

ADV HASSIM SC: And do you know, having been involved
10 in the investigations, why he would contact the Traffic Chief instead of someone more senior in the SAPS or who works at SANEB?

COLONEL STEYN: Commissioners, I would not have an answer why he would do that.

ADV HASSIM SC: Okay, so he gets contacted, Mr Mashaba gets contacted by a civilian with information about drugs that are contained, that are on the container, and then you say they then go to the site where the truck is with the container.

20 **COLONEL STEYN:** Correct.

ADV HASSIM SC: And now you go to 46.2, and he says that he contacted Mr Mashaba, other police officers to assist.

COLONEL STEYN: That is correct, Commissioners.

ADV HASSIM SC: When did he contact those police

officers?

COLONEL STEYN: As far as I can recall, he contacted them on the morning of the 9th for assistance. Some of the people that he contacted apparently were not able to assist him, and then he waited at Yellow Jersey. Now, Yellow Jersey is the name of the transport company that transported the container from KZN to Gauteng and then to the end user being Scania.

And I also stated here that there was an
10 unsuccessful attempt to search the container as I indicated, the people at Yellow Jersey indicated to him that he does not have a search warrant, so he must rather deal with the end user being Scania.

ADV HASSIM SC: So, Yellow Jersey is the transport logistics company?

COLONEL STEYN: Correct, Commissioner.

ADV HASSIM SC: And the truck was initially at their premises in Roodekop, you said?

COLONEL STEYN: Correct, Commissioner.

20 **ADV HASSIM SC**: Okay, and he says he contacted an Officer Popungwana [?] for assistance. Do you know that member?

COLONEL STEYN: I do not know that member, Commissioner.

ADV HASSIM SC: Do you know which component, which

section he works in or what his responsibilities are?

COLONEL STEYN: Not the DPCI, but I cannot recall. I recall that the one member was part of a – he was sort of an administrative person at a police station in the Vaal. That is the one I can remember. The other member was a member of the national – there was a national investigation team at that stage running and he was part of that investigation team. That is what I can recall. I cannot recall who was where, but I remember those two entities

10 that these people worked at.

ADV HASSIM SC: Okay. So, I just want to be a bit more specific about these people. So, he first contacted Officer Popungwana. He could not assist and he referred Mr Mashaba to Officer Mogana. That is right, right?

COLONEL STEYN: That is what I picked up out of the reports, yes.

ADV HASSIM SC: And you say he was initially, Mr Mogana was initially unable to assist?

COLONEL STEYN: That is what I picked up from the
20 reports. I was not privileged to that conversation that the two of them had.

ADV HASSIM SC: Okay, but he then did join Mr Mashaba?

COLONEL STEYN: As far as I remember, yes.

ADV HASSIM SC: And where he joined Mr Mashaba was at the Yellow Jersey premises?

COLONEL STEYN: I would not know where exactly he joined them, but according to what I can recall, he joined them at the Scania premises in Aeroton.

ADV HASSIM SC: Okay. So 46.3, it was, maybe if you read 46.3 and 46.4?

COLONEL STEYN: Okay, ja.

ADV HASSIM SC: You can read it into the record.

COLONEL STEYN:

10 “Mr Mogana initially was unable to assist,
but later joined Mr Mashaba and Mr Nku
at Yellow Jersey where the truck was
stopped.”

ADV HASSIM SC: 46.4?

COLONEL STEYN:

20 “Following an unsuccessful attempt to
search the container at Yellow Jersey, it
was agreed between the shipping
company and the officers at the truck, the
officers, the truck transporting the
container proceed and a police escort to
Scania being the final destination of the
shipment.”

ADV HASSIM SC: Okay. So, the unsuccessful attempt here is what you were describing earlier, was that the Yellow Jersey officials said that it needs to – they prevented

them from, because there was no search warrant, prevented them and said you can deal with it when you get to the end destination, which is Scania.

COLONEL STEYN: That is indeed correct, Commissioners.

ADV HASSIM SC: So, and it says proceeded under police escort to Scania. Who was the police escort?

COLONEL STEYN: As far as my knowledge goes, except for Mr Mashaba and company, there was no police escort per se. It was security personnel from Yellow Jersey that
10 escorted the truck because the personnel at Yellow Jersey was uncomfortable with this whole line of enquiry. I think if my memory serves me well, that was the reason why they sent a security officer in a separate vehicle with the truck to Scania.

ADV HASSIM SC: So, what would have been the appropriate response at that point in time? You have got now, you have got a Traffic Chief and you have got a police officer. What would have been the appropriate protocol for them to follow at that point, at Yellow Jersey?

20 **COLONEL STEYN:** At Yellow Jersey? I would have placed the seize on the truck and I would have obtained a search warrant and I would have searched the truck at Yellow Jersey.

ADV HASSIM SC: So, this thing of saying, well, we will just follow the truck to the next destination is clearly just

...[intervenes].

COLONEL STEYN: If you have solid evidence, why would you allow them to do that? There is a lot of things that can happen enroute from Yellow Jersey to Scania. And if the consignment was that big, I would have stopped the truck from leaving and wait for the courts to be available, give my evidence in writing to the courts, and then apply for a search warrant for that specific truck at the premises of Yellow Jersey.

10 **ADV HASSIM SC**: Instead, what they did was they allowed ...[intervenes].

CHAIRPERSON: Also...

ADV HASSIM SC: Apologies, Chair.

CHAIRPERSON: Also, you are able to do a search and seizure even without a warrant if you have a tangible basis for doing so, and if you fear that waiting for a warrant might defeat the purpose of the search and seizure.

COLONEL STEYN: Absolutely right, Commissioner. Absolutely right. But at the end of the day, one would –
20 sorry, can I continue, Commissioner? What one would like to do is if you have the opportunity to then get people there, secure the truck, go and rather apply for a warrant, it is a safer route to take and we prefer to take the safer route rather than to take the route as explained by your good self, Commissioner.

ADV KHUMALO SC: I wanted to ask a follow-up question, Colonel. Do the Traffic Police have authority to search and seize containers for drugs? Is there not a unit that is responsible for that that the Chief should call to attend to the matter? While he waits at the scene, obviously, to make sure that the scene does not move or the drugs are not taken out of the container. But as a matter of principle, I had always understood that Traffic Police deal with traffic on the road.

10 When it comes to containers being at, in this case, it would be the yard of Yellow Jersey, which is the company that is transporting the container from the port to its place of destination, do Traffic Police have authority to just call a random policeman and a random security guard to come and help them search the container?

COLONEL STEYN: No, Commissioner, that is not standard operating procedure, no. So I will agree with you to say that if I was in his shoes, I would definitely have called, I would have called a lot of people. I would have started with
20 the local police station and then escalate the thing, as I indicated on one of the previous questions, at least to the Provincial Investigation Unit dealing with narcotics. And if I see the size of the consignment after searching, I would definitely involve the DPCI on that matter, Commissioner.

ADV KHUMALO SC: Because it raises suspicion that

Traffic Police are themselves doing this.

COLONEL STEYN: Indeed, Commissioner.

ADV KHUMALO SC: Thank you.

ADV BALOYI SC: Colonel, we have heard evidence that traffic officers or people in the traffic law enforcement space, their functions include crime prevention. And so with that, the answer that you give, that they do not have authority if they happen upon a drug consignment, it seems to me we may have to distinguish between what is prudent
10 to do and what they are precluded as a matter of law or for lack of authority from doing.

Maybe if we would just clarify that, because we have had quite extensive evidence, which was a subject of debate, but the point of it or the essence of it being they are not just about traffic law enforcement, but if a crime happens, then they have a duty to, or they have the power to deal with that. What do you say to that?

COLONEL STEYN: Commissioner, yes, but I think the same goes for a normal member of the public. If a crime
20 happens in their presence, they can act on it, but they still need to involve the police. If my memory serves me well, a traffic officer also is just allowed to operate in the area that he is designated for.

In this instance, I would have definitely, standard operating procedure would have caused him to actually call

the, especially when he is a senior person, to call the right people to the scene. I mean, even private security companies is also not mandated per se, but their main operation is to assist with crime prevention, but they do not do that on their own, they do that in collaboration with the South African Police Service.

ADV BALOYI SC: Okay. And then a related question. The Traffic Chief, or Chief of Traffic, such as Mr Mashaba was or is, are people in that position, and maybe traffic officers
10 in general, but I want to limit it to someone who holds that kind of position, Chief of Traffic, do they have the training how to handle a drug situation such as this, where they have information? Ordinarily the SAPS or the DPCI would do a drug seizure, drug bust. Is someone in that position trained, does their training include dealing with drug enforcement such as seizures?

COLONEL STEYN: Commissioner, I cannot elaborate on the specific training that this Chief has undergone, but generally speaking, I am of the opinion that I do not think
20 so, but again, it is my opinion, I cannot elaborate on the specific training that, or the history in law enforcement that this specific officer has undergone.

But again, if I am unsure about anything I do, example, I mentioned earlier that I oversee illicit mining, for example, and I am no specialist on illicit mining, so I would

approach someone that is a specialist on illicit mining to say, listen, I have this situation, or I believe that I have got information on such a situation, can you please come and assist? So, I cannot elaborate on his training, but I can just say what I would have done in his shoes, Commissioner.

ADV BALOYI SC: Yes. I guess what I am trying to get out of you is whether across the different areas of law enforcement, including traffic, is there general training, is there general training about handling drug scenes, for
10 example? Is that training that is given across, or there are specialised teams or units that get training about it?

COLONEL STEYN: To answer your question, I believe not. Why I am saying this is that on two occasions now, I myself have on request of personnel from the MEC of Safety and Security Gauteng's Office, I have been requested to give sort of in-service training. The first time it was three days, the second time it was two days, to give in-service training to the traffic officers and even to the traffic wardens.

I know this is also a point of contention in Gauteng,
20 but to give training to them, a very basic training, because that type of training takes years because you have to build up specific experience and the like, but to give them sort of just a sense on what to do. And one of the things I definitely mentioned there is if you come across a drug lab, for example, or if you come across a large consignment of

narcotics, where would you believe is narcotics, because you cannot look at narcotics or at powder and say this is definitely narcotics. One of the things I definitely mentioned to them there is that, guys, you need to contact the correct people, here is the people that you need to talk to, and here is how we deal with it. Rather safeguard the crime scene and get the people with the proper training in.

ADV BALOYI SC: Lastly, and maybe there is a way in which it fits with what you say, lastly, there is no – does it
10 mean therefore that there is no protocol which guides a member on the spot who either comes upon information or comes upon drugs, who they should call next, how they should process that?

You earlier on spoke about one of the people that Mr Mashaba called to the scene, if I heard you properly, was someone in an administrative capacity at a police station in the Vaal, I think you said. We have had cases where someone has called their friend because they say, well, I know that friend is always available, friend in the
20 police still, but I know they are always easily available so they would accompany me to a scene.

I think here we also have instances of someone who has called a brother to come to the scene. So, does that mean there are no protocols that would guide a police officer, whether traffic or any other person, that when you

happen upon this, your next line that you call for reinforcement or for support or assistance in any way is your immediate commander, for example, or it has to be somebody within your jurisdiction or someone within your police station? There is nothing like that?

COLONEL STEYN: Commissioner, no. But at the end of the day, a senior person like Mr Mashaba, did I pronounce it correctly, ja, would in my humble opinion ought to have known that at the end of the day, you cannot call someone
10 that does crime stats analysis at a police station to come and assist him with major drug information.

So, there is nothing in writing per se, but if you know that you are going to sit with a major crime scene, you have to follow crime scene management protocols, and then if I have that type of information, I would love to have someone with me that can actually deal with the correct protocols in terms of crime scene management. Thank you, Commissioner.

ADV BALOYI SC: Thank you.

20 **ADV HASSIM SC**: Thank you, Commissioner. So what happens here, in fact, is none of that happens. Instead, the civilian employee of Yellow Jersey is able to issue an instruction and say, we are going. Come or do not come, but we are going. That is actually what happened.

COLONEL STEYN: Yes, Commissioner.

ADV HASSIM SC: And so then they arrive at Aeroton, which is where the Scania warehouse is. Okay? So 46.5, can you read that paragraph, please, into the record?

COLONEL STEYN:

“Upon arrival at Scania, the two officers, Mashaba and Mogana, allegedly opened the container and later claimed the bags containing narcotics fell from within the container, necessitating the bags to be loaded onto Officer Mogana's vehicle. It is an unmarked black van. It was a Nissan bakkie.”

ADV HASSIM SC: Okay, let us just pause here. You say he later claimed that bags containing narcotics fell from the container. Were there other witnesses? The bags did actually fall off the container. You were able to establish later.

COLONEL STEYN: Yes, as far as my memory serves me, Commissioner, the personnel at Scania was instructed by Officer Mashaba to open the back of the container when these bags fell out. And as I said earlier, you cannot, by looking at the bags, say this bag contains the narcotics.

ADV HASSIM SC: Let us have a look at those bags. How many bags were there that fell out?

COLONEL STEYN: I must lie to you, but it is 20-odd bags.

ADV HASSIM SC: Okay. So, this is a photograph at page 4 of the Exhibit Bundle. Are these the bags that fell off the container?

COLONEL STEYN: That is indeed correct. I did not see the bags fell off the container. These bags were on this black bakkie when I arrived at the scene, but these were the bags that I was told fell out of the container.

ADV HASSIM SC: Do you know the source of this photograph?

10 **COLONEL STEYN:** The source of this photograph, when I was informed that I am going to be in front of the Commission, I asked around some of my old team members if anyone still had photographs of the crime scene because I had a problem with my phone. It was destroyed. It fell off the car's roof on the highway, so it was destroyed. So, I did not have photographs anymore.

So one of my members, Warrant Officer Morris, actually forwarded the photographs that I submitted to the Commission's team, and this was one of the photographs.

20 These are indeed the bags that was at the back of the black bakkie.

ADV HASSIM SC: These are not actual bags, are they?

COLONEL STEYN: No, Commissioners, these are not actual bags. It is sort of black rubbish bags as we know them, combined with a very broad type sticky type that

these bags are manufactured with. It is not normal bags. Even the handles of these bags are made with that sticky type of the black bags.

ADV HASSIM SC: If we turn to the next photograph, page 5, can you tell us what we are looking at here?

COLONEL STEYN: What you are looking at here is the content of those black bags. That would typically be what was later established to be a brick of Cocaine.

ADV HASSIM SC: So, what it looks like, if you can just
10 confirm for me, is that, because this looks like a canvas bag with a zip, is that inside the plastic rubbish bags, basically?

COLONEL STEYN: That would be correct, Commissioners. I think why they do this, I also asked the question, why they do this is, remember there is a lot of moisture when these bags are at sea, and it is sort of to protect that canvas bag with the wrapping. In the right-hand corner from my side, one can clearly see the black tape that was used to cover those bags.

ADV HASSIM SC: So, inside the black canvas bag is this
20 brick that is also wrapped in plastic?

COLONEL STEYN: That is correct, yes.

ADV HASSIM SC: And that brick has got a picture on it?

COLONEL STEYN: Yes.

ADV HASSIM SC: And what is that?

COLONEL STEYN: I think there is a picture of the two

types of brick pictures that we got. That is a red bull. I think the other photograph, if you would, is maybe the next photograph. It shows the ...[intervenes].

ADV HASSIM SC: So, page 6 is just another example of the bricks.

COLONEL STEYN: Yes.

ADV HASSIM SC: And this is a particular insignia?

COLONEL STEYN: A particular insignia, that is a red bull.

ADV HASSIM SC: And what is the significance of this
10 picture?

COLONEL STEYN: The significance of this we picked up is that the end users, being the drug syndicate, specific syndicates have specific insignia that they request is put on to the product that is exported into our country for them. The other photograph, on one of the other photographs you will see there is a black seagull on a white background. So it is for specific parts of the syndicate.

ADV HASSIM SC: Right. Have you seen this particular insignia before, the red bull?

20 **COLONEL STEYN:** Variations on the bull, but not this specific one.

ADV HASSIM SC: What type of variations?

COLONEL STEYN: You would get a – it is also a red bull, but it is more like a refined picture of only the head of a red bull, or a red bull standing in the air, or more than that one,

or a more defined picture of a red bull and the like. So, it is not a – it can mean that it was for different sections within the syndicate or even a different syndicate that comes in on the same consignment.

ADV HASSIM SC: So, thank you. The next picture, okay, so that is just another picture of – I am assuming that these are the bricks that came out of that bag.

COLONEL STEYN: Correct, yes.

ADV HASSIM SC: So that would be 11 bricks. No,
10 because they are stacked. There is more than 11 because they are stacked.

COLONEL STEYN: It looked like 31.

ADV HASSIM SC: Okay.

COLONEL STEYN: Because they look like three stacks high and two, ja, looks like 31 bricks.

ADV HASSIM SC: 31 bricks?

COLONEL STEYN: Yes.

ADV HASSIM SC: So the canvas carry bag carries about 30, 31 bricks each.

20 **COLONEL STEYN:** That seems to be, at that stage, yes.

ADV HASSIM SC: Okay. All right, so the next photograph on page 8, right, this is what you were referring to earlier. Can you tell us what we are looking at?

COLONEL STEYN: What we are looking at is, again, some of the red bull bricks, as well as a brick with an insignia of a

black seagull, looks like a seagull, on a white background.

ADV HASSIM SC: Have you seen this insignia before?

COLONEL STEYN: No, I have not seen this specific insignia before, no.

ADV HASSIM SC: Okay. And then if we turn to page 9, what are we looking at here?

COLONEL STEYN: What we are looking at here is all the bags now unpacked. We counted the bricks, and then the bricks were then sealed in official exhibit bags. And it is
10 those exhibit bags containing the bricks that you are seeing in that picture.

ADV HASSIM SC: Okay. So, those are now all the bricks in the exhibit bags. And this is at Aeroton still, right, that location where this picture was taken. Where exactly is that?

COLONEL STEYN: At the Scania premises in Aeroton. That is correct, Commissioners.

ADV HASSIM SC: Thank you.

ADV KHUMALO SC: At which point did you determine that
20 this was Cocaine? Because you have done no analysis and no testing. All you are seeing is bricks in these bags.

COLONEL STEYN: We did not at that stage determine it was Cocaine per se. But out of previous experience, Commissioner, we believed that this was bricks of Cocaine weighing more or less a kilogram. And I put in my

statement, although it would be determined by a forensics analysis. But out of experience, there is nothing else that they pack in this form.

ADV KHUMALO SC: So, the eye test told you that this must be Cocaine?

COLONEL STEYN: Ja, it is not like – I remember when other witnesses said – you asked if you do the ...[indistinct] test, that only happens in movies.

ADV HASSIM SC: Okay. So, we are going to come back to
10 the crime scene and how this was handled. But for now, I just want to follow your statement. These are the bricks we know now. These are the bags that fell out of the container. Let us just go back in time now. So they arrive, they open the container, the bags fall out of the container. Can you just go to 46.6?

COLONEL STEYN: Ja. Two officers were then joined by another officer, Phakula.

ADV HASSIM SC: Okay. And you met Officer Phakula when you arrived on the scene later?

20 **COLONEL STEYN:** Warrant Officer Phakula was pointed out to me by then Captain Sebola. Now, Lieutenant Colonel Sebola was the Investigating Officer and at that stage crime scene manager as one of the people that he was intending to arrest.

ADV HASSIM SC: Okay. So did he arrive? Do you recall

at what point he arrived?

COLONEL STEYN: He was already there when I arrived at the scene. So I am not sure when he arrived.

ADV HASSIM SC: That was much later, yes. Okay. So, at this point, we have already established what should have happened at earlier points along this train of events. Now you open a container and these bags fall out. There is good reason to suspect it is drugs.

COLONEL STEYN: Absolutely.

10 **ADV HASSIM SC**: What should have happened at that point in terms of crime scene protocol?

COLONEL STEYN: Actually, Commissioners, before that point, and I think General Flynn also testified to that, what should have happened is that the seals and the sealed containers should have been photographed first and foremost. Then when it is opened and these things fall out, everyone moved back and let us photograph what happened here now, and each step of the way should have been photographed.

20 **ADV HASSIM SC**: So the Commissioners have been taken through a little bit through the crime scene protocols and National Instructions last week. But from my understanding, please confirm or correct me, that is important. The first thing one does, this is from the protocol on seizure of illicit drugs, the first thing you do is

you secure the scene.

COLONEL STEYN: Absolutely.

ADV HASSIM SC: Was it secured here?

COLONEL STEYN: No, it was not.

ADV HASSIM SC: Okay, let us just go back to 46.7 as we deal with this crime scene. Can you read paragraph 46.7 into the record?

COLONEL STEYN:

10 “During the time the officers were busy
with this...”

Sorry?

ADV BALOYI SC: Before you do that.

COLONEL STEYN: Sorry, Commissioner.

ADV BALOYI SC: I should have asked this question before you started. What is the purpose of photographing the container while it is still sealed? Can you just explain why you do that?

20 **COLONEL STEYN:** Very plain and simple, to show that if there is going to be a court case, to show that that seal is still intact. And to the best of whoever's knowledge, crime scene manager's knowledge, that there was no tampering with that seal up to that point. To try and establish that, ja.

ADV BALOYI SC: Up to the point when the police now become involved with it?

COLONEL STEYN: Indeed correct, Commissioner.

ADV BALOYI SC: Thank you. Thanks, Ms Hassim.

CHAIRPERSON: I think at this point, let us take the adjournment and resume at 11:25.

ADV HASSIM SC: Thank you, Chair.

CHAIRPERSON: Let us adjourn.

INQUIRY ADJOURNS

INQUIRY RESUMES

CHAIRPERSON: Yes, Ms Hassim.

ADV HASSIM SC: Thank you, Chair. I ought to have at
10 the outset requested leave for the exhibits to be admitted
and marked. May I do so now before we continue with the
Colonel's evidence?

CHAIRPERSON: Please.

ADV HASSIM SC: Chair, so it is CJC203. From CJC203 to
CJC225. May I request that all of those exhibits be
admitted into evidence?

CHAIRPERSON: So, admitted.

ADV HASSIM SC: Thank you, Chair. Colonel we were at
paragraph 46.7 of your statement, the supplementary
20 statement. Could you read that paragraph into the record,
and then I have some questions for you on that.

COLONEL STEYN:

“During the time the officers were busy at
the scene, a call was made to 10111
alleging hijacking of a truck by Bogus

Police. 10111 dispatched officers from Booyens Police Station. Booyens Police Station approached these officers on the scene, and there seemed to have been a disagreement regarding where the exhibits and the suspect would be taken. There were also allegations that the three officers on scene had loaded the drugs on the scene in order to leave with the drugs.”

ADV HASSIM SC: Okay, so the allegation here is that the bags that were loaded onto the black bakkie were going to be driven away.

COLONEL STEYN: That is indeed correct, Commissioner.

ADV HASSIM SC: So, I would like to, in fact, let us just pick that out from the record. If we could just turn to page 96 of the exhibit bundle. And that is a page in the report by Major General Gerber. And if you look at page 96, right at the bottom, let me know when you are there.

20 **COLONEL STEYN:** I am there, Commissioner.

ADV HASSIM SC: Okay, so it is the last paragraph on that page. And here he is relating the information he received from Lieutenant Colonel Sebola. And in the last paragraph, if you could just read the last paragraph, please.

COLONEL STEYN: I was called to the scene by Lieutenant

Colonel Ludwick. Is it that paragraph?

ADV HASSIM SC: Yes, that is right.

COLONEL STEYN:

10 “He arrived at the scene and found
several police vehicles and members. He
was introduced to Sergeant Ndou, who
was in charge, and handed the scene
over to him. The scene was explained,
as well as those implicated. He was
informed by Sergeant Ndou that the
members wanted to leave the scene, and
he parked his vehicle in front of the
Nissan. He interviewed all the suspects
and obtained their explanations.”

20 **ADV HASSIM SC:** Okay, thank you. So, it was Sergeant
Ndou who was at the scene when he arrived. It is his
evidence that says that the officers on the scene at the
time, the first officers on the scene, that would be the
Traffic Chief Mashaba, and Officer Mogana, and Officer
Phakula.

COLONEL STEYN: Correct, Commissioner.

ADV HASSIM SC: Were allegedly wanting to leave the
scene, remove the drugs from the scene in the bakkie. Is
that correct?

COLONEL STEYN: In terms of this report, yes.

ADV HASSIM SC: In terms of what Sergeant Ndou relayed?

COLONEL STEYN: To Captain Sebola.

ADV HASSIM SC: Yes, okay, so let us look at the Flying Squad two-way radio conversation that took place. And you will find that if we start at page 27, and you will see it is at page 27 is a statement by a Ms Bukelwa.

COLONEL STEYN: Yes.

ADV HASSIM SC: And she provides a report of the
10 interaction that took place with the Flying Squad members.
Pardon me.

CHAIRPERSON: Yes, Ms Hassim, together with the page numbers, you should please also reference the exhibit number. Like this one is what, CJC209.

ADV HASSIM SC: Thank you, Chair.

CHAIRPERSON: Thank you.

ADV HASSIM SC: Yes, this is CJC209.

CHAIRPERSON: And the earlier one we just stepped off, what was it? The one at 90, was it 97 or 95? I have
20 forgotten.

ADV HASSIM SC: That was CJC216.

CHAIRPERSON: 216, yes.

ADV HASSIM SC: And it was the investigation report by Major General Gerber.

CHAIRPERSON: Yes, and the page again was?

ADV HASSIM SC: Page 96.

CHAIRPERSON: 96, thank you very much.

ADV HASSIM SC: So, Colonel, if we could look at CJC209, statement of Ms Bukelwa, at page 27, that is where you find her statement.

COLONEL STEYN: Yes.

ADV HASSIM SC: And she is - she had been requested to provide the transcript of the two-way radio call.

COLONEL STEYN: Yes, I see that.

10 **ADV HASSIM SC:** Can you see that? Okay, and if you turn then to page 20, sorry, 30, the actual radio conversation is transcribed. And it begins, and this is important because what it does is it starts to give us a timeline on the day of when things began to happen. So here, the radio conversation begins at 08:23 in the morning, is that correct?

COLONEL STEYN: According to the record, yes.

ADV HASSIM SC: And if you could just read - so it is marked, the paragraph for each exchange is marked 2.1,
20 2.2, and so on. Can you just begin with 2.1?

COLONEL STEYN: At 08:23 and 30 seconds am:

“Zulu 1 Desk 4 Mike called Bravo Sierra
12 Control.”

ADV HASSIM SC: Okay, so do you know who Bravo Sierra 12 Control was?

COLONEL STEYN: No, I do not.

ADV HASSIM SC: Actually, I believe it was Sergeant Ndou, is that correct? Yes, it was Sergeant Ndou. It is also in his statement, but we do not need to go there for now. But can you tell me why would he have been called?

COLONEL STEYN: I do not know.

ADV HASSIM SC: Okay, and if you just continue reading 2.2?

COLONEL STEYN: 2.2, it is 22 seconds, 08:23:22:

10 “Zulu 1 Desk 4 M called Bravo Sierra
Control.”

ADV HASSIM SC: Okay.

COLONEL STEYN: So, it would have been a double one if they do not hear it the first time, they will call a second time.

ADV HASSIM SC: Okay, and then 2.3?

COLONEL STEYN: At 08:23:28:

 “Bravo Sierra 12 said, Controller, Bravo
Sierra 12, good morning.”

20 **ADV HASSIM SC:** So, is now this the response?

COLONEL STEYN: He is now responding to their call, yes.

ADV HASSIM SC: Okay, and then at 2.4?

COLONEL STEYN: That is at 08:23:33 seconds am:

 “Zulu 1 Desk 4 M said, Aeroton, are you
going Aeroton?”

ADV HASSIM SC: 2.5?

COLONEL STEYN: At 08:23:39 seconds:

“Bravo Sierra 12 said positive control.”

ADV HASSIM SC: What does that mean?

COLONEL STEYN: In other words, it is positive that he is going to Aeroton. Answering them, are you going to Aeroton in 2.4? Say positive control, in other words, he is going to Aeroton.

ADV HASSIM SC: Okay, and 2.6?

10 **COLONEL STEYN:** 2.6, said:

“Nasrec Road next to Shell Garage, you will find Chris, HHH, stand by. You will find Chris from trucking hijacking occurred at the Shell Garage. Contact number, Chris, 072 132 9663, IR1141809.”

ADV HASSIM SC: Okay, I mean, it is talking about hijacking at Shell Garage, is that correct?

COLONEL STEYN: It seems to look like that, yes.

20 **ADV HASSIM SC:** Do you think, does this have to do with the incident we are concerned about, the Aeroton incident?

COLONEL STEYN: I am not sure, but there were issues, if my memory serves me well, that I think the people at Scania then started phoning the police to say that there might be a truck hijacking because of the people following the truck.

ADV HASSIM SC: So, this would have been at the time when they were on route?

COLONEL STEYN: To Aeroton.

ADV HASSIM SC: To Aeroton.

COLONEL STEYN: Yes, Ma'am.

ADV HASSIM SC: I see, okay.

COLONEL STEYN: Commissioner, sorry.

ADV HASSIM SC: So, this is taking place at roughly 08:20 in the morning?

10 **COLONEL STEYN:** 08:.23.

ADV HASSIM SC: 08:23 in the morning. Okay, if you can just then pick it up again at 2.13?

COLONEL STEYN: 2.13, that would be at 10:13 and 20 seconds am:

“Bravo Sierra 12 said yes, controller.

Can they have permission with Bravo
Sierra JOC?”

ADV HASSIM SC: Do you know what that is about?

20 **COLONEL STEYN:** The JOC is the Joint Operations Centre, so they wanted to make a report to JOC and if one person needs to speak to another, the control centre needs to be asked for permission.

ADV HASSIM SC: Okay, so what had happened here was that Sergeant Ndou would have called the Joint Operations Centre?

COLONEL STEYN: Per radio, yes.

ADV HASSIM SC: And would that be an appropriate response?

COLONEL STEYN: If he wanted to make a specific report or explain the situation, that would be the wanted response from him, yes.

ADV HASSIM SC: Okay, 2.15?

COLONEL STEYN: That would be at 10:13 and 32 seconds:

10 “Bravo Sierra 12 said yes, controller.
They are calling JOC from that complaint.
They are still busy there. They said they
will inform the control when they are
done. Can they proceed with Bravo
Sierra JOC?”

ADV HASSIM SC: Okay, and then there is a series of back and forth at 10:13, 11:19, 11:20. As I understand this, it is the controller asking for a report back as to what is taken place.

20 **COLONEL STEYN:** That is how it looked like to me as well, Commissioner.

ADV HASSIM SC: And it culminates, for our purposes, at 2.30, if you could just read that.

COLONEL STEYN: 2.30, the time there reached 11:23 and 22 seconds:

“Bravo Sierra 12 said yes. Bravo Sierra 12 at that complaint Aeroton truck hijacking. The truck was not hijacked. The truck was being escorted by police. They suspected that there was something wrong under the truck and that the truck was opened and found drugs inside the truck. The driver will be arrested. There is only one suspect.”

10 **ADV HASSIM SC:** Okay, let us just pause there for a moment. So, that is now at 11:23. So by now the truck has arrived, the drugs have fallen out, and this is the report back.

COLONEL STEYN: Yes.

ADV HASSIM SC: And according to this sergeant, there is only one suspect. And in addition, he says the driver will be arrested. Would it be right for me to read that as the driver of the truck?

COLONEL STEYN: That is how it looks to me like, yes.

20 **ADV HASSIM SC:** Would the driver of the truck be arrested normally under these circumstances?

COLONEL STEYN: Not necessarily. One would first have a look at what role he played, if any, in terms of the transportation of these drugs. But I think that report, if I read through the report, seemingly Bravo Sierra 12 had the

interview with these people that were following the truck from Roodekop to Aeroton. And that was what they told him, that it is not a truck hijacking, but that they have discovered drugs and that they can arrest the driver. They meaning the deduction I am making, it would be Traffic Officer Mashaba.

ADV HASSIM SC: The driver of the truck was not arrested as we came to learn, is that not so?

COLONEL STEYN: That is correct, Commissioner.

10 **ADV HASSIM SC:** Can you explain why? You said that normally the driver would not be arrested. I mean, I am asking this because you have got a vehicle, you now have established that there are drugs on the vehicle. Maybe the driver should not be arrested, but the driver would be questioned.

COLONEL STEYN: Definitely questioned, not necessarily arrested.

ADV HASSIM SC: And was the driver questioned?

COLONEL STEYN: To my knowledge, yes, he was. There
20 should be a statement from him in the docket as well.

ADV HASSIM SC: Okay, so this scene is, now we can say that this started in the morning and it arrived at Aeroton roughly, it was around towards 9. This was on route, by 9 o'clock it was in Aeroton.

COLONEL STEYN: It seems like it from this transcript.

ADV HASSIM SC: So, the crime scene starts pretty early in the morning.

COLONEL STEYN: Indeed correct, Commissioner.

ADV HASSIM SC: Okay, so can you just then go to 46.8?

COLONEL STEYN: 46.8.

ADV HASSIM SC: Yes.

ADV BALOYI SC: Sorry, Colonel, before you do that, this page 30 document, this is a call to 10111. Is that what this is?

10 **COLONEL STEYN:** It is a radio call to 10111, yes, Commissioner.

ADV BALOYI SC: And would it have been available to Mr Mashaba to have made a call to this same centre requesting assistance at this scene? How does it work, the system?

COLONEL STEYN: The system in essence would work as follows. He would be able to make a telephone call to 10111, or he would be able to maybe, if he is got a traffic department radio with him, he would be able to call into his control centre and request to be patched through to the
20 10111 centres.

ADV BALOYI SC: He does have a means he had a means to call in some way.

COLONEL STEYN: Absolutely, even via phone, yes. Yes, Commissioner.

ADV BALOYI SC: All right, now this transcript here on

page 30, I have tried to follow Ms Hassim as she is taking you through it. It is very difficult for me to form a picture of in fact what was happening in this communication. We know from Ms Hassim that B Bravo Sierra 12 is Ms Ndou, she says. But what is a summary of this communication here?

COLONEL STEYN: If I read through it and if I, with my experience, try to make sense of this, is what happened was that a call came through and in the 10111 centre they
10 know where the vehicles are. So, the 10111 centre would naturally call a vehicle close to the scene and say, please go and have a look, please respond, we have a report of a truck hijacking at this specific address. Then Bravo Sierra 12 responded and seemingly they then had a conversation with Mr Mashaba and company and they received the explanation of why are they following the truck and it is not a truck hijacking.

And then eventually there at 11:23 it was said that they have indeed escorted the truck and the police, by the
20 police, in my opinion, refers there to themselves, Mr Mashaba and the people. And that they believe that there was something wrong with the truck and that when they opened the truck, they found that there were drugs inside the truck and they were of the view that the suspect in this case would be the truck driver himself.

ADV BALOYI SC: So, Ndou would have been responding to what he had on 10111 and then Mashaba explained what it was about.

COLONEL STEYN: That is what it looks like to me, Commissioner.

ADV BALOYI SC: All right, thank you. Thank you, Colonel. Thanks, Ms Hassim.

ADV HASSIM SC: Maybe, can I just clarify that a little further? Is it not that Sergeant Ndou went to the scene and
10 that he was reporting back that this is what happened rather than Mashaba relaying it via Sergeant Ndou. if you know what I mean? He goes to the scene. He responds to the call.

COLONEL STEYN: Yes.

ADV HASSIM SC: He goes to the scene. He calls JOC. So he calls for reinforcements. He goes to the scene. He establishes what is happening and he obviously had not reported back to 10111, which is why they then call him a couple of hours later to get a report back. I skipped over it
20 and maybe that was not so good. What it shows is that as I see it, the radio controller saying that the supervisors are on their neck, meaning they in the call centre need to be able to sort of close off the ...[intervenes]

COLONEL STEYN: The complaint.

ADV HASSIM SC: The complaint.

COLONEL STEYN: Yes.

ADV HASSIM SC: So, they call back to him to get a report back and then he reports back with what he says at paragraph 2.13.

COLONEL STEYN: If I read this thing, it is clear to me, in my opinion, that Sergeant Ndou must have interviewed people to establish what exactly was going on.

ADV HASSIM SC: Yes, thank you. So, we know now there are more, because there are officers that have been
10 dispatched to the scene, there are now officers arriving already in the morning. Can you then go to paragraph 46.8?

COLONEL STEYN: Of my supplementary?

ADV HASSIM SC: Of your supplementary.

COLONEL STEYN: Okay:

“To complicate matters further, Scania
Security also called a highway patrol
vehicle which was conducting a
roadblock nearby. Or near the scene,
20 sorry.”

ADV HASSIM SC: So, in addition to these officers, in addition to Sergeant Ndou and him calling JOC and saying please send reinforcements, you have got the Scania people themselves making calls and so there is additional security that is arriving.

COLONEL STEYN: Yes.

ADV HASSIM SC: And this would be, in this case, the highway patrol. Do you know whether it was just one highway patrol vehicle or more than one?

COLONEL STEYN: I am not sure if it was only one highway patrol vehicle, but if my memory serves me well, there was indeed a roadblock conducted by the Booyens people, the Booyens police personnel in the vicinity. And it was the highway patrol vehicle and some other marked
10 uniformed vehicles that responded with the highway patrol. I am not sure how many, but if my memory serves me well, there was more than one vehicle responding.

ADV HASSIM SC: Okay, and then 46.9?

COLONEL STEYN: 46.9:

“More and more law enforcement officers came to the scene, including a K9 unit members.”

ADV HASSIM SC: Okay. So, the K9 unit arrives and there is a statement by Sergeant Phakula who says that he called
20 the K9 unit and that it was his brother's K9 unit that he had called. Do I correct – am I recalling that correctly?

COLONEL STEYN: If my memory serves me well, yes. I think that was correct.

ADV HASSIM SC: Okay, so, now that we have got a K9 unit on the scene, did they conduct an inspection with the

narcotic dog?

COLONEL STEYN: I am not sure if they did indeed conduct, because remember at that stage I was still not on scene. But yes, I was not on scene, so I cannot really comment on if they did the inspection, yes or no.

ADV HASSIM SC: Should they have?

COLONEL STEYN: It would have been a good idea.

ADV HASSIM SC: Yes.

COLONEL STEYN: Yes.

10 **ADV HASSIM SC:** Because that is the point of having a narcotic dog, is to at least at a preliminary level establish whether the crime scene you are dealing with is one involving drugs.

COLONEL STEYN: Yes, and search for other drugs that was not maybe the ones that were falling out of the container.

ADV HASSIM SC: Correct. I mean, it is possible that they might have been more at the back of the container.

COLONEL STEYN: Indeed correct, Commissioners, yes.

20 **ADV HASSIM SC:** Okay, so, I just want to know whether you are aware that there are allegations, which I am sure you are aware of because you have been doing the investigation. There were allegations by several members at the scene that General Khan had prevented the K9 unit from conducting the inspection.

COLONEL STEYN: I cannot comment on that because, again, I was not there at that stage. I did not specifically hear that. But, and again, at the time I arrived at the crime scene, General Khan was no longer on the crime scene.

ADV HASSIM SC: Okay, but you confirmed that the K9 unit should have been permitted to do an inspection.

COLONEL STEYN: It is always a good idea, yes, Commissioner.

ADV HASSIM SC: Thanks. So, then you can now go to
10 46.10.

COLONEL STEYN:

“Later DPCI members went to the scene including members that I instructed to attend to the scene. Pursuant to my conversation with General Kadwa as set out in my main affidavit. The scene was contained with many people (police and civilian) in and around the scene.”

CHAIRPERSON: I think you said contained instead of
20 contaminated.

COLONEL STEYN: Sorry. Thank you, Commissioner. I appreciate. The scene was contaminated. There were way too many people at the crime scene, Commissioner. So, yes, it was indeed contaminated by too many people, police and civilian, in and around the scene.

ADV HASSIM SC: Okay, so, you say pursuant to your conversation with General Kadwa, he instructed you to attend the scene. It was General Kadwa who instructed you to attend the scene.

COLONEL STEYN: Commissioners, that is indeed correct. He phoned me. My original statement also indicated that he phoned me around 11 o'clock to indicate that there was a major drug crime scene that he wanted me and my team to attend to. And as I indicated in my original statement, I
10 was then on route to a meeting in Midrand. I informed him of such, and I then gave my two ICs at the time he was Lieutenant Colonel Ludick. I gave him instruction to phone the General, get the details, and activate the standby section of the SANEB team at that stage.

ADV HASSIM SC: We will come back to that, to your arrival and the call.

COLONEL STEYN: Thank you.

ADV HASSIM SC: I just for now want to establish that it was General Kadwa, and it was General Khan who called
20 General Kadwa to the scene in the first place.

COLONEL STEYN: I was informed like that by General Kadwa, yes.

ADV HASSIM SC: Okay, thank you. So, you say then the scene was contaminated with many people, and you say police and civilians. How is it that civilians would have

access to a crime scene? Was it not cordoned off?

COLONEL STEYN: A very small portion, when I arrived, a very small portion of the scene was cordoned off. So, the only piece that was cordoned off was the black bakkie standing next to the truck with the container on the back. That was the only portion that was cordoned off. But it is advisable to make quite a substantial cordoning around a scene like that.

ADV HASSIM SC: In fact, if I could take you to the
10 National Instruction, which is included in the exhibit file, Chair, it is CJC219, and if you could go specifically to page 139.

COLONEL STEYN: I am there.

ADV HASSIM SC: This is under a section of the National Instruction called the controlling phase and what the first responders should do. But 11(3) says that:

“The first responder must secure and
protect the crime scene by:

20 [a} Establishing an inner cordon
around the perimeter of the
crime scene, as well as an outer
cordon around the inner cordon
to enable members to perform
their tasks within the inner
cordon.”

Now, can you just, because this crime scene has, as I understand it, the immediate crime scene is where the drugs fall off the container.

COLONEL STEYN: Indeed, Commissioner.

ADV HASSIM SC: And then there is a whole area around it, including the truck itself and the immediate vicinity outside the warehouse that would also need to be cordoned off. Can you help us to understand whether this was complied with, an inner and an outer cordon?

10 **COLONEL STEYN:** To an extent, the inner cordon was complied with, but the outer cordon definitely not.

ADV HASSIM SC: What would have been the outer cordon?

COLONEL STEYN: As I indicated, Commissioner, the outer cordon would be a little bit of a wider area because it is like, you know, certain people with specific taskings would be allowed in the inner cordon, whereas other people with other taskings, maybe just taking statements and the like, would be in the outer cordon.

20 **ADV HASSIM SC:** So, in fact, maybe what will help is if we look at the sketch plan of the scene.

COLONEL STEYN: Yes.

ADV HASSIM SC: Let us have a look at that, and it is attached to Officer Wood's statement. So that would be CJC207. It is at page 21.

COLONEL STEYN: 23.

ADV HASSIM SC: The sketch plan is at 23, but if we could just start at 21.

COLONEL STEYN: My apologies.

ADV HASSIM SC: It is a statement of Warrant Officer Wood.

COLONEL STEYN: Apologies.

ADV HASSIM SC: Can you just tell us who she is?

COLONEL STEYN: Warrant Officer Wood, at that time,
10 was the standby member for LCRC, the Local Criminal Records Centre, for that specific area.

ADV HASSIM SC: So, again, the Commissioner has heard a little bit about the Local Criminal Records Centre and the importance of the LCRC in crime scene management, so this is an important person to arrive on the scene, right?

COLONEL STEYN: Absolutely, to assist with photographs and fingerprints and the like, yes, Commissioner.

ADV HASSIM SC: And if you see at paragraph 4, she says, in fact, if you could just read paragraph 4 into the
20 record.

COLONEL STEYN:

“On 2021-07-09 at 11:45, due to a request of Warrant Officer Rikhotso, I attended an alleged crime scene, an alleged scene of crime at Omni Park

Aerodrome Drive, Aeroton.”

ADV HASSIM SC: Okay, now when I read this paragraph, I read it as saying that at 11:45, which was as a result of the request of Officer Rikhotso, she attended the scene, so that she was there at 11:45. What is your comment on that?

COLONEL STEYN: My comment, Commissioner, should be as follows. When I arrived at the crime scene, one of the things that the Investigating Officer, Captain Sebola, the time captain, requested me was to find out what the delay
10 was in LCRC's arrival on the scene. And remember, my original statement would indicate that I only arrived at about 1. So, I then made a call to their officers, and they said, if my memory serves me well, that this individual was just busy on another scene, but is on route.

ADV HASSIM SC: So, she was not there when you arrived?

COLONEL STEYN: I did not see her there, and the Investigating Officer also did not see her there.

ADV HASSIM SC: And you arrived at around 1 o'clock?

20 **COLONEL STEYN:** I arrived at about 1, yes.

ADV HASSIM SC: So, this paragraph 4 at 11:45, it is not correct. Maybe she got a call at 11:45?

COLONEL STEYN: I think that would be more correct, Commissioner, yes.

ADV HASSIM SC: Okay, so, then we have the crime

scene. Page 22 is the index to the sketch, and then 23 is the sketch itself. So, if we have a look at 23. All right, what are we looking at here, Colonel?

COLONEL STEYN: This would have been the sketch of the crime scene at the time when Warrant Officer Wood was on the crime scene, and what she has observed.

ADV HASSIM SC: And we see in the sketch the alphabets A, B, C, D, E, *et cetera*. Can you just tell us, from the sketch, which is the actual container, the truck with the
10 drugs?

COLONEL STEYN: That would be A, Commissioner.

ADV HASSIM SC: And what is B?

COLONEL STEYN: B would be the black bakkie, Commissioner.

ADV HASSIM SC: And E?

COLONEL STEYN: E would be one of the vehicles. I think that was Phakula's vehicle, if my memory serves me well. It was a red Kia. Yes, it was a red Kia.

ADV HASSIM SC: Okay, so, E is a vehicle of one of the
20 officers, and then if we look a little further down, you see C and D. Those are two other vehicles.

COLONEL STEYN: Yes.

ADV HASSIM SC: And according to Officer Wood, C is a VW belonging to a suspect, she says.

COLONEL STEYN: If my memory serves me well,

Commissioner, C was a GTI Golf driven by the Traffic Officer Mashaba.

ADV HASSIM SC: So, C is Mashaba's vehicle.

COLONEL STEYN: Yes.

ADV HASSIM SC: And next to Mashaba's vehicle is D, which is a silver BMW. Do you know who that belonged to?

COLONEL STEYN: Mr Mashaba's informer. I cannot recall whether we spoke about it earlier. What he sent him, I think, is Nku ...[intervenes]

10 **ADV HASSIM SC:** Nku.

COLONEL STEYN: Yes.

ADV HASSIM SC: So, they parked next to each other. How big is this area in the sketch plan?

COLONEL STEYN: It is quite a big area. The inner area there, I would say, is at least twice the size of this venue that we are in, in width.

ADV HASSIM SC: Okay.

COLONEL STEYN: And maybe two or three times in length.

20 **ADV HASSIM SC:** And if you were to describe, based on the sketch plan, where the inner cordon would be, where would that be?

COLONEL STEYN: The inner cordon would typically be from the container in front of Vehicle E, around Vehicle A, and there on the sketch where Warehouse 7 starts.

ADV HASSIM SC: Okay, and the outer cordon?

COLONEL STEYN: The outer cordon would be from the outside of, in my opinion, from the outside of Warehouse 7, the top line of Warehouse 7, to at least the bottom line of Warehouse 4. And then I would also have cordoned off Vehicle C and D.

ADV HASSIM SC: Okay. So, quite a large area.

COLONEL STEYN: Yes.

ADV HASSIM SC: And that, you say, was not cordoned
10 off?

COLONEL STEYN: The outer cordon was not cordoned off on my arrival.

ADV HASSIM SC: Okay. Do you know why it was not? Who was in charge of the scene at the time?

COLONEL STEYN: At the time that I arrived there, I was informed that Captain Sebola was the crime scene manager, and so he was in charge at that time of the crime scene.

ADV HASSIM SC: So, I mean, this is disturbing because when you arrived, it is 1 o'clock.

20 **COLONEL STEYN:** Yes.

ADV HASSIM SC: So many hours have gone by, as we saw from the radio, two-way radio call that started in the morning. This is 1 o'clock when you arrived, that had not taken place. Okay. So, read 46.11, please, into the record, and then we will move.

ADV BALOYI SC: Before you do that, Colonel. In an operation such as this ...[intervenes]

COLONEL STEYN: Sorry, Commissioner, I did not hear you.

ADV BALOYI SC: In an operation such as this, where information, according to Mr Mashaba, he got the information on the 8th for the first time from his informer, and you have testified what happened on the 8th. He went to, I think, Yellow Jersey, and he was told, no, you cannot
10 search.

COLONEL STEYN: Correct, Commissioner.

ADV BALOYI SC: The following day, they escort this vehicle to the truck to Scania. Can you think of a reason why the informer would be on the scene, on the crime scene?

COLONEL STEYN: I cannot think of any reason, no.

ADV BALOYI SC: Yes.

COLONEL STEYN: It is actually, in my opinion, it is not a good thing to have an informer on the crime scene because
20 then you can expose him. An informer is supposed to be a person in the background and not to be exposed.

ADV BALOYI SC: Yes.

COLONEL STEYN: On the physical crime scene.

ADV BALOYI SC: Yes. So, ordinarily, they would not be on the scene, in your experience.

COLONEL STEYN: In my experience, definitely not.

ADV BALOYI SC: Thank you. Thanks, Ms Hassim.

ADV HASSIM SC: And when you arrived, was the informer still on the crime scene?

COLONEL STEYN: Yes, Commissioner.

ADV HASSIM SC: We are going to come back to it. So, let us just, 46.11 of your statement, if you could read that into the record.

COLONEL STEYN:

10 “As mentioned, Captain Sebola, now
Lieutenant Colonel Sebola, was the
designated investigating officer and took
over the crime scene as the crime scene
manager. After interviewing the three
officers on the scene, he was of the view
that the reasons for their presence were
unsatisfactory and that they ought to be
arrested for dealing in drugs. He then
took over that process while I assisted
20 with the exhibit processes as outlined in
my main statement.”

ADV HASSIM SC: Okay, so, this is the appropriate place now for us to go to your main statement. Can we go to that statement, please?

COLONEL STEYN: Yes.

ADV HASSIM SC: Because you now deal with your involvement in detail. And I would like you to go to paragraph 3.

COLONEL STEYN: I am there.

ADV HASSIM SC: All right. So, can you read paragraph 3 into the record?

COLONEL STEYN:

10 “On Friday, 2021-07-09, at about 11H00,
I received a call from the Provincial
Head, DPCI Gauteng, Major General
Kadwa. The General informed me that
there was a narcotics crime scene that
he needed me and my team to attend to.
The scene was at the premises of Scania
Trucks in Aeroton, south of
Johannesburg. He informed me that a
large consignment of drugs was found in
the back of a container truck (shipping
container).”

20 **ADV HASSIM SC:** You can continue.

COLONEL STEYN:

“I was at a meeting in Midrand and
informed the General as such. I then
instructed my second-in-command,
Lieutenant Colonel Ludick at the time,

telephonically, to contact General Kadwa and arrange the standby members and himself to attend the scene.”

ADV HASSIM SC: And did he?

COLONEL STEYN: It was reported to me that he actually drove to the scene with General Kadwa.

ADV HASSIM SC: And did they arrive with standby members?

COLONEL STEYN: He did arrive with standby members,
10 and I found him and the standby members at the scene when I arrived there at about 1 o'clock.

ADV HASSIM SC: Okay, continue.

COLONEL STEYN:

“Because of the mentioned meeting I was involved in, I arrived at the scene at about 1 o'clock on the same day. I found a large number of police officers on scene, uniformed and detectives. Also on scene were members of my team,
20 Brigadier Sekgobeal. The Brigadier is the DPCI Serious Organised Crime Provincial Commander and, in essence, my direct commander. Also, there was General Kadwa, the DPCI Provincial Head.”

ADV HASSIM SC: And what was the scene? What did you see when you arrived? Can you tell us what you witnessed when you arrived?

COLONEL STEYN: Like I stated earlier, there was a lot of police officers, a lot of police vehicles there. And I would describe it as close to chaotic.

ADV HASSIM SC: About how many people are you talking about?

COLONEL STEYN: Forty, 50 people, easy.

10 **ADV HASSIM SC:** And in this area that you said that had not been cordoned off?

COLONEL STEYN: Indeed correct, Commissioner.

ADV HASSIM SC: So further contaminating the scene?

COLONEL STEYN: Further contaminating the scene, yes.

ADV HASSIM SC: You can continue.

COLONEL STEYN:

20 "I approached Lieutenant Colonel Ludick who briefed me on the situation of the scene. And he also indicated to me in my absence he appointed Captain Sebola, now Lieutenant Colonel, as the investigating officer. I approached Captain Sebola as the arrangement is that the investigating officer on scene is the scene manager. And I offered my

assistance and help to him.”

ADV HASSIM SC: Okay, let us pause you there for a moment. Why did Lieutenant Colonel Ludick delegate the scene to Captain Sebola? You had given him an instruction to go and attend and manage the scene, right?

COLONEL STEYN: Indeed. But he was not an investigating officer. We sort of make turns on who is the next investigating officer. And this time the coin fell with Captain Sebola at the time.

10 **ADV HASSIM SC:** Okay, so, he is instructed by Colonel Ludick?

COLONEL STEYN: In my absence Colonel Ludick was my second in command of the team. So, he instructed Captain Sebola to be the investigating officer.

ADV HASSIM SC: And do you know what time they had arrived on the scene?

COLONEL STEYN: I am not sure, Commissioners. It would probably be in their statements.

ADV HASSIM SC: But certainly, by the time you arrive at 1
20 o'clock it is chaotic.

COLONEL STEYN: I can describe it as such, Commissioners.

ADV HASSIM SC: Can you continue with paragraph 7 and we will take that slowly. But if you could just start reading that into the record.

ADV BALOYI SC: Maybe before you do that Colonel, how does it work? We know Mr Mashaba is from Traffic, he is Chief of Traffic. And I think, and then he is called his people. In my understanding all of them are SAPS, not DPCI. And I think elsewhere, in your statement you are repeating what someone said, Booyens SAPS Booyens were there. How does it work that this becomes a DPCI scene, as we see with Sebola, when in fact the original finder, for lack of a better word, the original finder of the
10 drugs is Traffic, but there is also SAPS by the time you get your call from General Kadwa. How does it work?

COLONEL STEYN: Commissioner, as I indicated earlier, the issue is that when it comes to this size of drug consignments, it is clearly a transnational or even trans-
international trafficking of illicit narcotics that is taking place. So that is why the DPCI would typically take over such an investigation. Because we have a bigger footprint and as I indicated earlier, our national coordinator also deals with law enforcement agencies outside of our borders.
20 So that is why it would typically be a DPCI matter, Commissioner.

ADV BALOYI SC: And is that a common understanding within law enforcement?

COLONEL STEYN: Yes, Commissioner.

ADV BALOYI SC: So Chief Mashaba, if he knows anything

about drug enforcement, he would have known that this is a DPCI matter and would have contacted DPCI. Does it follow necessarily?

COLONEL STEYN: In my opinion, he should have known as a senior member, yes, Commissioner.

ADV BALOYI SC: Yes, that this is a DPCI mandate matter.

COLONEL STEYN: Yes, Commissioner.

ADV BALOYI SC: Thank you.

ADV HASSIM SC: Thank you, Colonel. Paragraph 7.

10 **COLONEL STEYN:** Paragraph 7:

“Captain Sebola indicated to me that he requests me to assist with the following issues.

[1] He complained that there were too many people within the crime scene. I instructed some of my team members to cordon the immediate area around the vehicles involved the truck with the container and the vehicles on which the exhibits was loaded onto. Non-essential personnel were moved outside the cordoned area.”

20

ADV HASSIM SC: Okay, so is this now where you establish the outer?

COLONEL STEYN: The outer cordon, yes.

ADV HASSIM SC: Why did it require you to arrive on the

scene to do this if Captain Sebola was in charge?

COLONEL STEYN: Captain Sebola, one must understand, as I mentioned, Commissioner, it was a chaotic scene, and I think he was more concerned with safeguarding the exhibits as our protocols need us to do. The exhibits and the suspects, he was concentrating on that and that is why I think he initially left the outer cordon not to be done.

ADV HASSIM SC: But you accept that the appropriate thing for him to have done was to cordon it off? There were
10 many officers on the scene that could have assisted to do that.

COLONEL STEYN: Absolutely, it was, but at the end of the day, one should have been on the scene to realise how hectic it actually was. So, to a large extent, I understand why he did what he did. Because he was trying to, the scene was seriously compromised and seriously contaminated at that stage already by the number of people on the scene. So, in trying to start dealing with that, I think he just, you know, it was an elephant that he needed to
20 attend to, so he started attending to it piece by piece. I think that is why the outer cordon at that stage was not a priority for him. That is just my opinion based on previous experience with him on crime scenes.

ADV HASSIM SC: It was an overwhelming scene.

COLONEL STEYN: It was one of the biggest scenes I have

ever attended to personally as well.

ADV HASSIM SC: Right, and was General Kadwa still on the scene when you arrived?

COLONEL STEYN: Yes, he was.

ADV HASSIM SC: And what would have been his responsibility in a scene like this? Chaotic, overwhelming. I am not making any judgement calls here or anything on Captain Sebola. I am just saying that this is the reality of the scene. And you have General Kadwa, who is the
10 provincial head. What would have been his responsibility?

COLONEL STEYN: Generally speaking, General Kadwa would not have involved himself in ground operational issues. So, he would have not instructed people to coordinate, to do X, Y and Z. He was, typically he would just be in the background, and he would be briefed what was going on.

ADV HASSIM SC: Okay, I am going to come back to that. Because I do find this interesting, the extent to which there is a lack of control here, right, of the scene. So, the first
20 thing is, you move in and you cordon off the outside.

COLONEL STEYN: I instruct people to cordon off, to do an outer cordon, yes.

ADV HASSIM SC: All right, and then paragraph 2?

COLONEL STEYN:

“He requested members to assist in

taking witness statements. I also tasked members to talk to Captain Sebola for him to indicate whose statements need to be taken.”

ADV HASSIM SC: Okay, so you assisted with tasking members on Captain Sebola's behalf.

COLONEL STEYN: Yes.

ADV HASSIM SC: All right, paragraph 3?

COLONEL STEYN:

10 “He indicated to me who the suspects were and requested members to deal with them. I tasked members accordingly.”

ADV HASSIM SC: Okay, now on this point of the suspects, what were you assisting him to do? When you say you tasked the members accordingly, what were they meant to do with the suspects?

COLONEL STEYN: Start interviewing the suspects, start taking their warning statements to get a better gist of the crime scene and their role on the crime scene.

20 **ADV HASSIM SC:** And that would have been, who were the suspects?

COLONEL STEYN: Mr Mashaba, Mr Ndou, Phakula, and I cannot now remember the fourth one, but there were four suspects Commissioners.

ADV KHUMALO SC: Was it not the informant?

ADV HASSIM SC: Nku.

COLONEL STEYN: That was Nku, Commissioner.

ADV HASSIM SC: I think when you said Ndou, you meant Nku.

COLONEL STEYN: Yes, sorry Commissioner.

ADV HASSIM SC: So, Phakula, I just want to also get a bit of clarity on this. And in order to do that, we need to go to the first statement you made on this, not for the Commission, but at the time. And that is your statement of
10 13 July 2021, which is CJC203. And it is at page 1 of the bundle.

COLONEL STEYN: Yes.

ADV HASSIM SC: Colonel, you should have been a doctor in your other life.

COLONEL STEYN: My handwriting is a challenge. I have heard that so many times.

ADV HASSIM SC: So, we are going to need your help here. I did read it, believe it or not. And with some difficulty. So let us just have a look at this statement. And
20 what I would like you to read, well, you can read anything you want. But my particular interest was at paragraph 5. Could you read that into the record for the Commission?

ADV BALOYI SC: I ask, how do you know what is written in paragraph 5?

ADV HASSIM SC: Yes.

COLONEL STEYN: Yes, Commissioner, sometimes it is even a challenge for myself. But I will read it to the best of my ability.

ADV HASSIM SC: Thank you.

COLONEL STEYN:

10 “I was assisting with the General working
on the scene when I was introduced to
Colonel Sephungu as being the
Commander of Warrant Officer Phakula,
a member of the National Investigation
Unit based in Pretoria. Warrant Officer
Phakula was one of the persons placed
under arrest. I then, in the presence of
General Kadwa, I asked Colonel
Sephungu if he was aware of the
operation that his member was
conducting. He indicated that he is
actually on leave, but received a
message from his member, Warrant
20 Officer Phakula, at 08:27, that he,
Warrant Officer Phakula, was following
up on drug-related information. He also
offered to show me, to show us the
message. I left the Colonel and
continued with my duties, and I recall

that I...”

ADV HASSIM SC: Relayed.

COLONEL STEYN: Now I have a challenge.

ADV HASSIM SC: Relayed.

COLONEL STEYN:

“Relayed to Captain Sebola that we, in
due course, should also obtain a
statement from Colonel Sephungu, and
also indicated to him that, what the
10 colonel said.”

ADV HASSIM SC: Okay, so, when Officer Phakula, before
Officer Phakula, what this says is that before Officer
Phakula arrived on the scene, he did call his commander.

COLONEL STEYN: That is what is indicated to me, yes.

ADV HASSIM SC: Okay, and he informed his Commander,
and as I understand it, but correct me if I am wrong,
Colonel Sephungu did not object to him attending to the
scene.

COLONEL STEYN: It did not look like that. Colonel
20 Sephungu, as I remember correctly and as I stated here,
was on leave at the time. So, Phakula should have
informed whoever was acting in Sephungu's place, but that
is just my view of this.

ADV HASSIM SC: But even though he was on leave, he
came to the scene, Colonel Sephungu?

COLONEL STEYN: That is correct, Commissioner.

ADV HASSIM SC: Is that normal?

COLONEL STEYN: No, that is not normal. If you are on leave, you are on leave. You are not supposed to involve yourself with official duties when you are on leave.

ADV HASSIM SC: So, you then informed Captain Sebola of this conversation, and you say to him, this is what was told to you, and that a statement should be taken from Colonel Sephungu.

10 **COLONEL STEYN:** That is indeed correct, Commissioner.

ADV HASSIM SC: Okay, and do you know whether that statement was taken at the time?

COLONEL STEYN: I think it was taken later, but I cannot confirm that.

ADV HASSIM SC: Okay. Let us move to paragraph 4, 7.4 of your statement. Go back to your statement.

COLONEL STEYN: Okay:

20 “He requested members to deal with the exhibits. I then, and this I remember specifically because there was an issue later, I specifically told Captain Nortje and Warrant Officer Morris to deal with the issue of the exhibits. The safeguarding, counting, and general handling of the exhibits.”

ADV HASSIM SC: Okay, I want to deal with these exhibits and the counting in a bit more detail. So, I am going to come back to it. Can you first read in paragraph 5 before I come back to paragraph 4?

COLONEL STEYN:

10 “He asked me to contact FSL and LCRC to assist with the handling of the exhibits and the photographing thereof at the scene. I adhere to the request. Forensic Science Laboratory indicated that they were not able to assist as they were running on skeleton staff because of COVID and also had a problem with storage space. LCRC was busy at another scene, arriving a little bit later, and dealt with the photographing of the scene and the exhibits and the ‘leftovers’ of the black carry bags as well as that was handed to the LCRC member for
20 DNA and fingerprint analysis.”

ADV HASSIM SC: Okay. So, just on this point 5, we saw in the Port Shepstone case a similar thing. It was a chaotic scene.

COLONEL STEYN: Indeed.

ADV HASSIM SC: There was contamination. It destroys

the integrity of the evidence.

COLONEL STEYN: Yes.

ADV HASSIM SC: The second parallel here is, like in Port Shepstone, the lab did not have storage space to take the drugs.

COLONEL STEYN: Yes, Commissioner.

ADV HASSIM SC: What is the problem here? Why does the lab not have sufficient storage space?

COLONEL STEYN: There is just no space. Literally, there
10 is no space.

ADV HASSIM SC: Because of the number of exhibits?

COLONEL STEYN: Exhibits being stored there and it also reverts back to the prior thing that I said in terms of the legislation where we currently have to keep exhibits for way too long and one runs out of space.

ADV HASSIM SC: And there are not that many labs in the area, I suppose.

COLONEL STEYN: In Gauteng, there is one lab in Pretoria. That is the main forensic lab. And I know there is
20 one in Cape Town. There used to be one in KZN as well, but the one in KZN got damaged. It had serious, serious flood damage. So, exhibits at that time were no longer going there.

COLONEL STEYN: Is that the one in Amanzimtoti?

COLONEL STEYN: That is correct, Commissioner.

ADV HASSIM SC: So, there is just one lab and that is in Pretoria?

COLONEL STEYN: And then there is one in Cape Town.

ADV HASSIM SC: In Gauteng, I mean.

COLONEL STEYN: In Gauteng, just the one in Pretoria.

ADV HASSIM SC: Pretoria East in Silverton.

COLONEL STEYN: Yes, Silverton. That is correct, yes.

ADV HASSIM SC: And so, you say that they are not able to assist. So, we will come to then what happens with the
10 exhibits. But the second thing that you say is when you arrived, the LCRC was still not there. At what time did, and the officer, the member, LCRC member we know now is Officer Wood. What time did she arrive?

COLONEL STEYN: Excuse me, Commissioners. I do not have the specific time that she arrived. But obviously when she arrived, she would have started to take photographs.

ADV HASSIM SC: Let us have a look at the photographs that you provided.

COLONEL STEYN: Photographs that I provided with her
20 taking photographs.

ADV HASSIM SC: Correct.

COLONEL STEYN: Yes.

ADV HASSIM SC: Let us go to, well, let us start at page 9. We saw these earlier this morning. Okay, so as I said, I am going to come back to the exhibits and the counting of the

exhibits. But for now, this is a photograph that would have been taken, this is not the actual photograph taken by Officer Wood.

COLONEL STEYN: No.

ADV HASSIM SC: But she would have taken photographs of this.

COLONEL STEYN: Similar photographs, yes.

ADV HASSIM SC: And page 10.

COLONEL STEYN: That would be correct, Commissioner.

10 **ADV HASSIM SC:** And page 11.

COLONEL STEYN: Page 11 ...[intervenes]

ADV HASSIM SC: Can you tell us who are the people in this photograph to start with?

COLONEL STEYN: I am trying to see, I do not, I cannot recall who is the person with the orange jacket. Next to him would be my good self. I also do not know who the person is here with the back to us. And the person, the last person there looks like, or the second last person, that looks like Warrant Officer Woods. And the next photo will show us
20 better.

ADV HASSIM SC: Before we move on to the next photo, this looks like it is at nighttime.

COLONEL STEYN: Indeed correct, Commissioner. One should just be in mind that around 5, 05:30 in winter it becomes dark.

ADV HASSIM SC: Okay, it is already getting dark.

COLONEL STEYN: Indeed, Commissioner.

ADV HASSIM SC: What are the bags that are being handled by the officers?

COLONEL STEYN: These are the bags that, the remainders of the black bags that we saw in the earlier photographs. The remainder of the black bags was put in these evidence bags, and she was busy photographing the remainder of the black bags. As I indicated, it was given to
10 her on the scene. But she would photograph it before she leaves with it to go and check for DNA fingerprints in and outside these bags.

ADV HASSIM SC: Okay, so if we look at page 12.

COLONEL STEYN: That would be Officer Wood taking the photographs of these bags to the, if I have a look at the picture as it lies in front of me, to the far right. And I see now the person there to the far left, that looks like Captain Nortje.

ADV HASSIM SC: To the far left.

20 **COLONEL STEYN:** With his back, with his back towards the photographer this side.

ADV HASSIM SC: I see.

COLONEL STEYN: Right next to the - right next to the bags on the lefthand side, right opposite Officer Woods.

ADV HASSIM SC: I am not sure I follow exactly. Is it the

person, there is a person with a long coat?

COLONEL STEYN: The person with the long coat looks like Brigadier Sekgobela, my direct Commander. And then just in front of her, to her lefthand side. That would have been Captain Nortje.

ADV HASSIM SC: Okay, and finally, page 13. Who are - well we can see Officer Wood still taking photographs.

COLONEL STEYN: Officer Wood still taking photographs. That looks like to the - these would be, would have been
10 two members from my team. They are definitely busy with completing registers there. For the official dotting down of the issues, of the details of these evidence bags. Maybe assisting Morris and Nortje.

ADV HASSIM SC: Okay, all right, so and now this is after dark.

COLONEL STEYN: This is now seriously after dark, yes, Commissioners.

ADV HASSIM SC: Can we take a step back and now deal with the exhibits and the handling of the exhibits? You said
20 that you had instructed, assisted Captain Sebola by instructing ...[intervenes]

COLONEL STEYN: Nortje and Morris.

ADV HASSIM SC: Captain Nortje and Warrant Officer Morris.

COLONEL STEYN: That is correct, Commissioners.

ADV HASSIM SC: Okay, now to do what? To count, to do what exactly? All the bags, these drugs, these bricks, are they still in the black wrappings?

COLONEL STEYN: They are still in the black wrappings.

ADV HASSIM SC: In the canvas bags.

COLONEL STEYN: Yes, if you, if I can take you back, where is the photographs that we just had? If you go back to photograph 4.

ADV HASSIM SC: Yes.

10 **COLONEL STEYN:** When these bags were still on the back of the black bakkie, they were still on the back of the black bakkie. I instructed those two to start unpacking this black bakkie and this is where they started. In other words, they were busy unpacking these bags and as the bags were put there, this photograph was taken. Photograph was taken.

ADV HASSIM SC: Okay, so, these were now the photographs of the bags that are 23. And then what is the next step?

COLONEL STEYN: The next step would be to open these
20 bags and inspect the content of it.

ADV HASSIM SC: And to count.

COLONEL STEYN: Well, first see what is inside the bags. Remember, we did not know what was inside these bags. When they opened the first bag and they saw the bricks, they called me over to say, Colonel, come and look what we

have here. And then we immediately realised what we had. Well, as I said earlier, although it needed to be confirmed by analysis by forensics, we knew that we had a very, very large indication that we are dealing with Cocaine bricks here. So they showed it to me. I said, unpack everything and count it and put it into evidence bags.

ADV HASSIM SC: And was this done in front of the suspects?

COLONEL STEYN: I am not sure where the suspects was
10 at that stage, but the suspects were being dealt with by Sebola and the people I instructed to assist him with dealing with the suspects.

ADV HASSIM SC: Would it be required that it is done in front of the suspects?

COLONEL STEYN: The evidence bags sealed in front of the suspects, yes.

ADV HASSIM SC: But you are saying you do not know whether it was done or it was not done?

COLONEL STEYN: I am not sure if it was done, no.

20 **ADV HASSIM SC:** Okay.

ADV BALOYI SC: By the time you instructed that the bags be removed from the bakkie and they end up on the floor here, by that time or today, was there a record completed by Mr Mashaba or any members of his team that reflected that so many bags had been removed from the container

onto their vehicle?

COLONEL STEYN: Commissioner, I am not aware of any such record, Commissioner.

ADV BALOYI SC: You are not aware of that?

COLONEL STEYN: I am not aware of any such record. To the best of my recollection, such a record does not exist.

ADV BALOYI SC: They had not completed any record?

COLONEL STEYN: No, Commissioner.

ADV BALOYI SC: Thank you.

10 **ADV HASSIM SC:** So, Colonel, we are going to go slowly through the exhibits and what you and Captain Nortje and them found and how many bricks, *et cetera*. But I do not want to overlook any aspect of your statement as we do that. So, can you just read in paragraph 8 and 9 before I ask my next questions?

COLONEL STEYN: Okay:

20 “I generally assisted and supported Captain Sebola and other team members with their duties on the crime scene. I was happy with the way in which Captain Sebola dealt with the issue of the crime scene management, although the scene was already seriously compromised, we dealt with it to the best of our ability. I also attended to all immediate reports

that needed to be submitted. In specific relation to handling the exhibits, I would like to state the following. The exhibits were packed in black bags with handles. The two members who I assigned to deal with the exhibits, as mentioned, Supra, opened these bags and showed me that it contained bricks. These bricks were wrapped in black and transparent wrap.

10 Out of experience, the team believed these bricks to contain Cocaine (this, however, would only be confirmed by Forensic Science Laboratory's analysis) and weight plus minus 1 kilogramme per brick. These bricks also had markings on it and the two I can remember was a bull red in colour and a seagull in black colour with a white background. These bricks were packed out, counted and

20 photographed. The count came to 715 in total. The bricks were then sealed in official exhibit bags and recorded in number of the bricks per bag and bag numbers. These exhibit bags have specific and unique serial numbers as

well. I assisted Captain Sebola to make arrangements for the exhibits to be transported to Booysens SAPS as the crime scene was in their area. The exhibits were transported to Booysens SAPS in an official police vehicle under armed guard (SAPS members). The two members who I appointed as the members responsible for the exhibits also accompanied the exhibits to hand it in to the SAP13."

ADV HASSIM SC: Okay, let us pause there. Let us go to the SAP13 register. That you will find at CJC211 and specifically page 41. Have you got it, Colonel?

COLONEL STEYN: I have, sorry.

ADV HASSIM SC: So, am I right that this is the SAP13 register?

COLONEL STEYN: This is definitely SAP13 register.

ADV HASSIM SC: And we see on the left-hand column on that page the date 9 July 2021. Right?

COLONEL STEYN: Yes, Ma'am.

ADV HASSIM SC: And then it says which station in the second column. And it lists the crime, dealing in drugs.

COLONEL STEYN: Correct, Commissioner.

ADV HASSIM SC: And then the third column is the column

that describes the exhibits that are booked in to the register.

COLONEL STEYN: Indeed, correct.

ADV HASSIM SC: And it starts at 3.1.

COLONEL STEYN: Correct.

ADV HASSIM SC: Can you just, we do not need to go through every single one, but can you just describe to us what is contained here in 3.1 to the end?

COLONEL STEYN: 3.1 describes 1-time sealed bag with
10 serial number PAB000297151, containing 18 times 1 kilogramme bricks. I cannot read that word, suspected Cocaine.

ADV HASSIM SC: Possible.

COLONEL STEYN: Possible suspected Cocaine.

ADV HASSIM SC: Right. So, that is 3.1. So, each entry, if we look down that column, it goes all the way to 3.49. There is one page duplicated. But if you go all the way down, scroll down, it goes to 3.49.

COLONEL STEYN: Correct, Commissioner.

20 **ADV HASSIM SC:** Now, I have counted these, and in fact, it amounts to 684. I do not know whether you have checked this count.

COLONEL STEYN: I have not checked it, no.

ADV HASSIM SC: It amounts to 684 bricks, a total of 684 bricks. But I think the reason for that is if you look at 3.12.

CHAIRPERSON: Page?

ADV HASSIM SC: Page 43, Chair.

COLONEL STEYN: Yes, they did not write in the number of bricks.

ADV HASSIM SC: Correct. And if you cross-check that exhibit bag number with Morris' statement, you will see it is meant to be 16, and we will look at that in a moment. So, in fact, the amount should be 700, not 684, if you add in the 16. But 700 is also not 715. And in your statement, you
10 said there were 715. Can you just explain that discrepancy between the SAP13 register and ...[incomplete]?

COLONEL STEYN: I cannot, because I was not present when this was handed in. I do not know if they omitted by counting some other bricks just by just handing in the bag itself. But on scene, it was reported to me that there are 715 bricks.

ADV KHUMALO SC: Do you know why they do not put the total at the end of the entries? I mean, it would make life easy for everybody. Because when you read this many
20 years down the line, I would expect that 3.1 to 3. whatever. At the end, they would tally all of them together and say total equal to.

COLONEL STEYN: I will agree with you, Commissioner. That would have been much easier. But again, remember, I was not there when this exhibit was booked into the SAP13.

ADV KHUMALO SC: But if you have this history of exhibits going missing while in police custody, surely it would help if when they are first booked in, there is a proper entry, and they are tallied and a total number is inserted there.

COLONEL STEYN: I would agree with you, Commissioner. I think if we have a look at Morris and Nortje's statement, they kept record of this. I do not know if one was just missed or something. But I totally agree with you, Commissioner. That would indeed make a lot of sense.

10 **ADV HASSIM SC:** So, I mean, the question from Commissioner Khumalo is important because it is about maintaining the chain of custody and the integrity of the evidence, which will help to secure a successful prosecution down the line. So, each step along the way is hugely important. It might seem very small, but it is not. So, the error in the SAP13 register 3.12 looks like it was just an error if one does a cross-check. But it could become significant.

COLONEL STEYN: Yes.

20 **ADV HASSIM SC:** And it is an important thing to get correct. And I think that is why this question is quite important. So, what we have is the SAP13 register, which amounts to 684. But let us say, well, we have seen 3.12. It was just an omission of 16. So, it actually totals 700. But you say it should actually be 715. If we go to Warrant

Officer Morris' statement, it is a warrant officer. Am I right?

COLONEL STEYN: Morris was a warrant officer, yes.

ADV HASSIM SC: So, that would be CJC206, and it starts at page 16. And the relevant part for us, although you are welcome to take us anywhere else in the statement if you wish, but if I could ask you to have a look at paragraph 9. In fact, the first thing I should probably do is explain my own thinking. So, the SAP13 register, you do not need to go back there because there is a lot of flipping of pages.

10 But that 3.12, the exhibit number, was 296842. 296842. And if you look at paragraph 9 of Morris' statement, from the sixth sports bag, the second entry, you will see 296842.

COLONEL STEYN: Yes.

ADV HASSIM SC: And it says 16 packages.

COLONEL STEYN: 16 packages.

ADV HASSIM SC: Yes, so, I am just explaining to you where I got the number 16 from because that is the same exhibit number. And that is the 16 that had been omitted, right? Okay, so, here in paragraph 9, what is Officer Morris
20 describing?

COLONEL STEYN: Officer Morris is describing how many of those blocks were packed into a specific, unique forensic bag with a specific, unique serial number. And then later, towards – no, sorry, that was 14. Yes, that was what he describes in paragraph 9.

ADV HASSIM SC: Right. Now, on my count, that adds up to 700, not 715.

COLONEL STEYN: Okay.

ADV HASSIM SC: Okay, so, it tallies with the SAP13 register at 700. But then where does 715 come from? I still do not then have an answer to the discrepancy.

COLONEL STEYN: I think, Commissioners, I think it will just be good and well for Warrant Officer Norris, sorry, not Norris, Morris and Nortje to explain that discrepancy
10 because on scene they reported to me 715 blocks. And if you go further and you look at my statement, these blocks out of experience usually weighed around 700 - weighs around a kilogramme each. And when it was handed in to forensics, and I think we will probably come to that, sorry for jumping the gun now, getting ahead of myself.

CHAIRPERSON: I am also looking at paragraph 11 of your statement, top of page 4. And you are dealing with, I think, the handing over to FSL.

COLONEL STEYN: That is correct.

20 **CHAIRPERSON:** And you say the drugs, upon being handed in, weighed 715.86 kg.

COLONEL STEYN: Exactly right, Commissioner.

CHAIRPERSON: And I am not sure to what extent, if at all, that tallies with the 700 bricks.

COLONEL STEYN: 715 was handed in, and it weighed

715.88 kilograms.

CHAIRPERSON: But what I am saying is Ms Hassim has taken us to two places. And the calculation is that at both places there was 700. So, what I am saying is I do not know how one is able to relate those two 700 counts to the 715.86 in paragraph 11 of your statement.

COLONEL STEYN: I totally concur. Well, I see what you are saying, Commissioner. And as I indicated, it was reported to me I did not count the bricks. It was reported to
10 me that there were 715 bricks counted on scene. I can only testify to what I have got knowledge on.

CHAIRPERSON: Yes.

ADV HASSIM SC: If I can complicate things further. If we go to CJC210, that is the statement of Captain Modise, the Section 212 statement, and it starts at page 36. Okay, so, just to begin with, Captain Modise is the forensic analyst in the lab, correct?

COLONEL STEYN: Yes.

ADV HASSIM SC: And she provides a statement to record
20 that she received the evidence bags, right?

COLONEL STEYN: That is correct, Commissioner.

ADV HASSIM SC: And if we look at paragraph 3 of her statement, she says:

“During the execution of my official
duties on 21 July 2021, I received 49

sealed evidence bags with unique
numbers...”

And then she lists all of the serial numbers. And we know there were 49 bags. But the last sentence of that paragraph says:

“The total number of solid substance
blocks was 715.”

And I find that peculiar because we know that there were 700 because Morris said so, and the SAP13 register says
10 so, and we can count them up. How is it that Captain Modise said that it comes to 715? What are we to make of that discrepancy?

COLONEL STEYN: Again, Commissioners, I would submit that Warrant Officer Morris and Captain Nortje should answer on that because it is also clear here that for her to say this is the number of blocks and for her to be able to do this analysis, she would have opened these evidence bags and literally count the blocks. That is how she also came to 715. So, Captain Nortje and Warrant Officer Morris should
20 explain why this discrepancy of 15 blocks.

ADV HASSIM SC: Because when they handed it in to the SAP13 clerk, the clerk was also doing the count, right?

COLONEL STEYN: Yes.

ADV HASSIM SC: And at paragraph 6 of Captain Modise's statement, if we look at that, the last sentence, if you could

just read the last sentence, please.

COLONEL STEYN:

“An average mass of one solid substance
block was 1,001.20 grams. Thereafter,
the total estimated mass of the exhibit is
material was 715.86 kilograms.”

CHAIRPERSON: They have underlined estimated because
I think they are dealing with the actual substance and I
would think they are doing the weighing and they are doing
10 everything. So, the estimated surprised me, but I am just
making an observation. Please continue, Ms Hassim.

MS GOLDEN: Chair, it is also peculiar that it is an
estimate because it is 715.86, which is not an estimate.
But what we have, the point of this being a discrepancy in
the exhibits, the number of bricks and the weight of the
bricks and how, you know, the count at the, when it is
booked into Booyens and then when it gets to the lab.

COLONEL STEYN: I can see that, Commissioners, yes.

ADV HASSIM SC: Okay, so I need to then take you back.
20 So, what we know is that the bags were counted, sealed,
taken to Booyens, checked into the register.

COLONEL STEYN: Correct.

ADV HASSIM SC: All of that totally in accordance with
protocol.

COLONEL STEYN: Absolutely, yes.

ADV HASSIM SC: But then can you read paragraph 10 of your statement?

COLONEL STEYN: Paragraph?

ADV HASSIM SC: 10.

COLONEL STEYN: Of my statement?

ADV HASSIM SC: Of your statement, yes. So, it was a Friday, as I understand it.

COLONEL STEYN: Yes, the 9th was a Friday indeed. That is correct, Commissioners:

10 “Throughout the weekend, following the operation, I was contacted by the Station Commander of Booyens, Brigadier Jones. He raised concerns of safety for the exhibits and requested me to have it removed as soon as possible. On Monday, 2021-07-12, I phoned FSL again and requested if they could take in the exhibits. They still were not able to assist with the storage of the exhibits.

20 As Captain Sebola was busy with the case docket at court, I continued to assist with the matter concerning the exhibits. I phoned Brigadier Naicker, the National Coordinator for SANEB, for assistance. He indicated to me that he is

got access to safe storage at a base at the SAPS College in Pretoria. I arranged members of my team, including the two that were dealing with the exhibits from the outset, to meet me at Booysens SAPS. I also arranged a number of SAPS Highway Patrol members to assist with the transport and safeguarding of the exhibits to the mentioned safe storage. The exhibits were booked out by Captain Nortje, loaded into the Highway Patrol vehicles and transported to the mentioned safe...”

Sorry. Sorry, I just heard a noise. My apologies:

“The exhibits were booked out by Captain Nortje, loaded into Highway Patrol vehicles and transported to the mentioned safe storage in Pretoria. On our arrival, I was shown the storage and inspected it. I was satisfied that this was a very safe place with access control at the gate to the facility inside the SAPS College and it was a strong room inside a building with a steel door and a steel gate. The room was empty and the key

was handed to me. We unloaded the exhibits into the strong room, locked the gate and the door, and I handed the keys to Captain Nortje with the instruction to see to it that the exhibits be moved to FSL as soon as they were ready to receive it. When we offloaded the exhibits, the bags, the bricks, were still in the form that it was at the time of the seizure.”

10

ADV HASSIM SC: Okay. So, what was the concern? I mean, again, given what we know about the importance of safeguarding these exhibits and following proper protocols and the SAP13 generally, as I understand it, being itself like a vault, right? It is a very secure place. It is attended by someone all the time. Nothing can go in and out without it being recorded. What was the concern here with keeping it at the Booyens SAP13 vault?

COLONEL STEYN: Commissioners, there were mainly two issues raised by Brigadier Jones. He firstly indicated to me that this arrest of these four people drew a lot of attention, and there was more than usual, actually he called it a large number of visitors there throughout the weekend, and he said that there were even demonstrations outside the police station.

20

He further indicated to me that he believes that his SAP-13 storage facility is not safe enough because it does not have a 24-7 guard or video cameras or anything like that, so he was concerned for the safety of these exhibits. And, you know, at that stage, I had to try and mitigate the safety of these exhibits because if something would have happened to these exhibits, he would have turned around and said, I told Steyn to make a plan, and now he is not making a plan, and now there is trouble. So that is when I
10 stepped in and made alternative arrangements in an effort, as I indicated, to try and mitigate the safety of these exhibits.

ADV HASSIM SC: And was his concern that the protestors might try to – was it his concern that the suspects might have a hand in the disappearance of the drugs?

COLONEL STEYN: His approach was that there were a lot of extra movement because of this case around his police station, and he raised that as a general concern. I cannot comment on his train of thought *per se* during his telephone
20 calls to me, but he had, according to him, he had serious concerns about the safety of these exhibits.

ADV KHUMALO SC: Did he mention the size of the hall, that it was unusual for his police station, and that made him uncomfortable? Because I remember you earlier saying it was one of the largest you have ever come across.

COLONEL STEYN: Commissioner, he raised the issue of the value of this exhibit during some of our conversations. Indeed, he did so.

ADV HASSIM SC: And he called you more than once. Oh, pardon me.

CHAIRPERSON: Oh, no, no. Go ahead, go ahead.

ADV HASSIM SC: He called you more than once on that occasion.

COLONEL STEYN: He actually called me, for lack of a
10 better word, and I do apologise. It was starting to get irritating, the number of calls he actually made to me. But I also, in hindsight, I understand why he made those many phone calls, because he wanted to also see to the safety of those exhibits. And in essence, although the exhibits were into his SAP13, to a very large extent, the safeguarding of the exhibits or the whole risk in terms of the exhibits would also fall part of our responsibility to an extent. Yes, Commissioner.

CHAIRPERSON: Let us adjourn and resume at 2 p.m.

20 **ADV HASSIM SC:** Thank you, Chair.

INQUIRY ADJOURNS

INQUIRY RESUMES

CHAIRPERSON: Yes, Ms Hassim.

ADV HASSIM SC: Thank you, Chair. So, Colonel, we were dealing with the number of bricks and the weight and all of

that of the drugs, and we were last looking at the statement of Captain Modise, the forensic analyst. Just continuing on that, in that same vein, could we just have a look, please, at CJC211. It is at page 38. And you will see that this is a 212 statement of another forensic analyst named Warrant Officer Mabasa.

And if we look at that report, the statement itself at page 39, and if we look specifically at paragraph 3, she says during the execution of my official duties 10 August 10 2021, I received one sealed evidence bag with number, and she gives the number, and she says it contained an amount of solid substance wrapped in plastic and adhesive tape. And then at paragraph 6, she determined that it is Cocaine and that it weighs one kilogram. Can you explain how this one extra brick of Cocaine arrived at the lab?

COLONEL STEYN: Commissioners, yes. Initially, I was not aware of this brick, but it was reported to me by Captain Nortje that if we go to, if we recall the photographs that was taken, the wrappings of the sports bags was handed to 20 Warrant Officer Woods from LCRC to check up on possible fingerprints or DNA inside these wrappings.

Seemingly, according to Warrant Officer, ag, according to Captain Nortje, what has happened, one of these bricks got stuck inside this adhesive wrapping that was around these bags, and that block was missed,

probably because it was getting dark and the lighting was not that well. One of those blocks got missed, and it was then retrieved by Warrant Officer Woods, who then gave it to Captain Nortje, and he handed it in again.

ADV HASSIM SC: So this was, the, it was trapped in the canvas bag or in that plastic wrapping?

COLONEL STEYN: Commissioners, if you recall that, as I indicated in that photographs, the wrapping was, it had a strong adhesive on the inside, the wrapping where the
10 canvas bag was wrapped into, and it must have gotten stuck in one of those because the 23 bags that was unwrapped, as you could see on one of the photographs, Warrant Officer Woods is busy taking photographs of these bags in sealed evidence bags, and it was heaps of them, so I think it just got stuck in the inside of that adhesive wrapping of the canvas bags.

ADV HASSIM SC: Okay.

COLONEL STEYN: That is the only explanation I got from Captain Nortje.

20 **ADV HASSIM SC:** We do not know whether there were any other bricks that were not ...[intervenes].

COLONEL STEYN: It was only the one that was reported, Commissioners.

ADV HASSIM SC: Okay. So let us return then to your statement. It is paragraph 12.

COLONEL STEYN: -:

“Captain Nortje, on the 19th, reported
to me ...”

Sorry, just paragraph 11, if you do not mind,
Commissioners.

ADV HASSIM SC: Sure.

COLONEL STEYN: -:

10 “While I was off sick with Covid,
Captain Nortje reported to me
telephonically that on the 19th of July
2021, that forensics indicated that they
were ready to receive on that day and
that he handed in the exhibits, him and
Warrant Officer Morris handed in the
exhibits on that day. And I asked him
if everything was in order, and he
indicated to me it is still in order, all is
still there, all is still accounted for.”

20 **ADV HASSIM SC:** So, sorry, that was at this point in time,
and thank you for going back to paragraph 11, at this point
in time, this was where the drugs were now transported
from the SAPS College to FSL.

COLONEL STEYN: From the safe premises to FSL, yes.

ADV HASSIM SC: So just again on that timeline, the 9th
was the drug bust.

COLONEL STEYN: Correct.

ADV HASSIM SC: That was the day it was booked into the SAP13.

COLONEL STEYN: On the 9th, correct.

ADV HASSIM SC: On the 9th.

COLONEL STEYN: Correct, Commissioners.

ADV HASSIM SC: Calls to you, multiple calls over the weekend. 12th, the Monday, it was then taken to the SAPS Training College.

10 **COLONEL STEYN:** Correct, Commissioners.

ADV HASSIM SC: And locked into a storeroom.

COLONEL STEYN: A safe storeroom, yes.

ADV HASSIM SC: And just remind us then who had control over the exhibits at that point in time.

COLONEL STEYN: I will refer you back to paragraph 10, where, the last paragraph under paragraph 10.

20 “We unloaded the exhibits into the strongroom, locked the gate and the door, and I handed the keys to Captain Nortje, with the instruction to see to it that the exhibits be moved to Forensic Science Laboratory as soon as they are ready to receive it.”

So it would have been Captain Nortje that was in total control of the exhibits henceforth.

ADV HASSIM SC: So I understand the reason for moving it, because of the concerns that were raised at Booyens, and then, you know, this was the place that was identified as being very safe. But it is a breach of protocol, is it not, to take it to the College?

COLONEL STEYN: I would concede to that, yes. But ...[intervenes].

ADV HASSIM SC: And even if the motive is for the purpose of protecting ...[intervenes].

10 **COLONEL STEYN:** Ja, I had to take a decision in an effort to try and mitigate further risks to the exhibits, and hence my decision to take that move out of protocols.

ADV HASSIM SC: And I suppose for me the question is, it is so important, the protocols, right, because when there is a breach, it sort of allows for problems to creep in.

COLONEL STEYN: Yes.

ADV HASSIM SC: And it is not ideal that the drugs had to be moved out of an SAP13 register. What is the solution to this?

20 **COLONEL STEYN:** Enhance the storage capability at Forensics.

ADV HASSIM SC: Is that Forensics? Is that, that is really, because it has to go into an SAP13 first.

COLONEL STEYN: Absolutely, yes.

ADV HASSIM SC: But the problem is that you do not want

to keep it in SAP13 longer than is absolutely necessary.

COLONEL STEYN: I think protocol allows us seven days, and within the period of seven days we need to move it to Forensics from SAP13 at a station, yes.

ADV HASSIM SC: Ja. So if there had been space at the Forensic lab, then it would have just gone from Booyens on the Monday straight to the lab.

COLONEL STEYN: Absolutely, yes.

ADV HASSIM SC: And there would not have been this
10 diversion.

COLONEL STEYN: Yes, Commissioners, it would have been like that.

ADV KHUMALO SC: Can I ask you a question. Why can you not hand over the custody to FSN within seven days, and you let them decide where they store the drugs, because then you would have complied with the protocol, and it is their responsibility to find storage capacity.

COLONEL STEYN: I totally get what you are saying, Commissioner. At the end of the day, one is to a large
20 extent also in their hands. If they say, I cannot receive, I have to make alternative arrangements.

ADV KHUMALO SC: Can you not say you are obliged to receive? Within seven days I must hand over these things to you. If you do not have storage capacity, speak to National Commissioner or whoever is responsible for these

things to make an arrangement, but these things are now in your custody. They cannot be in the custody of a police station or the Hawks or whoever the people are who initially discovered or are investigating the issue of the drug.

COLONEL STEYN: I was at that stage of the belief that I cannot tell them what to do, although they are also aware of the protocols, Commissioner. And I just, you know, as I have indicated previously, I just had to make an arrangement for, in lack of a better explanation, for the
10 better of the exhibits, for the safeguarding to the best of my ability for the exhibits until such time that they were able to accept it, Commissioner.

ADV HASSIM SC: Thank you. So, the drugs then are transported from the Training College to, so there is the 9th, the 12th, 12th it goes into the storeroom at SAP College, and then on the 19th it is taken to the Forensic Service Lab, is that correct?

COLONEL STEYN: Correct, Commissioners.

ADV HASSIM SC: Okay. And then at that point, when it is
20 logged in with the Forensic Service Lab, is there a clerk who then receives it, and so there is a countersignature for everything that is received, is that right?

COLONEL STEYN: That is indeed correct, Commissioners.

ADV HASSIM SC: And as I understand it, at that point in time when the exhibits are now being handed over at FSL, it

was discovered that there were some bags with small tears in them. Do you want to just explain that?

COLONEL STEYN: When Captain Nortje phoned me on the 19th to indicate to me that the bags were handed in, I questioned him on the status of the exhibits. Like I said, he indicated to me that it was still in the brick form, it was still in the same evidence bags, but probably because it was moved a number of times from the crime scene to Booyens, from Booyens to the safe storage in the
10 College, from the College then to Forensics, because these evidence bags, although it is quite thick plastic, I think because of the transportation and the movement of these bags, there were small tears in the exhibit bags and, but according to Captain Nortje, the tears were so small that the bricks would not fit through a tear like that.

But what happens, at Forensics when you get there and there is, the evidence or the exhibit bags are compromised, even in the smallest way or fashion, not properly sealed because it has got a self-sealing, you
20 remove a strip and then it is self-sealing, even if there is a small little problem with that, they refuse to accept it. So Captain Nortje explained to me that there at reception in Forensics, they actually resealed these into other bags that were, that did not have any damage to them and it was then accepted as such at Forensics.

ADV HASSIM SC: So they would be resealed into new bags with new exhibit numbers.

COLONEL STEYN: Correct.

ADV HASSIM SC: New sealed numbers on the bags.

COLONEL STEYN: Correct, ja.

ADV HASSIM SC: And I think there were about eight such bags.

COLONEL STEYN: I am not sure of the count. I cannot recall that he gave me a specific count. He just said there
10 were some of the bags. I asked him, did you get it sorted? He said, yes, we resealed it and we handed it in. They accepted it as such.

ADV HASSIM SC: Okay, maybe just for the sake of completeness, I will just, if you look at Officer Morris' statement, again, CJC206, at page, it starts at page 16. But if you look at page 19, at paragraph 13, he says they transported, him and Captain Nortje, transported the bags on the 19th of July to the FSL. And then he says that they were damaged from the handling ...[intervenes].

20 **COLONEL STEYN:** Yes.

ADV HASSIM SC: Of the drug exhibits. And then in paragraph 14, he lists the bags that were affected.

COLONEL STEYN: Yes, Commissioners.

ADV HASSIM SC: And they were placed into new bags.

COLONEL STEYN: Yes, Commissioners.

ADV HASSIM SC: And there are eight bags that are listed.
Okay, that is just to close that off.

COLONEL STEYN: Thank you, Commissioner.

ADV HASSIM SC: All right. And then I think we are then
at paragraph 12.

COLONEL STEYN: Would you like me to read it in?

ADV HASSIM SC: Yes, please.

COLONEL STEYN: -:

10 “On my return from isolation, I further
 assisted Captain Sebola by inspecting
 the docket in terms of the investigation
 done and issued written instructions on
 the outstanding investigations. I also
 assisted with obtaining some of the
 outstanding statements.”

ADV HASSIM SC: Okay. So you continued to assist even,
you know, even after, this would now be with the
investigation into, you know, the source of the drugs and,
you know, potential destination of the drugs.

20 **COLONEL STEYN:** Correct, Commissioners.

ADV HASSIM SC: Right. And please, can you read the
first paragraph of paragraph 13?

COLONEL STEYN: -:

 “During the course of 2024, after an
 IPID investigation into the matter, I

was informed that the IPID case was dismissed by the DPP in terms of charges against members, including myself. But the IPID requested a departmental investigation to be conducted against DPCI members who were involved in the Booyens case. Major General Gerber was appointed as the investigating officer into the departmental investigation. After his investigations, the National Head of the DPCI also decided that the members acted correctly and that no departmental steps will be taken. During this investigation, I was instructed to confirm the status of the exhibits of this case.”

ADV HASSIM SC: Pause there. Let us just, before we move on, just on the investigation. So, this investigation by Major General Gerber into the members of the Hawks was really followed from the IPID investigation and the IPID recommendation.

COLONEL STEYN: That is correct, Commissioners.

ADV HASSIM SC: Can we just look at the IPID report. You will see that at CJC215, and it starts at page 76. This

is the report that made the recommendations, right?

COLONEL STEYN: I think so, yes.

ADV HASSIM SC: You will see at paragraph 2.1 of that report, the IPID says you, well, the recommendation is to initiate disciplinary proceedings as the SAPS members involved are, and then it lists five members of the SAPS and Hawks.

COLONEL STEYN: Yes, Commissioners.

ADV HASSIM SC: And those are Major General Khan,
10 Major General Kadwa, Brigadier Sekgobela, Colonel Steyn, that is you, and Lieutenant Colonel Sebola.

COLONEL STEYN: Correct, Commissioners.

ADV HASSIM SC: And this was based on an investigation at 2.3. The IPID investigator lists all of the statements and evidence relied on. You see that?

COLONEL STEYN: I see that, Commissioner.

ADV HASSIM SC: So there is a list of about 42 statements, including some warning statements, and then other evidence, a radio control transcript that we were
20 looking at, the SAP13, forensic report, et cetera. So based on all of these interviews with these people, what the IPID report, investigator rather, determines is, if you look at page 79, the first paragraph, it says:

“Evidence in our disposal revealed that
indeed the complainant and three

others were arrested on 9 July 2021
and were charged with dealing in drugs
as per the Booysens case.”

That is the Aero-ton case number.

“The police arrested their colleagues
who made a huge drug bust. Two
Generals, namely Major General Khan
and Kadwa, attended the crime scene.
However, they are unable to explain as
10 to their role at the crime scene.
General Kadwa indicated that he did
not do anything at the crime scene as
he alleged that he remained in his car,
and later he got a report that officers
were arrested.”

And then it goes on and it says, you know, the
drugs were taken to the lab, the K9 unit issue, and then the
recommendations. This then is what led to Major Gerber
doing his investigation, right?

20 **COLONEL STEYN**: Correct, Commissioner.

ADV HASSIM SC: Now, I accept that you cannot really
comment on the IPID investigation itself.

COLONEL STEYN: No, I cannot, Commissioners.

ADV HASSIM SC: But can you tell me whether General
Kadwa did exercise any control over the scene when he was

there, or whether he did just remain in his car? Is that a correct statement?

COLONEL STEYN: What I personally saw, that would be not in his car, he was standing next to his car when I arrived there.

ADV HASSIM SC: And he, while, the entire time that you were present, he did not issue any instructions or exercise any oversight?

COLONEL STEYN: No. The only thing he asked me is, I
10 must just remember to tender the initial report to him, the preliminary report to him as soon as possible. That is the only thing he told me to do while I was on the scene.

ADV HASSIM SC: And, okay. Then what happens is that the recommendation is made, and who is Major General Gerber then, who is tasked with doing the investigation?

COLONEL STEYN: Major General Gerber, I am not sure where he is currently, but at that stage he was, or still is, the Provincial Head of the DPCI in Mpumalanga.

ADV HASSIM SC: Okay, and did he interview you for the
20 purposes of the investigation?

COLONEL STEYN: He did telephonically, and I tendered a statement.

ADV HASSIM SC: Okay. I am going to return to his conclusions. I mean, as we know, ultimately he exonerated the four that he investigated, right, the four Hawks

members.

COLONEL STEYN: Yes, ma'am.

ADV HASSIM SC: All right. I will return to that because ...[intervenes].

ADV BALOYI SC: You say the four.

ADV HASSIM SC: Yes.

ADV BALOYI SC: I think there was five. No?

ADV HASSIM SC: No, General Khan does not fall under the Hawks.

10 **ADV BALOYI SC:** I see. Thank you. Who was the complainant in this IPID investigation?

COLONEL STEYN: I am not sure, Commissioner.

ADV BALOYI SC: Thank you.

ADV KHUMALO SC: Does it not say Mr Mashaba ...[indistinct]. Sorry, my mic was off. It says the complainant, in brackets, Mr Mashaba, paragraph 3 on page 75. 9, sorry, 79.

COLONEL STEYN: Yes, that is indeed correct. Commissioner, I have not seen this report before until the
20 bundle was given to me over the weekend.

ADV KHUMALO SC: It seems to me that the complainants are the three police officers who were arrested.

COLONEL STEYN: The traffic officer and the two police officers, and then the private individual. I think you are 100% correct, Commissioner.

ADV BALOYI SC: And to your knowledge you say, it says, I think you say in your statement that the DPP dismissed the case that was supposed to be put against you.

COLONEL STEYN: Ja.

ADV BALOYI SC: Do you know what was the charge against you in particular that the DPP dismissed?

COLONEL STEYN: If my memory serves me well, it was corruption and defeating the ends of justice, if my memory serves me well, Commissioner.

10 **ADV BALOYI SC:** Thank you.

ADV HASSIM SC: Thank you, Colonel. As I said, I might return to the Gerber report just for some of his conclusions, particularly about concerns that he did have, despite the fact that he did not think that there was sufficient basis to pursue any disciplinary charges against any of those, any of the four of you. He did raise some concerns about the investigation, some of which we have covered a bit today.

COLONEL STEYN: Yes.

20 **ADV HASSIM SC:** I would like to return to that, but before we get there, you were at paragraph 13 and you had read the first paragraph of your paragraph 13 and you said that at the time of the investigation you were asked to confirm the status of the exhibits.

COLONEL STEYN: That is correct, Commissioner.

ADV HASSIM SC: Can you take it from there, please?

COLONEL STEYN: If one looks at my additional statement, the first meeting we had with the people at Forensics in an effort to try and address this tasking that I received, myself, Lieutenant Colonel Jacobs, Captain Nortje and Warrant Officer Morris went to Forensics on the 3rd of December. When we requested to, I explained to them the reason for our visit and we requested them to physically see these exhibits. They went and looked for it, but they could not find the whole consignment and they returned to us and
 10 they said to us, well, there is now a problem, they could not - I said to them, that is not acceptable, and I then phoned, as I indicated in my original statement, I then contacted Brigadier Allen who is their commanding officer, and I requested her to assist with this tasking and to actually intervene because I did not get joy from her personnel.

ADV HASSIM SC: And when did you contact her? You say it in the statement, if you can just say it for the record.

COLONEL STEYN: I contacted her, I cannot recall exactly when. It was just after our meeting, our original meeting in
 20 December.

ADV HASSIM SC: So in paragraph 13 in your main statement, your original statement, you say in the beginning of February 2025.

COLONEL STEYN: Brigadier Allen contacted me.

ADV HASSIM SC: Oh, I see. I see. I see. So let us just

take a step back. So it was December when you first made the request.

COLONEL STEYN: Yes.

ADV HASSIM SC: They indicated there is a problem.

COLONEL STEYN: Yes.

ADV HASSIM SC: But they could not answer your question to your satisfaction.

COLONEL STEYN: So we literally called it a day and we left. So I phoned her and I asked her to intervene and
10 assist us in, so that I can adhere to this tasking that I received.

ADV HASSIM SC: Okay. And then if you could continue from there. So she then contacted you in the beginning of February.

COLONEL STEYN: -:

20 “In the beginning of February she contacted me and informed me that they found the exhibits in the storeroom but that the exhibits were no longer in the brick form but in forensic plastic transparent bags with no markings on it but the bags had tags on them describing the lab number as well as the case number. She further indicated that the consignment now

only weighed 479.4 kilograms and that
...” [intervenes].

ADV HASSIM SC: 579.

COLONEL STEYN: Ag, sorry, 579.40 kilograms.

“And hence that 136.46 kilograms was
unaccounted for. On Wednesday, the
22nd of February of 2025, I attended a
meeting with General Kadwa,
Lieutenant Colonel Jacobs and I think
10 that Nortje and Morris was there, I am
not sure, with Brigadier Allen and some
of her personnel. They could still not
explain the 136.46 kilograms that was
unaccounted for and it was then that
General Kadwa decided to phone the
DPCI National Head of the Anti-
Corruption Section and requested an
investigation into the matter. I am not
aware of the current status of this
20 investigation.”

ADV HASSIM SC: Okay, let us just unpack that a little bit.
So 136.4 kgs went missing.

COLONEL STEYN: Based on the original weight of 715.86
kilograms, it only weighed in now at 579.40 kilograms so
136.46 kilograms was missing.

ADV HASSIM SC: And she said they were no longer in brick form.

COLONEL STEYN: We actually viewed it, it was now just a powder in large see-through bags with tags on them.

ADV HASSIM SC: So again, when it is sealed in the evidence bags, it has got that shrink-wrapped, it is tightly wrapped to the plastic.

COLONEL STEYN: Correct.

ADV HASSIM SC: Now that had been, so is the evidence
10 of Brigadier Allen that it was now, that that had been removed?

COLONEL STEYN: She informed us, if my memory serves me well, that that wrapping, are we talking about the wrapping with the markings on it?

ADV HASSIM SC: With the logos.

COLONEL STEYN: The logos on it.

ADV HASSIM SC: Yes.

COLONEL STEYN: She indicated that that started to deteriorate and obviously because of the fact that they had
20 to remove some of this powder to actually analyse it, that that wrapping then deteriorated further because they literally, if I understand it correctly, they tested every brick. So, because they opened those bricks, it started to deteriorate and they decided to remove the wrappings and just put it in other bags that they used then to put the

evidence in after they have analysed it.

ADV KHUMALO SC: Do they test all of it? Do they test the 715 kilograms or just a sample of it?

COLONEL STEYN: Commissioner, they cannot test, if they test all 715, there is nothing left.

ADV KHUMALO SC: Ja.

COLONEL STEYN: So it would be small samples out of each brick, in my understanding, that they do test, Commissioner.

10 **ADV KHUMALO SC:** And here is my follow-up question. Is it not possible then that it is the sample that was used for testing that is missing?

COLONEL STEYN: Not 136 kilograms, Commissioner. That is not possible, sir.

ADV KHUMALO SC: So they cannot use 130 kilograms for testing?

COLONEL STEYN: No, Commissioner, definitely not. So it is literally grams or milligrams that they use to test, Commissioner.

20 **ADV HASSIM SC:** So it is now in powder form and 136 kilograms are not accounted for. That is quite a lot to carry out of the storage room.

COLONEL STEYN: Indeed. It was quite upsetting to us at the time, ja.

ADV HASSIM SC: So you say that you attended a meeting.

They could not explain anything further, right. But when you, was this meeting at the FSL?

COLONEL STEYN: Correct, Commissioner.

ADV HASSIM SC: And then did you go to inspect the exhibits and the storage space?

COLONEL STEYN: We indeed were allowed to accompany them and they showed us the storage facility where the exhibits were kept in.

ADV HASSIM SC: And what did you see there?

10 **COLONEL STEYN**: Lack of a better explanation, chaos. But I do not think any, in my humble opinion, like the lawyers say in court, my humble opinion is that at the end of the day, one should go and look for yourselves. My explanation of that, or photographs of that will not suffice to explain what is going on in those storerooms. It was kilograms and kilograms of exhibits lying on top of one another and roof height.

ADV HASSIM SC: So how would they be sorted? I mean, so it is all in one room?

20 **COLONEL STEYN**: All in one room. Different bags with the tags on them, as I can explain it. I do not know how they would know to go to the back of this facility to retrieve certain items. It is like a puzzle. I do not know how they do it.

ADV HASSIM SC: So you would walk in and is it on

shelves or is it ...[intervenes].

COLONEL STEYN: Shelves are fully packed. It is now laying on the ground and they are literally walking on top of the bags to get to the bags at the backside of this facility.

ADV HASSIM SC: And is it a secure room?

COLONEL STEYN: Ja, ja. There is serious strong room doors in front and you have to sign. As soon as you step your, if you put your foot into that place, you sign a register to say that you were in there.

10 **ADV HASSIM SC:** Are there cameras outside the door?

COLONEL STEYN: I saw cameras. If they are working, I cannot answer.

ADV HASSIM SC: So that would have presumably been part of the investigation by the Anti-Corruption Section Head.

COLONEL STEYN: I think so, yes, ought to be.

ADV HASSIM SC: And have you ever been able to do any follow-up on that investigation by the Anti-Corruption office? Is this an office within DPCI, by the way, the Anti-
20 Corruption office?

COLONEL STEYN: That is correct. Anti-Corruption, Serious Anti-Corruption is one of the legs, if I can explain it like that, that the DPCI is built on.

ADV HASSIM SC: The call that was made, you say, to the DPCI head office of Anti-Corruption, was that made in

February 2025?

COLONEL STEYN: That is correct, yes.

ADV HASSIM SC: To investigate.

COLONEL STEYN: I actually overheard, in the meeting we had at Forensics, I overheard the call that General Kadwa made to, I understand he is no longer in the police, it was General John Matroos who was heading up that section within the DPCI, and I know that the call was made to General John Matroos.

10 **ADV HASSIM SC:** So it is now well over a year later, what update have you had on that investigation and the status of the investigation?

COLONEL STEYN: I do not have the full status of the investigation, but I am aware that in last week they took a statement from Warrant Officer Morris, and I was approached on Friday, past Friday, to tender a statement from my side on, actually one of the questions that they ask is why was the recount done from our side? But it is explained in my statement, so I said to them that I will deal
20 with it in this week, only after I have been, after I have finalised my testimony at this Commission.

ADV KHUMALO SC: Advocate Hassim, did we establish what the street value of the 136 kilogram missing is? I cannot remember if we did.

ADV HASSIM SC: It would ...[intervenes].

COLONEL STEYN: Times 400,000.

ADV HASSIM SC: Times 400,000.

ADV KHUMALO SC: Times?

COLONEL STEYN: I do not want to take out my phone, Commissioner, and my mathematical skills are good, but not that good.

ADV HASSIM SC: It is roughly 55 million.

ADV KHUMALO SC: Around 55 million.

ADV HASSIM SC: Ja.

10 **COLONEL STEYN:** Ja, around there, Commissioner.

ADV KHUMALO SC: Okay. Advocate, Commissioner Baloyi laughed at us last week because we got our maths wrong, so we do not want to attempt that again.

ADV HASSIM SC: And if this had now entered, if this now had entered the market, if it was now on the streets, these drugs, would you have been able to pick it up in any way?

COLONEL STEYN: I do not think so, reason being I do not know if it was removed in those blocks where we found it in, because that would be the only way to identify it. But I
20 believe that after the analysis, it was no longer in that block form that we seized it in, so it is, Cocaine is a white powder, the end product is a white powder, so it will be very difficult to identify that on the street *per se*, Commissioners.

ADV HASSIM SC: So, there is another incident that happens in February 2025 at around this time that these

drugs go missing. There is a media publication, and if I could just ask you to have a look at that in the exhibit bundle. It is at CJC217, page 109 of the bundle, and it is dated 22 February 2025. And the title of this media report is:

“Crime Intelligence Battle, Key
Witnesses in Feroz Khan Disciplinary
to Face Drug Charges”

Right. The report discusses what happened at the
10 Aeroton scene, and the four suspects that were arrested,
and it, in quite a lot of detail, including photographs from
the scene, including the similar photographs to the ones
you have showed the Commission. But it says more, and if
you look at page 115 of that report, okay, now if you look
at, for example, from the second paragraph of that report,
of this media article, it says:

“The report reveals Nku and Mashaba
were in direct communication with an
East Rand businessman, who appears
20 to have been the middleman between a
drug operation in Brazil and local
operations.”

It then goes on to talk about chats from encrypted
messaging services that revealed that Nku was talking
about certain employees at the Durban port that were, in

inverted commas, our guys. It refers to the businessman who went by a particular alias, and you will see also, as you scroll down, that this media article has the actual messages that were shared, that were obtained by internal Hawks investigators.

It has evidence from the cell phone analyst, and it concludes, it opines that the emergence of this evidence is likely to prove crucial to Khan's survival in the disciplinary round, and then it continues to talk about Khan's troubles, 10 and it is actually a very pro-Khan article, it is a very favourable article. And all of this evidence that it leaks, essentially, comes from an internal report that I think you are familiar with. Can you confirm whether you know about these WhatsApp messages and the evidence regarding Nku and the Durban businessman?

COLONEL STEYN: Not this specific, I cannot recall the specific WhatsApp messages that is published here, and I do not know where would they have gotten this. I know there was analysis done by our PCMC, the Provincial Crime 20 Management Centre, which also forms part of the DPCI. But to where this comes from, and I have not seen this prior to today.

ADV HASSIM SC: Have you not seen a presentation that provides an analysis of the evidence in this?

COLONEL STEYN: Not of this specific, but I have seen

part of a presentation by the PCMC, yes.

ADV HASSIM SC: Is it similar evidence to what is in ...[intervenes].

COLONEL STEYN: Yes, similar, yes.

ADV HASSIM SC: So how would information, I mean I would think that that is quite sensitive, confidential information.

COLONEL STEYN: Absolutely.

ADV HASSIM SC: How would that be leaked to the media?

10 **COLONEL STEYN:** I do not have an answer, Commissioners. I would not know. I am actually, it is actually sad to see something like this.

ADV HASSIM SC: What is the risk of it, this kind of leak to an investigation?

COLONEL STEYN: The risk of it is plain and simple to the fact that at the end of the day, if these type of things are published, it makes it easier for the criminals to see what we are looking at and how we do our investigations, and that would hamper further and future investigations into this
20 type of syndicates.

ADV HASSIM SC: Thank you, Colonel. And then I said I would come back to the Gerber report.

COLONEL STEYN: Sorry ...[intervenes].

ADV HASSIM SC: You want to continue, please go ahead.

COLONEL STEYN: Sorry. If you would allow me just to

take you to page 109 of that same, the first page of that article. You will see that photograph of the black bakkie with the black bags on top of it. Also in front of that, that is not captured in Warrant Officer Wood's sketch of the scene, you would see a marked police vehicle parked right in front of it. To the left of the police vehicle is that red Kia that is in her drawing, but the police vehicle by then has been removed. So I just wanted to highlight that, that I just saw now.

10 **ADV HASSIM SC:** Yes, thank you for bringing this to our attention because Wood's sketch was only done at a particular point in the day, because it was much later in the day.

COLONEL STEYN: Ja, here the sun is still shining.

ADV HASSIM SC: Here the sun is still shining, exactly.

COLONEL STEYN: Indeed correct, Commissioners.

ADV BALOYI SC: Colonel, this open back bakkie, is this the black bakkie that is referred to?

COLONEL STEYN: That would be correct, Commissioner.

20 **ADV BALOYI SC:** So Mashaba and them would have transported the drugs open in this way, if they had had their way?

COLONEL STEYN: That looks like that, Commissioner, yes ma'am.

ADV BALOYI SC: And without protection.

COLONEL STEYN: I cannot answer to that, ma'am.

ADV BALOYI SC: Yes.

COLONEL STEYN: I do not know what their plans were at that stage.

ADV BALOYI SC: Thank you.

ADV KHUMALO SC: And just remind us, the police van is the one that prevented the black Nissan bakkie from leaving the warehouse?

COLONEL STEYN: This is what I found when I came on
10 the scene and I asked what is going on here, and it was explained to me that that black bakkie apparently wanted to leave, so it was blocked in by a Booyens police van.

ADV KHUMALO SC: Yes.

COLONEL STEYN: Yes, Commissioner.

ADV BALOYI SC: Going back to the FSL, the drugs that are now, that cannot be accounted for, the one, I think it is
136 ...[intervenes].

COLONEL STEYN: Yes, Commissioner.

ADV BALOYI SC: That cannot be accounted for, do you
20 know if FSL has conducted its own investigation of what happened, because this was in their custody?

COLONEL STEYN: I am not sure. I think Brigadier Allen can attest to that, Commissioner. I will not be able to comment on that.

ADV BALOYI SC: And you have not seen any FSL records

that account for who handled these drugs at different stages until the amount of 751 has reduced to the 579? You have not seen any records of that?

COLONEL STEYN: The only records I could see was the 212 statements by the analyst of people handling the drugs, Commissioner. Apart from the 212 statements where the people's names appear, that did the analysis, I am not able to give any other names.

ADV BALOYI SC: Thank you.

10 **COLONEL STEYN:** Thank you, Commissioner.

ADV HASSIM SC: So Colonel, Major General Gerber's report, right at the, towards the end of the report, where he makes some findings, if we can just turn to page 106.

COLONEL STEYN: CJ?

ADV HASSIM SC: CJC 216. CJC 216, and specifically page 106.

COLONEL STEYN: I am there, Commissioner.

ADV HASSIM SC: Thank you. So, he says he does not find evidence against the four, but then he says the
20 following. He says, and it is sort of like the second paragraph just before the bullet points.

“There were fundamental administrative errors made by the investigators assigned to the team, and I highlight these, although they have no bearing

on the IPID recommendations.”

And then he lists them, and he lists them as follows.

“Errors in relation to serial numbers on evidence bag.

Statement of Captain Nortje and Warrant Officer Morris who performed the seizure together differs, but was rectified and found to be an administrative error.

10 The number of evidence collected, statements indicate 700, whereas FSL received 715. Several witness statements also confirmed 715.

The one brick of Cocaine recovered by LCRC and handed over to DPCI, indicating members did not fully explore and receive all exhibits, a human error given the circumstances.

20 Premature arrest of police officials, albeit justified based on circumstances at the crime scene. If allowed time to investigate, a different outcome may have been achieved.

Lack of follow-up on alibis, thus allowing the defence to obtain

statements and providing such in their representations to DPP.

Statements from Commanders, but initially indicated telephonically they were not aware of what their members were doing, but later changed their version, should have been obtained immediately.”

And this is, at least for me, the most important
10 thing about all of that, is the next sentence. He says:

“The above will have serious implications on any future representations made by the DPCI to have the Booyens case placed back on the roll. So, the effect of it is no successful prosecution will come from this.”

COLONEL STEYN: Yes, Commissioner.

ADV HASSIM SC: Can you comment on that and the
20 shortcomings that Major General Gerber identified?

COLONEL STEYN: I am not sure when he refers to errors relating to serial numbers on evidence bags, I am not sure what he actually means by that. Statement from Nortje and Morris, that error or the differences between their statements must have been rectified in my time of absence.

The difference between the 700 and 715, there, if you have a look at my original statement, my handwritten statement, I did not mention any specific count of the blocks there, I only mentioned it in later statements. And I might have based my statement on the 212 statement from FSL, but as I said on the outset, my statement is to the best of my recollection.

The one brick that was discovered, like I said, must have been the lighting, and it was human error. We are
10 dealing with humans. Although we expected to not make this type of mistake, we are dealing with human beings. In terms of the premature arrests, that is a 50-50 issue in my opinion. In hindsight, I would agree with him that we should have just continued with the investigation, and then indeed there might have been a different outcome, but that is in hindsight.

You know, sometimes we need to make decisions on a crime scene within minutes, or in a very short space of time, and then fortunately or unfortunately we then have to
20 live with our decisions that we had to make in a very short space of time. The lack of follow-ups on the alibi's, ja, I think for the most part the investigation team did what they could in terms of following up on the alibi's. The statement from the Commanders, I was aware of a situation where certain of the Commanders, of the members that were

arrested.

I am aware of the fact that those initial indications telephonically that they were not aware of the members on the scene, and later they said no, no, no, we were aware of the members on the scene, in statement form. That is worrisome, definitely worrisome as well. So that is basically my comments on these points. But ja, if, you know, unfortunately we do not always have a do-over in life, but I would do certain things differently, for example the
10 investigation before the arrest, but ja.

ADV HASSIM SC: Unless there are any questions from the Commissioners, that is it from me.

ADV KHUMALO SC: Can I just, the supplementary statement, should we amend that reference to 134? It would clearly be incorrect because I think it is on page 12. No, no, sorry. Ja, page 12, paragraph 51, the supplementary.

ADV HASSIM SC: This is 136.

ADV KHUMALO SC: It should be 136.46.

20 **COLONEL STEYN:** Thank you, Commissioner, I think that was just a typo.

ADV KHUMALO SC: Yes.

COLONEL STEYN: I think it is, in paragraph 51 it is the same thing.

ADV KHUMALO SC: Yes. Ja, that is where I was.

ADV HASSIM SC: 51 and 52.

COLONEL STEYN: 51 and 52.

ADV BALOYI SC: Yes, Colonel, when you started very early on in the day, you mentioned, and I think this was in the general discussion before you got into the statement, that to date no arrests have been made. Was it in relation to the drugs themselves, the seized drugs, or members of the SAPS?

COLONEL STEYN: Commissioner, on the scene, as
10 indicated, there were four people arrested. In the interim, that case has been removed from the roll after representations. And after that, I am not aware of anyone else that was arrested on this case relating to the exhibits, relating to their conduct, and the like.

ADV BALOYI SC: Okay. And disciplinary action against Mr Mashaba and the other two members?

COLONEL STEYN: I am aware that there was disciplinary actions. I know, I cannot recall which one. The one was one of the officers. I think it was the officer from, not the
20 national one, if the Advocate can just maybe assist me. Who was the guy driving the black bakkie? That was ...[intervenes].

ADV HASSIM SC: Mogana.

COLONEL STEYN: Ja, I think he was suspended. But I am just talking of things that I heard, Commissioner. I

cannot testify to that fact as a fact.

ADV BALOYI SC: And do you know whether any of them or all of them are still in the employ of the state, the Traffic Chief ...[indistinct].

COLONEL STEYN: I think the Chief is.

ADV BALOYI SC: Okay.

COLONEL STEYN: And I know at least one of the SAPS members are still also employed.

ADV BALOYI SC: All right.

10 **COLONEL STEYN:** I am not sure about the second SAPS member, Commissioner.

ADV BALOYI SC: Thank you. Thank you, Colonel.

COLONEL STEYN: Thank you, Commissioner.

ADV BALOYI SC: Thank you, Ms Hassim.

ADV KHUMALO SC: Can I take you back to page 109 of the exhibits bundle, CJC217.

COLONEL STEYN: I am there, Commissioner.

ADV KHUMALO SC: Yes. Colonel, just looking at that photo, I mean, surely that is wrong that you can load these
20 bags in the back of an unmarked van which is black in colour before the exhibits are secured and properly sealed and properly numbered and properly counted, just on its face.

COLONEL STEYN: And photographed. It was not photographed before this.

ADV KHUMALO SC: They have not even been counted or put in sealed bags or anything like that. Somebody has loaded them in what is clearly a private vehicle and they are removing them from a crime scene.

COLONEL STEYN: We established that this is ...[intervenes].

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

COLONEL STEYN: My humblest apology, Commissioner.

ADV KHUMALO SC: Where you find drugs, I mean, it is a
10 crime scene.

COLONEL STEYN: Absolutely.

ADV KHUMALO SC: And that scene must be secured.

COLONEL STEYN: Absolutely.

ADV KHUMALO SC: But here they are already being removed and somebody is taking them somewhere.

COLONEL STEYN: Ja. You will also see that this is before we came to the crime scene. Look at the people standing around. The gentleman there with the red shirt, né, is definitely not a police officer. So this was before we
20 arrived there. So it is not even cordoned off. Like, one of the first things that the Advocate highlighted was that it be, there should be at least an inner perimeter which was not done if one has a look at the photographs. So when you say that that is improper and incorrect, I have to totally 100% agree with you, Commissioner.

ADV KHUMALO SC: Even assuming the arrest was premature and improper, just looking at what they have done in that photo.

COLONEL STEYN: Yes.

ADV KHUMALO SC: That is contrary to all their prescripts.

COLONEL STEYN: 100% Commissioner. I agree with you, sir.

ADV KHUMALO SC: Ja, thank you.

ADV BALOYI SC: Not that it makes any difference at all to
10 how this was handled and how improper it is. I think you wanted to make a correction, and I think it is something that I picked up from the statements, that that van turned out to be a police van.

COLONEL STEYN: That is correct, it was a police van, yes.

ADV BALOYI SC: Thank you.

COLONEL STEYN: Or not a police van, but a police vehicle.

ADV BALOYI SC: A police vehicle.

20 **COLONEL STEYN:** Yes, Commissioner, the black vehicle, ja.

ADV KHUMALO SC: What does that mean? Do you mean it is being driven by a policeman or it is registered as a SAPS vehicle?

COLONEL STEYN: It is registered as a subs vehicle.

ADV KHUMALO SC: But as you know, even vehicles registered as SAPS vehicles can be used to commit offenses.

COLONEL STEYN: Absolutely, Commissioner.

ADV KHUMALO SC: So it does not follow that just because it is registered as a police vehicle, it was conducting proper police business.

COLONEL STEYN: Your comment is 100% correct, Commissioner.

10 **ADV KHUMALO SC:** But then again, on the flip side, you cannot assume without more that they were committing a crime.

COLONEL STEYN: 100% correct, Commissioner.

ADV KHUMALO SC: So you must investigate all these things.

COLONEL STEYN: Indeed, Commissioner.

ADV KHUMALO SC: Thank you.

ADV HASSIM SC: May I, sorry, Chair. Your Commissioners have caused me to have a follow-up,
20 because the issue of premature arrests and all of that is quite important here. There are several people that arrived at the scene, the first responders I was referring to earlier. And along the way, and then that is I think where Warrant Officer Phakula comes in at a certain point, because he only arrives, when we were looking at the timeline, he only

arrives at the Aeroton, because he does not follow the truck with the others, right. He arrives in Aeroton, and one of the findings by Major General Gerber was that he did not, he thought that Warrant Officer Phakula was genuinely trying to investigate the scene, but then was subjected to the arrest and all of that, and perhaps that was the comment about the premature arrest, because if he was not complicit with the others, and the black bakkie and the removal of the drugs, he may have been able to do more to do some processing of the crime scene. Can I get your comment on that?

COLONEL STEYN: I cannot really comment on Phakula's role there, but ja, I do not know, he was, you know, who asked him to come to the scene, and why, if he is at a national investigation entity, why did not he contact the correct people? He contacted Sephungu, Colonel Sephungu, who was his Commander, who was on leave. And if you again have a look at that photograph on 109, that red Kia there at the back, would be the vehicle he came in.

20 **ADV HASSIM SC:** The red vehicle?

COLONEL STEYN: The red Kia vehicle, that you can only see the nose of in that picture. So at the end of the day, if he would have done something, the first thing, why did he not secure the drugs and at least have an inner perimeter? That is just a question I would ask, but I cannot comment on

his, on exactly what he did at the crime scene, Commissioners.

ADV HASSIM SC: No, that is fine. I think that it is based on Major General Gerber's interview and then the statements he took from Officer Phakula, who explains what he did and calling the JOC and that kind of thing. So I just wanted to clarify maybe what he understood as being premature arrest.

COLONEL STEYN: Thank you.

10 **ADV HASSIM SC:** That is all from me, thank you, Commissioners.

CHAIRPERSON: Thank you very much, Colonel. You are excused. Let us adjourn until 9:30 tomorrow.

INQUIRY POSTPONED TO 12 MAY 2026

INQUIRY ADJOURNS

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